

The Council of the City of North Royalton met in the North Royalton City Hall Council Chambers, 14600 State Road on **July 5, 2018 in special session**. The meeting was called to order at **6:15 p.m.** by President of Council Larry Antoskiewicz and opened with the Pledge of Allegiance.

PRESENT: Council: President of Council Larry Antoskiewicz, Council Representatives John Nickell, Gary Petrusky, Dan Langshaw, Paul Marnecheck, Dan Kasaris, Director of Legislative Services Laura Haller. **Administration:** Mayor Robert A. Stefanik, Law Director Thomas Kelly.

Moved by Mr. Kasaris, seconded by Mr. Petrusky **to excuse Mrs. Hannan**. Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Kasaris). Nays: **None**. (Excused: Hannan). **Motion carried**.

Mrs. Haller read the Notice of Special Meeting. Notice of this meeting was posted as required.

SPECIAL MEETING ITEMS:

LEGISLATION:

FIRST READING CONSIDERATION

ORDINANCE 18-77

Introduced by: Mayor Stefanik. **AN ORDINANCE ACCEPTING THE BID OF _____ FOR THE 2018 PAVEMENT REHABILITATION PROGRAM FOR AN AMOUNT NOT TO EXCEED \$ _____ AS THE LOWEST AND BEST BID, AND DECLARING AN EMERGENCY.** Title read.

Mr. Schmitzer said that we went out to bid on the pavement rehabilitation program. This program included pavement for the Police Station, the WW Treatment Plant A, 5 Roads that included Akins Road between Edgerton and York Roads, Gabriella, Lynn, Delsey, Glenwillow, and Sprague Road between W. 130th and York Road. This encompassed the entire program and we opened the bids today. We had a base bid amount and then we had an alternate bid amount. The base bid was for a mill and fill program. The alternate was for a single pass, but the alternate was only for the Police Station. There were two bidders. The low bidder for both the base and alternate was Specialized Construction at \$1,000,647.00 for the base bid and \$1,035,579.60 for the alternate. He said that his estimates were \$1.013 million and \$1.018 million respectively so the base bid came in under the estimate and the alternate came in above the estimate. Mr. Schmitzer reviewed a packet of information he provided to Council which breaks down from his original estimation how much each program would cost. A copy of this packet is on file in the Council Office. His recommendation is that we authorize the alternate bid amount of \$1,035,579.60. He said that our contracts will allow us to pick and choose what we decide to do or not do. He said that if we choose the larger amount, we can work with the contractor and let him know what parts of the project we want to do. This way we still have the unit pricing and have authorized the higher end bid.

Mr. Kasaris asked where the money will come from for this project. Mr. Dean said that we have about \$270,000 available if we move some money over to the roads section. We already have the money appropriated for the Wastewater portion which will come out of the Wastewater Repair funds. He said that we have some money for the Police parking lot but we don't have the full amount yet. He said that looking at the budget overall, we look pretty good with our numbers. Mr. Kasaris said we would then be moving money from one fund to another. Mr. Dean said this is correct. The only thing that might be an increase is the parking lot. Mr. Kasaris asked if this money would come from the Police Dept. Budget. Mr. Dean said yes. Mr. Kasaris said then we will not be moving money from one department to another. Mr. Dean said for the Police parking, probably not but we might have to transfer in money from the General Fund. Mr. Kasaris asked about the funding for the roads. Mr. Dean said that the roads are already in that department, a few items were not used so we are moving it into this program.

Mayor Stefanik said that he would not have a problem if Council approved the general plan tonight, but he would like to have the Police Department and Wastewater Department look at these numbers more closely and make sure this is exactly what they wanted. Then if we have to come back and adjust it we can. Regarding Sprague Road, he still thinks we can do better than the bid we received. He said that we are splitting this cost with Parma and the county is going to pay for all the material costs. He feels that the labor costs are too high. He said that we could go back out to bid for this or get 3 quotes because he feels it should be under \$50,000 for the labor costs. He said that he may be wrong, but he would rather be cautious and shop around for a better price. There is nothing that says we have to take all of this bid or even some of it. He said that if we feel we can do better elsewhere, we should look into it. He asked the Law Department for some guidance on accepting all, or just part, of this bid. Mrs. Vozar said that we can accept the bid, but obviously as we go through we can pick and chose what we want to move forward on. If we decide not to do certain projects, we can pull them out of the agreement that we will

have with the provider. At some later time, we could proceed with what was taken out as funds allow. Mayor Stefanik said that the figures for the roads look good to him. But even if we approve the whole thing tonight, he would still like to come back to Council with more information. Mr. Antoskiewicz asked if we approve the entire package, can we pull out Sprague Road and rebid it or do we need to pull it out before we accept the bid. Ms. Vozar said that this was bid as a packet and our agreement allows us to withdraw projects from it. Mayor Stefanik said that it's not that he wants to pull the Police and Wastewater projects out, he just wants the Department Heads to have a chance to look at it to make sure this is what they want. He said that we can still approve it tonight knowing that we are going to go back to these two departments in the next few weeks, get their input and we can pull out what we don't want to have done. They know better what they need than we do. The same goes for Sprague Road. If we think that we can get a better price we can do that as well. Mr. Antoskiewicz said then that we are still looking to approve the entire package with the ability of the Administration to not perform certain aspects of the projects and look at alternative ways of doing the work. Mrs. Vozar stressed that she believes that the contract states that we get to decide what work we want to have performed. Mr. Antoskiewicz asked if we approve everything tonight and then we decide later on that we didn't want to do Sprague Road based off of the bid we approved, can we go out and rebid the same project? Can we do this based on the fact that it came in higher than our estimate. Mrs. Vozar said like we have done many times in the past, we can pull a project out if we have decided not to do this work and then later on we can decide to go out to bid because maybe the information was insufficient, the vendors didn't have all the information, etc. Mr. Petrusky said in the past we have rebid a project because of incomplete information or because we found something new, but in this case we have already bid it out and we are accepting the whole package as is. He asked if we are funding an entire project, or is this just money being put towards a package with the knowledge that we don't have to proceed with all 5 projects. Mrs. Vozar said that generally when you accept a bid, you are accepting it as is. However, if we decide that we don't want to have some work performed, this is where we would make the changes. Mrs. Vozar said that if more time is needed to review this, we could put this on second reading. Mr. Petrusky said that he agrees. If it is not exactly what we want then he will vote against it. This doesn't sound like what we normally do. We should either rebid or reevaluate for action at another meeting. Mr. Antoskiewicz said that we have several options. We can place this on Second Reading until we have more information or approve this package with the Sprague Road portion removed. Mr. Kasaris said that if accepted, the legislation authorizes the city to spend up to \$1,035,579.60 on these projects. If the Administration decides we don't want to do some of the projects, that is entirely permissible. Mrs. Vozar said this is correct. Mr. Nickell said that his concern is that if we have to rebid Sprague Road, it will be another 40 days before we proceed. He said that if we approve this tonight, it gives the Administration the ability to research the costs for Sprague Road and go from there. Mayor Stefanik said that he will not do anything without letting Council know. He said that if we get quotes for the labor on Sprague Road and they come in at less money, we will pull Sprague Road out of this packet and self perform. Mrs. Haller summarized that we will be approving Specialized Construction for the \$1,035,579.60. Mr. Antoskiewicz said yes and then the Mayor will update us if they decide to do anything different with Sprague Road, the Police Department, or Wastewater Department.

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **suspend the rules requiring three readings and referral to committee**. Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Kasaris). Nays: **None**. (Excused: Hannan). **Motion carried**. Moved by Mr. Kasaris, seconded by Mr. Petrusky to amend Ordinance 18-77 by **filling in the blanks for the bidder with Specialized Construction, Inc., fill in the blank for the price with \$1,035,579.60, and to attached Exhibit A**. (For clarification, the Exhibit will be the recommendation letter and the bid summary.) Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Kasaris). Nays: **None**. (Excused: Hannan).

Certificate of Availability of Funds has been signed by the Finance Director stating that these funds are available or are in the process of being collected in the SCM&R Fund #221, the Police Levy Fund #215, and the Wastewater Treatment Fund #551

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adopt Ordinance 18-77 as amended**. Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Kasaris). Nays: **None**. (Excused: Hannan).

ADJOURNMENT

Moved by Mr. Kasaris, seconded by Mr. Petrusky to **adjourn the July 5, 2018 Special Council Meeting**. Roll Call: Yeas: **Six** (Antoskiewicz, Nickell, Petrusky, Langshaw, Marnecheck, Kasaris). Nays: **None**. (Excused: Hannan). **Motion carried.**

Meeting adjourned at 6:40 p.m.

APPROVED: /s/ Larry Antoskiewicz DATE APPROVED: September 4, 2018
PRESIDENT OF COUNCIL

ATTEST: /s/Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES