

**Official Proceedings
Pontiac City Council
87th Session of the Tenth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, May 21, 2019 at 6:02 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

Members Present: Carter, Miller, Pietila, Taylor-Burks and Williams.

Members Absent: Waterman and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-193 **Excuse Councilperson Patrice Waterman and Don Woodward for personal reasons.**
Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Taylor-Burks, Williams and Carter

No: None

Motion Carried.

19-194 **Amendments to the Agenda: remove item #2 (presentation from Pontiac Public Schools), item # 6 (resolution to schedule public hearing on proposed budget), add on resolution for City to have a line by line Budget and add an Ordinance to repeal Ordinance #2288.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Pietila, Taylor-Burks, Williams, Carter and Miller

No: None

Motion Carried.

19-195 **Approval of the Agenda with amendments.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Williams, Carter, Miller and Pietila

No: None

Motion Carried.

19-196 **Approval of meeting minutes for May 14, 2019.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Williams, Carter, Miller, Pietila and Taylor-Burks

No: None

Motion Carried.

Council President opened up public hearing on the approval of an Obsolete Property Rehabilitation (OPRA) Application for parcel: 50 Wayne Street, Pontiac, MI 48342, tax parcel #14-29-433-003 for JDB Indian Hill Ventures, LLC at 6:24 p.m. Two individuals addressed the body during the public hearing.

1. Robert Karuson, 35 N. Saginaw, Pontiac, MI. He is in support of 50 Wayne, There are neighbors and the building is going through repairs. It is filled with graffiti and people are living inside the building. Anything we can do to support it is on my list.
2. Karen Jorgenson, 35 N. Saginaw, Pontiac, MI. I have known him for years. He is a downtown resident and is committed to our City. He is a huge supporter of the downtown area. I know this is a huge undertaking for him and I believe this building is a great cornerstone for downtown. We need housing and retail places downtown that will be designed very beautifully. We thank JB for considering Pontiac. We consider him to be one of the downtown brothers.

Council President closed public hearing at 6:27 p.m.

Council President opened up a public hearing on the Reprogramming of Community Development Block Grant (CDBG) for Program Year 2016 from Senior Center. Replace air conditioning systems at Ruth Peterson Senior Center and replace the deck at Robert Bowen Center at 6:28 p.m. Three individuals addressed the body during public hearing.

1. Dwayne Lyons, 995 N. Cass Lake Rd., Keego Harbor, MI. It is for a great cause. To me, it does not make sense to throw away \$9,000 dollars. They can enjoy themselves while they are at the center. I hope we can get beyond this pettiness of politics and understand this will be great for our seniors. I understand you Mrs. Miller when you said it would be fair if we split the money between both centers but with the CDBG funds, it has to be a project in order to do that and if we do not spend it; then the money goes back. We say let us be responsible but you are not being responsible to throw away \$9,000 dollars. This is not for me or for you it is for our seniors and I hope you vote in the right direction. Thank you.
2. Melanie Rutherford, 1018 Argyle Ave., Pontiac, MI. The reason why I got up is that what we are trying to do with the senior citizen center is important. It is important to me on a personal note because of who it represents which is Ms. Mickie Howard. She loved, led and led that community center to be something different. It was a beacon on a hill. It needs to be built because she deserves it in memory of her because every event she had was for the seniors. I do understand that there are some people who want to split the money both ways. I do think everybody should win but at the end of the day, this woman gave her life to the senior citizens of this community. This is a person who showed me how to lead not from emotions but from facts, not from fear but from faith. So I am employing you guys to do the right thing and actually let this thing go through. Thank you.

3. Chuck Johnson, 375 S. Blvd., East, Pontiac, MI. I agree with Mr. Lyons as it relates to the money that is available. I visit the Ruth Peterson building last fall or early spring. I looked at the condition of the place, the seating and various rooms they named and the same lady that ran the Bowen Center asked me would I go and see if there is anything I can do to help and I did. They was remodeling the building at the mortgage place on South Blvd. and they were throwing out brand new chairs. I got about 15-20 of them and took them over to the center myself, personally and they was so happy to get them. Spend the money on the project that needs it. Also, I notice as you go in the entry door the lentil over the top of the door fell and almost hit a woman the day after I was there. So there is a lot of things project wise can be done at the Ruth Peterson building. Spend the money, do not let it go back and let us move forward. Thank you very much.

Council President closed public hearing at 6:33 p.m.

Presentation

The Medical Marihuana Zoning Ordinance (#2363) conflicting provision with the City of Pontiac Medical Marihuana Facilities Ordinance (#2357B), Presentation requested by Councilwoman Gloria Miller. Presentation Presenter: Marcelus Brice.

Fourteen (14) individuals address the body during public comment.

19-197 **Suspend the Rules.** Moved by Councilperson Pietila and second by Councilperson Carter.

Ayes: Williams, Carter, Miller, Pietila and Taylor-Burks

No: None

Motion Carried.

19-198 **Resolution to authorize the Mayor to enter into a one-year contract with Auch for Owners Representative services for a not –to-exceed cost of \$283,482.37.** Moved by Councilperson Pietila and second by Councilperson Carter. Legislative Counsel Sharpe noticed the contractual managers signed proposal was not included in the packet nor mention in the resolution. Councilperson Pietila withdrew her motion and Councilperson Carter withdrew his second. Council will have the Clerk add that said language above in the resolution then vote on the item.

19-198 (b) **Resolution to authorize the Mayor to enter into a one-year contract with Auch for Owners Representative services for a not –to-exceed cost of \$283,482.37.** Moved by Councilperson Pietila and second by Councilperson Carter.

WHEREAS, The City of Pontiac has advertised and received responses to a request for qualifications for Owners Representative Services on April 1, 2019 and publically opened bids, and;

WHEREAS, a review panel has scored the responses, and;

WHEREAS, after scoring, the most qualified consultant was Auch.

WHEREAS, at the May 7th City Council Study Session, the request was made to revise the scope. This revised scope changes the cost to a Not-To-Exceed cost of \$283,482.37

WHEREAS, all the RFP original documents, also the April 1, 2019 construction Manager's signed proposal (to be included).

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council authorizes the Mayor to enter a one-year contract with Auch for Owners Representative services for a Not-To-Exceed amount of \$283,482.37.

Ayes: Carter, Miller, Pietila, Taylor-Burks and Williams

No: None

Resolution Passed.

19-199 **Suspend the Rules.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Taylor-Burks, Williams and Carter

No: None

Motion Carried.

19-200 **Resolution to authorize the Mayor to exercise option to purchase 825 Golf Drive for the purpose of a Youth Recreation and Empowerment Center and to allow necessary actions to consummate transaction.** Moved by Councilperson Miller and second by Councilperson Pietila.

Whereas, the Pontiac City Council authorized the execution of a Lease Agreement (with Purchase option) by and between the City of Pontiac (the "City") and Creative Schools Management, LLC dated July 1, 2018 (the "Lease"); and

Whereas, the Lease concerns the property located at 825 Golf Drive (the "Property"), which is currently operated by the City as a youth recreation and education center; and

Whereas, the Lease contains an option to purchase the Property, which option must be exercised on or before June 10, 2019 (the "Option"); and

Whereas, the Pontiac City Council previously set aside \$3.2 million for the purchase of the Property.

Now Therefore, Be It Resolved as follows:

1. The attorneys for the City of Pontiac are hereby authorized to exercise the Option and take all other action reasonably necessary and prudent in connection therewith.
2. The attorneys for the City are hereby authorized to fully and finally negotiate the attached Purchase Agreement for the Property (but in no event shall the purchase price for the Property exceed \$3,150,000.00).
3. The Mayor for the City of Pontiac is hereby authorized to execute the Purchase Agreement for the Property, and to take any and all other action reasonably necessary and prudent to consummate the purchase of the Property, including a due diligence investigation of the Property.

Ayes: None
No: Pietila, Taylor-Burks, Williams, Carter and Miller
Resolution Failed.

Monthly Mayoral Reports

City Credit Card Statement

(The City Council adopted a resolution that the Mayor will provide the monthly credit card statements for the prior month to the City Clerk, to be included in the Pontiac City Council Agenda, the first meeting of each month. **The City Clerk did not receive the March 2019 or April 2019 statements. This item was brought back from the April 9, April 23, April 30, May 7, 2019, May 14, 2019 and May 21, 2019 Council Meetings.**)

No reports received; the Credit Card Statement will be back on the agenda next week.

19-201 **Suspend the Rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Taylor-Burks, Williams, Carter, Miller and Pietila
No: None
Motion Carried.

19-202 **Resolution for Line Item Budget and Proposed Ordinance. (Agenda Ad-On)**
Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Whereas, the Pontiac Municipal Code and Pontiac Ordinance No. 2288, sec 4, dated June 27, 2013 provides that the budget shall be adopted on a functional basis for expenditures, rather than on a department or line item basis; and,
Whereas, it is in the best interest of the City of Pontiac to amend the current ordinance to allow the budget to be adopted on a line item basis for expenditures rather than on a functional basis; and,
Whereas, money shall not be moved within departments without the Pontiac City Council's approval; and,
Whereas, pursuant to the Pontiac City Charter more specifically, section 4.202, the City Attorney is hereby instructed to amend the ordinance pursuant to the resolution passed by the Pontiac City Council by May 28, 2019.
Now, Therefore Be It Resolved that no more than Ten Thousand (**\$10,000.00**) Dollars shall be allocated and changed to a different function within a department without the Pontiac City Council's approval and the current 2019-2020 budget shall be adopted by line item for expenditures.

Ayes: Williams, Carter, Miller, Pietila and Taylor-Burks
No: None
Resolution Passed.

May 21, 2019 Approved Minutes

19-203 **Suspend the Rules.** Moved by Councilperson Pietila and second by Councilperson Carter.

Ayes: Williams, Carter, Miller, Pietila and Taylor-Burks

No: None

Motion Carried.

19-204 **First Reading of an Ordinance to Repeal Ordinance #2288. (Agenda Ad-On)** Moved by Councilperson Miller and second by Council Pietila.

AN ORDINANCE TO REPEAL ORDINANCE NO. 2288 AN ORDINANCE TO PROVIDE FOR THE MAYOR TO SUBMIT A PROPOSED TWO YEAR BALANCED BUDGET TO THE CITY COUNCIL FOR CONSIDERATION, TO ESTABLISH MINIMUM REQUIREMENTS FOR THE PROPOSED BUDGET DOCUMENT, AND TO REQUIRE THE CITY COUNCIL TO ADOPT A BUDGET BY JUNE 9 OF EACH YEAR.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments

Chapter 2, Article VI, Division 3, Sections 2-531 through 2-536 of the Code of Ordinances, concerning the Executive Balanced Budget Ordinance shall be deleted in its entirety.

Section 2. Repealer

All Ordinances or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Ayes: Carter, Miller, Pietila, Taylor-Burks and Williams

No: None

Motion Carried.

Point of Privilege – Councilwoman Gloria Miller

Deputy Mayor Responded

President Kermit Williams stepped out

President Pro-Tem Randy Carter assumed Chair and adjourned the meeting at 8:00 p.m.

SHEILA R. GRANDISON, CMMC
DEPUTY CITY CLERK