

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 23, 2020 AT 7:00 P.M.**

Mayor Gatt called the meeting to order at 7:00 P.M.

In accordance with the provisions of the Open Meeting Act this meeting was held remotely.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Crawford, Fischer, Mutch

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Elizabeth Saarela, City Attorney

APPROVAL OF AGENDA:

Mayor Gatt added to the Agenda under Presentations: State Representative Kathy Crawford.

CM 20-11-124 Moved by Fischer, seconded by Breen; CARRIED UNANIMOUSLY

To approve the Agenda as amended.

Roll call vote on CM 20-11-124 **Yeas: Staudt, Breen, Casey, Crawford, Fischer, Mutch, Gatt**
Nays: None

PUBLIC HEARINGS: None

PRESENTATIONS:

State Representative Kathy Crawford thanked everyone that she served over the past six years. She said she has sent out newsletters, had coffees and met with hundreds of residents to listen to their concerns and discuss upcoming legislation. Her term will end on December 31, 2020. She stated that District 38 which she represented includes Novi, Northville, (in Oakland County), South Lyon, Walled Lake, Novi Township and Lyon Township is the fastest growing district in the State of Michigan. District 38 is southeastern Michigan's fastest growing District and is a major economic powerhouse. This District has the largest population. We must have strong leaders that understand all our challenges of our growing cities and have creative solutions to continue to address local and state issues. She thanked the City Administration and Council for their commitment to the region on local and state issues. She stated that virtually every volunteer organization/committees have an impact and she encouraged everyone to get involved. She said this is the 100th State Legislative Session and she was Chairman on the Families and Seniors Committee. There is critical legislation working its way through the system, she was sorry her term was ending. Due to COVID some committee presentations that face families today might not be able to get to our Governor's desk. She believed that Member Breen, our new State Representative for the 38th District will

have your interests and concerns as her highest priority. She wished Member Breen well and said she will have a beautiful office in Lansing. She said she will continue to work diligently in Novi as a volunteer, that is where her heart truly is.

Mayor Gatt thanked State Representative Kathy Crawford. He said she worked for the City for 25 years, she helped build the Senior Center and took charge of the senior programming. She changed the landscape of Novi. Kathy was one of our City Council Members, then she went on to County Commissioner, and then on to Lansing. He said she runs our Historical Commission, and we will call on her whenever we need to. He thanked her from the bottom of his heart for everything she has done. We will never be able to repay you for all that you have done for us.

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

CONSENT AGENDA REMOVALS AND APPROVALS:

Member Breen removed Consent Agenda Item B for further discussion.

CM 20-11-125 Moved by Casey, seconded by Staudt; CARRIED UNANIMOUSLY

To approve the Consent Agenda as amended.

- A. Approve minutes of:
 - 1. November 9, 2020 – Regular meeting

- B. Approval to award the purchase and replacement of the north Playground Structure located at ITC Community Sports Park to Penchura LLC in the amount of \$86,018.60, using an HGAC Buy cooperative purchasing contract.
REMOVED/LATER APPROVED.

- C. Approval of a Declaration of Emergency Access Easement by the Novi Partnership Limited granted to the City of Novi located within Parcel No. 50-22-26-326-012 or 22783 Heslip Drive (Novex One property) for the purpose of ingress and egress to emergency service providers.

- D. Approval of a Storm Drainage Facility Maintenance Easement Agreement from LeMarbe Holdings, LLC for Hadley's Towing, located on the south side of Grand River Avenue between Wixom Road and Beck Road (parcel 50-22-17-101-006).

- E. Acceptance of a sidewalk easement from LeMarbe Holdings, LLC along the south side of Grand River Avenue between Wixom Road and Beck Road for the Hadley's Towing property (parcel 50-22-17-101-006).

- F. Approval of claims and warrants – Warrant No. 1072.

Roll call vote on CM 20-11-125

**Yeas: Breen, Casey, Crawford, Fischer Mutch,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

- 1. Consideration of approval to award the dispatch renovation contract to the following entities: D&S Contractors, Inc., the low bidder, in the amount of \$77,323.61, and the purchase of dispatch workstations to Xybix Systems, Inc., under the HGACBuy (Houston-Galveston Area Council) purchasing program, in the amount of \$104,590.25, for a total cost of \$181,913.86, with the final form of the agreement to be reviewed and approved by the City Manager and City Attorney.**

CM 20-11-126

Moved by Crawford, seconded by Staudt CARRIED UNANIMOUSLY

Approval to award the dispatch renovation contract to the following entities: D&S Contractors, Inc., the low bidder, in the amount of \$77,323.61, and the purchase of dispatch workstations to Xybix Systems, Inc., under the HGACBuy (Houston-Galveston Area Council) purchasing program, in the amount of \$104,590.25, for a total cost of \$181,913.86, with the final form of the agreement to be reviewed and approved by the City Manager and City Attorney.

Roll call vote on CM 20-11-126

**Yeas: Casey, Crawford, Fischer, Mutch, Gatt,
Staudt, Breen**

Nays: None

- 2. Consideration of approval of Change Order No. 8 to DVM Utilities, Inc. for the Nine Mile Road Sanitary Sewer project (Evergreen Court to Kensington) in the amount of \$481,772, and amend the budget.**

City Manager Auger stated that we are close to the end of this project. We ran into some underground rock beds that have been a problem. He hoped this would be one of the last budget amendments to get this project finished up.

Member Mutch said he had a question regarding the amount that they are being asked to approve. He wondered if the amount that we were approving was the \$481,772 plus an additional budget amendment. DPW Director Herczeg said that was correct. They are requesting to amend the budget for \$151,772 for additional CE Services and \$126,709 in contingency. Herczeg He said that would be for the extra work for boring and crew days for the engineering inspection that they know they will have. He thought they would ask for the budget amendment now rather than come back in a couple of months to request the amendment. Member Mutch asked if this was the final change order/budget amendment for this project. DPW Director Herczeg stated that last week they had a meeting with the contractor, and they have a final number around \$8 million, he said in his last memo he thought it would be around \$9 million. He stated that there will be one more change order which will be the balancing change order for

approximately \$800,000. Member Mutch asked what the total was so far. DPW Director Herczeg said the total was \$6.4 million tonight, after approving this tonight it will be over \$7 million. Member Mutch asked if the remainder will be estimated at \$600,00 to \$800,000. DPW Director Herczeg said yes, that was correct. Member Mutch said he will support this to get this project completed. He said at the main meeting he questioned whether there was a need do additional testing along the remainder of the route to identify any potential problems. We had many problems along this route. He stated that we already knew that we had a high-water table level and design issues that we encountered. He said he was told that there was no need for additional testing was required. It was clear from the progression of this project that we did not do enough testing terms of hydrology or geology to see what was potentially out there. We knew there was a high-water table in that area it was well documented. He stated that maybe we would have gone ahead with the project anyway knowing that we were going to have issues with a higher budget amount. The most recent issue is a little unusual. He thought if we had additional testing, we would have known what we were up against. He said he wanted to complete this project, hopefully by the spring of 2021 so the residents along that route are not inconvenienced more than they need to be. He mentioned that he would like a review of this project from City Administration so that we do not run into this situation in the future. We are way over budget with this project. We were fortunate to have the additional resources to cover this. He did say he was disappointed that this had to happen. He did not want a repeat of this for projects in the future.

CM 20-11-127 Moved by Staudt, seconded by Casey; CARRIED UNANIMOUSLY

Approval of Change Order No. 8 to DVM Utilities, Inc. for the Nine Mile Road Sanitary Sewer project (Evergreen Court to Kensington) in the amount of \$481,772, and amend the budget.

Roll call vote on CM 20-11-127

**Yeas: Crawford, Fischer, Mutch, Gatt, Staudt,
Breen, Casey
Nays: None**

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

Mayor Gatt informed Council that the Rules Committee met that evening, and they will meet again in December. He stated that there will be some minor rule changes coming if Council agrees.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

- B. Approval to award the purchase and replacement of the north Playground Structure located at ITC Community Sports Park to Penchura LLC in the amount of \$86,018.60, using an HGAC Buy cooperative purchasing contract.

Member Breen said we are replacing the playground equipment at the north end of ITC and it looks like we are coming in about \$25,000 under budget. She noted that we are using wood chips as a surface. She mentioned that for an additional \$35,000 we could have poured in place instead of wood chips that would allow wheelchair accessibility. Director Muck said that woodchips are ADA compliant and wheelchair accessible. Member Breen said she has done a lot of knocking doors and she has talked to many parents with children that have special needs. She stated that they do not have a lot of options. Even though woodchips are ADA compliant, we do not see kids on those playgrounds in wheelchairs. She said given their success in bringing this in so far under budget, it would not cost a lot more to have this project completed and universally accessible. She said given they are under budget by \$25,000, with only another \$9,818.60 they could get the type of surface that would not need replacing as much as woodchips and offers better fall protection. She wanted to hear feedback on approving this with an additional approximate \$10,000 in order to provide this type of surface and accessibility.

CM 20-11-128 Moved by Breen, seconded by Gatt; CARRIED UNANIMOUSLY

Approval to award the purchase and replacement of the north Playground Structure located at ITC Community Sports Park to Penchura LLC in the amount of \$86,018.60, using an HGAC Buy cooperative purchasing contract plus an additional \$35,000 budget amendment for the purchase of a poured in place surface.

Member Fischer said he appreciated the sentiment. He said the reason he would be hesitant to support something like this is that it's the smallest playground that he knows of. If we wanted to do something like this to support ADA compliance, we should consider other playgrounds. He said he thought that Ella Mae Power Park already has a poured in place surface. He asked Director Muck if that money is well-spent here or if there was somewhere else we could better use it with a bigger impact. Director Muck agreed this north playground at ITC Park was the smallest playground in the park system. He said we do have a playground at Power Park with this poured in place surface. He said the second playground adjacent at Ella Mae Power Park is due for replacement in the next fiscal year. He said if they were looking to make a bigger impact and have a larger, more accessible and centrally located playground, he would defer the additional money and put it towards that playground in the next fiscal year. Member Fischer said he was not willing to support this as motion as it stands. He asked that they take Director Muck's recommendation and put it toward the second playground due for replacement at Power Park in the next fiscal year.

Mayor Gatt said he would support this motion. He said he has a niece that is handicapped and has been in a wheelchair all her life. He agreed that this was the smallest playground, but so what? We should start there and move up. He said he

thought any park in the future that is planned or budgeted for, we should have a surface that is easier for handicap people to use. We have the money to do it.

Member Fischer said he appreciated the Mayor's comments, his experience, and passion that he brought to the table. He said he would support the motion also.

Roll call vote on CM 20-11-187

**Yeas: Crawford, Fischer, Mutch, Gatt, Staudt,
Breen, Casey**

Nays: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:55 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: December 7, 2020