

FARMINGTON CITY COUNCIL
REGULAR MEETING
April 20, 2009

A regular meeting of the Farmington City Council was held on Monday, April 20, 2009, in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 8:03 p.m. by Mayor Knol.

PRESENT: Buck, Knol, McShane, Wiggins.

ABSENT: Wright.

CITY ADMINISTRATION: Director Gushman, City Clerk Halberstadt, Director Nebus, City Manager Pastue, Attorney Schultz and Treasurer Weber.

CONSENT AGENDA

04-09-064 MOTION by Wiggins, seconded by McShane, to approve the consent agenda as presented:

- A. Regular meeting minutes of March 16, 2009
- B. Joint meeting minutes of March 24, 2009
- C. Special meeting minutes of April 6, 2009
- D. Public Safety Monthly Report – March 2009
- E. City of Farmington Monthly Payments Report – March 2009
- F. Building Department Third Quarter Report – January through March 2009
- G. Department of Public Works and Water and Sewer Department Third Quarter Report – January through March 2009
- H. Special Event Request – “Poppy Days”

MOTION CARRIED UNANIMOUSLY.

APPROVAL OF REGULAR AGENDA

04-09-065 MOTION by Buck, seconded by Wiggins, to approve the agenda as amended, changing Item 5F(ii) from adoption of resolution to introduction of ordinance. MOTION CARRIED UNANIMOUSLY.

PRESENTATIONS/PUBLIC HEARINGS

TRIBUTE IN HONOR OF CHARLES “DICK” CARVELL

In memory and recognition of his service to the City of Farmington, Dick Carvell’s name was added to a list of Civic Leaders displayed in Council Chambers.

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Councilmember McShane, along with fellow councilmembers, community members, and city staff paid tribute to Mr. Carvell. Mr. Carvell's son, Doug Carvell and his wife, Jane, were also present.

PROCLAMATION IN RECOGNITION OF FAIR HOUSING MONTH APRIL 2009

Council proclaimed April 2009 as Fair Housing Month in the City of Farmington.

PROCLAMATION – NATIONAL CHILD ABUSE PREVENTION AND AWARENESS MONTH

Council proclaimed April 2009 as National Child Abuse Prevention and Awareness Month in the City of Farmington.

CONSIDERATION OF RESOLUTION RECOGNIZING THE MICHIGAN PUG RESCUE AS A NON-PROFIT ORGANIZATION WITHIN THE CITY OF FARMINGTON FOR PURPOSES OF RECEIVING A CHARITABLE GAMING LICENSE

Lawrence Nathan, representing the Michigan Pug Rescue, discussed a planned 4-day fundraising event. He stated the proceeds from the event will go towards the care and maintenance of rescued pugs.

RESOLUTION 04-09-066 Motion by McShane, seconded by Wiggins, to adopt a resolution recognizing the Michigan Pug Rescue as a non-profit organization in the City of Farmington for the purpose of obtaining a charitable gaming license. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF RESOLUTION RECOGNIZING PASTWAYS AS A NON-PROFIT ORGANIZATION WITHIN THE CITY OF FARMINGTON FOR PURPOSES OF RECEIVING A CHARITABLE GAMING LICENSE

Brian Golden, representing Pastways, Inc., discussed the fundraising event and how the proceeds will be used.

McShane noted in the Articles of Incorporation for Pastways, Inc. it shows both the office address and incorporator's address as 32335 Shrewsbury, Farmington Hills.

Mr. Golden stated the Farmington Hills address was his original residence, however, he has submitted a change of address to the City Manager's office showing his current address at 33414 Oakland, Farmington.

RESOLUTION 04-09-067 Motion by Wiggins, seconded by McShane, to adopt a resolution recognizing Pastways Inc. as a non-profit organization in the City of Farmington for the purpose of obtaining a charitable gaming license. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

**AMENDMENT OF DOWNTOWN DEVELOPMENT AUTHORITY'S (DDA)
DEVELOPMENT PLAN**

Pastue advised the proposed amendment would add the Grand River Streetscape Project to the DDA Development Plan to allow for DDA's participation in the funding of that project. He indicated the DDA Board adopted a resolution at a special meeting to initiate the process.

Public Hearing

Mayor Knol requested a motion to open the public hearing.

04-09-068 MOTION by Wiggins, seconded by Buck, to open the public hearing to receive comment on a proposed amendment to the Downtown Development Authority Development Plan. MOTION CARRIED UNANIMOUSLY.

Hearing no public comment, Mayor Knol requested a motion to close the public hearing.

04-09-069 MOTION by McShane, seconded by Buck, to close the public hearing. MOTION CARRIED UNANIMOUSLY.

Consideration to Introduce Ordinance C-742-2009 to amend the Downtown Development Authority's Development Plan to Include the Grand River Streetscape Project

04-09-070 MOTION by Buck, seconded by Wiggins, to introduce Ordinance C-742-2009 to approve an amendment to the Development and Tax Increment Financing Plan of the Farmington Downtown Development Authority. [SEE ATTACHED ORDINANCE]. MOTION CARRIED UNANIMOUSLY.

PUBLIC SAFETY ANNUAL REPORT PRESENTATION

Director Nebus presented the 2008 Public Safety Department annual report. He reported the overall serious "Group A" crime was down almost 3%. He advised this is the lowest number in 5 years. He identified some of the more notable crimes, including 7 armed robberies and 21 auto thefts.

Nebus advised less serious "Group B" crime category, at a total of 647 offenses, was down by 1.2% or 8 fewer than last year. He noted the number of drunk driving arrests at 182 was the highest total in 8 years.

Nebus stated "Group C" incidents, at a total of 4,957, was down by 4.8% over last year. He noted traffic crashes decreased by 21.1%.

Nebus speculated crime was down due to a number of reasons including: full staffing, average response time of 1 minute and 39 seconds, 66 community policing programs and 27 new technologies implemented in the last 4 years.

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Nebus discussed the activities of the patrol division, special operations, and fire service. He detailed the 10 structure fires that occurred in 2008. He advised there were 770 medical response runs. He briefly discussed paramedic services provided by Community EMS.

Nebus reviewed crime statistics for the State of Michigan. He noted Michigan has the highest crime rate and fewest law enforcement officers in the Great Lakes Region. He went on to discuss statistics related to the Michigan Community Corrections and Michigan sentencing policies.

Buck complimented the Public Safety Department on its ability to solve crimes and efforts to educate the community. He thanked Director Nebus for his inspiring leadership in the community.

McShane asked about the liquor law violations. Nebus responded they include minors-in-possession (MIP), people drinking at a park, etc. She asked if there were any sting operations. Nebus responded there were none.

McShane recognized the extraordinary service the Public Safety Department is providing to the community.

Wiggins thanked Director Nebus for the information on regional and national statistics and noted Farmington's favorable comparison to them. He further noted the low number of burglaries reflecting the success of the entire department.

DEPARTMENT OF PUBLIC SAFETY – SAFETY TIP OF THE MONTH

Director Nebus, representing the Emergency Preparedness Commission, provided a safety tip of the month regarding understanding and preparedness for chemical and biological hazardous events.

UNFINISHED BUSINESS

RESOLUTION AUTHORIZING FOUNDERS FESTIVAL ACTIVITIES, ROAD CLOSURES, AND TEMPORARY LIQUOR LICENSES

RESOLUTION 04-09-071 Motion by Wiggins, seconded by McShane, to adopt a resolution to approve a special event request for the Farmington Downtown Development Authority to operate the 2009 Founders Festival. **[SEE ATTACHED RESOLUTION]**. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION TO PURCHASE PUBLIC SAFETY ADMINISTRATIVE VEHICLE

04-09-072 MOTION by Buck, seconded by Wiggins, to approve the purchase of a 2009 Ford Escape XLT from Varsity Ford in Ann Arbor in the amount of \$17,079.00 to serve as a Public Safety administration vehicle.

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ROLL CALL

Ayes: Knol, McShane, Wiggins, Buck.

Nays: None.

Absent: Wright.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDERATION TO ACCEPT BIDS FOR GRAND RIVER STREETScape PROJECT AND AWARD CONSTRUCTION CONTRACT

Pastue advised the City received four bids for the Grand River Streetscape Project. He noted the two low bids were within the engineers estimate. He advised the City's consulting engineers reviewed the bids and qualifications of both bids.

Pastue stated the City recommends awarding the construction contract to Peter A. Basile Sons, the second lowest bid. He provided a number of reasons for this recommendation.

Pastue noted the City received a letter from an attorney representing Angelo lafrate Construction, the lowest bidder, requesting Council honor the low bid process.

Bob Adcock, Executive Vice President of Angelo lafrate Construction, was present to provide information concerning his organization, reasons why they should receive the bid award; and to request Council honor the integrity of the low bid process.

Mayor Knol asked Mr. Adcock about his company's streetscape project experience in historical areas.

Mr. Adcock identified streetscape work completed at 8 Mile and Woodard, and also in the City of Saginaw.

McShane discussed the Quality Business Selection (QBS) process that is used to select a contractor for large projects. She stated it is a process in which a number of factors are considered, not just the lowest bid. She noted this type of process was used in contracting for the construction of the 47th District Court.

Attorney Schultz responded to the letter received from the attorney representing Angelo lafrate Construction. He stated the letter primarily discussed a legal requirement to submit to the low bid process. He noted the legal cases cited by the attorney were from another state. He advised the attorney wrote about the statutory requirements of the low bid process, however, the State of Michigan has no such statutory requirement. He noted in the mid-nineties there were

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some competitive sealed bid requirements in state law, but those were repealed in 1996.

Attorney Schultz stated the City has a set of rules that are not discussed in the attorney's letter. He advised the City has a charter that makes clear Council does not have to provide competitive bidding for public improvement projects. He noted the charter states the City will adopt an ordinance that will define the process.

Schultz advised the City adopted an ordinance a few years ago which makes clear the Council can elect not to go through a competitive bidding process. However, if they choose competitive bidding, they have options which include accepting the lowest bid or accepting whatever bid is in the best interest of the City.

Schultz advised there have been very few cases in Michigan concerning the low bid process. He pointed out those cases made clear that the low bidding process is not to protect the contractor, but the taxpayer.

Schultz stated the attorney's letter does not address the rules that would apply in terms of the charter and ordinance. He noted the bid packet that went out to the contractors stated that Council reserves the right to make a decision in the best interest of the City.

Mayor Knol noted cost is very important, but quality and timing are also important factors. She stated quality is more than just meeting specifications. She noted quality is also experience in a specific type of project. She pointed out the contractor, Peter A. Basile Sons, Inc., had a significant amount of experience in streetscape work similar to Farmington's project.

RESOLUTION 04-09-073 Motion by Buck, seconded by Wiggins, that after a study of the bids and recommendation of the City staff; in consideration of the depth of experience in downtown streetscapes and experience dealing with business owners of similar projects; in consideration of history of performance within budget and on schedule; in consideration of a history of working with residents and other stakeholders in similar projects; in consideration of the proximity of operations and the positive implications of a more locally focused business; in consideration of providing landscape work to a local contractor and associated warranties and the ability to service those warranties; and due to the minimal cost difference between the two lowest bids; move to accept bids for the Grand River Streetscape Project and award the construction contract to Peter A. Basile Sons Inc. in the amount of \$1,514,444.87 and authorize the City Manager to sign the construction contracts on behalf of the City.

ROLL CALL

Ayes: McShane, Wiggins, Buck, Knol.
Nays: None.
Absent: Wright.

MOTION CARRIED UNANIMOUSLY.

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McShane thanked Mr. Adcock for coming in and caring enough to present his company's qualifications to the City. She stated these are tough times and Council respects the rights of everyone to attempt to procure business. She noted the unfairness that other contractors did not have the same opportunity to provide information and make a presentation as Angelo lafrate Construction has done. She welcomed the opportunity to work with Angelo lafrate Construction in the future.

CONSIDERATION TO SCHEDULE A PUBLIC HEARING FOR ROUSH MANUFACTURING INC. INDUSTRIAL FACILITIES TAX EXEMPTION APPLICATION

Pastue indicated the City Clerk had received an Industrial Facilities Tax Exemption application from Roush Manufacturing. He noted last September, at the request of Roush, the City Council established an Industrial Development District at the proposed site. He advised this is a necessary step toward considering tax abatement of the building and personal property. He noted Roush is investing over \$3,000,000 in new equipment at the facility along with providing 80 jobs.

RESOLUTION 04-09-074 Motion by McShane, seconded by Wiggins, to adopt a resolution to schedule a public hearing for May 18, 2009 at 8:00 p.m. to accept comment regarding Roush Manufacturing Inc.'s Industrial Facilities Tax Exemption Application. [SEE ATTACHED RESOLUTION]. MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF RESOLUTION TO ESTABLISH REGISTRATION FEE FOR ABANDONED FORECLOSED HOMES

RESOLUTION 04-09-075 Motion by McShane, seconded by Wiggins, to adopt a resolution establishing fees associated with the Abandoned Residential Property Registration and Maintenance Program. [SEE ATTACHED RESOLUTION].

ROLL CALL

Ayes: Wiggins, Buck, Knol, McShane.

Nays: None.

Absent: Wright.

MOTION CARRIED UNANIMOUSLY.

Mayor Knol thanked City staff for their efforts in the development and implementation of the Abandoned Residential Property Ordinance. She noted Farmington is the first community in southeast Michigan to develop such an innovative ordinance. She stated it is a necessary step to protect property values and keep current and future residents safe.

**CONSIDERATION TO APPROVE AMENDMENT TO SHIAWASSEE PARK
LEASE AGREEMENT WITH FARMINGTON PUBLIC SCHOOLS**

Pastue advised the City and Farmington Public Schools entered into a lease agreement twenty-five years ago for the western portion of Shiawassee Park. He further advised the lease agreement ended in March 2009 and both the City and School Administration are recommending a one-year renewal of the agreement.

Pastue noted there is an understanding that the City would purchase this property from the Schools as part of the Shiawassee Park Improvement Project. He further noted the one year agreement allows additional time to determine the fair market value for this 6+ acre parcel.

04-09-076 MOTION by Wiggins, seconded by Buck, to approve a one-year extension of the lease agreement with Farmington Public Schools regarding the western six plus acres of Shiawassee Park. [SEE ATTACHED AGREEMENT]. MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO APPROVE MODEL WATER SERVICE CONTRACT
WITH DETROIT WATER AND SEWERAGE DEPARTMENT**

Pastue advised Farmington is one of 83 municipal customers that have been negotiating with DWSD. He stated the City is recommending Council approval of the 30-year agreement with renewal options. He noted some of the changes within the agreement including: the City will operate and maintain the storage tank behind the cemetery, as well as the pumping station at the Nine Mile facility. He advised this change increases the City's operating costs, however, it also provides the opportunity to reduce the purchase price for water now and in the future.

He noted there are provisions of the agreement that administration does not particularly like, however, it is a model contract for all the affected communities.

RESOLUTION 04-09-077 Motion by Wiggins, seconded by Buck, to approve a Model Water Service Contract with Detroit Water and Sewer and authorize the Mayor and City Clerk to sign the contract on behalf of the City. [SEE ATTACHED CONTRACT].

ROLL CALL

Ayes: Buck, Knol, McShane, Wiggins.

Nays: None.

Absent: Wright.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO AUTHORIZE PAYMENT TO VALLEY VIEW
CONDOMINIUMS AS PART OF RIVERVIEW STREET VACATION**

RESOLUTION 04-09-078 Motion by Buck, seconded by Wiggins, to authorize payment to Valley View condominiums in the amount of \$9,000 to complete the process of vacating Riverview Street and making necessary improvements.

ROLL CALL

Ayes: Knol, McShane, Wiggins, Buck.

Nays: None.

Absent: Wright.

MOTION CARRIED UNANIMOUSLY.

**CONSIDERATION TO ACCEPT RESIGNATION OF MIKE MAZZONI FROM
THE DOWNTOWN DEVELOPMENT AUTHORITY**

04-09-079 MOTION by McShane, seconded by Wiggins, to accept the resignation of Mike Mazzoni from the Downtown Development Authority Board and direct City Administration to send a letter of appreciation for his service. MOTION CARRIED UNANIMOUSLY.

BOARD AND COMMITTEE REAPPOINTMENT

i. Library

04-09-080 MOTION by McShane, seconded by Buck, to reappoint James McLaughlin to the Library Board for a four-year term expiring March 31, 2013. MOTION CARRIED UNANIMOUSLY.

ii. Historical Commission

04-09-081 MOTION by McShane, seconded by Buck, to appoint Marilyn Weimar to the Historical Commission to fill an unexpired term ending March 31, 2010. MOTION CARRIED UNANIMOUSLY.

iii. Michigan Suburban Alliance – Millennial Mayor Appointment

Pastue advised there are currently no candidates for this position. Mayor Knol requested Councilmembers submit names of potential candidates to the City Manager's office.

**CITY MANAGER TRANSMITTAL OF PROPOSED FISCAL YEAR 2009-10
PROPOSED BUDGET**

04-09-082 MOTION by Buck, seconded by McShane, to receive the City Manager's Proposed Fiscal Year 2009-10 Budget. MOTION CARRIED UNANIMOUSLY.

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PUBLIC COMMENT

Vicki Kildal, 31831 Grand River, was present to follow up on the vacation of Brookdale Court. She asked when the final repairs to the front entrance would be completed.

Pastue stated the City has met with Bob Fougere, representative of the Brookdale Condo Association, to identify the repairs that remain. He stated the most significant repairs would occur on the east entrance of the property. He advised a letter will be sent to the association regarding the status of those repairs.

Kildal asked if the repairs include the entrance to Grand River.

Gushman responded a "lip" was created at that entrance when MDOT resurfaced Grand River. He advised there is nothing wrong with the driveway. He noted if the driveway is replaced to meet the overlay and Grand River is resurfaced again the approach will be higher. He stated there is no effective way to repair that approach. He advised it is in the MDOT right-of-way and is a condition created by them. He noted it has nothing to do with the private roadway itself.

Pastue advised the Grand River entrance will remain as is.

DDA Director Knowles thanked Council for their approval of the Grand River Streetscape Project.

COUNCIL COMMENT

McShane recommended a coordinated effort to inspect and analyze the City's public buildings for opportunities to upgrade to a green environment. She suggested possible use of federal funds for this project.

Pastue referred to a study done in the recent past that provided recommendations for a green environment in City buildings. He stated funds were not available at that time to act on the recommendations, but he would give it a second look given a possibility of stimulus dollars.

McShane stated taking action could be as simple as replacing light bulbs.

Buck thanked Director Knowles for reminding everyone that they should be celebrating the approval of the Grand River Streetscape Project. He stated the approval of the Streetscape Project, the Public Safety report from Director Nebus, and the significant volunteerism in the community, are three good reasons why businesses and residents are in Farmington.

Mayor Knol noted Brian Belesky will be taping a show with DTE Energy regarding home energy efficiencies. She stated the show should air on Channel 15 around mid-May.

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ADJOURNMENT

04-09-083 MOTION by Buck, seconded by McShane, to adjourn the meeting.
MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:52 p.m.

Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk