

November 7, 2023, Approved Minutes

**Official Proceedings
Pontiac City Council
115th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, November 7, 2023, at 6:03 p.m. by Council President Mike McGuinness.

Invocation – Pastor Kathy Dessureau – Pontiac, Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – Mikal Goodman, Kathalee James, Mike McGuinness, Brett Nicholson, William Parker Jr., and Melanie Rutherford.

Mayor Tim Greimel was present.

A quorum was announced.

Excuse Councilmembers

Motion to excuse Councilman Pro-Tem William Carrington for personal reasons.

Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, and Rutherford

No: None

Motion Carried

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, and Rutherford

No: None

Motion Carried

Consent Agenda

23-387 **Resolution to approve the consent agenda for November 7, 2023.** Moved by Councilperson Parker and second by Councilperson Rutherford.

WHEREAS, the City Council has reviewed the consent agenda for November 7, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for November 7, 2023, including November 2, 2023, City Council Meeting Minutes.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, and Goodman

No: None

Resolution Passed

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Recognition of Elected Officials – Kermit Williams – Vice Chair of the Charter Revision Commission and Beatrice Wright – Precinct Delegate

Agenda Address

1. Beatrice Wright addressed items #2 and #6
2. Carlton Jones addressed items #1 and #2
3. Dr. Deirdre Waterman addressed items #3 and #4
4. Pastor Kathy Dessureau addressed item #1

Agenda Items

Ordinance

2427 **Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects. (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion.

Motion to table Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects. (Second Reading) Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Nicholson, Parker, Rutherford, Goodman, James, and McGuinness

No: None

Motion Carried

23-388 **Resolution to Approve First Reading of Zoning Ordinance Text Amendment to Amend Section 2.303, Section 2.551, Section 2.552, Section 2.553, Section 2.554, Section 2.555, Section 2.556, Section 2.557, Section 2.559, Section 3.1208 regarding Marijuana and Care Givers Amendment. (First Reading)** Moved by Councilperson Nicholson and second by Councilperson Goodman.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the following sections of the City of Pontiac Zoning Ordinance: Section 2.303, Section 2.551, Section 2.552, Section 2.553, Section 2.554, Section 2.555, Section 2.556, Section 2.557, Section 2.559, Section 3.1208.

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to accept the Planning Commission's Recommendation and approve the amendments to the Zoning Ordinance Text Amendments as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the amendments to the City of Pontiac's Zoning Ordinance as presented to the city Council on November 7, 2023.

Ayes: Parker, Goodman, James, McGuinness, and Nicholson

No: None

Abstain: Rutherford

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Motion to pull Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects from the table. (Second Reading) Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Rutherford, Goodman, James, McGuinness, Nicholson, and Parker

No: None

Motion Carried

2427 **Adoption of an Ordinance to Amend Article VI (Finance), Division 2 (Purchasing) Section 2-256 (Specifications, Contracts, and Bid Documents for Construction Contracts and purchases) to add Subsection (d) Authorizing the Use of a Construction Manager at Risk delivery method for City Construction Projects. (Second Reading) Moved by Councilperson Rutherford and second by Councilperson Nicholson.**

Ayes: McGuinness, Nicholson, Parker, Goodman, and James

No: None

Ordinance Adopted

Councilwoman Rutherford was absent for the vote.

See Ordinance #2427 as Exhibit A after the minutes

Resolutions

City Council

23-389

Resolution recognizing November 11 as Veterans Day in the City of Pontiac. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, it is with sincere gratitude that the Pontiac City Council recognizes November 11, the anniversary of the ending of World War I, by paying tribute to the heroes of that tragic struggle and remembering those who have served the United States military; and,

WHEREAS, in the intervening year, the United States has been involved in subsequent military conflicts, which have added millions of veterans living and dead to the honor rolls of this Nation; and,

WHEREAS, Congress passed a concurrent resolution on June 4, 1928 (44 Stat. 1962), calling for the observance of November 11 with appropriate ceremonies, and later provided in an act approve May 13, 1938 (52 Stat. 351), that the eleventh of November should be a legal holiday and was then commonly known as Armistice Day; and,

WHEREAS, in order to expand the significance of that commemoration and in order that a grateful nation might pay appropriate tribute to the veterans of all wars who have contributed so much to the preservation of this Nation, the Congress, by an act approved June 1, 1954 (68 Stat. 168), changed the name of the holiday to Veterans Day; and, Whereas, many residents of Pontiac have served the United States in the military; now,

THEREFORE, BE IT RESOLVED, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby recognizes November 11, 2023, as Veterans Day in Pontiac; and

FURTHER RESOLVED, the City Council calls upon the citizens of Pontiac to observe November 11 as Veterans Day and, on that day, let us remember the sacrifices of those who fought so courageously on the seas, in the air, and on foreign shores to preserve our freedom and let us commit ourselves to the task of promoting an enduring peace, so that their efforts shall not have been in vain.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, and Rutherford

No: None

Resolution Passed

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23-390 **Resolution Recognizing Modesto De La O for his National Commendation by the Veterans of Foreign Wars.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, Mr. Modesto De La O is a resident of Pontiac, Michigan and grew up in the community as well, graduating from Pontiac's public schools; and,
WHEREAS, Mr. De La O is a United States Marine Corps veteran, and is a member and past post commander of Veterans of Foreign Wars Post 1370 located in Pontiac; and,
WHEREAS, Mr. De La O has undertaken substantial community service to support his fellow veterans, continuously worked to support the Michigan National Guard, advocated for incarcerated veterans, and established his nonprofit organization, Foxhole, to support veterans' wellbeing; and,
WHEREAS, for his admirable work, Mr. De La O received the Distinguished Service Award at the Veterans of Foreign Wars VFW National Convention on July 25, 2023; and,
WHEREAS, the Distinguished Service Award recognizes VFW members for exemplary or extraordinary service to our country through demonstrated actions that promote the spirit of the VFW, through volunteer actions in service, companionship and activities to benefit their local community;
NOW, THEREFORE, BE IT RESOLVED, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby recognizes, commends, and thanks Mr. Modesto De La O for his continued valiant service to his fellow veterans and to his City of Pontiac; and
FURTHER RESOLVED, the City Council congratulates Mr. De La O on his significant national recognition by the Veterans of Foreign Wars, with his well-deserved receiving of their Distinguished Service Award at the VFW National Convention this year.

Ayes: Goodman, James, McGuinness, Parker, and Rutherford

No: None

Resolution Passed

Councilman Nicholson was absent for the vote.

23-391 **Resolution Celebrating the Appointment of Attorney Monique Sharpe to the 36th District Court Bench.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the City of Pontiac, Michigan acknowledges citizens and City staff whose exemplary character and accomplishments have had a profound impact of elevating and inspiring the community; and, Whereas, Attorney Monique Sharpe has had a strong, multifaceted professional career dealing with the law, public policy, criminal justice, and government; and,
WHEREAS, Attorney Sharpe was an employee of the City of Pontiac, working for the City for over six years as a Legislative Coordinator, Policy Advisor and, ultimately, Legislative Counsel for the Pontiac City Council; and,
WHEREAS, Attorney Sharpe served the Pontiac City Council with effectiveness, integrity, and professionalism, resulting in substantial benefits to the residents and taxpayers of the City of Pontiac as well as the restoration of their rights, protections, and resources; and,
WHEREAS, most recently, she has served as Deputy General Counsel for the 36th District Court of Michigan; and,
WHEREAS, Michigan Governor Gretchen Whitmer announced her appointment of Attorney Sharpe to a judicial vacancy on the 36th District Court on October 26, 2023, with her term on the bench commencing on November 16, 2023;
NOW THEREFORE, BE IT RESOLVED, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby celebrates the appointment of Attorney Monique Sharpe to the 36th District Court of Michigan; and,
FURTHER RESOLVED, the City Council, on behalf of the entire Pontiac community, extends our congratulations and best wishes to Judge Sharpe on this next chapter of her professional career and in future endeavors; and,
FURTHER RESOLVED, the City Council commends Governor Whitmer for making such a strong appointment, as Judge Sharpe will be an exemplary public servant.

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Ayes: James, McGuinness, Nicholson, Parker, Rutherford, and Goodman
No: None
Resolution Passed

Economic Development

23-392 **Resolution to Approve the Specialty Designated Merchant (SDM) and Class C “Bistro” Licensees as requested by the petitioner, Kegger Burger, 7 N. Saginaw, Suite1A.** Moved by Councilperson Rutherford and second by Councilperson James.

WHEREAS, the City of Pontiac chooses to engage in MCL 436.15211a (1) (b) (i) for the issuance of New-On Premises Development District License and establishment of Redevelopment Licenses in the Tax Increment Finance Authority Act (TIFA) District and under Part 3 of Public Act 57 of 2018.

WHEREAS, Kegger Burger, Parcel ID 64-14-29-476-032-014, 7 N. Saginaw, Suite 1A, has made a petition for Specialty Designated Merchant (SDM) and Class C “Bistro” license and meets eligibility requirements for licensure issuance under MCL 4361521a (1) (b)(i).

WHEREAS, Kegger Burger, 7 N. Saginaw, Suite 1A shall comply with City of Pontiac Ordinance 2366 to allow for Redevelopment Liquor License and conditions for issuance and operations of the Specially Designated Merchant (SDM) and Class C “Bistro” License and MCL 436.15211a (1) (b)(i).

BE IT RESOLVED that the petition for Specialty Designated Merchant (SDM) and Class C “Bistro” License on behalf of the petitioner, Kegger Burger, 7 N. Saginaw, Suite 1A, is hereby approved and the City Council further recommends this application be considered for approval by the Michigan Liquor Control Commission.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Goodman and James
No: None
Resolution Passed

Grants and Philanthropy Department

23-393 **Resolution to Authorize the Mayor to execute the FEMA Public Assistance (PA) Grant Program Agreement between The Michigan Department of State Police, Emergency Management, and homeland Security Division (MSP/EMHSD) and the City of Pontiac.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City of Pontiac was awarded \$432,386.88 in funding from The State of Michigan Public Assistance (PA) Grant Program; and,

WHEREAS, the agreement is between FEMA as the Federal Awarding Agency, Michigan State Police, Emergency Management, and Homeland Security Division as the Pass-Through Entity, and The City of Pontiac as the Subrecipient; and,

WHEREAS, the City of Pontiac executed the deliverables of the grant agreement; and,

WHEREAS, Michigan State Police and the Executive Branch of the City of Pontiac have approved the attached sub-recipient agreement; and,

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council hereby approves the 2023 Public Assistance (PA) Grant Program grant agreement and authorizes the Mayor to execute all documents related to the grant award.

Ayes: Nicholson, Parker, Rutherford, Goodman, James, and McGuinness
No: None
Resolution Passed

23-394 **Resolution to authorize City Clerk to publish the proposed Budget Amendment to establish budget revenue in the amount of \$432,386.88 to account 101-000-516.000 Federal Grants – Health.** Moved by Councilperson Parker and second by Councilperson Rutherford.

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WHEREAS, the City of Pontiac was awarded \$432,386.88 in funding from The State of Michigan Public Assistance (PA) Grant Program; and,

WHEREAS, the City of Pontiac executed the deliverables of the grant agreement; and,

WHEREAS, Michigan State Police and the Executive Branch of the City of Pontiac have approved the sub-recipient agreement; and,

WHEREAS, the budget amendment will increase budgeted revenue in the amount of \$432,386.88.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment to establish budget revenue in the amount of \$432,386.88 to account 101-000-516.000 Federal Grants – Health.

Ayes: Parker, Rutherford, Goodman, James, McGuinness, and Nicholson

No: None

Resolution Passed

Purchasing Division

23-395 **Resolution Approving the Purchasing manager to award the bid to CAC Asset Solution, LLC and Onsite Solutions, Inc. dba Versapro Restoration and Construction, and the Mayor or Deputy mayor to execute an agreement with both firms to allow the City's Code Enforcement Division to board up and secure court ordered property abatements and emergency property structures throughout the City.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and
WHEREAS, It is imperative that the bid is awarded and an agreement executed to address the immediate need of abatement and emergency property structure board ups to secure properties within the City; and
NOW, THEREFORE BE IT RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to award the bid and execute an agreement with CAC Asset Solution, LLC and Onsite Solutions, Inc. dba Versapro Restoration and Construction.

Ayes: Rutherford, James, McGuinness, Nicholson, and Parker

No: None

Resolution Passed

Councilpersons Goodman was absent for the vote.

Public Comment

1. H. Bill Maxey
2. Dr. Deirdre Waterman
3. Beatrice Wright
4. Carlton Jones
5. Pastor Kathy Dessureau
6. Tameka Ramsey
7. Darlene Clark
8. Gloria Miller

Discussions

National News Coverage of Oakland Forward Warrants Clinic in Pontiac on PBS Newshour

Oakland County's Announcement of their Initiative for Retiring Medical Debt of Eligible County Residents

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Communications

City Council, and Mayor's Office

Mayor, Clerk and Council Closing Comments

Mayor Tim Greimel, Councilwoman Melanie Rutherford, Councilman Mikal Goodman, Councilwoman Kathalee James, Councilman Willam Parker Jr., and Council President Mike McGuinness made closing comments.

Adjournment

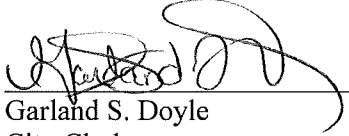
Motion to adjourn the meeting. Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Goodman, James, McGuinness, Parker and Rutherford

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 8:42 p.m.


Garland S. Doyle
City Clerk

CITY OF PONTIAC
ORDINANCE NO. # 2427

AN ORDINANCE TO AMEND ARTICLE VI (FINANCE), DIVISION 2 (PURCHASING) SECTION 2-526 (SPECIFICATIONS, CONTRACTS, AND BID DOCUMENTS FOR CONSTRUCTION CONTRACTS AND PURCHASES) TO ADD SUBSECTION (D) AUTHORIZING THE USE OF A CONSTRUCTION MANAGER AT RISK DELIVERY METHOD FOR CITY CONSTRUCTION PROJECTS.

THE CITY OF PONTIAC ORDAINS:

ARTICLE 11. FINANCE

Sec. 2-526 Specifications, contracts and bid documents for construction contracts and purchases.

- (a) Specifications, contracts and bid documents for construction contracts and purchases where written specifications are utilized shall be drawn in accordance with the directives set forth in this division and shall be prepared by the using department, subject to the approval of the Purchasing Agent. Whenever a commodity is to be procured or disposed of by more than one department, the purchasing division shall establish standard specifications after consulting with all involved departments.

- (b) Notwithstanding the foregoing provisions regarding the preparation of contract specifications and the provisions of this division regarding the procedures for advertising, bidding and award of City contracts, the administration of construction contracts after the award thereof shall be the responsibility of the department or division as designated by the Mayor, and not the Purchasing Agent.

- (c) Notices of projects or items sought through a competitive bid process shall be posted on the City's web page and also on the MITN website. Notices shall be posted for a minimum period of one week. Notices shall direct respective bidders to the City's website where the complete bid package is available.

- (d) **Construction Manager at Risk Delivery Method.** In the event the City appoints a Construction Manager (CM) under a Construction Manager at Risk ("CMAR") contract delivery method with a Guaranteed Maximum Price to manage a construction project on behalf of the City, such CM is authorized to carry out the duties of the Purchasing Agent as described in this

Division, provided that all such duties performed by the CM are subject to the written approval and authorization of the Purchasing Agent.

1. The CM shall post invitation for bids on the City's web page and on the MITN website with the assistance of the Purchasing Agent to the extent such assistance is needed. The invitation for bids may direct the bidders to submit the bids directly to the CM. After the deadline to submit bids, the CM shall provide copies of the bids received to the Purchasing Agent, and review and make recommendations to the Purchasing Agent for the award of subcontracts to the lowest responsible bidder pursuant to the requirements of this Division.

2. The Purchasing Agent shall make the final determination as to the lowest responsible bidder. The CM may prepare a Guaranteed Maximum Price ("GMP") proposal(s) under the CMAR contract which shall include only City approved competitively bid subcontracts, conducted in accordance with this Division, for the performance of the work.

3. Upon written approval and authorization of the Purchasing Agent of the GMP proposal(s) and execution of the GMP proposal(s) executed by the Mayor or his or her designee and approved by the majority of the City Council, the CM may directly contract with the City-approved competitively-bid subcontractors, pursuant to a written subcontract approved by the Purchasing Agent, and the CM shall directly supervise and be responsible for the work of the subcontractors as proscribed in the CMAR contract with the City.