

**Official Proceedings
Pontiac City Council
222nd Session of the Tenth Council**

Call to order

A Study Session of the City Council of Pontiac, Michigan was called to order electronically, on Tuesday, April 20, 2021 at 6:02 p.m. by Council President Kermit Williams.

Roll Call

Members Present	Attendance	Location
Carter	Remotely	Lansing, Ingham County, MI
Miller	Remotely	Pontiac, Oakland County, MI
Pietila	Remotely	Pontiac, Oakland County, MI
Taylor-Burks	Remotely	Pontiac, Oakland County, MI
Shramski	Remotely	Pontiac, Oakland County, MI
Waterman	Remotely	Youngstown, OH
Williams	Remotely	Pontiac, Oakland County, MI

Mayor Waterman was present.
Clerk announced a quorum.

Amendments and Approval of Agenda

21-94 **Motion to remove item #4 (resolution in support of Pontiac Transportation Museum) from the agenda and refer it to the appropriate subcommittee.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

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

No: None

Motion Carried

21-95 **Motion to remove item # 11 (resolution to approve instructions to Interim Clerk as recommended in the Finance Director and City Attorney’s report on Alleged Diverted Election Funds from the Clerk’s Office) and item #12 (City Clerk’s response to Nonfactual Report from the Finance Department regarding Alleged Diversion of Election Division Budget Funds) from the agenda.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

21-96 **Motion to move public comment and Closed Session at the end of the agenda.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Approval of the Amended Agenda

21-97 **Motion to approve the amended agenda.** Moved by Councilperson Waterman and second by Councilperson Shramski.

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

No: None

Motion Carried

Approval of Minutes

21-98 **Approve meeting minutes for March 30, 2021.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Suspend the Rules

21-99 **Suspend the rules to vote on item #3.** Moved by Councilperson Waterman and second by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Resolution

City Council

21-100 **Resolution honoring Ester Jimenez.** Moved by Councilperson Waterman and second by Councilperson Pietila.

WHEREAS, it is the sense of this legislative body to pay proper tribute to individuals of remarkable character whose lives have been dedicated to uplifting, inspiring and empowering the community and whose lives exemplify the highest ideals of humanity; and,

WHEREAS, on July 18, 1978, Ester Jimenez vivacious, energetic and eager to work, commenced a profound and amazing career in public service and with the City of Pontiac which would ultimately span over four decades; and,

WHEREAS, as a consequence of having a wonderful personality, impeccable work ethic and integrity and despite being hired as a clerk typist, Ester Jimenez was afforded the distinct privilege of working in different roles and various departments throughout the City of Pontiac, including Finance, the Clerk's Office, Treasury and Human Resources; and,

WHEREAS, Ester Jimenez was always known to greet and meet everyone she encountered, regardless of race, religion, creed, or political affiliation, with a million dollar smile, pleasant words and was always prepared to provide assistance when necessary; and,

WHEREAS, Ester Jimenez is truly a rare gem whose authenticity is evidenced by her sincere enthusiasm and passion to help others; and,

WHEREAS, Ester Jimenez not only held the City of Pontiac in high regard, but holds spending time with family and the City of Pontiac retirees, near and dear to her heart; and,

WHEREAS, Ester Jimenez has also been an active and loyal member of St. Vincent De Paul Church and enjoys crocheting, sewing, cooking and playing bunco.

NOW, THEREFORE BE IT RESOLVED, that we the members of the Pontiac City Council and on behalf of the citizens of Pontiac, recognize and honor with great pride and dignity, Ester Jimenez, for her over 43 years of outstanding service to the City of Pontiac and for of tremendous contributions of leadership, selflessness and commitment to the community. “Congratulations Ester Jimenez on your retirement.”

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

No: None

Resolution Passed

Suspend the Rules

21-101 **Motion to suspend the rules to vote on item #5.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Resolution

City Council

21-102 **Resolution to approve a Charter Revision for the August 3, 2021 primary municipal election ballot.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, the City of Pontiac, Michigan operates under a Home Rule Charter as provided by the Home Rule Cities provisions of state law (Public Act 279 of 1909, MCL 117.1 et. Seq. as amended [referred to as the Home Rule Cities Act]); and,

WHEREAS, MCL 117.18 specifies the procedures for revising Home Rule Charter and specifies that a legislative body by a 3/5 vote of the members elect may declare for a general revision of the Charter; and,

WHEREAS, MCL 117.18 further provides that if a 3/5 vote of the legislative body calls for a general revision of the Charter, the question of having a general charter revision shall be submitted to the electors for adoption or rejection at the next general or municipal election, or at a special election; and,

WHEREAS, in addition, MCL 117.18 states that in case the electors shall, by a majority vote, declare in favor of such a revision, a charter commission shall be elected consisting of nine (9) electors of the City having a residence of at least three (3) years in the municipality and that the legislative body may by a 3/5 vote of the members elect provide that the Charter Commission be selected at the same election at which the proposition to revise is submitted; and the selections shall be void if the proposition to revise is not adopted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pontiac declare that there is a need for a general revision if the Home Rule Charter of Pontiac, Michigan; and,

BE IT FURTHER RESOLVED, that the City Council, has determined for purposes of efficiency and fiscal responsibility, the Charter Commission consisting of nine (9) electors of the City of Pontiac having a residence of at least three (3) years in the municipality shall be selected at the general municipal election to be held on Tuesday, August 3, 2021;

BE IT FURTHER RESOLVED, THAT THE SELECTION OF THE Charter Commissioners shall be void if the proposition to revise is not adopted by a majority vote of the electors.

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

No: None

Resolution Passed

Suspend the Rules

21-103 **Suspend the rules to vote on item #6.** Moved by Councilperson Waterman and second by Councilperson Miller.

Ayes: Shramski, Taylor-Burks, Waterman, Williams, Carter and Miller

No: Pietila

Motion Carried

Resolution

City Council

21-104 **Resolution to have the Mayor fulfill the duties and obligations as head of the city administration.** Moved by Councilperson Waterman and second by Councilperson Miller.

WHEREAS, the planning commissions term has expired on June30th 2017; and the Mayor is to appoint new commissioners every 3 years; and the Mayor has yet to do so; and,

WHEREAS, the Medical Marihuana Commission is to be appointed by the Mayor; and the Mayor has yet to do so; and,

WHEREAS, on January 21st, 2020 the City Council voted 5-2 to approve Ordinance 20-30 to make an emergency ordinance to amend ordinance 23-63; and to have the planning commission issue a recommendation to the City Council; and the Mayor sits and directs the planning commission, and the Mayor has yet to do so; and,

WHEREAS, on June17th, 2020 the City Council voted 7-0 to approve are solution for the Mayor to engage Bonadio & Co, LLP and or any another accounting firm and pay the \$10,000 retainer for the services of a forensic audit; and the Mayor has yet to do so; and,

WHEREAS, on December 22nd, 2020 the City Council voted 4-1 to approve a resolution to remove Anthony Chubb, Esq., from Giamarco, Mullins and Horton, P.C. as the attorney assigned to appear at City Council Meetings; and the Mayor was to replace Anthony Chubb as the attorney assigned to Pontiac City Council meetings; and the Mayor has yet to do so; and,

WHEREAS, on March 9th, 2021the City Council voted 6-0 to approve a resolution that the Pontiac City Council was to be provided with all logistical information regarding the Ottawa Towers closing including, the date, time, location, and closing documents; and the Mayor has Yet to provide the final closing documents; and

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council here by requests that the Mayor perform her duties and obligations above within 14 days from the date of this approved resolution and copy printed in the local paper.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Shramski

No: None

Resolution Passed

Councilwoman Pietila left the meeting remotely, then returned remotely

Suspend the Rules

21-105 **Suspend the rules to vote on item #7.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: Pietila

Motion Carried

Resolution

Department of Public Works (DPW)

21-106 **Resolution to approve the RNA FM Snow and Landscape Service Extension Agreement from April 13, 2021 – April 13, 2022 not to exceed \$447,764.40.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

WHEREAS, RNA FM service over the last twelve months warrants a one-year extension of the initial agreement approved 4/1/2020.

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council authorized the Mayor to extend the landscape and snow removal service agreement with RNA FM for 12 months beginning 4/13/2021 until 4/13/2022.

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

No: None

Resolution Passed

Suspend the Rules

21-107 **Suspend the Rules to vote on item #9.** Moved by Councilperson Miller and second by Councilperson Waterman.

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

No: None

Motion Passed

Resolution

Mayor's Office

21-108 **Resolution to approve the purchase of 825 Golf Dr. as the Designated Facility PYREC Operations.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Whereas, a certain Lease Agreement (with Purchase option) dated July 1, 2018 was entered into between Creative School Solutions Management, LLC as Landlord and the City of Pontiac as Tenant for the 3 year lease by the City of the premises commonly known as 825 Golf Road, and within which the City has operated its youth center (the "Lease") which Lease expires on June 30, 2021; and

Whereas, Section 13 of the Lease grants the City with two options to purchase 825 Golf Drive from the landlord; the first option period began April 1, 2019 and ended June 30, 2019 without the City exercising its option; and the second and final option period commenced January 1, 2021 and ends June 30, 2021 (the "Purchase Option"); and

Whereas, the City's purchase price of 825 Golf Drive during the second option period is \$2,850,000.00 per Section 13 of the Lease; and

Whereas, it is in the best interests of the City to maintain a youth center for the City's youth to safely and freely congregate and enjoy supervised physical activity; and

Whereas, the purchase of 825 Golf Drive is in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby Authorize the Mayor to submit the required Offer Notice, as set forth in Section 13 of the Lease, to authorize the office of the City Attorney to negotiate a purchase agreement with the landlord consistent with Section 13 of the Lease, and if due diligence reviews do not disclose any serious deficiencies to the building; to close on the purchase of 825 Golf Drive on or before June 30, 2021.

Ayes: Pietila

No: Miller, Shramski, Taylor-Burks, Waterman, Williams and Carter

Resolution Failed

Suspend the Rules

21-109 **Suspend the rules to vote on item #10.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Resolution

Mayor's Office

21-110 **Resolution to allocate a maximum of \$50,000 for a one-year contract for lobbying services related to the American Rescue Act and funding for Cities.** Moved by Councilperson Carter and second by Councilperson Pietila.

Whereas, the City of Pontiac has been preliminarily allocated less than \$100 per resident of the intended local funding from the American Rescue Act; and

Whereas, the City of Pontiac, by act the previous Emergency Manager who committed the City to the status of sub-recipient to Oakland County for certain Community Development Block Grant funding, with that status now impacting the formula used to determine the need in the City; and

Whereas, the City of Pontiac is in substantial need of assistance from the American Rescue Act having been significantly affected by the economic effects of COVID-19 and continuing to realize those affects through loss of income tax revenue, closing of local businesses, increased unemployment, a pending eviction crisis, and general fund distress.

Now, Therefore Be It Resolved, that the City Council directs the amount of \$50,000 be appropriated from the general fund and allocated to an account directed by the City's Finance Director to be used for the contracting a government lobbyist to promote and assist the City in engaging all opportunity to benefit from funding sources, or other appropriations, in response to the devastating economic effects of the COVID-19 crisis. It is further directed that the Mayor is authorized to perform such tasks as are necessary to consider, review and contract an appropriately registered and experienced person or firm to perform this service.

Ayes: Taylor-Burks and Pietila

No: Shramski, Waterman, Williams, Carter and Miller

Resolution Failed

Public Comments

Nineteen (19) individuals submitted public comments read by the City Clerk

Interim City Clerk Garland Doyle excused himself remotely from the meeting do to his involvement in the case of the Closed Session. Deputy Clerk Sheila Grandison remotely joined the meeting to record the minutes in the Closed Session.

Closed Session

21-111 **Resolution from the City Attorney to request City Council go into Closed Session pursuant to MCL 15.268(e) to discuss specific pending litigation; specifically Rubicon Real Estate Holdings, LLC, and Family Rootz, LLC v. The City of Pontiac and Garland Doyle, Interim Pontiac City Clerk.** Moved by Councilperson Miller and second by Councilperson Waterman.

Whereas, Michigan Open Meetings Act Section B(h), MCL 15.268(h), allows a public body to go into closed session to consider material exempt from discussion or disclosure by state or federal statute; and
Whereas, Michigan Freedom of information Act Section 13(g) exempts from disclosure records subject to the attorney-client privilege;

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Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss specific pending litigation; specifically Rubicon Real Estate Holdings, LLC, and Family Rootz, LLC v. The City of Pontiac and Garland Doyle, Interim Pontiac City Clerk, which is exempt from disclosure pursuant to MCL 15.243(1)(g).

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

No: None

Resolution Passed

21-112 **Motion to come out of Closed Session.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Adjournment

Council President Kermit Williams adjourned the meeting at 8:46 p.m.

SHEILA R GRANDISON
DEPUTY CITY CLERK