

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, FEBRUARY 16, 2016
IN CITY HALL

Mayor Michael C. Taylor called the meeting to order at 7:30 p.m.

Mayor Taylor led the Pledge of Allegiance to the Flag and Mark Carufel, City Clerk, gave the Invocation.

Council Members present at roll call: Deanna Koski, Joseph V. Romano, Maria G. Schmidt, Nate Shannon, Doug Skrzyniarz, Michael C. Taylor, Barbara A. Ziarko.

Also Present: Mark D. Vanderpool, City Manager; Jeffrey Bahorski, City Attorney; Mark Carufel, City Clerk; Carol Sobosky, Recording Secretary.

APPROVAL OF AGENDA

Moved by Koski, seconded by Romano, to approve the Agenda as presented.

Yes: All. The motion carried.

REPORT FROM CITY MANAGER

Mr. Vanderpool reported that the City of Sterling Heights and its Ethnic Community Committee will be holding its 2016 Cultural Exchange on Friday, March 4, 2016 from 6-10 p.m. in the Senior Center. He encouraged the community to attend the event, which will be featuring ethnic music, dance, food and entertainment, while providing residents an opportunity to learn about the various cultures represented in the community.

Mr. Vanderpool announced that the assessment notices for 2016 will be mailed the first week of March. He explained that property values continue to increase, with residential

property values increasing an average of 9.8%. Commercial properties have increased 7%, and industrial properties have risen 4.6%. He assured the good news is that the taxes will only be increasing by 0.3%, as governed by state law, adding that the inflationary factor is very low. He urged anyone with questions on their tax bill to call the telephone number listed on their notice.

Mr. Vanderpool reported on the many calls he has received inquiring as to when Dobry Drive will be repaired. Although it is within the City's boundaries, the Michigan Department of Transportation (MDOT) has assumed responsibility because it is a service drive for a state highway (M-59). The anticipated repairs come to \$2.5 million, and MDOT has tried unsuccessfully to obtain funding. Mr. Vanderpool read a letter he wrote to Representatives Farrington and Yanez, requesting their help in getting the State to secure funding, noting the urgency of getting this road repaired with the upcoming opening of the nearby Jimmy John's ball park. He was concerned about further deterioration that would likely occur with the additional traffic. He explained the MDOT Director, as well as the County Executive Mark Hackel, were copied on the letter, so he hoped there will be some supplemental funding available in the near future. He urged residents to talk to their state legislators or email them with their concerns over Dobry Drive.

Mr. Vanderpool provided an update on Sterling Enterprise Park, formerly known as Sunnybrook, stating that the former bowling alley and hotel have been demolished. Construction will be starting soon on what is one of the largest development projects in the City's history.

PRESENTATION

Ms. Bridget Doyle, Community Relations Director, recognized Utica Community Schools faculty member Michael D. Sekich for being named *A Band Director Who Makes a Difference*. She also recognized student Christina Li for being named a *Champion of Change for Computer Science Education*.

Mayor Taylor commented that the City is fortunate to have two fantastic school districts in this community with such great administrators and students.

Moved by Schmidt, seconded by Ziarko, **RESOLVED**, to adopt Resolution recognizing and congratulating Utica Community Schools faculty member Michael D. Sekich for being named a *Band Director Who Makes a Difference* by School Band and Orchestra Magazine.

Yes: All. The motion carried.

~ Resolution ~

A resolution of the Sterling Heights City Council recognizing and congratulating Michael D. Sekich for being named a *Band Director Who Makes a Difference* by School Band and Orchestra Magazine.

- *Mr. Sekich is a teacher and band director at Adlai E. Stevenson High School in the Utica Community Schools (UCS) District.*
- *In addition to serving as the co-chairman of the Fine Arts System for UCS, Mr. Sekich leads the marching, jazz, wind ensemble, and symphonic bands at Stevenson High School.*
- *Under his tutelage, Stevenson High School bands have performed at many significant events, including the Orange Bowl parade, at Carnegie Hall, and before President Clinton.*
- *For 25 years, Mr. Sekich has made a difference in his students' lives, particularly in igniting a life-long passion for music and the arts.*

- *Mr. Sekich is proud of all of his students, including his two children who had the benefit of his musical instruction as students. As a teacher, Mr. Sekich hopes to make a difference in his students' lives by helping them to recognize that goals are achievable through hard work. Mr. Sekich strives to teach his students to enjoy the musical journey.*
- *School Band and Orchestra (SB&O) Magazine recently named Mr. Sekich as a Band Director Who Makes a Difference for the state of Michigan. Mr. Sekich joins 49 fellow band directors from across the United States receiving this recognition in SB&O's 18th Annual Band Directors Who Make a Difference program.*
- *Mr. Sekich nomination for recognition as a Band Director Who Makes a Difference came from members of the Stevenson Band who wanted him to "know how much we appreciated what he does for us."*

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sterling Heights, County of Macomb, and State of Michigan, does hereby recognize and congratulate Michael D. Sekich for being named a Band Director Who Makes a Difference by School Band and Orchestra Magazine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sterling Heights to be affixed this 16th day of February 2016.

Mark Carufel, City Clerk

Councilwoman Schmidt commented that she has a special place in her heart for band directors and band students.

Moved by Schmidt, seconded by Shannon, **RESOLVED**, to recognize and congratulate Utica Community Schools student Christina Li for being named a *Champion of Change for Computer Science Education* by the White House.

Yes: All. The motion carried.

~ Resolution ~

A resolution of the Sterling Heights City Council recognizing and congratulating Christina Li for being named a *Champion of Change for Computer Science Education* by the White House.

- *Christina Li is a senior at Adlai E. Stevenson High School and the UCS Center for Math, Science, and Technology (MST).*
- *Ms. Li has established an outstanding record of accomplishment in the MST area, including being the Vice President of Controls for Team 217 of the ThunderChickens, UCS' renowned For the Inspiration and Recognition of Science and Technology (FIRST) competitive robotics team.*
- *Ms. Li also created Hello World, a week-long computer science day camp for 30 middle school girls to learn how to code for robots, apps, websites, and games. Ms. Li hosted online and in-person meetings with female computer engineers from Google, Microsoft, the Michigan Council for Women in Technology, and Ford Motor Company. Hello World participants also took field trips to Google in Ann Arbor and the University of Michigan. Through Hello World, Ms. Li aims to help lower the gender gap in computer science.*
- *Ms. Li's passion and ambition did not go unnoticed. On January 26, 2016, Ms. Li was honored in Washington, D.C. as one of nine Champions of Change for Computer Science Education. Champions of Change is a White House program that recognizes and honors those individuals whose single voice can change the world.*
- *It is fitting to recognize Ms. Li as an outstanding young person who has succeeded in her mission of opening the world of computer science to girls in her community.*

NOW, THEREFORE,

BE IT RESOLVED, that the City Council of the City of Sterling Heights, County of Macomb, and State of Michigan, does hereby recognize and congratulate Christina Li for being named a Champion of Change for Computer Science Education by the White House.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sterling Heights to be affixed this 16th day of February 2016.

Mark Carufel, City Clerk

ORDINANCE INTRODUCTION

1. Mark Carufel, City Clerk, made a presentation on the proposed Ordinance. He noted the following three junk yards that are currently located in Sterling Heights: Admiral Metals, American Import Auto Parts and U.S. Auto. He stated it is unlikely that new facilities will open because there are strict zoning standards in place. They are required to obtain Special Land Use approval from the Planning Commission, they must be located in an M-2 Zoning District, with all sides of the property abutting M-2 zoned property and one side must abut a railroad right-of-way. He outlined some of the changes, including the requirements for conspicuous signage, tracking and reporting, both as required by state law, and updating the renewal, suspension, revocation and non-renewal procedures. At the request of the licensees, this ordinance would allow junk yards to operate on Sundays, and as permitted by state law, the hours of operation are allowed from 7 a.m. to 9 p.m. seven days a week. He stated the proposed changes also update the prohibitions under state law relating to purchases.

Ms. Linda Godfrey inquired as to whether the changes will impose a hardship on current owners of the existing junk yards.

Moved by Schmidt, seconded by Romano, **RESOLVED**, to introduce the ordinance amending Chapter 26 of the City Code to update the City's regulations governing junk yards and automobile wrecking yards.

Councilwoman Schmidt commented the only provision they are adding that is not specified in state law is the ability for junk yards to operate on Sundays. She added that,

other than Hobby Lobby, which is closed on Sundays for religious reasons, the majority of other businesses in the community are open on Sundays.

Mr. Carufel replied to inquiry that he does not believe this Ordinance will affect any of the existing junk yards, and stated existing will be grandfathered in.

Councilman Romano recalled that a couple of the existing junk yards may be near major roadways, but he pointed out this is for new junk yards coming into the City.

Yes: All. The motion carried.

CONSENT AGENDA

2. Moved by Koski, seconded by Romano, **RESOLVED**, to approve the Consent Agenda:
 - A. To approve the minutes of the Special Meeting of January 26, 2016 and the Regular Meeting of February 2, 2016, as presented.
 - B. To approve payment of the bills as presented: General Fund - \$838,557.46, Water & Sewer Fund - \$2,746,338.73, Other Funds - \$840,620.64, Total Checks - \$4,425,516.83.
 - C. **RESOLVED**, to award the bid for Clinton River Corridor Tree Removal, City Project #15-278, to Ken Jackson Cleanup, Inc., 2873 Leach Road, Rochester Hills, MI 48309, based on the unit prices bid, and authorize the Mayor and City Clerk to sign all documents required on behalf of the City.
 - D. **RESOLVED**, to award the bid for DSX Access System Upgrades to Weber Security Group, Inc., 95 South Rose Street, Suite A, Mount Clemens, MI 48043-2187, based on unit prices bid and authorize a budget amendment to 43700700 (Capital Projects Fund)

975000 (Buildings & Improvements) in the amount of \$43,409.30 from Self-Insurance Fund reserves.

- E. **RESOLVED**, to award the bid for a 2016 Ford F550 4x4 field service vehicle with Stellar Heavy Duty Crane Body and Model 7630 Crane to Varsity Ford, 3480 Jackson Road, Ann Arbor, MI 48106-2507, at a total cost of \$136,846.00.

Yes: All. The motion carried.

CONSIDERATION

3. Ms. Joann O'Grady, a high school student, stressed that recycling is very important to her, and she was raised to learn the importance of making it an everyday ritual. She expressed concern that a bi-weekly pick-up of recycled materials is not enough, and successful communities reinvest back into their own communities to make them even better places to live. She asked the Council to consider doing more for recycling.

Mr. Dennis White commented that it is difficult when they do not know to whom the Invitation to Bid was given to and the criteria included in it. He questioned the need for trash to be picked up in neighborhoods before 7 a.m. because of the noise.

A presentation was made by Michael Moore, Public Works Director. He indicated they sought a base bid, along with Alternate #1, which includes the base bid plus mandatory use of 32-, 64- or 96-gallon carts for weekly refuse collection, and Alternate #2, which includes the base bid and the mandatory use of 32-, 64- or 96-gallon carts for bi-weekly curbside recycling in lieu of recycling centers. The bid specifications called for a five-year term for the period from May 1, 2016 to April 30, 2021. Mr. Moore noted that

Alternate #2 cannot be phased in until 2018. He reviewed the low bids as follows: Base Bid in the amount of \$23,753,720 from Waste Management; Alternate #1 in the amount of \$25,669,017 from Emterra Environmental; and Alternate #2 in the amount of \$26,587,715 from Rizzo Environmental Services. He explained that the increase from the Base Bid to Alternate #1 would be \$1.9 million over the 5-year contract. The increase from Alternate #1 to Alternate #2 would be \$918,000 over the 5-year contract, and the increase from the Base Bid to Alternate #2 would be \$2.8 million over the 5-year contract. Mr. Moore reviewed the savings of the Base Bid with Waste Management, noting that the first year's savings would be \$335,816. The third year of that contract would equal current costs, and the last two years of the contract would be at a slight increase; however, the average annual savings would be approximately \$124,000 for each of the five years.

Mr. George Parker commented that Waste Management complied with all of the required criteria on the Invitation to Bid, and they are saving the City more money than their original contract. He felt the bid should be awarded to Waste Management, and he thanked those members of Council who initiated this money-saving move to go out for bid.

Mr. Phil Rashad, a former resident of St. Clair Shores, explained that they had the services of Waste Management, which he rated as "so-so" but eventually their community went with Rizzo Environmental Services. He claimed that complaints decreased by 20% with Rizzo, and they did not miss trash pick-up days.

Mr. Larry O'Grady, resident of Sterling Heights for 18 years, stated he runs the Sterling Civic Theater, and claimed Rizzo Environmental Services was one of the

two businesses, out of 129 solicited, who donated funding to their cause to help offset the cost of licensing for the theater. He added that their theater is now able to have four shows a year and is moving into other communities, and he thanked Rizzo for what they have done to make this possible.

Mr. Jeffrey Norgrove stated that if the City goes with the Alternative bid which mandates recycling, they will not only be paying \$2.8 million more for waste hauling, but the residents, including senior citizens, will have to carry those waste-hauling containers to their curb and back. He noted that most senior citizens have small garbage bags, and having to use a large container would create an unnecessary hardship for them. He urged the Council to award the Base Bid to Waste Management. He stated they went out for bid on this to save taxpayers money, and if they go with the Alternative Bid, they will have to raise taxes to pay for it.

A resident [no name given] stated he moved here two years ago from the City of Troy, where they had five small recycling bins. He has a family of six so those bins filled up fast. He expressed disappointment at finding out that he had to pay \$5 for one bin that would only be picked up every other week. He stated he is in favor of weekly recycle pick-up, and the larger the container, the better for him.

Ms. Jazmine Early stated that recycling should be available for those who want the service and want to pay for it, but she objected to recycling being mandated for everyone. She stated the best alternative is the Base Bid for Waste Management, and she urged the Council Members to consider the residents when voting on this.

Mr. Michael Radke commented that he is a proponent of recycling, but does not want to pay more. He stated there is a cost difference and claimed each residence would pay about \$8 more per year if everyone subscribes to it through Rizzo's Alternate #2 Bid. Currently those who want it are paying about \$5 a month, which is considerably more money for those households. He questioned why Waste Management is charging so much more than Rizzo is willing to do it for.

Ms. Dolores Hatton questioned how she is supposed to drag a container to the curb and back when she uses a walker. She can currently carry her small garbage bag out to the curb or get in her car and drive it down, and she does not have to go back out to retrieve a container. She said the large containers are unsightly and nearly impossible to maneuver in snow, and she added that garbage will most likely freeze to the bottom of the container. She urged the Council to award the Base Bid to Waste Management.

Ms. Linda Godfrey applauded Rizzo for donating funds to help the local community theater, but she claimed that Waste Management has a new \$15 million plant that converts landfill gas into electricity, and she further claimed that Waste Management is one of the largest producers of landfill energy in the Midwest. She hated to see Waste Management replaced because of mandatory recycling. She inquired as to the total amount of revenue received on an annual basis from the City's three recycling centers. Ms. Godfrey also urged the City Council to stick to the issue and not compare what other communities are doing because situations and demographics are different in each community. She commended Councilman

Shannon for bringing this to the Council, noting that they are saving a lot of money.

A resident [no name given] explained he is president of his condominium association, and they have trash pads where their residents place their trash to be picked up. He did not feel these pads are large enough to accommodate what would be mandatory containers if they go with Alternatives 1 or 2. He questioned whether the containers are included in the bid price, or whether they would have to be purchased.

Mr. Harry Marchlones commented that there are 41,000 residences in Sterling Heights, and if each one has two garbage cans, that totals 82,000 garbage cans, so he inquired as to where these will all go if they no longer need them. He complained that there is no room in his garage for these large containers, and added that they will frequently need to be washed out, which makes their maintenance even more of a nuisance. He urged the Council to be cautious when voting for this, pointing out that only 1 out of 7 residences in the City is currently taking part in the recycling program.

Mr. Charles Jefferson expressed his support for Waste Management. He did not feel the majority of residents want the large containers, and for those residents like him who have a one-car driveway, it will be tough to maneuver around all of these cans. He stressed the residents want to save money, not spend more money.

Mr. Phil Ruggeri, legal representative for Rizzo Environmental Services, explained his client is very active in the community, donating money to a lot of local causes,

and their headquarters are located within the City's boundaries, at 18 Mile and Mound, making them very accessible if there are any problems. They provide recycling education to schools, and are a member of the Sterling Heights Chamber of Commerce. He noted that Rizzo handles 56% of residential waste hauling in Macomb County, bidding competitively and providing what he claims is the best service. He explained that, when looking at the Base Bid, it appears as though Waste Management submitted the lowest bid; however, he claimed that two major items were not factored in, which include the containers and fuel costs. He stressed Rizzo will provide the containers at no cost to the City, and the fuel charge is fixed for the entire duration of the contract. Mr. Ruggeri calculated the savings if 25% of the residences opt for recycling, and also calculated the savings if 50% opted in. He also noted they were much cheaper on their optional 3-year extension, so when taking all of that into consideration, he claimed they can save the City close to \$20,000,000 or more over an eight-year period. He stated that the cost of fuel and containers should be a factor in the bid. They have a fleet of new equipment and trucks, and they have containers of various sizes that will accommodate everyone's needs, stressing that recycling is a tremendous service to offer to residents.

Mr. Dennis White stated he is still opposed to any changes in waste-hauling and does not want mandated containers. He felt they will become a visual nuisance.

Mr. Pat Greve, Area Manager for the Public Sector Service with Waste Management, recalled when this was first discussed last year, he urged the Council

to be clear and uniform on the services they want, and they assured savings was on the top of the list. He felt the bidding process achieved this, and he claimed residents have thanked their company for coming up with the savings that the City was looking for. He stressed the average \$124,000 annual savings compared to the next lowest bidder, and they have added services that were not in the old contract. He replied that there are no mandatory containers included in Waste Management's Base Bid that is being recommended for approval. They listened to the goal of reducing costs, and provided Sterling Heights with their best bid. He assured that they are long-term and ready to carry out the services they have been providing, and the community can continue to count on their support for the many events the City provides for its residents.

Moved by Romano, seconded by Ziarko, **RESOLVED**, to award the bid for refuse, recyclables and yard waste collection services to Waste Management of Michigan, Inc., 22650 Stevenson, Clinton Township, Michigan 48035, for the period from May 1, 2016 to April 30, 2021, based on unit prices bid and authorize the Mayor and City Clerk to sign all required documents on behalf of the City.

Councilman Romano recalled that the Invitation to Bid was very specific and the bidders were asked not to deviate because the City was looking for savings. He thanked Mr. Shannon for heading this up, because going out for bid demonstrated that they can save money. He commented that there are only 5,000 residences participating in recycling, and he cited some letters he has received from senior citizens who feel the waste containers would be too difficult for them to manage. Waste Management, with their Base Bid, will

be saving the City an average of \$124,000 each year for the length of the contract. He expressed concern regarding the City's credibility with vendors if they go out for the low bid, then change the bid specs and rebid. He stressed he is comfortable with Waste Management's services and they are great corporate sponsors, and they should be allowed to continue with us for the next five years.

Mayor Taylor noted this went out for bid last fall, and his goal was to save money and also to implement new programs in Sterling Heights. He reminded this is one of the only communities that does not offer a universal curbside recycling program. They received a lot of responses from the public, many who wanted to see cost savings, and many others who wanted to see curbside recycling. He added that there were a few who wanted trash carts, but more residents expressed their dislike of the carts. He claimed that curbside recycling in the City of Detroit costs residents \$1.15 per month, compared to the \$5 per month in Sterling Heights. He cautioned that if the Council approves the Base Bid, there will be no curbside recycling; however, if they go with one of the Alternate bids, it forces residents into having the carts and participating in a program they may not want. He believes there is a middle ground, but not with the bids they have in front of them tonight. He replied to an earlier question about the money generated from the recycling centers, and clarified that they do not generate any money, but actually operate at a net loss of approximately \$200,000 per year. He stated when added to the nearly \$300,000 generated from the residents who are paying \$5 per month for curbside recycling, that equates to nearly one-half million dollars each year spent on recycling, with only 12% participation. He suggested rebidding the Base Bid, closing the recycling centers and giving everyone

the opportunity to recycle at the curb if they so choose. They can ask for a trash cart if they want, and the vendor can bill the resident directly. Mayor Taylor reminded that the current low bid includes the vendor operating the three recycling centers, so if they close those centers, he suspected the base bid may go down. He felt the only way to achieve their goals is to reject the bids and rebid, so he indicated he will be voting no on the motion on the floor.

Councilman Skrzyaniarz commented that they are fortunate to have multiple companies with good reputations competing against each other for the contract, and that is why the price went down. He felt they should not move forward with this bid if it is not exactly what they want. He was confident that if they rebid, they will still get the same price, but they will make sure they have the service they want. He stressed Sterling Heights is soon to be the third largest city in the State of Michigan, and he found it embarrassing that only 5,000 homes participate in recycling. He is interested in seeing curbside recycling on a weekly basis, but he does not support Alternative 1 or Alternative 2, adding that he got a lot of negative feedback from senior citizens on Alternate 2.

Councilwoman Koski agreed with Mayor Taylor, commenting that the residents should have the option of choosing whether or not they want carts. She explained that when she went to her son's house, she found it very difficult to pick up the cart that was partly buried in snow, especially when the driveway is covered in ice. She has always considered this community progressive, but felt that they have fallen behind in recycling. She would like to see curbside recycling but at less than the current cost of approximately

\$65 annually per household. She would like to see them go out for bid to come up with a program that reflects their concerns.

Councilwoman Schmidt noted that some of the Council's comments indicate the bids did not reflect what they really wanted, but she felt the bids reflected exactly what they asked for. She felt they will lose the trust of the vendors and questioned why anyone would want to bid on anything if this City cannot be trusted. She felt the only time the Council rejects a low bid is when the vendor did not meet the bid specifications or the bids were too high. She was concerned as to what will happen if they throw out all of these bids and go out for bid once again.

Mr. Buhlinger, Purchasing Manager, stated that a bid can also be rejected if they receive only one bid. He replied to inquiry that he could not recall any other instances of bids being rejected by this Council.

Mr. Carufel replied to inquiry that the Mayor and City Council have the right to make the decision as to whether to award the bid or to reject the current bids because they are too high, or they were not responsive to the needs of the Community.

Councilwoman Schmidt recalled the Council voting on the specific wording for the bid, and all but one company respected that request when submitting their bids. She felt that the company that did not honor that request was being disrespectful of the process. She claimed she has talked with hundreds of residents who, overwhelmingly, want to keep things the way they are. She did not feel the number of 5,000 recyclers is accurate, because when curbside recycling was increasing, there was no decrease in the recycling

center traffic. She inquired as to the relationship between Rizzo Environmental Services and Royal Oak Recycling.

Mr. Don Baretta, Rizzo Environmental Services, replied that Royal Oak Recycling is a partner of Rizzo.

Councilwoman Schmidt stated she is comfortable with the bids received and will be voting in support of the motion on the floor.

Councilman Shannon stated the Base Bid and the potential for recycling are two separate issues, and he suspected that they will continue to see base bid savings. He suggested the bidders “sharpen their pencils again” and show the Council what they can do with curbside recycling to solve a need in the community. He stated he is in favor of rejecting the bids because the Base Bid does not provide enough service for recycling in addition to the fact that the recycling is too expensive. He believes it can be done at a lower cost, and commented that recycling has economic benefits because people tend to look at this community as being environmentally friendly. Councilman Shannon emphasized, however, that he is not in favor of any program that would require residents to use the large 96-gallon containers for their trash. He would like to see a curbside recycling program that is affordable and easy to manage for the residents.

Councilwoman Ziarko reminded that Waste Management has their recycling contract until 2018. She felt the simplest solution would have been to extend their waste-hauling contract for another two years so they would end at the same time, but she recognized that the bids went out at this time in an effort to save money. In making her decision, she has to consider what is in the best interest of 130,000 people, and when meeting their goal of

saving money with the new contract, she felt they met their objective. She appreciated Councilman Shannon taking on this challenge, but she cannot understand why they do not want to take this savings at this time. She was concerned that if they reject the bids, they are thrown out and they have to start all over. She questioned the difference between an ITB (Invitation to Bid) and a RFP (Request for Proposal).

Mr. Buhlinger replied an ITB is very specific with regard to volumes, quantities, services, etc. for which they are seeking a cost. In an RFP, it is for a situation where they are looking to resolve an issue, and they are asking vendors to bring back their best solution and the cost for that solution.

Councilwoman Ziarko felt that, when going out for a service, it is in the community's best interest to tell the vendor exactly what they want, rather than the other way around. She did not want someone telling the Council what they should have. She noted she is in favor of approving the recommendation of Administration, pointing out that the City has hired very intelligent people to put this together. She felt the Council should listen to them and go forward, awarding the contract to Waste Management. She commented that there are a lot of residents who do not want to recycle, and they cannot be forced to do so. She acknowledged that she recycles, but goes to the centers rather than opting for the curbside program. She felt people do not want the carts. She questioned why the Council was not made aware of the fact, prior to this going to bid, that the recycling centers were losing money. She would prefer to take the savings being offered now, and questioned whether they still have the opportunity to extend the current contract if they reject the bids.

Mr. Bahorski believed that a motion to extend the current contract had to be acted upon prior to December 31, 2015, so that option is no longer available.

Roll Call: Ayes – Romano, Ziarko, Schmidt. Nays – Koski, Shannon, Skrzyniarz, Taylor.
Motion failed for lack of votes.

Motion by Koski, supported by Taylor, to reject the bids for refuse, recyclables and yard waste collection, as presented, and to direct City Administration to prepare a Request for Proposal (RFP) for review and approval at the Regular Council Meeting scheduled for March 1, 2016.

Mr. Bahorski acknowledged they have about a week to develop the RFP. Council can review and make changes at the March 1, 2016 Council Meeting. He admitted it is a tight timetable but felt they can comply, anticipating that if it is approved on March 1, it should be able to go out within a few days after that meeting. He replied to inquiry that Council can have input at that meeting, and he believed it will be a Consideration item so that residents can be involved as well.

Councilwoman Ziarko requested the motion maker to change the RFP to an Invitation to Bid (ITB).

Councilwoman Koski inquired as to why they are doing an RFP rather than an ITB.

Mr. Bahorski replied the RFP affords Council the ability to design and learn through the RFP process as to the best level of service. In this instance, they cannot place a quantity on the recycling aspect because it is voluntary, and for that reason, an RFP would be better than an ITB. An RFP will give them the ability to look at what is best for the community. The price comes into that process, but it is not a price-driven process.

Councilwoman Schmidt agreed with Councilwoman Ziarko, and felt they need to be able to “compare apples to apples”. She did not believe this is being fair and consistent.

Mayor Taylor stated RFP’s and ITB’s each have their own benefits, but stressed what he will be voting in support of this for a proposal that is very limited in scope. He does not want to ask contractors to provide a bid on what they think the City needs. He stressed people want a low-cost base bid and do not want to be forced to use trash carts. He felt they can put that into an RFP. They do not have numbers on how many want the enhanced cart component, so he felt if a resident wants the service, they should be able to opt in, but if they do not want it, they should have that choice as well.

Councilman Romano stated he is confused and everything Mayor Taylor outlined that he would like to see has already been accomplished through the current bids.

Mayor Taylor responded that if they award the bid to Waste Management, there is no option for the residents who want the carts, so it would be mandatory that no one could get carts. In addition, the only option for recycling would still cost the residents about \$65 per year, which ~~he felt~~ is too expensive. He has seen other competitive bids that have resulted in a curbside recycling cost of about \$15 per household per year. He felt they can achieve the goals of receiving both a low-base bid and affordable recycling if they go out to rebid.

Roll Call: Ayes – Koski, Taylor, Shannon, Skrzyniarz. Nays – Romano, Schmidt, Ziarko.

The motion carried.

4. Mr. Ali Makky explained he and his former partner started this business about 5 years ago. His partner wanted to get out of the business, so he bought him out and is taking on a new partner, Mr. Maher Jawad, who is in the process of getting his

degree and training with him. Mr. Makky assured the restaurant will be offering the same quality and service but will be operating under a new name.

Moved by Skrzyniarz, seconded by Romano, **RESOLVED**, that the request to transfer ownership of a 2015 Class C liquor licensed business, with SDM license, dance entertainment permit, Sunday Sales permit (P.M.), and specific purpose permit (food) at 33355 Van Dyke, Sterling Heights, MI 48312 from Hojaij Makky Properties LLC to EAA LLC be considered for approval.

Councilman Skrzyniarz noted that the various Departments have recommended this action after reviewing the application. He thanked the business owners for their past work in the City, and looked forward to seeing their success.

Councilman Romano noted this is basically a name change, with the original partner keeping 51% of the ownership and the new partner having 49%. He wished them well.

Yes: All. The motion carried.

5. Moved by Romano, seconded by Taylor, **RESOLVED**, to **postpone** the nomination to the Board of Ordinance Appeals Panel II to the March 1, 2016 regular City Council meeting.

Yes: All. The motion carried.

6. Moved by Romano, seconded by Ziarko, **RESOLVED**, to appoint Mr. William Dechavez to the Ethnic Community Committee to a term ending June 30, 2017, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Romano, seconded by Ziarko, **RESOLVED**, to **postpone** the appointment to the Economic Development Corporation/Brownfield Authority to the March 1, 2016 regular City Council meeting.

Yes: All. The motion carried.

Moved by Romano, seconded by Ziarko, **RESOLVED**, to appoint Ms. Jazmine Early to the Arts Commission to a term ending June 30, 2018, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Roll Call: Ayes – Romano, Ziarko, Skrzyniarz, Schmidt. Nays – Shannon, Taylor, Koski.

The motion carried.

Moved by Romano, seconded by Schmidt, **RESOLVED**, to **postpone** the appointments to the Citizen Advisory Committee/CDBG and Beautification Commission to the March 1, 2016 regular City Council meeting.

Yes: All. The motion carried.

COMMUNICATIONS FROM CITIZENS

Ms. Linda Godfrey – Condition of Dobry Drive West and East, and inquired whether there is a shared responsibility with the City of Utica for repairs. Suggested possible surcharge to certain businesses with heavy vehicles that use. Condition of Canal, Van Dyke, Clinton River Roads. Rebidding after bids have been opened.

Mr. Charles Jefferson – Concerned about the condition of the roads, especially Canal, Mound, Schoenherr, and Dobry. Questioned how much time and money was spent on putting together the first ITB and how much time and money will be spent on putting another one. Expressed concern over MDOT-owned land at 18-1/2 Mile and Mound,

which was clear-cut, and what is happening with that land now. Inquired as to what is happening with the Flint situation.

Ms. Dolores Hatton – Concerned about the environment for wildlife compared to what it used to be years ago. Would like to see more plantings along the river, and possibly a dog park at Dodge Park.

Mr. Harry Marchlones –City Council’s handling of the waste-hauling bids.

Ms. Jazmine Early –Safety concerns about the photo that appeared on her phone. She contacted the Police, FBI and the County Prosecutor, noting the Police have closed her case. Questions concerning a political flyer sent during the last election.

Mayor Taylor felt the flyer was wrong, but indicated this has been discussed at length before. He sympathized with her but has had personal conversations with each of the Council Members to assure they had nothing to do with it.

Councilman Romano stated being affronted with the flyer and was confident everyone on Council feels the same. He stressed he does not want it brought up here again because it did not come from anyone on Council.

Mayor Taylor urged Ms. Early to meet with the Police if she has safety concerns, and he offered to meet with her. He also indicated he will meet with the Chief to make sure they are doing what they can.

Mr. Patrick Greve, Waste Management, spoke about a trend as relates to the public process for procuring services. He felt they owe it to their customers and shareholders to ensure a fair bidding process, but they are seeing the trend of bidding and rebidding until

finally a contract is awarded. He felt if this trend continues, they will see higher bid prices from everyone.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool responded to questions from residents. He indicated the County will be working on Mound, south of M-59, but he has not heard anything about Mound south of Metro Parkway, which probably will not be done in the next year. He confirmed that the MDOT property at 18-1/2 Mile, west of Van Dyke, has been clear-cut and may be marketed for sale again, but assured that there has to be a tree inventory when a parcel is clear-cut, and the Tree Ordinance will have to be followed when the property is developed. He stated the idea of a sanctuary for wildlife at Dodge Park is an excellent idea, and informed that the City received a \$4.5 million grant to restore the natural habitat and clean-up of the Clinton River, almost solely dedicated to Dodge Park. He urged Ms. Hatton to contact him and he would be glad to go over the plans with her.

There was no report from Mr. Bahorski at this time, and no closed session.

Councilwoman Schmidt informed she was approached by an angry resident claimed who was informed that “the City forced Sunnybrook to sell”.

Mr. Vanderpool replied they heard some of the same complaints, and apparently some of Sunnybrook’s staff members posted on Facebook that the owner was being forced by the City to sell. He assured that is not true, and he does not know why the owner’s staff members would post that. Mr. Vanderpool stated that after he contacted the owner about this, the owner took down the Facebook post within a matter of minutes, but Mr. Vanderpool maintained he does not know how or why this rumor was spread.

Councilwoman Koski stressed she does not participate in negative literature and took offense that Ms. Early would think the Council would participate in something like that.

Councilman Skrzyniarz agreed with Councilwoman Koski and urged Ms. Early, as an appointed member of the Arts Commission, not to bring these types of personal issues to Council Meetings.

UNFINISHED BUSINESS

There was no Unfinished Business discussed.

NEW BUSINESS

There was no New Business.

ADJOURN

Moved by Ziarko, seconded by Romano, to adjourn the meeting.

Yes: All. The motion carried.

The meeting was adjourned at 10:31 p.m.

MARK CARUFEL, City Clerk