

MINUTES OF THE ONE THOUSAND NINE HUNDRED SIXTY THIRD**REGULAR MEETING FEBRUARY 27, 2023**

On February 27, 2023, the above meeting was held at the City Hall, 33000 Civic Center Drive, Livonia, Michigan, and was called to order by the President of the Council at 7:00 p.m. Councilmember McCullough led the meeting with the Pledge of Allegiance.

Roll was called with the following result: Brandon McCullough, Kathleen McIntyre, Laura Toy, Scott Bahr, Rob Donovic, Scott Morgan, and Jim Jolly. Absent: None.

Elected and appointed officials present: Leo Neville, Assistant City Attorney; Susan M. Nash, City Clerk; Sara Kasprowicz, Program Supervisor of Council Office; Mark Taormina, Director of Planning and Economic Development; and Todd Zilincik, City Engineer.

On a motion by Councilmember McCullough, and supported by Vice President Toy and unanimously adopted, it was:

#053-23 RESOLVED, that the Minutes of the 1,962nd Regular Meeting of the Council held February 13, 2023 are approved as presented.

Councilmember Bahr announced that Councilmember McIntyre was recognized as Volunteer of the Month for the MI Work Matters with Anastasia and Katie's Coffee Shop.

President Jolly shared that today would have been the first birthday for his son, Gabriel, who passed away the same day he was born last year. He thanked everyone for the kindness and support over the past year.

Susan Nash, City Clerk, acknowledged the receipt of a Veto from the Mayor, dated February 15, 2023, regarding Council Resolution No. 047-23. Said resolution would amend the 2022-2023 FY budget allowing the transfer of the remaining funds from the Department of Government Affairs account to the Building Improvement Fund account.

On a motion by Councilmember Bahr, supported by Councilmember McIntyre, it was:

RESOLVED, that having received for consideration a veto letter from the Mayor, dated February 15, 2023, regarding Council Resolution No. 047-23, regarding proposed amendment to the 2022-2023 FY budget allowing the transfer of remaining funds from the Department of Government Affairs account to the Building Improvement Fund account, the Council does hereby exercise its power to override the Mayor's power to veto Council Resolution No. 047-23.

Following discussion by Council, a motion to substitute was offered by Vice President Toy, supported by Councilmember McCullough, as follows:

RESOLVED, that having received for consideration a veto letter from the Mayor, dated February 15, 2023, regarding Council Resolution No. 047-23, regarding proposed amendment to the 2022-2023 FY budget allowing the transfer of remaining funds from the Department of Government Affairs account to the Building Improvement Fund account, the Council does hereby sustain the Mayor's veto on this matter.

Following discussion by Council, Vice President Toy withdrew the substitute motion.

A roll call vote was then taken on the original motion offered by Councilmember Bahr, supported by Councilmember McIntyre, as follows:

RESOLVED, that having received for consideration a veto letter from the Mayor, dated February 15, 2023, regarding Council Resolution No. 047-23, regarding proposed amendment to the 2022-2023 FY budget allowing the transfer of remaining funds from the Department of Government Affairs account to the Building Improvement Fund account, the Council does hereby exercise its power to override the Mayor's power to veto Council Resolution No. 047-23.

with the following result:

AYES: McIntyre, Bahr, Donovic, and Morgan

NAYS: McCullough, Toy and Jolly

President Jolly declared the motion to override the Mayor's veto failed due to lack of five (5) affirmative votes required and the Mayor's veto was sustained.

A communication from the Department of Finance, dated February 7, 2023, re: forwarding the Departmental Purchases Report, for the month ending January 31, 2023, was received and placed on file for the information of the Council.

A Communication from the Department of Finance dated February 7, 2023, re: forwarding Quarterly Investment Report for the City of Livonia for the quarter

ending November 30, 2022 was received and placed on file for the information of the Council.

On a motion by Vice President Toy, supported by Councilmember McCullough and unanimously adopted, it was:

#054-23 RESOLVED, that having considered a communication from the City Planning Commission, dated February 1, 2023, approved for submission by the Mayor, which transmits its resolution #01-02-2023, adopted on January 31, 2023, with regard to Petition 2022-12-02-22 submitted by Uptown Cheapskate, requesting waiver use approval to operate a second-hand store and resale shop at 29508 Seven Mile Road, within the Livonia Marketplace retail center, located on the north side of Seven Mile Road between Middlebelt Road and Purlingbrook Road in the Southeast ¼ of Section 2, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2022-12-02-22 is hereby approved and granted, subject to the following conditions:

1. There shall be no outdoor sales, storage, or display of merchandise and no storage of merchandise or other materials in temporary or portable units, structures, trailers, or donation receptacles located on the exterior of the building;
2. This waiver use is limited to this user only and may be extended to a new user subject to approval by the City Council;
3. Only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
4. That no LED light band or exposed neon shall be permitted on this site, including, but not limited to, the building or around the windows; and
5. Per Section 13.13 of the Livonia Vision 21 Zoning Ordinance, this approval is valid for one (1) year from the date of approval by the City Council. Unless a building permit is obtained, this approval shall be null and void after the one (1) year period.

#055-23 RESOLVED, that having considered a communication from the City Planning Commission, dated February 2, 2023, approved for submission by the Mayor, which transmits its resolution #01-03-2023, adopted on January 31, 2023, with regard to Petition 2022-12-02-23,

submitted by Individual Brewing Co. L.L.C., requesting waiver use approval to operate a Micro Brewer license including an on-premises tasting room (1 For All Brewery) at 38083 Ann Arbor Road located on the south side of Ann Arbor Road between West Chicago Avenue and Ann Arbor Trail in the Northeast $\frac{1}{4}$ of Section 31, the Council does hereby concur in the recommendation made by the City Planning Commission and Petition 2022-12-02-23 is hereby approved and granted, subject to the following conditions:

1. This waiver use applies only to the operation of a Micro-Brewery. Authorization to operate any other type of liquor license, including, but not limited to, a Class C, Tavern, or Club license, shall require City Council approval;
2. Customer seating in the tasting room shall be limited to twenty-five (25);
3. The hours of operation the business is allowed to be open to the public or for private events is limited from 10:00 a.m. to midnight;
4. All dumpsters located at the shopping center complex shall be fully enclosed. The walls of the dumpster enclosures shall consist of masonry and finished with a brick that is identical to or compatible with the brick on the building. If a poured wall is used, the design, texture, and color shall match the building. The enclosure gates shall consist of opaque and durable steel or composite panels;
5. Only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals;
6. No LED light band or exposed neon shall be permitted on the site, including the building or around the windows;
7. Unless approved by the proper local authority, any type of exterior advertising, such as promotional flags, streamers, or sponsor vehicles designed to attract the attention of passing motorists, is prohibited; and
8. Per Section 13.13 of the Livonia Vision 21 Zoning Ordinance, this approval is valid for one (1) year from the date of approval by the City Council. Unless a building permit is obtained, this approval shall be null and void after the one (1) year period.

#056-23 RESOLVED, that having considered the report and recommendation of the City Clerk, dated January 30, 2023, which bears the signature of the Director of Finance, and is approved for submission by the Mayor, the Council does hereby accept the quote submitted by Dominion Voting Systems, Inc., P.O. Box 538214, Atlanta, GA 30353-

8214, for performing all work required in connection with the annual maintenance and warranty work on all election equipment for the period January 1, 2023 through December 31, 2023, as outlined in the State of Michigan and Wayne County bid for election equipment in an amount not to exceed \$34,295.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$34,295.00 from funds already budgeted in Account No. GL 101-262-818-000 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as Dominion Voting Systems, Inc. is a sole source provider selected by Wayne County for all election equipment, hardware and software, and such action is taken in accordance with Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended, and the Mayor and City Clerk are hereby authorized to execute a contract, approved as to form and substance by the Department of Law, for and on behalf of the City of Livonia, with the aforesaid company and to do all other things necessary or incidental to the full performance of this resolution.

#057-23 RESOLVED, that having considered the report and recommendation of the Fire Chief, dated January 31, 2023, which bears the signatures of the Finance Director and the City Attorney, and is approved for submission by the Mayor, the Council does hereby accept the bid of CMP Distributors, 16753 Industrial Parkway, Lansing, MI 48906 for supplying the fire department with new ballistic vests and helmets to replace the current vests and helmets that are at their end of life expectancy and are required to be replaced according to the NFPA 3000, the standard for an active shooter/hostile event response (ASHER), in an amount not to exceed \$41,053.00; the same having been in fact the second lowest bid received which meets all specifications; FURTHER, the Council does hereby reject the bid submitted by Galls, LLC for the reason that CMP Distributors is a local vendor to Michigan Emergency Responders and with the need for vendor assistance during the five-year warranty period, purchasing from a Michigan based company makes this assistance more efficient and potentially less costly over the long term than the \$236.00 in cost savings initially realized if proceeding with the lower bid; FURTHER, CMP has been a vendor for the Fire Department in the past, and has been an excellent partner in providing necessary PPE to the Fire Department's personnel; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$41,053.00 from funds budgeted in Account No.: 101-338-979-000 for this purpose; and the Mayor and City Clerk are hereby authorized to execute a contract, subject to approval as to form and substance by the Department of Law, for and on behalf of the City of Livonia with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution

#058-23 RESOLVED, that having considered a communication from the Fire Chief, dated February 1, 2023, which bears the signature of the

Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of one (1) 2023 Ford F250 4X4 Crew Cab Battalion Chief Command Vehicle from Gorno Ford, 22025 Allen Road, Woodhaven, MI 48183, in an amount not to exceed \$60,121.00, to replace the current command vehicle which is approaching 7 years of age and the department has no backup unit in the fleet in the event of maintenance or the need for an additional command vehicle during operational emergencies; further, the current significant supply chain shortage has created an anticipated delivery/in-service utilization date of up to one year. FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$60,121.00 from funds already budgeted in Account Nos. 101-338-985-000 and Account No. 401-000-985-000 for this purpose; FURTHER, the Council does hereby determine to authorize said purchase without competitive bidding inasmuch as the same is being purchased through the 2023 State of Michigan MiDEAL Extended Purchasing Program under Contract #071B7700181 and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended.

#059-23 RESOLVED, that having considered the report and recommendation of the Civil Service Department, dated February 3, 2023, which bears the signatures of the Human Resources Director, the Finance Director and the City Attorney, and is approved for submission by the Mayor, the Council does hereby amend CR 023-23 to adjust and correct compensation for the Deputy City Clerk and Deputy City Treasurer, pursuant to which CR 023-23 is amended to read as follows:

#023-23 RESOLVED, that having considered the report and recommendation of the Committee of the Whole, dated January 11, 2023, submitted pursuant to Council Resolution No. 380-22, and a communication from the Office of the Mayor, dated November 17, 2022, which bears the signatures of the Human Resources Director, the Finance Director and the City Attorney, and to which is attached a Memorandum from the Human Resources Director to the Mayor, dated November 15, 2022, which recommends certain salary and fringe benefit adjustments for City Department Heads consistent with those recently approved for non-represented City of Livonia employees for the period December 1, 2022 through November 30, 2025, and a letter from the Civil Service Department, dated February 3, 2023, which bears the signatures of the Human Resources Director, the Finance Director and the City Attorney, and is approved for submission by the Mayor, recommending a correction/adjustment to the compensation of the Deputy City Clerk and Deputy City Treasurer, all of the following are hereby adopted:

1. A three-year agreement from December 1, 2022, to November 30, 2025;

2. For employees hired on or after September 8, 2011, increase sick leave accumulation from six hours per completed month of service (72 hours per year) to eight hours per completed month of service (96 hours per year), thus eliminating the tiered system for sick leave accrual;
3. Increase bereavement leave to five days instead of four days for the death of an immediate family member;
4. Increase the City's contribution to employees' RHSP accounts from \$80 per bi-weekly pay period to \$90 per bi-weekly pay period effective December 1, 2022, and \$45 per week for part-time employees;
5. Add Martin Luther King, Jr. Day as a paid holiday;
6. Transition to a group program (i.e., optional insurance plan) for dental and optical coverage instead of a reimbursement system effective March 1, 2024. Employees electing to participate will be responsible for payroll contributions;
7. Increase in Personal Business paid days off from two days per year to three days per year;
8. Increase the City's contribution to the 401(a) Defined Contribution plan for employees hired on or after March 17, 1997, to 12% (an increase of 1%);
9. Increase the salaries of all appointed Department Heads as follows:

Effective December 1, 2022	2% increase
Effective December 1, 2023	3% increase
Effective December 1, 2024	2.5% increase
10. Will provide said salary increases to the Deputy City Clerk and the Deputy City Treasurer, in addition to the increases previously approved in CR 123-22, adopted on April 18, 2022;
11. Implement the option for alternative work schedules on a 3-year trial basis. For example, some departments may change to a 10 hour / 4-day work week. Any schedule changes will be subject to operational needs of the department, and each department will be functioning to provide City services without interruption. Employees may submit a request, subject to approval, to opt-out of the alternative work schedule; and

12. Upon ratification, provide a \$500 signing bonus to any employee who did not receive a wage adjustment.

The Council does hereby concur in and approve of the aforesaid action in the manner and form herein submitted.

#060-23 RESOLVED, that having considered the report and recommendation of the Director of Finance, dated January 27, 2023, approved for submission by the Mayor, with regard to quotes received for life insurance, accidental death and dismemberment coverage, as set forth in the list and tabulation attached to the aforesaid communication, the Council does hereby accept the bid of Sun Life, 1 Sunlife Park, Wellesley, MA 02481, to provide insurance at the rate of \$0.315 (Life Insurance) and \$0.025 (Accidental Death and Dismemberment) per \$1,000 payroll per month, or approximately \$179,000.00 per year, for three (3) years, the same having been the lowest bid received and is 5% lower than what the City is currently paying; FURTHER, the Council does hereby authorize an agreement between the City of Livonia and Sun Life to buy life and accidental death and dismemberment insurance coverage at these rates for a three-year period from March 1, 2023 to February 28, 2026; FURTHER, the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute a contract, approved as to form and substance by the Department of Law, with the aforesaid company and to do all other things necessary or incidental to the full performance of this resolution.

#061-23 RESOLVED, that having considered a communication from the CDBG Division Director, dated January 26, 2023, which bears the signatures of the Director of Finance and the Chief Assistant City Attorney, and is approved for submission by the Mayor, requesting approval of a proposed agreement for the Specialized Services Operating Assistance Program Third-Party Contract between SMART and the City of Livonia for the period October 1, 2022 through September 30, 2023, which authorizes the City of Livonia to receive operating assistance funding in the amount of \$29,921.00, utilizing grant funds to be deposited into Account No: 288-000-582-000, designated for the Livonia Community Transit Program to provide lift-equipped transportation to the senior and disabled residents of the City, the Council does, for and on behalf of the City of Livonia, authorize the Mayor and City Clerk to execute the said agreement in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#062-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated January 23, 2023, submitted pursuant to Council Resolution 196-17, adopted on June 5, 2017, which bears the signature of the Director of Finance, and is

approved for submission by the Mayor, in connection with the renewal of the contract between the City of Livonia and Azteca Systems LLC, for the DPW work management system, including Cityworks Online, the Council does hereby approve a renewal of Software Licensing and Maintenance for the City of Livonia by Azteca Systems LLC, 11075 South State Street, Suite 24, Sandy, UT 84070 for a one (1) year period commencing March 1, 2023 through February 29, 2024, in an amount not to exceed \$92,382.00; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$46,191.00 from Account No. 592-559-851-020 (Water Fund) and \$46,191.00 from Account No. 226-528-851-020 (Refuse Fund) for this purpose; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with the provisions set forth in Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended, for the reason that Azteca Systems LLC is a sole source supplier and no advantage would result from requiring competitive bidding.

#063-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated January 23, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby authorize the purchase of three (3) 2023 Ford F250 Super Cab 4x4 pickup trucks with 8' beds, at a cost of \$50,158.00 each, for a total amount not to exceed \$150,474.00, from Lunghamer Ford (formerly Signature Ford), 1960 E. Main St., Owosso, MI 48867; and the upfitting of said vehicles by Versalift Midwest LLC, 51761 Danview Technology Ct., Shelby Twp., Michigan 48315 at a total cost of \$48,579.00, for a grand total not to exceed \$199,053.00, to be utilized by the Parks and Roads Departments (ID #s 271, 277 and 280), the same to be expended from funds already budgeted in Account No: 401-000-985-010 for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is based upon the low State of Michigan Procurement Agreement under Contract No. 071B7700180 and Macomb County Contract #21-18 for the new vehicle purchases, and under MiDeal Contract #071B2200263 for the upfitting of said vehicles; and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended.

#064-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated January 23, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, the Council does hereby authorize the purchase of two (2) Titan Pro Trailer Mounted Leaf Vacuums from Bell Equipment, 78 Northpointe Dr., Lake Orion, MI 48359, at a cost of \$70,092.50 each, for a total amount not to exceed \$140,185.00, to be utilized by the Roads Department and to

replace two (2) current units whose repair cost and dependability exceeds their value; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$140,185.00 from funds already budgeted in Account No. 226-528-987-000 for this purpose; FURTHER, the Council does hereby determine to authorize this purchase without competitive bidding inasmuch as the same is based upon the low MiDeal contract bid process under Contract Agreement No. 0-71B7700091, and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize the disposal of the replaced equipment at public auction hosted by the Michigan Inter-governmental Trade Network (MITN) or commercial auction after receipt of the new equipment.

#065-23 RESOLVED, that having considered the report and recommendation of the Director of Public Works, dated January 31, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, to which is attached a proposal, prepared by Gordian, entitled City of Livonia Department of Public Works Strategic Capital Planning & Data Migration, dated December 2022, the Council does hereby accept the proposal submitted by Gordian to provide Capital Planning Software Licensing and Maintenance for Strategic Capital Planning of Building Facility Improvement Projects, including data migration and development of building models, in an amount not to exceed \$31,320.00; FURTHER the Council does hereby authorize an expenditure in an amount not to exceed \$31,320.00 from funds budgeted in Account No: 401-000-986-010, payable to Sightlines LLC, 405 Church Street, Guilford, CT 06437, for this purpose; FURTHER, the Council does hereby determine to authorize the said purchase without competitive bidding inasmuch as the same is being purchased through Gordian's Sourcwell Contract No. 020421-GGI, which includes a 10% discount rate; and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended.

#066-23 RESOLVED, that having considered a communication from the Director of Public Works, dated January 31, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the quote of Canon Solutions America, Inc., 15004 Collections Center Drive, Chicago, IL 60693-0150, for the purchase of one (1) Whiz Robotic Vacuum Cleaner Set, with attachments, for use by the Building Maintenance Department, in an amount not to exceed \$31,954.42; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$31,954.42 from funds already budgeted in Account No. 401-000-987-000 for this purpose; FURTHER, the Council does hereby authorize this purchase without competitive bidding inasmuch as the same is made through the National

Cooperative Purchasing Alliance (National IPA), and no advantage to the City would result from competitive bidding, and such action is taken in accordance with the provisions set forth in Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended.

#067-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated January 20, 2023, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached an Intergovernmental Agreement between the County of Wayne and the City of Livonia for the improvement of Farmington Road from Orangelawn Avenue to Plymouth Road, the Council does hereby approve the proposed Intergovernmental Agreement between the County of Wayne and the City of Livonia; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the Intergovernmental Agreement in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$110,000.00 from funds budgeted in Account No: 202-463-818-125 (Major Street Fund - City Participation in MDOT and County Projects) for this purpose; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed \$8,937.00 from the Unexpended Fund Balance of the Major Road Fund (202) for this purpose; FURTHER, the Council does hereby authorize a Working Capital Advance to the County of Wayne in the amount of \$59,468.00 as fifty percent (50%) of the City of Livonia's participation of the total project cost; and the City Engineer is hereby authorized to approve any minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#068-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated January 20, 2023, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached an Intergovernmental Agreement between the Charter County of Wayne and the City of Livonia for the improvement of Merriman Road from Schoolcraft Road to Five Mile Road, the Council does hereby approve the proposed Intergovernmental Agreement between the County of Wayne and the City of Livonia; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute the Intergovernmental Agreement in the manner and form herein submitted, subject to approval as to form and substance by the Department of Law; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$155,000.00 from funds budgeted in Account No: 202-463-818-125 (Major Street Fund - City

Participation in MDOT and County Projects) for this purpose; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed \$27,912.00 from the Unexpended Fund Balance of the Major Road Fund (202) for this purpose; FURTHER the Council does hereby authorize a Working Capital Advance to the County of Wayne in the amount of \$91,456.00 as fifty percent (50%) of the City of Livonia's participation of the total project cost; and the City Engineer is hereby authorized to approve any minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#069-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated February 2, 2023, submitted pursuant to Council Resolution 107-21, adopted on April 12, 2021, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby award a contract extending the Contract 21-d unit prices, per agreement, to Michigan Joint Sealing, Inc., 28830 W. Eight Mile Road, Suite 103, Farmington Hills, MI 48336 for performing all work required in connection with the 2023 Pavement Crack and Joint Sealing Program (Contract 23-D) for the estimated total cost not to exceed \$250,000.00, said amount based on the bid unit prices from 2021, Contract 21-D, and to be adjusted based upon the quantities of work actually completed; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$62,500.00 from funds budgeted in Account No. 202-463-818-117 (Major Roads) and \$187,500.00 from Account No. 203-463-818-117 (Local Roads) for this purpose; FURTHER, the Council does hereby authorize the action herein without competitive bidding in accordance with Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended, since no advantage to the City would result from additional competitive bidding; FURTHER, the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute a contract extension with the aforesaid company, approved as to form and substance by the Department of Law, and to do all other things necessary or incidental to the full performance of this resolution.

#070-23 RESOLVED, that having considered a communication from the City Engineer, dated February 2, 2023, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a proposal to amend the Engineering contract between the City of Livonia and OHM Advisors in connection with the 2023 Water Main Replacement

Project, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute a contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, for the designation of a Design Consultant to provide engineering services in connection with the 2023 Water Main Replacement Project in an amount not to exceed \$365,000.00; FURTHER, the aforesaid proposal is accepted without competitive bidding through the Qualification Based Selection Process (QBS), and such action is taken in accordance with Section 3.04.140.E.2.b of the Livonia Code of Ordinances, as amended; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$365,000.00 from funds budgeted in Account No: 592-158-034 (Water Main Project) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties.

#071-23 RESOLVED, that having considered a communication from the City Engineer, dated February 2, 2023, which bears the signatures of the Director of Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, the Council does hereby authorize and accept the quote of Joe Rotondo Construction Corp., 38807 Ann Arbor Road, Suite 2, Livonia, Michigan 48150, for completing all work required in connection with the 2023 Sidewalk Repair Program (Contract 23-G) by extending their Contract 22-G unit prices for Contract 23-G, with the exception of revised unit prices for bid items 1, 2, 3, 4, 5, 8, 9, 11, 20 and 23 (concrete sidewalk of various thickness of 4, 6 or 8-inches, along with 7-inch road pavement, removal and replacement of concrete curb and gutter, placement of 6-inch ADA ramps consisting of 4' x 2' or 5' x 2' inserts), removal of 4" – 6" sidewalk or approach, placement of 4" – 6" concrete sidewalk with integral curb and adjustment of sanitary structure) and agreed upon Inspector Days of 110 based upon the Engineering Division's estimate of units involved and subject to a final payment based upon the actual units completed in accordance with the unit prices accepted herein, for a total amount not to exceed \$990,113.92, which includes a 10% Administrative Fee (\$88,646.72), the Contract amount of \$886,467.20, and the saw cutting portion of the project (\$15,000.00), which will be handled by and paid to Precision Concrete, Inc., as set forth below; FURTHER, such action is taken without competitive bidding for the reasons that A) concrete material prices have risen rapidly and this bid largely protects the City from such increases; B) information from other communities' bidding procedures indicates that these prices are favorable for the City, and C) the Rotondo firm is a local contractor and has completed concrete repairs for the City of Livonia over the past several years, including the Sidewalk Programs from 2006 through 2011 and 2013 through 2022, such that there are ample reasons to waive competitive bidding under Code of Ordinances Section 3.04.140E3; FURTHER, the

Council does hereby authorize a payment in an amount not to exceed \$15,000.00 to Precision Concrete Inc., 1896 Goldeneye Drive, Holland, Michigan 49424 for the saw cutting portion of the contract; FURTHER, the Council does hereby authorize an advance in the amount of \$164,798.26 (single lot assessments portion of the program) from the Road, Sidewalk and Tree Fund, provided that this fund be reimbursed from that portion of the project which is to be financed by special assessment at such time as funds are subsequently received from the payment of bills and assessments by affected property owners; FURTHER, the Council does hereby authorize an expenditure in the amount of \$9,842.00 from funds budgeted in Account No. 202-451-977-010 (Major Road – Distributed Sidewalk Cost) and \$119,704.25 from funds budgeted in Account No. 203-451-977-010 (Local Road- Distributed Sidewalk Cost) to cover the costs related to the construction or reconstruction of handicap ramps at major and local roads; FURTHER, the Council does hereby authorize an expenditure in the amount of \$18,803.30 from the Unexpended Fund Balance of the Water and Sewer Fund for sidewalk work adjacent to and including water and sewer structure repairs; FURTHER, the Council does hereby authorize an expenditure in the amount of \$450,000.00 to repair sidewalks heaved by tree roots from funds budgeted in the Road, Sidewalk and Tree Fund (Account No. 204-441-977-010 Distributed Sidewalk Cost) for the 2023 Sidewalk Repairs; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in the amount of \$211,966.11 from Account No: 204-463-974-200 (Non-Motorized Path) for this purpose; and the City Engineer is hereby authorized to approve minor adjustments in the work as it becomes necessary but this authorization does not entitle the City Engineer to authorize any increase in the not to exceed amount or to contract with other parties; and the Mayor and City Clerk are hereby authorized to execute a contract for and on behalf of the City of Livonia with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

A roll call vote was taken on the foregoing resolutions with the following result:

AYES: McCullough, McIntyre, Toy, Bahr, Donovic, Morgan, and Jolly

NAYS: None

On a motion by Councilmember McCullough, supported by Councilmember McIntyre, and unanimously adopted it was:

#072-23 RESOLVED, that pursuant to the provisions of Section 5, Chapter VIII of the Charter of the City of Livonia, and based upon the appointment of the Mayor, dated February 10, 2023, the Council does

hereby consent to and confirm the Appointment of Anne Morris, 16505 Fairway, Livonia, MI 48154, to the Board of Review for a three-year term, which will expire on February 16, 2026, provided that Ms. Morris takes the Oath of Office as required in Chapter X, Section 2 of the City Charter, to be administered by the City Clerk.

On a motion by Vice President Toy, and supported by Councilmember

McCullough, and unanimously adopted, it was:

#073-23 RESOLVED, that having considered a communication from the Mayor, dated February 1, 2023, concerning the reappointment of Lora Weingarden to the Board of Ethics, and pursuant to Section 2.200.070 of the Livonia Code of Ordinances, as amended, the Council does hereby consent to and confirm the reappointment of Lora Weingarden, 32941 Southgate, Livonia, Michigan 48152, to the Board of Ethics for a three-year term, which will expire on March 1, 2026.

On a motion by Councilmember Donovic, supported by Vice President

Toy, and unanimously adopted, it was:

#074-23 RESOLVED, that having considered a communication from the Superintendent of Parks and Recreation, dated February 7, 2023, which bears the signature of the Director of Finance and is approved for submission by the Mayor, and to which is attached a list of donations to be accepted, the Council does, for and on behalf of the City of Livonia, accept various gifts and cash donations in the amount of \$347,700.56 from the sources indicated therein; FURTHER, the Council does hereby appropriate and credit the amount of \$39,198.00 to Account No. 270-000-674-010; \$802.56 to Account No. 211-000-674-216; \$2,000.00 to Account No. 208-339-300; and \$305,700.00 to Account No. 208-000-674-010, representing the total cash donation, for the purposes designated by the donors.

On a motion by Councilmember McIntyre, and supported by

Councilmember McCullough and unanimously adopted, it was:

#075-23 RESOLVED, Whereas, the City of Livonia hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

Todd J. Zilincik, P.E. - City Engineer
Trisha Gabriel - Roads and Parks Manager
David W. Lear, P.E. - Asst. City Engineer
Ryan Ferrell - Superintendent of Public Works
Doug Moore - Asst. Director of Public Works
Jacob Rushlow - Asst. Director of Public Works
Donald R. Rohraff - Director of Public Works

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the City Council of the City of Livonia, County of Wayne at a Regular City Council Meeting held on the 27th day of February A.D. 2023.

Susan M. Nash
City Clerk

On a motion by Vice President Toy, and supported by Councilmember Donovic and unanimously adopted, it was:

#076-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated February 13, 2023, which bears the signatures of the Director of Public Works and the Director of Finance, and is approved for submission by the Mayor, regarding additional expenditure for additional work required in connection with the 2022 Concrete Road Repair Program (Contract 22-C), pursuant to Council Resolution 88-22, adopted on March 14, 2022, the Council does hereby authorize an additional expenditure in an amount not to exceed \$1,467,000.00 from funds budgeted in Account No: 204-463-818-110 (Road, Sidewalk and Tree Fund) for the additional work required in connection with the 2022 Concrete Road Repair Program (Contract 22-C), payable to Hard Rock Concrete, Inc., 38146 Abruzzi Drive, Westland, MI 48185; further, the new final contract total amount not to exceed \$6,464,997.21.

During Audience Communication, Deb Christiansen, Livonia Resident, spoke in favor of saving the Noble Library.

On a motion by Vice President Toy, supported by Councilmember McCullough, and unanimously adopted, this 1,963rd Regular Meeting of the Council of the City of Livonia was adjourned at 7:38 p.m.

Susan M. Nash, City Clerk