

MINUTES OF THE ONE THOUSAND NINE HUNDRED SEVENTY SECOND**REGULAR MEETING JULY 10, 2023**

On July 10, 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. An invocation by Pastor Kate Mackie of Rosedale Presbyterian Church led the meeting.

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: Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Lynda Scheel, City Treasurer; Sara Kasprowicz, Program Supervisor of Council Office; Mark Taormina, Planning and Economic Development Director; and Todd Zilincik, City Engineer.

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

#200-23 RESOLVED that the Minutes of the 1,971st Regular Meeting of the Council held June 26, 2023 are approved as presented.

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

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

Present: Bahr, Donovic

NAYS: None

During Audience Communication Fire Chief Jennison introduced Pastor Kate from Rosedale Gardens Presbyterian Church as Livonia Fire Rescue's new Chaplin.

Deb Christiansen, Livonia resident, congratulated President Jolly on the birth of

his new baby. She spoke about the Save the Noble Library picnic, and the recent Pride event. She also asked about Police reporting statistics and why a recent incident at the Livonia Recreation was not shared with the Community.

Karen Teran, 14241 Doris Street, has started a group that she calls the Livonia Kindness Club to help Special Needs kids get out in public and involved in the community. She hopes to find funding to help her continue her efforts.

Darrell Smith, 14006 Brookfield, stated he feels the south side of Livonia is marginalized and needs to be represented. He wants the Noble Library preserved and would like to see the Mayor hold a Town Hall Meeting.

Lynda Scheel, Treasurer, gave a treasury report and requested an amendment to resolution 355-22 which was adopted on December 5, 2022.

President Jolly relinquished the chair at 7:29 p.m.to speak about the issue.

On a motion by Councilmember Bahr, supported by Councilmember Morgan and unanimously adopted, it was:

CR# 201-23 RESOLVED, that having considered a request from the City Treasurer, at the Regular Meeting of July 10, 2023, and upon the motion by Councilmember Scott Bahr, seconded by Councilmember Scott Morgan, THE COUNCIL DOES HEREBY AMEND AND REVISE COUNCIL RESOLUTION 355-22, ADOPTED ON DECEMBER 5, 2022, SO AS TO READ AS FOLLOWS:

RESOLVED, that having considered the report and recommendation of the City Treasurer, dated November 1, 2022, which bears the signature of the Director of Finance and is approved for submission by the Mayor, the Council does hereby accept the proposal of BS&A Software, 14965 Abbey Lane, Bath, Michigan 48808, for yearly service and full support from November 1, 2022 through October 31, 2025, for the equalizer internet tax/assessment system, in an amount not to exceed \$40,000.00 per year from funds budgeted in account number 101-253-851-020. This service providing Tax and Assessing information to City of Livonia residents, mortgage companies, title companies, realtors, contractors, and prospective buyers through the City website, shall be free of charge; FURTHER, the Council does hereby authorize this purchase without competitive bidding for the reasons indicated in the aforesaid communication, and such action is taken in accordance with Section 3.04.140.E.3 of the Livonia Code of Ordinances, as amended.

President Jolly resumed the chair at 7:37 p.m.

President Jolly announced there is new data on items 10, 13, and 15. He also shared that July 14th is Clerk Nash's birthday.

Councilmember McIntyre announced The Good and Strong Club's upcoming event for Special Needs individuals at Anastasia and Katie's Coffee Shop.

Councilmember Bahr announced the upcoming Apostolic Christian Church Choir's annual concert to benefit the Woodhaven Retirement Community and the AAA Crisis Pregnancy Center.

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

CR# 202-23 RESOLVED, that upon the motion by Councilmember Brandon McCullough, seconded by Councilmember Rob Donovic, at the Regular Meeting held July 10, 2023, the Council does hereby refer the subject matter of the future of Noble Library to the Capital Outlay and Infrastructure Committee for its report and recommendation.

Darryl Smith, 14006 Brookfield, said he is happy to see action taken.

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

#203-23 RESOLVED, that having considered an application from James Gietzen, 11027 Fairfield Street, Livonia, MI 48150, dated May 30, 2023, requesting permission to close Fairfield Street, between Plymouth Road and Orangelawn Street, on Saturday, August 5, 2023, from 12:00 p.m. to 10:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Sunday, August 6, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#204-23 RESOLVED, that having considered an application from Christina Zeoli, 14034 Ashurst, Livonia, MI 48154, dated June 2, 2023, requesting permission to close Summers Street, between Riverside and Ashurst Streets, on Saturday, August 12, 2023, from 3:00 p.m. to 10:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Sunday,

August 13, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#205-23 RESOLVED, that having considered an application from Jennifer Checcobelli, 18973 Irving Street, Livonia, MI 48152, dated June 15, 2023, requesting permission to close Irving Street, between 19031 Irving and the intersection of Clarita and Irving Streets, on Saturday, August 12, 2023, from 3:00 p.m. to 10:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, August 26, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#206-23 RESOLVED, that having considered an application from Kara Clarke, 14000 Stamford Street, Livonia, MI 48154, dated June 9, 2023, requesting permission to close Stamford Street, between Schoolcraft Road until it dead ends at Ford Field, on Saturday, August 19, 2023, from 12:00 p.m. to 10:00 p.m., for the purpose of conducting a block party, the Council does hereby grant permission as requested, including therein permission to conduct the said affair on Saturday, August 26, 2023, in the event of inclement weather, the action taken herein being made subject to the approval of the Police Department.

#207-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated June 6, 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 accept the bid of Etna Supply Company, 529 32nd Street SE, Grand Rapids, MI 49548, for supplying the Public Works Division with water supply brass parts and fittings, at the unit prices bid in an amount not to exceed \$100,000.00, for the period June 1, 2023 through May 31, 2024, the same having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$100,000.00 from funds already budgeted in Account No. 592-109-020 for this purpose; FURTHER, in the event the low bidder is unable to provide the necessary parts in a timely fashion, the Council does hereby accept the unit price bid of the second lowest bidder, Ferguson Waterworks, 24425 Schoenherr, Warren, MI 48089; 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 bidder(s) and to do all other things necessary or incidental to the full performance of this resolution.

#208-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated June 13, 2023, which bears the signatures of the Director Public Works, the Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached communications from OHM Advisors, dated June 8, 2023, and the Department of Law, dated June 13, 2023, The Council does hereby accept the bid of Underground Infrastructure Services, 12119 Levan Road, Livonia, MI 48150 to perform all work required in connection with the hydro-excavation and inspection of 381 water service lines at randomized locations within the city, in an amount not to exceed \$252,869.00; FURTHER, as a Livonia based business, Underground Infrastructure Services qualified for the 1% local vendor credit (-\$2,528.69) pursuant to Ordinance 3.04.104(F), thus making them the lowest bid received at \$250,340.31 and meets all specifications; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed \$252,869.00 from funds in the Unexpended Fund Balance of the Water and Sewer Fund (592) with the provision that said amount be reimbursed from the proceeds of the Drinking Water Asset Management (DWAM) Grant funds; and 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 bidder and to do all other things necessary or incidental to the full performance of this resolution.

#209-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated June 13, 2023, submitted pursuant to Council Resolution No. 311-22, adopted on October 5, 2022, which bears the signatures of the Director of Public Works and the Director of Finance, 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 hydro-excavation and inspection of 381 water service lines at randomized locations within the City, 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, to provide Professional Engineering Services in connection with the hydro-excavation and inspection of 381 water service lines at randomized locations within the city, in an amount not to exceed \$38,200.00; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed \$38,200.00 from funds in the Unexpended Fund Balance of the Water and Sewer Fund (592)

with the provision that said amount be reimbursed from the proceeds of the Drinking Water Asset Management (DWAM) Grant funds; FURTHER, the aforesaid proposal is accepted without competitive bidding through the Qualification Based Selection Process, and such action is taken in accordance with Section 3.04.140.E2(b) of the Livonia Code of Ordinances, as amended.

#210-23 RESOLVED, that having considered the report and recommendation of the City Engineer, dated June 6, 2023, which bears the signatures of the Director of Public Works and the City Attorney, and is approved for submission by the Mayor, with regard to a request from Hiba Associates Group, LLC, a Michigan limited liability company, in conjunction with the construction of a storm drainage system to provide adequate drainage for property located at 33265 Schoolcraft Road in the Northwest ¼ of Section 27, the Council does hereby determine as follows:

1. To accept on behalf of the City of Livonia, the jurisdiction and maintenance of the storm sewer within the property located at 33265 Schoolcraft Road, Livonia, Michigan 48150, for the development of BP Gasoline Station, which accommodates storm water from property developed at 33265 Schoolcraft Road, in the Northwest ¼ of Section 27, with the maintenance agreement from the proprietor, Hiba Associates Group, LLC, a Michigan limited liability company, located at 33265 Schoolcraft Road, Livonia, Michigan 48150, attached to said report and recommendation, indicating a corporate commitment to maintain the system and reimburse the City for any maintenance the City performs;
2. To authorize the Mayor and City Clerk to execute the Storm Water Facilities Maintenance Agreement on behalf of the City;
3. To advise the Wayne County Department of Public Services (Permit Section) that the City of Livonia has approved the storm water collection system site plans and further, that the City will accept jurisdiction and maintenance (at no cost to the County) of the storm water collection system within the property located at 33265 Schoolcraft Road, in the Northwest ¼ of Section 27, for the development of BP Gasoline Station; and
4. To authorize the City Engineer to execute a Wayne County permit on behalf of the City of Livonia in connection with the above storm sewer collection system.

#211-23 RESOLVED, that having considered the report and recommendation of the Department of Law, dated June 2, 2023, which is approved for submission by the Mayor, to which is attached a proposed Second Amendment to Lease between the City of Livonia and Minush Velu (Sam's Place Family Restaurant) for property located at 33251 Five Mile Road, Livonia, Michigan 48154, the Council does hereby approve of the aforesaid Second Amendment to Lease and authorizes the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached second amendment to Lease Agreement, as well as 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

Councilmember McIntyre reported on the Public Safety and Health Committee Meeting of June 19, 2023, regarding culling and management of the deer and coyote population.

The following residents shared concerns regarding the deer situation in Livonia:

Mike Colitan	31193 Bobrich
Michelle	30045 Fairfax
Deb Christiansen	
Emilija Vilkaite	31716 Curtis Road
Elizabeth Mack	17551 Fairfield
William Gentner	
Jacob Emerick	16581 Henry Ruff

A communication from the Mayor to the Public Safety and Health Committee, dated June 19, 2023, and responsive email communications from Councilman Donovic and Sgt. Paul Walters, LPD, dated June 19, 2023, concerning the culling and management of the deer and coyote populations in the city was received and placed on file for the information of the Council.

E-mail communications received from several City residents, concerning the culling and management of the deer and coyote populations in the city was received and placed on file for the information of the Council.

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

#212-23 RESOLVED, that having considered the report and recommendation of the Public Safety and Health Committee, dated June 19, 2023, submitted pursuant to Council Resolution 18-22, regarding the subject matter of what options are available concerning the culling and management of the deer and coyote populations in the City, and being advised that area communities with similar concerns have formed an Urban Deer Coalition and invited the City of Livonia to join same, the Council does hereby accept the invitation to join the Urban Deer Coalition and authorizes the Mayor and City Clerk, for and on behalf of the City of Livonia, to do all things necessary or incidental to the full performance of this resolution.

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

#213-23 RESOLVED, that having considered the report and recommendation of the Public Safety and Health Committee, dated June 19, 2023, submitted pursuant to Council Resolution 18-22, regarding the subject matter of what options are available concerning the culling and management of the deer and coyote populations in the City, the Council does hereby refer this item to the Committee of the Whole for its report and recommendation.

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

#214-23 RESOLVED, that having considered the report and recommendation of the Public Safety and Health Committee, dated June 19, 2023, submitted pursuant to Council Resolution 18-22, regarding the subject matter of what options are available concerning the culling and management of the deer and coyote populations in the City, the Council does hereby refer the subject matter of removing deceased deer from residential property to the administration for its report and recommendation.

This item will remain in Committee.

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

RESOLVED, that having considered a communication from the City Planning Commission dated May 15, 2023, approved for submission by the Mayor, and a communication from Sherry Liu and Xiaoping Shen of Yo Yo Spa 1 L.L.C., received by the Office of the City Clerk on May 15, 2023, which in accordance with the provisions of Section 13.13(10) of the Livonia Zoning Ordinance, takes an appeal from a determination made on May 9, 2023, by the City Planning Commission in its resolution 05-26-2023 with regard to Petition 2023-03-02-02, submitted by Yo Yo Spa 1 L.L.C., requesting to operate a massage establishment at 33316 Plymouth Road, located on the north side of Plymouth Road between Mayfield Avenue and Farmington Road in the Southwest ¼ of Section 27, and the Council having conducted a public hearing with regard to this matter on Monday, June 12, 2023, THE COUNCIL DOES HEREBY CONCUR IN THE RECOMMENDATION OF THE CITY PLANNING COMMISSION AND PETITION 2023-03-02-02, SUBMITTED BY YO YO SPA 1 L.L.C., IS HEREBY DENIED FOR THE FOLLOWING REASONS:

1. The petitioner has failed to comply with all general standards and requirements outlined in Sections 1.02 and 13.13 of the Livonia Zoning Ordinance;
2. The proposed use fails to comply with the Zoning Ordinance standard outlined in Section 6.37(3), which specifies that no massage establishment shall be located within four hundred feet (400') of a daycare facility or public park;
3. The petitioner has not adequately established a need for the proposed use in this shopping center or the immediate area;
4. The petitioner has not sufficiently demonstrated that the proposed use would be compatible with and in harmony with the surrounding uses in the area; and
5. The proposed use is contrary to the goals and objectives of the Zoning Ordinance, which, among other things, are intended to ensure the suitability and appropriateness of uses.

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

AYES: Toy, McCullough, and Morgan

NAYS: McIntyre, Bahr, Donovic, and Jolly

President Jolly declared the motion failed due to a lack of support.

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

RESOLVED, that having considered a communication from the City Planning Commission dated May 15, 2023, approved for submission by the Mayor, and a communication from Sherry Liu and Xiaoping Shen of Yo Yo Spa 1 L.L.C., received by the Office of the City Clerk on May 15, 2023, which in accordance with the provisions of Section 13.13(10) of the Livonia Zoning Ordinance, takes an appeal from a determination made on May 9, 2023, by the City Planning Commission in its resolution 05-26-2023 with regard to Petition 2023-03-02-02, submitted by Yo Yo Spa 1 L.L.C., requesting to operate a massage establishment at 33316 Plymouth Road, located on the north side of Plymouth Road between Mayfield Avenue and Farmington Road in the Southwest ¼ of Section 27, and the Council having conducted a public hearing with regard to this matter on Monday, June 12, 2023, THE COUNCIL DOES HEREBY REJECT THE RECOMMENDATION OF THE CITY PLANNING COMMISSION AND PETITION 2023-03-02-02 IS HEREBY APPROVED AND GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The use of a massage establishment at this location is approved, provided the City Council waives the requirement under Section 6.37(3) that no massage establishment shall be located within four hundred feet (400') of a daycare facility or public park;
2. The massage treatment rooms shall not have doors, as shown on the floor plan submitted on May 3, 2023;
3. The hours of operation shall be limited to the hours of 9:00 a.m. to 9:00 p.m.;

4. This waiver is limited to reflexology massage only and this limitation can only be changed with approval by the City Council;
5. This waiver is limited to this Petitioner only and can only be transferred to another user with approval by the City Council;
6. The petitioner shall comply with all other special waiver use standards and requirements outlined in Section 6.37 of the Zoning Ordinance and Chapter 5.49 of the Livonia Code of Ordinances; and
7. The Petitioner shall not engage in any form of solicitation for business within the public right-of-way of Plymouth Road.

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

AYES: McIntyre, Bahr, Donovic, and Jolly

NAYS: McCullough, Toy, and Morgan

President Jolly declared the motion passed.

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

RESOLVED, that having considered a communication from the City Planning Commission dated May 15, 2023, approved for submission by the Mayor, and a communication from Sherry Liu and Xiaoping Shen of Yo Yo Spa 1 L.L.C., received by the Office of the City Clerk on May 15, 2023, which in accordance with the provisions of Section 13.13(10) of the Livonia Zoning Ordinance, takes an appeal from a determination made on May 9, 2023, by the City Planning Commission in its resolution 05-26-2023 with regard to Petition 2023-03-02-02, submitted by Yo Yo Spa 1 L.L.C., requesting to operate a massage establishment at 33316 Plymouth Road, located on the north side of Plymouth Road between Mayfield Avenue and Farmington Road in the Southwest ¼ of Section 27, and the Council having conducted a public hearing with regard to this matter on Monday, June 12, 2023, the Council does hereby waive section 6.37(3) of the Livonia Zoning Ordinance that

prohibits massage establishments from being located within four hundred feet (400') of a daycare facility or public park.

Steve Gordon, 30523 Hoy, spoke in favor of approving the spa.

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

AYES: McIntyre, Bahr, Donovic, and Jolly

NAYS: McCullough, Toy, and Morgan

President Jolly declared that the motion failed due to lack of super majority support.

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

#215-23 RESOLVED, that having considered a communication from the Assistant Director of Public Works, dated June 8, 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, regarding additional appropriation and expenditure for the installation and rental of a temporary chiller unit at the Bennett Library, the Council does hereby appropriate and authorize an additional expenditure in an amount not to exceed \$10,950.00 payable to Guardian Plumbing, 34400 Glendale Avenue, Livonia, Michigan 48150-1302, for performing all work required in preparing to install the temporary chiller unit at Bennett Library, including the disconnection of the old rooftop units, installing new/temporary electrical and piping for the rental unit and the installation of the rental unit itself, and the City shall rent the temporary chiller at a monthly rate of \$11,990.00 (\$18,301.84 first month charge for rental plus freight delivery and technician start up services) through Trane Rental Services, 3600 Pammel Creek Road, La Crosse, Wisconsin 54601, for the period from July 1, 2023 to November 30, 2024, at a total cost of \$150,191.84, for a grand total amount not to exceed \$161,141.84; FURTHER, should a permanent unit become available sooner than the two-year rental, the rental will be terminated; FURTHER, the Council does hereby authorize an additional appropriation and expenditure in an amount not to exceed \$161,141.84 from funds in the Unexpended Fund

Balance of the Library Fund (271); FURTHER, the Council does hereby authorize such action without competitive bidding for the reasons indicated in the aforesaid communication, and such action is taken in accordance with Section 3.04.140.E.4 of the Livonia Code of Ordinances, as amended.

A communication from NTH Consultants, Ltd. to Mr. Jim Bakun, Michigan Department of Environment, Great Lakes, and Energy, dated April 28, 2023, was received and placed on file for the information of Council.

The Interim Remedial Action Plan (IRAP) Report, dated April 28, 2023, First Quarter 2023, City of Livonia – Former Act 87 Landfill, prepared by NTH Consultants, Ltd., was received and placed on file for the information of the Council.

The Hydrogeologic Monitoring Report, dated April 28, 2023, First Quarter 2023, City of Livonia – Type III Landfill, prepared by NTH Consultants, Ltd., was received and placed on file for the information of the Council.

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

#216-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated June 9, 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 accept the unit price quote of NTH Consultants, Ltd., 41780 Six Mile Road, Suite 200, Northville, MI 48168, to provide environmental engineering services including monitoring, sampling, evaluating data, and reporting at the City's Type III Landfill and former Act 87 Landfill, and other related projects, for a period of five (5) years beginning July 1, 2023 through June 30, 2028, in an annual not to exceed amount from funds budgeted in Account No. 205-527-818-041 (contractual service – landfill remediation) for this purpose, as follows:

July 1, 2023 – June 30, 2024	\$37,400.00
July 1, 2024 – June 30, 2025	\$39,300.00

July 1, 2025 – June 30, 2026	\$41,300.00
July 1, 2026 – June 30, 2027	\$43,400.00
July 1, 2027 – June 30, 2028	\$45,600.00

based upon the Public Service Division's estimate of units involved, and subject to final payment based upon the actual units completed in accordance with the unit prices accepted herein; 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; 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 NTH Consultants, Ltd., and to do all other things necessary or incidental to the full performance of this resolution.

On a motion by Councilmember Morgan, supported by

Councilmember McIntyre and unanimously adopted, it was:

#217-23 RESOLVED, that having considered the report and recommendation of the Assistant Director of Public Works, dated June 12, 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 an amendment to the five-year contract with NTH Consultants, Ltd., 41780 Six Mile Road, Northville, MI 48168, pursuant to council resolution 257-19, adopted on July 22, 2019, to provide as-needed environmental engineering services related to the City's landfill in an annual amount not to exceed \$50,000.00 through June 30, 2028; FURTHER, the Council does hereby authorize an additional expenditure in an annual amount not to exceed \$50,000.00 from funds budgeted in Account No. 205-527-818-041 (Contractual Services – Landfill Remediation) for this purpose; FURTHER, the aforesaid amendment 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; and the Mayor and City Clerk are hereby authorized, for and on behalf of the City of Livonia, to execute a contract amendment with the aforesaid company, 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.

An email communication from Jordon Bidigare, Bidigare Contractors, Inc., dated July 6, 2023, attaching recommendation letters from various municipalities, was received and placed on file for the information of the Council.

An email communication from Mark DiMichele, PE, President, D&D Water and Sewer, Inc., dated July 5, 2023, attaching reference letters and letter in support of recommendation to award Murphy Pipeline Contractors, LLC as low bidder was received and placed on file for the information of the Council.

A communication from the Director of Public Works and the City Engineer, dated June 27, 2023, enclosing communications from Murphy Pipeline Contractors, LLC, dated June 26, 2023, and OHM Advisors, dated June 27, 2023, was received and placed on file for the information of the Council.

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

#218-23 RESOLVED, that having considered a communication from the City Engineer, dated May 23, 2023, which bears the signatures of the Director of Public Works, Director of Finance and the City Attorney, and is approved for submission by the Mayor, to which is attached a letter from OHM Advisors, dated May 22, 2023, the Council does hereby accept the bid of Murphy Pipeline Contractors, LLC, 12235 New Berlin Road, Jacksonville, Florida 32226 for performing all work required in connection with the 2023/2024 Water Main Replacement Project, project areas 7, 8 and 9, in an amount not to exceed \$5,422,555.00, with Inspector Day costs to be included in the Construction Engineering (CE) costs, to be approved by City Council, based upon the Engineering Division's estimate of units involved and subject to the final payment based on the actual units completed in accordance with the unit prices accepted herein, said amount and unit prices having been in fact the lowest bid received and meets all specifications; FURTHER, the Council does hereby authorize an expenditure in an amount not to exceed \$5,422,555.00 from funds budgeted in Account No.: 592-158-034 (Water Main Replacement) for this

purpose, said amount to be reimbursed upon issuance of Water and Sewer Revenue Bonds; 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, for and on behalf of the City of Livonia, to execute a contract with the aforesaid bidder and to do all other things necessary or incidental to the full performance of this resolution.

President Jolly relinquished the chair at 8:46 p.m. to ask questions of the petitioner.

Mark DiMichele, representative of Murphy Pipeline, answered the questions.

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

AYES: McCullough, McIntyre, Jolly, Bahr

NAYS: Donovic, and Morgan, and Toy

Vice President Toy declared the motion passed.

President Jolly resumed the chair at 8:51 p.m.

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

#219-23 RESOLVED, that having considered a communication from the City Engineer, dated May 23, 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 communication from OHM Advisors, dated May 22, 2023, enclosing a proposed amendment to the Qualification-Based Selection (QBS) contract between the City of Livonia and OHM Advisors, pursuant to Council Resolution 336-21, adopted on November 22, 2021, the Council does hereby authorize the Mayor and City Clerk, for and on behalf of the City of Livonia, to execute the attached contract amendment between the City of Livonia and OHM Advisors, 34000 Plymouth Road, Livonia, Michigan 48150, to provide construction engineering services associated with the 2023/2024 Water Main Replacement Project, project areas 7, 8 and 9, in an amount not to exceed \$433,805.00, from funds budgeted in Account No. 592-158-034 (Water Main Replacement) for this purpose, said amount to be reimbursed upon

issuance of Water and Sewer Revenue Bonds; 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.

During Audience Communication a resident indicated he would like to see Livonia adopt an ordinance like an Ann Arbor ordinance that states police officers cannot use relatively minor offenses which include cracked windshields, loud exhaust, tinted windows, broken taillights, or items hanging from rearview mirrors, as a basis for pulling vehicles over. Rather, a ticket could be mailed to the vehicle owners for those offenses. He feels this would lessen the anxiety for people of color and younger drivers along with preventing racial disparities and risks for officers.

On a motion by Vice President Toy, supported by Councilmember McCullough and unanimously adopted, this 1,972nd Regular Meeting of the Council of the City of Livonia was adjourned at 8:55 p.m.

Susan M. Nash, City Clerk