



NOTICE OF PONTIAC CITY COUNCIL MEETING
July 28, 2020
at 6:00 p.m.

THE MEETING WILL BE HELD ELECTRONICALLY

The City Council of the City of Pontiac will hold a Study Session on July 28, 2020 at 6:00 p.m. This meeting will be held electronically pursuant to the Open Meetings Act and Governor Whitmer's Executive Order 2020-129. The agenda of the Study Session is attached. Pursuant to Executive Order 2020-129, the Pontiac City Council gives notice of the following:

1. **Reason for Electronic Meeting.** The Pontiac City Council is meeting electronically because of Executive Order 2020-129.
2. **Procedures.** The public may view the meeting electronically through the following method.
http://pontiac.mi.us/council/pontiac_tv/index.php
3. **Public Comment.** For individuals who desire to make a public comment, please submit your name and comment in writing to **publiccomments@pontiac.mi.us**. Additionally, you may submit your public comment in writing directly to the Office of the City Clerk during regular business hours. All public comments must be received no later than 5:30 p.m. on July 28, 2020. Public comments are limited to three (3) minutes. The City Clerk will read your comments during the public comment section of the meeting.
4. **Persons with Disabilities.** Persons with disabilities may participate in the meeting through the methods set forth in paragraph 2. Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the Interim City Clerk, Garland Doyle at (248) 758-3200 or **clerk@pontiac.mi.us** at least 24 hours in advance of the meeting.

Dated 7-24-2020, 5:00 p.m.

Garland S. Doyle, Interim City Clerk
City of Pontiac

47450 Woodward Ave. Pontiac, MI 48342 Phone: (248) 758-3200

PONTIAC CITY COUNCIL

Kermit Williams, District 7
President
Randy Carter, District 4
President Pro Tem



Patrice Waterman, District 1
Megan Shramski, District 2
Mary Pietila, District 3
Gloria Miller, District 5
Dr. Doris Taylor Burks, District 6

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

Website: http://pontiac.mi.us/council/meeting_agendas_and_minutes/index.php

STUDY SESSION

July 28, 2020

6:00 P.M.

182nd Session of the 10th Council

Call to order

Roll Call

Authorization to Excuse Councilmembers

Amendments to and Approval of the Agenda

Approval of the Minutes

1. July 21, 2020

Public Comment

Special Presentation (Special Presentations are limited to 10 minutes.)

2. Update: Department of Public Works (DPW) Plan for Increased Park Maintenance and Clean-up to accommodate summer usage. **(This presentation was deferred for one week at the City Council Meeting on July 21, 2020)**
Presentation Presenter: Dan Ringo, Interim DPW Director.

Agenda Items

Ordinance and Resolutions

City Council

3. Resolution that request the Mayor to provide to the City Council, a list of all outstanding bills and or invoices that are ninety (90) days old or older, with explanations as to why payments have not been made to be included in the Thursday, August 6, 2020 Council Agenda.
4. Resolution for Charles Harold Moody

Garland S. Doyle, M.P.A., Interim City Clerk

Office of the City Clerk 47450 Woodward Pontiac, Michigan 48342 Phone (248) 758-3200

Website: <http://pontiaccityclerk.com>

Department of Public Works

5. Resolution to confirm the City's support and participation in a grant from the Community Foundation for Southeast Michigan for Ralph C. Wilson Jr. Trails Maintenance Fund for funding improvements related to the Clinton River Trail: Safety & Maintenance Improvements project and that the City also agrees to provide the total local match of \$10,000.00 reflected in the grant application.

Economic Development

6. An Ordinance to provide a service charge in lieu of taxes for a housing project for low income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions for the State Housing Development Authority Act of 1966 (1966 PA 340, as amended, MCL 125.1401, *et seq*, the "Act"), also known as the "Tax Exemption Ordinance for Carriage Place Apartments." (First Reading)
7. Resolution to authorize Mayor to sign and execute Municipal Service Agreement for Carriage Circle Apartments, parcel # 14-34-127-002.
8. Resolution of City Council to Acknowledge and Adopt the Amended Timeline to complete the Phoenix Center Settlement Agreement Obligations.

Finance Department

9. Resolution to approve Police and Fire Ordinance for \$400 Supplemental Payment for Health - Amendment to Emergency Ordinance 2357.

Communication from the Office of the City Clerk

10. Status of Outstanding Issues between the Office of City Clerk and the Mayor's Office regarding Medical Marijuana

Communications from the Mayor

11. Forensic Audit Contract Negotiations Report
12. Executive Order: Pontiac Outdoor Dining Program Report
13. Update: Code Enforcement and Blight Court Report
14. Update: Census Events and Statistical Response Report
15. Request for City Council Support - Letter of Apology to Detroit Regional Parking Authority Report
16. Phoenix Center Bid Update Report

Adjournment

Upcoming Special Presentations

August 6, 2020

1. Medical Marijuana Administration Report
2. Medical Marijuana Monthly Application Review Process Update from the Office of the City Clerk

August 18, 2020

Rehmann Robson Audit Report

#1

MINUTES

July 21, 2020 Formal

**Official Proceedings
Pontiac City Council
181th Session of the Tenth Council**

Call to order

A Formal Meeting of the City Council of Pontiac, Michigan was called to order electronically on Tuesday, July 21, 2020 at 6:00 p.m. by Council President Kermit Williams.

Invocation

Councilwoman Shramski offered a moment of silence

Pledge of Allegiance

Roll Call

Members Present: Pietila, Shramski, Taylor-Burks, Waterman and Williams.

Mayor Waterman was present.

Clerk announced a quorum.

Authorization to Excuse Councilmembers

20-348 **Excuse Councilperson Carter & Miller for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Amendments to and approval of the Agenda

20-349 **Motion to move Recognition of Elected Officials before item 1.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

20-350 **Motion to remove item 5 and 6 for one week from the agenda.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Shramski, Taylor-Burks, Waterman and Williams

No: Pietila

Motion Carried

Councilperson Carter arrived at 6:09 p.m.

July 21, 2020 Formal

20-351 **Motion to add to the agenda a Discussion on the agreement of Bonadio Co, LLP, the proposed forensic auditor.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: Pietila

Motion Carried

20-352 **Motion to approve the amended Agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: Pietila

Motion Carried

Recognition of Elected Officials

Congresswoman Brenda Lawrence made a presentation.

Approval of the Minutes

20-353 **July 13, 2020 Minutes.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Ayes: Williams, Carter, Pietila, Shramski, Taylor-Burks & Waterman

No: None

Motion Carried.

20-354 **July 14, 2020 Minutes.** Moved by Councilperson Pietila and second by Councilperson Shramski.

Ayes: Carter, Pietila, Shramski, Taylor-Burks & Williams

No: None

Motion Carried.

Subcommittee Report

Received Public Safety – July 2020

Special Presentation

Pontiac Unity regarding Painting Pontiac Unity in the Street

Presentation Presenters: Sean Preston and Eric Holman

Discussion

Bonadio Co, LLP Agreement with the City to conduct a forensic audit at the request of the City Council. City Council approved a resolution on June 17, 2020 to engage the services of Bonadio Co, LLP.

July 21, 2020 Formal

Agenda Address

None

Public Comment

Two (2) individuals submitted a public comment read by the City Clerk.

Mayor, Clerk and Council Closing Comments

Mayor Waterman, Interim Clerk Doyle, Legislative Counsel Sharpe, Councilwoman Waterman, Councilwoman Pietila, Councilwoman Shramski, Council President Pro-Tem Carter, Councilwoman Taylor-Burks and Council President Williams made closing comments.

Adjournment

Council President Kermit Williams adjourned the meeting at 7:15 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK

#2

PRESENTATION



DPW SPECIAL REPORT



- DPW is currently scheduling interviews to fill two (2) vacant maintenance worker positions
- Currently there are three applicants whose interviews will take place in the next 10 days
- Once selections are made; employees will enter DPW onboarding process after being released to the department from Human Resources



DPW SPECIAL REPORT



- After new hires have onboarded
 - Both will be assigned a set of parks either north or south
 - The 5 large parks (Murphy, Beaudette, Jaycee, Hawthorn and Galloway) will be jointly attacked
 - Special attention given Friday and Monday for before and after weekend activities



DPW SPECIAL REPORT



- In the interim until employees are in place
 - Park Operations Supervisor will assign parks to two current staff for management and follow-up
 - The department needs more trucks to provide this service. In the interim will determine availability among city's entire fleet



DPW SPECIAL REPORT



- DPW is expecting to have staff in place by 8/15/2020
- Interviews happening next week to fill both Maintenance Worker positions
- Once hired and after onboarding, employees will be assigned parks on north and south sides of town and jointly service the 5 large parks

#3

RESOLUTION

Pontiac City Council Resolution



WHEREAS, the City Council has been informed by the Parliamentarian, Eleanor Siewert that she has outstanding invoices that date back to the beginning of the New Year; and,

WHEREAS, Clark Hill PLC despite being told they were going to receive payment by the City Attorney Anthony Chubb, also has outstanding invoices that date back to October of 2019; and,

WHEREAS, the outstanding invoices for both the Parliamentarian and Clark Hill, total close to Sixty Thousand (\$60,000.00) Dollars; and,

WHEREAS, the Council passed a resolution on June 17, 2020 to engage the Bonadio Group, a certified public accounting firm to perform a forensic audit and agreed to submit a retainer of Ten Thousand (\$10,000.00) Dollars; and,

WHEREAS, despite the Council having allocated the necessary funds in last year's budget and in this current fiscal year's budget, the Executive has not paid any of Council's contractors; and,

WHEREAS, this creates some serious concern and raises several questions including, how many other contractors have not been paid? How many other bills are outstanding and is the Executive not paying bills in hopes of reflecting an inaccurate fund balance?

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council hereby requests that the Executive provide to the City Council, a list of all outstanding bills and or invoices that are ninety (90) days old and older, with explanations as to why payments have not been made, all to be included in the Thursday, August 6, 2020 Council Agenda.

#4

RESOLUTION

City of Pontiac Resolution for Charles Harold Moody

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

WHEREAS, it is feelings of the deepest regret that the Pontiac City Council mourns the passing of Charles Harold Moody, a giving and loyal member of this community; and,

WHEREAS, Charles Harold Moody was born on March 4, 1946 in Mobile, Alabama to the late George Moody and Minnie-Bell Allen Moody; and,

WHEREAS, Charles Harold Moody in his early years was reared in the Mobile, Alabama school system where he attended Josephine Allen Elementary School and Central High School, later attended Bishop State Community College in 1966 and earned a Bachelor's Degree in Education in 1968 from Alabama State University; and,

WHEREAS, Charles Harold Moody, a recipient of the prestigious Kellogg Foundation Scholarship and destined for success, moved to Michigan where he was awarded a Master's in Education Administration from Oakland University in Rochester Hills, Michigan in 1980; and,

WHEREAS, Charles Harold Moody had a unwavering passion for the sciences and mechanics which propelled him to become a Certified Driver Education Instructor at Wayne State University in 1987; and,

WHEREAS, Charles Harold Moody continued to excel in academics and in 1992, graduated from Michigan State University with a unique, honor and designation, a Master's + 30 in School Administration which symbolized the attainment of 30 hours of university credit beyond the first Master's Degree; and,

WHEREAS, Charles Harold Moody embarked on an extraordinary 40 year career as an educator in Pontiac, Michigan which started with his joining the Pontiac School District in 1968 where he taught at Bethune Elementary School and ended with his retirement as a Principal from Whitmer Human Resources Center in 2008; and,

WHEREAS, Charles Harold Moody was a phenomenal educator and trail blazer who had the privilege of serving as a Title I Administrator, a District Science Consultant, a Regional Coordinator for the Hands on Science Outreach, a trainer of kindergarten and elementary school teachers who assisted in developing and advancing a science curriculum for K-6 schools and a trainer of students, who provided skills necessary to compete and place in area STEM competitions; and,

WHEREAS, Charles Harold Moody was married to the love of his life, Juanita Boykins Moody for 41 years and to this union the couple had three children, Marlon Arlando Moody, Lorna Tiffani Moody and Anlando McMillian, Sr.; and,

WHEREAS, Charles Harold Moody accepted Christ as his personal savior and joined Welcome Missionary Baptist Church under the leadership of Pastor Douglas Paul Jones, was an avid reader, was actively involved in Urban Investors, Inc., the Toussaint Masonic Lodge and the Detroit Chapter of the Alabama State University National Alumni Association.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council and members of this great community will greatly miss Charles Harold Moody, as his life was a portrait of service, a legacy that will long endure the passage of time and will remain as a comforting memory to all those whose lives he touched; we give our sincerest condolences to the family and friends of Charles Harold Moody

Kermit Williams

Kermit Williams, President

Randy Carter

Randy Carter, President Pro-Tem

Megan Shramski

Megan Shramski, Councilwoman

Gloria Miller

Gloria Miller, Councilwoman

Patrice Waterman

Patrice Waterman, Councilwoman

Mary Pietila

Mary Pietila, Councilwoman

Doris-Taylor Burks

Doris Taylor-Burks, Councilwoman

#5

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President and City Council Members

FROM: Jane Bais-DiSessa, Deputy Mayor, at the request of
John Balint, Consulting City Engineer

DATE: July 22, 2020

RE: Resolution to support Friends of the Clinton River Trail Grant Application

The Friends of the Clinton River Trail, a citizen group committed to enhancing the safety and enjoyment of the Clinton River Trail, has applied for a grant from the Ralph C. Wilson Foundation for Trail Maintenance on the Clinton River Trail. This grant is solely dedicated to providing funding for maintenance projects on trails and greenways that have already been developed.

If awarded, the grant could fund significant and necessary maintenance and safety improvement on the Clinton River Trail from Bagley Street to Pontiac Drive. Following the initial construction of the trail in 2004, changes were made to the federal guidelines that require improvement to be made at trail/road crossings to increase sight lines and ADA accessibility compliance. The purpose of this proposed project is to transform this segment of trail and improve the condition of the surface as well as bring the road crossings into compliance with current federal standards.

The Friends of the Clinton River Trail have committed \$30,000 toward the project and has worked with the City to select a local design firm to design the needed improvements. The proposed work/grant will be in the range of \$500,000. Support for the grant is key to qualifying for the grant. The FCRT is requesting the following from the City of Pontiac:

1. A resolution of support from the City Council
2. A financial contribution (match) of \$10,000 (at time of construction)
3. If funding is approved, the City purchasing division to advertise the contract for the construction work. (late 2020/early 2021)

It is the recommendation of the Department of Public Works, Engineering Division that the City Council support this grant application for the maintenance and safety improvements for the Clinton River Trail.

Please see resolution attached:

JVB

Attachments

RESOLUTION OF SUPPORT FOR A GRANT APPLICATION BY THE FRIENDS OF THE CLINTON RIVER
TRAIL
TO THE COMMUNITY FOUNDATION FOR SOUTHEAST MICHIGAN
FOR THE RALPH C. WILSON JR. TRAILS MAINTENANCE FUND
FOR FUNDING OF THE CLINTON RIVER TRAIL: SAFETY & MAINTENANCE IMPROVEMENTS

Declaration of Support and participation in a grant application to the Community Foundation for Southeast Michigan for the Ralph C. Wilson Jr. Trails Maintenance Fund grant for the Clinton River Trail: Safety & Maintenance Improvements in Pontiac and Sylvan Lake.

WHEREAS, the City of Pontiac owns approximately 1.75 miles of abandoned rail corridor that was constructed as a rails-to-trails project circa 2004, and;

WHEREAS, Friends of the Clinton River Trail (FCRT) is a citizen group committed to enhancing the safety and enjoyment of the Clinton River Trail for all users, and;

WHEREAS, FCRT, working together with the City of Pontiac DPW staff, has identified a grant opportunity that would allow the City to make necessary improvements to the trailway that will improve surface conditions, make necessary trail/road crossing upgrades and encourage non-motorized modes of transportation and healthy lifestyles, and;

WHEREAS, the Community Foundation for Southeast Michigan includes the City of Pontiac and the Clinton River Trail in its service area and is administering the Ralph C. Wilson Jr. Trails Maintenance Fund grant exclusively for the maintenance of already developed trails and greenways, and;

WHEREAS, the draft 2020-2024 Pontiac Parks & Recreation Master Plan makes the following recommendations for the Clinton River Trail (page 106): improve trail surface to meet current AASHTO standards, pave approaches at road/trail crossings, install ADA detectable warnings and crosswalk pavement markings, install Bike/Pedestrian warning signs along roadways to alert motorists, inspect two bridges over the Clinton River and make necessary improvements to decking and railings, at Orchard Lake Rd #5, realign crossing and install a pedestrian hybrid beacon, and;

WHEREAS, a number of public input sessions have been held related to the draft 2020-2024 Pontiac Parks & Recreation Master Plan and the 2017 Complete Streets Plan; and the citizen input received at those sessions called for improvement and enhancements of the trail and its current conditions, and;

WHEREAS, this project will enhance the trail by re-developing the original trail segment from Pontiac Drive to Bagley Street with a firm and stable surface in order to provide recreational opportunities, upgrade a segment of the cross state Great Lake-to-Lake Trail-Route 1, improve access to the neighborhoods, local businesses, parks and downtown connections in close proximity to the trail, and;

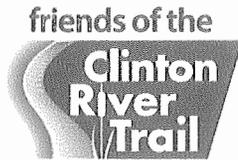
WHEREAS, FCRT, in consultation with the City's DPW staff, is working with a local engineering firm on the design engineering phase of the project and has submitted a grant application for \$600,000 to fund desired and proposed improvements, and;

WHEREAS, if the grant is successful, construction is planned to begin in 2021 and the City of Pontiac's Purchasing Department agrees to handle the project bidding process, and;

WHEREAS, if the grant is successful, the Community Foundation of Greater Rochester will act as the fiduciary and disburse grant funds directly related to the Clinton River Trail: Safety & Maintenance Improvement project expenses;

THEREFORE BE IT RESOLVED, that the Pontiac City Council does hereby confirm their support and participation in a grant from the Community Foundation For Southeast Michigan for Ralph C. Wilson Jr. Trails Maintenance Fund for funding improvements related to the Clinton River Trail: Safety & Maintenance Improvements project;

AND BE IT FURTHER RESOLVED, that the Pontiac City Council also agrees to provide the total local match of \$10,000 reflected in the grant application.



July 10, 2020

Hon. Mayor Deirdre Waterman
Mr. Kermit Williams, City Council President
City of Pontiac
47450 Woodward Avenue
Pontiac, Michigan 48342

Re: Wilson Trails Maintenance Fund Grant-Clinton River Trail in Pontiac, MI

Dear Hon. Mayor Waterman and Council President Williams,

As you know, Friends of the Clinton River Trail (FCRT) is a citizen group committed to enhancing the safety and enjoyment of the Clinton River Trail for all users. FCRT has been working with Pontiac DPW staff since 2015 to identify a funding source to make needed trail improvements. During the COVID-19 pandemic, our group became aware of a new grant opportunity from the Ralph C. Wilson Jr. Trails Maintenance Fund, which is solely dedicated to providing funding for maintenance projects on trails and greenways that have already been developed.

FCRT has submitted a grant application and, if awarded in July 2020, could fund significant and necessary maintenance and safety improvements on the trail from Pontiac Drive to Bagley Street. The City of Pontiac's support and participation is an extremely important factor. Due to the pandemic, none of the Council Sub-Committees have met. Therefore, FCRT felt the need to directly inform you.

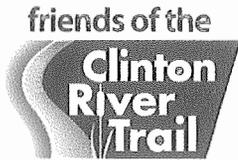
When the Pontiac portion of the Clinton River Trail opened in 2004, it was constructed with a smooth crushed stone surface and well-marked road crossings. Over time, financial restraints removed nearly all maintenance support and the surface deteriorated, crosswalk pavement markings wore away, and vegetation became overgrown. Following the initial construction, changes were made to the federal guidelines that required improvements be made at trail/road crossings to increase sight lines and ADA accessibility compliance. The purpose of this proposed project and grant application is to transform this segment of trail and improve the condition of the surface as well as bring the road crossings into compliance with current federal standards.

Friends of the Clinton River Trail – Board of Directors

Fred Phillips – Vice President
Richard Harrison – Director

Melinda Hill - President
John Zalewski – Treasurer
John Hensler – Director

Claudia Filler – Secretary
Debbie Parker – Director



FCRT has already committed \$30,000 toward the project and has worked with Pontiac DPW staff to select a local engineering firm to design the needed improvements and create a set of construction plans and specification documents. As previously mentioned, FCRT has applied for a Ralph C. Wilson Jr. Trails Maintenance Fund grant to fund the construction of the designed improvements, which are anticipated to cost over \$500,000. This project represents collaboration among a variety of stakeholders consisting of non-profits, private, local and county agencies.

Support from the City of Pontiac is key to qualifying for funding and FCRT is requesting three things:

- 1) A resolution of support from the Pontiac City Council
- 2) A financial contribution of \$10,000 (required for matching grant funds)
- 3) If funding is approved, the letting of the project be done through Pontiac's Purchasing Division (anticipated in late 2020 / early 2021)

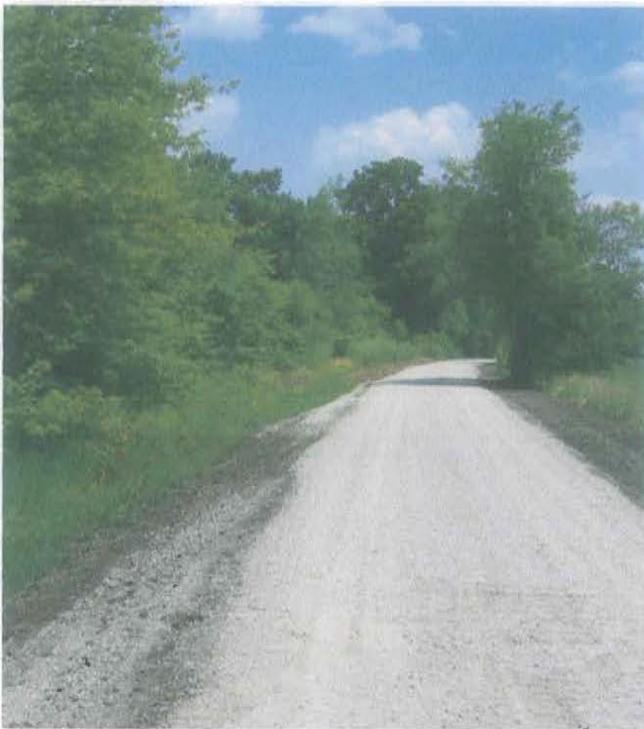
This project is consistent with various draft and adopted plans within the City. Trail usage has increased dramatically with the COVID-19 situation making the need to enhance safety and correct these deficiencies even more relevant. Additionally, this project is directly connected to other phases of development that have been proposed in the City to complete a notable gap in the regional and cross-state trail networks. The proposed project will improve the overall trail user's experience, make necessary safety enhancements at road crossings and bring this section of the trail up to current design standards.

We would be happy to discuss this project in greater detail or make a presentation at an upcoming City Council meeting to answer any questions. We appreciate your consideration of this important project for the residents and visitors of the City of Pontiac.

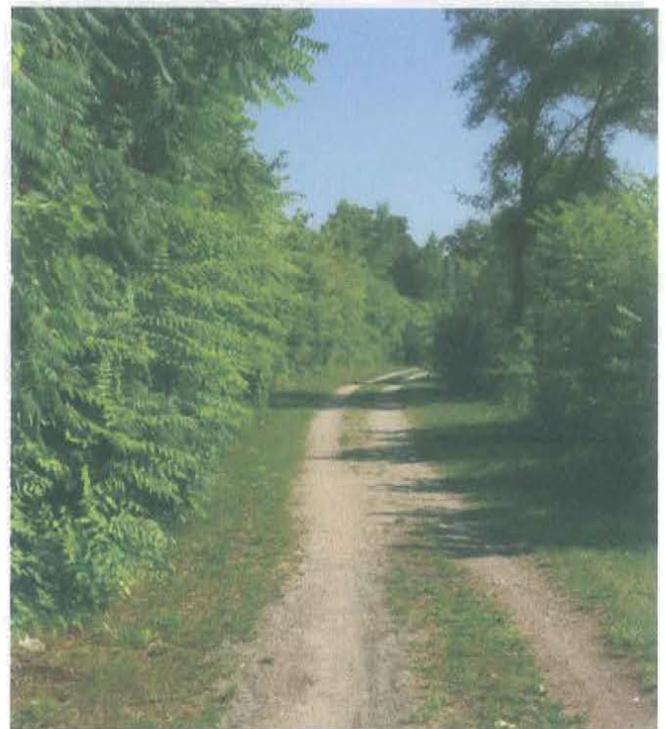
Regards,

Melinda Hill,
President – Friends of the Clinton River Trail

Cc: Council President Pro Tem Randy Carter
Councilwoman Patrice Waterman
Councilwoman Megan Shramski
Councilwoman Mary E. Pietila
Councilwoman Gloria Miller
Councilwoman Dr. Doris Taylor Burks
Deputy Mayor Jane Bais-DiSessa
Planning Manager, Vernon Gustafsson
Acting DPW Administrator, Dan Ringo
City Engineering Consultant, John Balint
County Commissioner, Angela Powell



CRT east of Old Telegraph Road in 2004 after the initial construction - note the wide smooth surface and vegetation cut well back from the sides.



CRT east of Old Telegraph Road circa 2018 CRT east of Old Telegraph Road - note trail surface is overgrown and vegetation is encroaching from the sides.

The Friends of the Clinton River Trail (FCRT) are collaborating with the City of Pontiac, City of Sylvan Lake, Healthy Pontiac We Can coalition, Oakland County and other stakeholders to make essential safety improvements and accessibility renovations to the Clinton River Trail in Pontiac. This former railroad was converted to a walking and biking trail in 2004. Since that time, the City has seen a significant reduction in their DPW/Park budget and staff, leaving the CRT in need of major maintenance, repairs and upgrades to meet current shared use path standards. The proposed project will transform this popular linear park and address social determinants of health, reduce social isolation, link to neighboring communities and promote active and healthy lifestyles for people of all ages and abilities. Proposed improvements include road crossing and infrastructure upgrades, restoring a quality surface and cutting back overgrown vegetation. In addition, the proposed project will implement goals/objectives identified in the 2017 Complete Streets Pontiac Plan and the draft 2020 Pontiac Parks Master Plan.





2005 Aerial Photo of the crossing at Orchard Lake Road near Beaudette Park - note the crosswalk pavement markings.



2017 Aerial Photo of the crossing at Orchard Lake Road near Beaudette Park - note the crosswalk pavement markings are missing and the trail on the west side of Orchard Lake Road has nearly disappeared.

As illustrated in the aerial photography above, where the Clinton River Trail intersects with Orchard Lake Road near the entrance to Beaudette Park, the crosswalk markings have not been maintained, there is a need to bring the trail to more of a 90 degree angle and shorten the crossing distance. FCRT and the City of Pontiac DPW staff are working with an engineering consultant to study the intersection to see if additional traffic control devices are warranted in this locations and make recommended improvements to the crossing to bring it up to current federal guidelines and ADA standards.



FCRT participates in the Pontiac Fit Fest to provide Pontiac residents with trail information and promote safe biking.

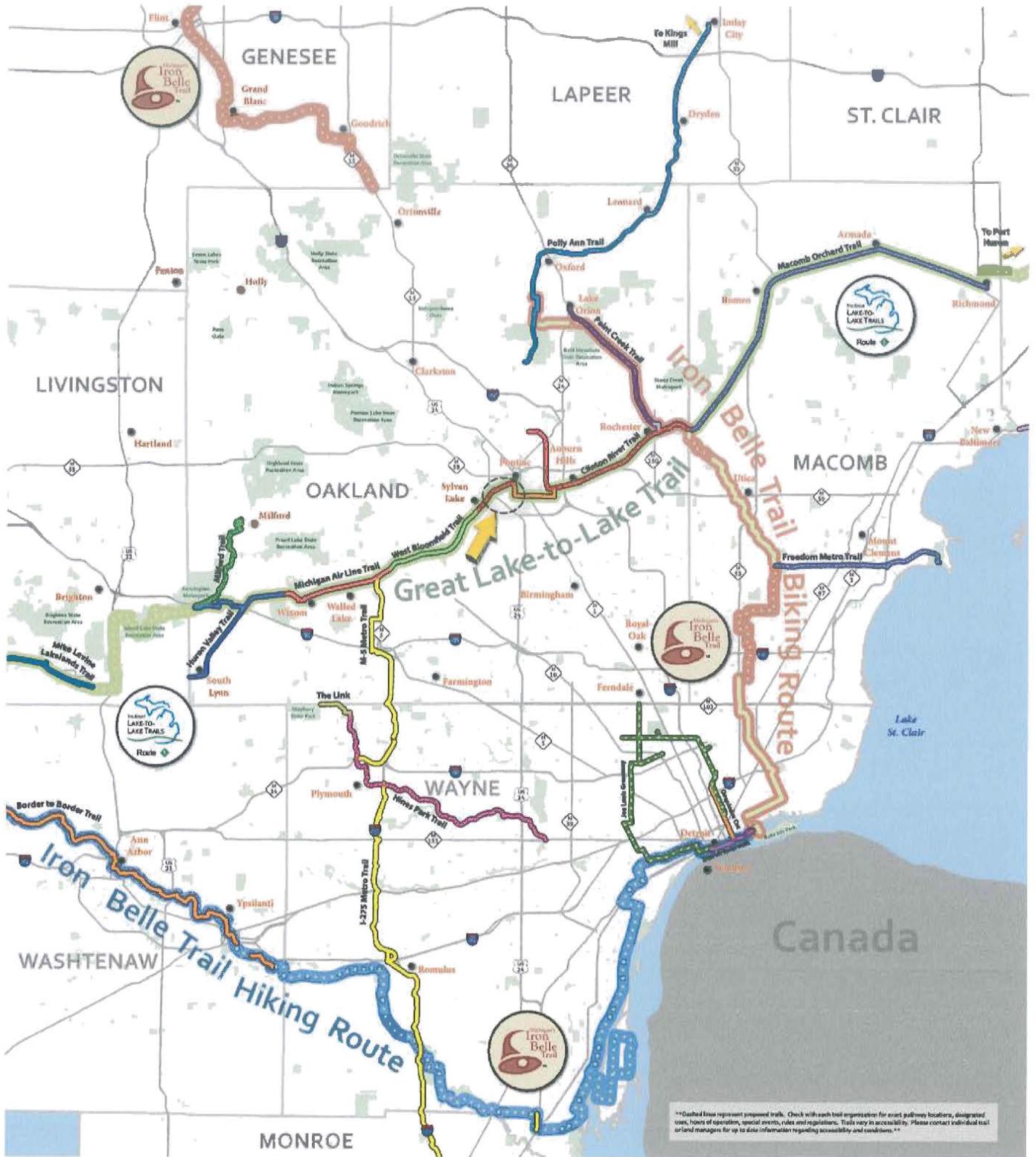


Trailhead at the entrance of Beaudette Park looking east. Notice how the trail is a two-track.





• Southeast Michigan Trail Connections •

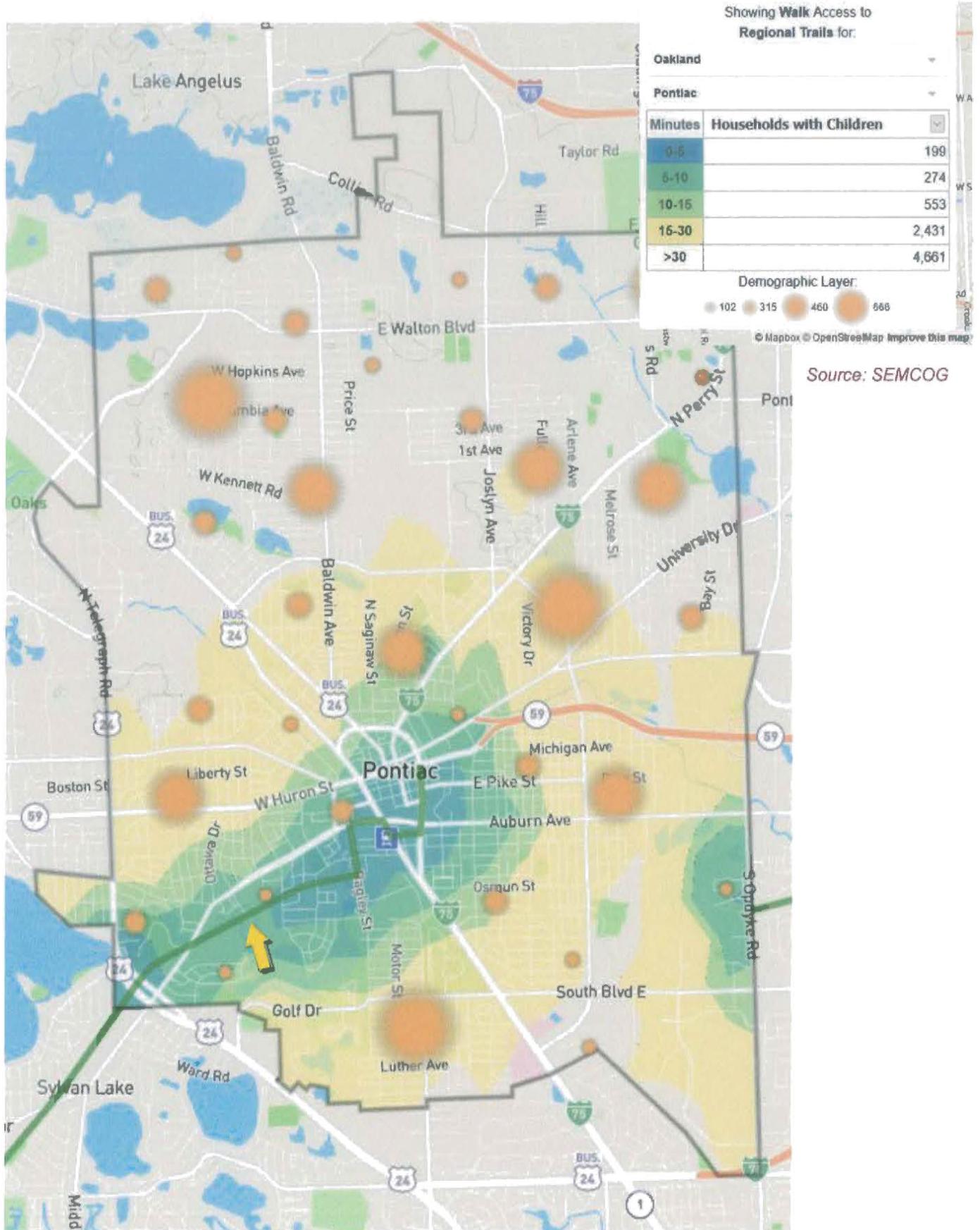


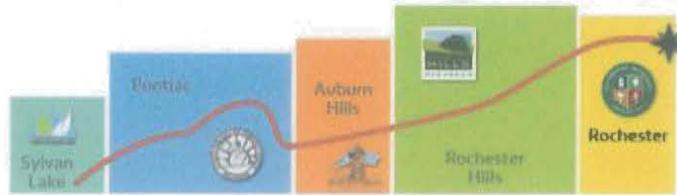
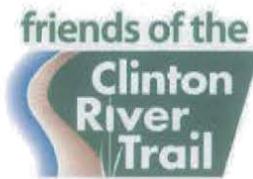


% of Adults Reporting to be Obese Map



Pontiac Access to Parks Map





FACT SHEET

Friends of the Clinton River Trail (FCRT): An all-volunteer, non-profit citizen group with a membership of over 450 people from communities on or near the Clinton River Trail (CRT).

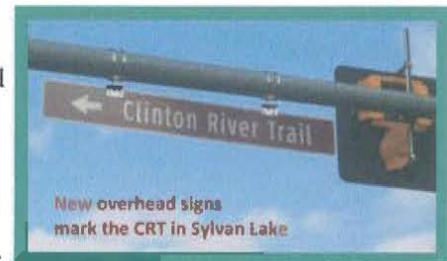
Mission Statement: Friends of the Clinton River Trail is committed to promoting the Clinton River Trail as a safe and enjoyable recreational destination.

Goals:

- Short Term: Safe Crossings – Improving Major Road Crossings
- Mid-Term: One Trail/Five Cities – Consistent “Look & Feel” throughout the 16 miles of trail
- Complete Pontiac Gap – Finalize Route with North Spur Acquisition
- On-Going: Strive to make CRT a destination by providing opportunities to connect people with the natural environment and cultural urban amenities

Recent Major Projects & Accomplishments:

- Completed year-long 15th Anniversary celebration with 16 special events throughout all five CRT communities. Presented all cities with banners advertising events and received proclamations from all city councils.
- Installed new overhead signage on the HAWK beacon mast arms in Sylvan Lake.
- Worked with Oakland County EDCA to draft RFP for the City of Pontiac to address both rehabilitation of the existing trail and development of the new North Spur segment.
- Partnered with St. Joseph Mercy Hospital to clean-up along the trail and river between Beaudette Park and Bagley St. in Pontiac.
- Participated in the annual Pontiac Fit-Fest and bicycle donation program.
- Acquired and plan for spring installation of additional shade shelter in Rochester Hills.



Volunteers from auto supplier Brose NA clean-up CRT in Auburn Hills & Rochester Hills

On-going FCRT Activities:

- Manage the CRT website – clintonrivertrail.org – as well as mobile smart phone apps, online maps and social media accounts for CRT.
- Publish the annual *Trailways* newsletter since 2006 – special 15th Anniversary Edition in 2019.
- Design and print CRT maps and frequently fill the map boxes. Thousands of maps are distributed annually.
- Maintain the map boxes and mile markers along the trail – donations and/or grants to fund additional amenities are continually being sought.
- Organize periodic trail clean-ups and work days with support from area organizations and employers.
- Prepare trail advocacy presentations and updates to each city’s legislative body. Encourage proper maintenance of CRT.
- Hold regular FCRT meetings, usually on the last Tuesday of the month. Visit clintonrivertrail.org for details.

March 2020



• Memorandum of Understanding •



Clinton River Trail Memorandum of Understanding

By and Among the Communities of Sylvan Lake, Pontiac, Auburn Hills, Rochester Hills and Rochester

This Memorandum of Understanding between these five communities is for the purpose of clarification of the management of the Clinton River Trail. This Memorandum is intended to acknowledge a voluntary, cooperative association among the participating communities and shall not be construed to create or establish binding or enforceable commitments, responsibilities, burdens, obligations or liabilities on the part of any participating community. Any participating community may terminate its participation upon notice to other communities.

Continuous Trail

Each community agrees to provide and maintain a continuous trail through their community for non-motorized transportation and recreational purposes with trail connections at each community's borders.

Management and Maintenance

All issues of trail management, maintenance, and rule enforcement of each community's trail link will remain the sole responsibility and be under the total control of each local community.

Quarterly Meetings

Quarterly Clinton River Trail Meetings will be scheduled for representatives of the five local units of government for the purpose of cooperation in areas of mutual benefits.

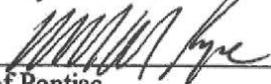
Concurrence

The communities of Sylvan Lake, Pontiac, Auburn Hills, Rochester Hills and Rochester concur with the intent of this Memorandum of Understanding.



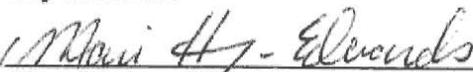
City of Sylvan Lake

3-30-04
Date



City of Pontiac

3-29-04
Date



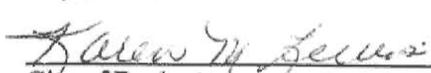
City of Auburn Hills

2-6-04
Date



City of Rochester Hills

2-13-04
Date



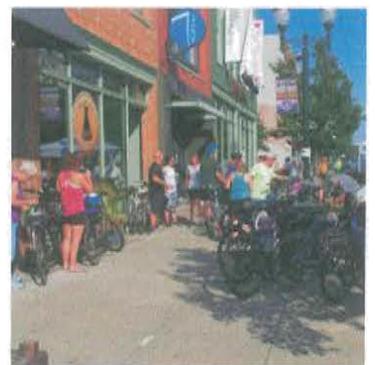
City of Rochester

2-24-04
Date

The Friends of the Clinton River Trail has a Board of Directors, that guides the activities and leads this all-volunteer, non-profit citizen group with a membership of over 450 people from communities on or near the Clinton River Trail.

The 2020 Friends of the Clinton River Trail Board of Directors:

- Melinda Hill - President
- Fred Phillips – Vice President
- John Zalewski – Treasurer
- Claudia Filler – Secretary
- Richard Harrison – Director
- John Hensler – Director
- Debbie Parker – Director

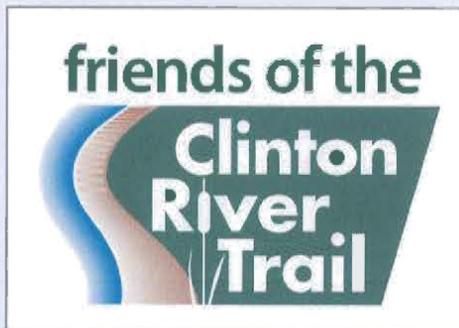


PROJECT ADMINISTRATIVE STRUCTURE

**Community Foundation
of Greater Rochester**

Johanna (Jo) H. Allen, Executive Director

**Friends of the
Clinton River Trail
(FCRT)**



Melinda Hill
FCRT President

Fred Phillips
FCRT Vice President

John Zalewski
FCRT Treasurer

Claudia Filler
Secretary

Richard Harrison
Director

John Hensler
Director

Debbie Parker
Director

Healthy Pontiac,
We Can Coalition

Design/Construction
Engineering Firm(s)

Oakland
County

City of
Pontiac

City of
Sylvan Lake

Note: FCRT maintains the majority of its funds in a non-endowed fund at the Community Foundation of Greater Rochester (CFGR). The CFGR would act as the fiduciary for the project and disburse funds directly related to the reconstruction project.

#6

ORDINANCE

Pontiac, Michigan
CARRIAGE PLACE APARTMENTS
ORDINANCE NO. _____
TAX EXEMPTION ORDINANCE

ADOPTED: _____, 2020

An Ordinance to provide for a service charge in lieu of taxes for a housing project for low income persons and families to be financed with a federally-aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, *et seq*; the "Act").

THE CITY OF PONTIAC
ORDAINS:

SECTION 1. This Ordinance shall be known and cited as the "**Tax Exemption Ordinance-for Carriage Place Apartments.**"

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its low income persons and families and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all ad valorem taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing project that is constructed with financing extended in reliance on such tax exemption.

The City acknowledges that the Sponsor: CARRIAGE PLACE LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan limited partnership, has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to own and operate a 234 unit housing project identified as *Carriage Place* on certain property located at 255 Carriage Circle Drive in the City (tax parcel number: 14-34-127-002) to serve low income persons and families, and that the Sponsor has offered to pay the City, on account of this housing project, an annual service charge for public services in lieu of all ad valorem property taxes.

SECTION 3. Definitions.

A. "Authority" means the Michigan State Housing Development Authority.

B. "Annual Shelter Rent" means the total collections during an agreed annual period from or paid on behalf of all occupants of a housing project representing rent or occupancy charges, exclusive of Utilities (as hereafter defined).

C. "LIHTC Program" means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.

D. "Low Income Persons and Families" means persons and families eligible to move into a housing project.

E. "Mortgage Loan" means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the housing project.

F. "Sponsor" means CARRIAGE PLACE LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan limited partnership, and any entity that receives or assumes a Mortgage Loan.

G. "Utilities" means charges for gas, electric, water, sanitary sewer and other utilities furnished to the occupants that are paid by the housing project.

SECTION 4. Class of Housing Projects.

It is determined that the class of housing projects to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing projects for Low Income Persons and Families that are financed with a Mortgage Loan. It is further determined that *Carriage Place* is of this class.

SECTION 5. Establishment of Annual Service Charge.

The housing project identified as *Carriage Place* and the property on which will be located shall be exempt from all ad valorem property taxes from and after the commencement of construction or rehabilitation. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing project in reliance upon the enactment and continuing effect of this Ordinance, and the qualification of the housing project for exemption from all ad valorem property taxes and a payment in lieu of taxes as established in this Ordinance. Therefore, in consideration of the Sponsor's offer to construct and operate the housing project, the City agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes. Subject to receipt of a Mortgage Loan, the annual service charge shall be equal to 6% of the Annual Shelter Rent actually collected by the housing project during each operating year.

SECTION 6. Contractual Effect of Ordinance.

Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

SECTION 7. Limitation on the Payment of Annual Service Charge.

Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

SECTION 8. Payment of Service Charge.

The annual service charge in lieu of taxes as determined under this Ordinance shall be payable in the same manner as general property taxes are payable to the City and distributed to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the current calendar year. The annual payment for each operating year shall be paid on or before July 1st of the operating year. Collection procedures shall be in accordance with the provisions of the General Property Tax Act (1893 PA 206, as amended; MCL 211.1, et seq.).

SECTION 9. Duration.

This Ordinance shall remain in effect and shall not terminate so long as: (i) the Sponsor obtains a Mortgage Loan on or before June 30, 2021; (ii) a Mortgage Loan remains outstanding and unpaid; and (c) the housing project remains subject to income and rent restrictions under the LIHTC Program but in no case longer than 30 years from the date of the certificate of occupancy issued by the City for the housing project.

SECTION 10. Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance, other than the section or provision so declared to be unconstitutional or invalid.

SECTION 11. Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

Section 12. Effective Date.

This Ordinance shall become effective on _____, 2020, as provided in the City Charter.

By: _____
CITY CLERK

#7

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council

FROM: Linnette Phillips, Director, Economic Development

THROUGH: Jane Bais DiSessa, Deputy Mayor

DATE: July 23, 2020

CC: Mayor Waterman; Irwin Williams, Interim Finance Director; and Anthony Chubb, City Attorney.

RE: **RESOLUTION TO AUTHORIZE MAYOR TO EXECUTE MUNICIPAL SERVICE AGREEMENT FOR CARRIAGE CIRCLE APARTMENTS (Parcel Number: 14-34-127-002).**

The City of Pontiac acknowledges that the Sponsor: Carriage Place Limited Dividend Housing Association Limited Partnership, has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to own and operate a 234 unit housing program identified as **Carriage Circle** on property located at 225 Carriage Circle Drive in the City (tax parcel number: 14-34-127-002) to serve low income persons and families. The sponsor has offered to pay the City, on account of this housing project, an annual charge for public services in lieu of all ad valorem property taxes. The projected income is at 6% for all units for \$88,183 annually.

In addition to providing renovations to bring the property up to code, the pilot project provides affordable subsidized housing for low income residents; the renovated units can potentially impact the City's current vacancy rate is 5% with additional housing and reduce homelessness. For your review and consideration, the Municipal Service Agreement is attached.

As such, the resolution below is submitted for your consideration:

Whereas, the Pontiac Housing Commission is investing nearly \$40,000,000 in a renovation of the Carriage Circle Apartment complex; and

Whereas, the City has agreed to a Payment In Lieu of Taxes agreement for Carriage Circle Apartments; and

Whereas, the City incurs substantial costs related to municipal services including but not limited to emergency services; and

Whereas, the Parties have agreed to a municipal services agreement in the amount of \$10,000 per year to defray those services;

Now Therefore be it Resolved, that the City Council approves the Municipal Services Agreement and authorizes its execution by the Mayor.

Attachment:

Municipal Service Agreement

LEP

#8

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Council President and City Council Members

FROM: Mayor Dierdre Waterman
Presented By: Mathew Gibb, Special Counsel and Jane Bais-DiSessa, Deputy Mayor

DATE: July 9, 2020

RE: **MAYORAL REPORT** and Resolution of City Council to Acknowledge and Adopt the Amended Timeline to complete the Phoenix Center Settlement Agreement Obligations

At the Council meeting of July 7, 2020 City Council called for a special meeting, to be held on July 13, 2020, wherein the Council would review the entire scope of work, and RFP packages for the Phoenix Center. As a result of this request, and based upon the report presented to Council at its meeting on July 7, 2020 outlining the status of bids meeting the Councils direction of partial release of work (at a funding limit of \$7 million), the timeline for commencement and completion of work must be amended.

As this is central to the issues and questions of Default, raised in the report of July 7, 2020, it is necessary for Council to acknowledge the amended timeline and the effects of further delays.

NOTE: THE AMENDED TIMELINE WILL BE COMPELTED FOLLOWING THE COUNCILS SPECIAL MEETING OF JULY 13, 2020, INCORPORATING THE DECISIONS OR NON-DECISIONS MADE AT THAT TIME.

The following resolution is recommended:

Whereas City Council signed the Settlement agreement for resolution of Phoenix Center Litigation

Whereas City Council understands it's obligations to act Financially prudently

Whereas the city has suffered through a period of economic downtown resulting in 3 emergency managers and wants to protect it's citizens from another such fiscal crisis

Where the city lost valuable assets due to failure to act in a timely manner;

Where the City Council has obligations to the city to find a solution for their responsibility to fiscally enable the terms of Settlement agreement and complete those obligations in a timely manner;

Now therefore, the Pontiac City Council acknowledges and adopts the timeline for completion of bidding, award and construction of all critical and necessary improvements to the Phoenix Center as presented at its meeting of July 14, 2020, and attached hereto.

#9

RESOLUTION



City of Pontiac, Michigan

Department of Finance

Mayor Deirdre Waterman

To: Honorable Mayor Waterman, City Council President Williams and City Council Members

From: Irwin Williams, CPA Interim Finance Director, through Jane Bais-DiSessa, Deputy Mayor

Date: July 22, 2020

Cc: Anthony Chubb, City Attorney

Re: Agenda Request: Amendment to Emergency Ordinance 2357

Honorable Council President and City Council:

As you may recall, on September 11, 2018, the City Council approved Emergency Ordinance 2357, which extended the temporary increase in pension payments to Police and Fire (P&F) retirees until August 31, 2019.

Attached for your consideration is an emergency ordinance to restore the supplemental payment for P&F retirees from September 1, 2019 ending August 31, 2020, or when the CPREA health care litigation is resolved and health insurance will be provided to retiree class, whichever comes first.

As such, the following resolution is recommended for your consideration:

Whereas, the temporary increase to certain members of the Police and Fire pension system expired on August 31, 2020; and,

Whereas, the City Council desires that this temporary increase continues for at least one more year; and,

Whereas, such ordinance, if approved, will take effect from September 1, 2020 and expire on August 31, 2021 or when the CPREA health care litigation is resolved and health insurance will be provided to retiree class, whichever comes first, and,

Whereas, the Pontiac City Council considers this an emergency of health and safety.

Now therefore, an Ordinance to provide limited increase in pension systems members of the Police and Fire pension system is hereby approved.

An Amendment to Ordinance No. 2357

An ordinance to provide for a limited increase in pension payments for certain members of the Police and Fire Retirement System (PFRS).

The City of Pontiac ordains:

Section 1. Amendments.

The Code of Ordinances shall be amended to read as follows:

- a. Section 92-122.2 shall be amended to add the following language:

Temporary Pension Increase:

"All persons who retired before August 22, 1996, and who are receiving retirement benefits as of September 1, 2019 and who enter pay status through August 1, 2020 shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning September 1, 2019 through August 31, 2020. Should the City of Pontiac, as the result of litigation or settlement thereto, will provide retiree health insurance to the group or a compensation that is understood as an alternative healthcare benefit, the monthly allowance of \$400 per month ends."

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 3. Repealer.

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

Section 4. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Emergency Declaration and Effective Date.

This Ordinance is declared an emergency of health and safety to allow the pension recipients to collect the increase authorized in this Ordinance on the date identified in this Ordinance and shall be effective immediately upon adoption by the City Council.

#10

**COMMUNICATION
FROM THE
OFFICE OF THE
CITY CLERK**



OFFICE OF THE CITY CLERK
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue
Pontiac, Michigan 48342
Phone: (248) 758-3200
Fax: (248) 758-3160

MEMORANDUM

TO: Honorable City Council

FR: Garland S. Doyle, Interim City Clerk

DA: July 23, 2020

RE: Status of Outstanding Issues between the Office of the City Clerk and Mayor's Office regarding Medical Marihuana

1. Acknowledgement Regarding Confidentiality and Non-Disclosure of Information Obtained During Medical Marihuana Permit Application Scoring Process

The City Clerk has requested that all staff, contractors and professional experts involved in the Medical Marihuana Application Review Process sign a Confidentiality and Non-Disclosure Form. The form that was developed for the Office of the City Clerk is attached as Exhibit A.

Mayor Waterman requested that some changes be made to the form. The Mayor's revised form is attached as Exhibit B.

The City Clerk through his Legal Advisor Robert Huth, Esq. has informed the Mayor and her team that the revisions made to the form are unacceptable because the revisions allow for medical marihuana applicants confidential information to be disclosed to the public. '

The City Clerk has offered an alternative form as a compromise. The Clerk's compromise form is attached as Exhibit C. This form protects medical marihuana applicants' confidential information from being shared with competitors but allows the Administration to adequately supervise their staff assigned to the review process.

It is important to note that none of the reviewers that are a part of the Mayor's administration have signed the compromise form.

2. Matt Gibb, Esq., Special Counsel for Economic Development Agreement

Since the City Council did not approve Mr. Gibb's agreement, the City Clerk has requested a copy of the agreement that Mr. Gibb has with the City. If Mr. Gibb does not

have an agreement with the City, than the agreement with Giarmarco, Mullins and Horton needs to be presented. If he is serving of Counsel to the firm.

It is important to note that the Clerk wants to be able to ensure that Mr. Gibb is operating in an official capacity with the City since he is playing a major role in the Medical Marihuana process.

3. Administration Reviewer Standards

The City Clerk has not received any of the Administration reviewer standards including Planning. Giffels Webster the Professional Expert-Planning Advisor to the City Clerk needs to review the standards to ensure that they are in compliance with the City of Pontiac Medical Marihuana Facilities Ordinance (Ordinance 2357 (B)) and professional planning standards. If the City Clerk does not receive the planning standards from the Administration Planning Division, then he will have Giffels Webster conduct the application planning review to ensure Ordinance 2357 (B) is followed.

These are the three outstanding issues as it relates to Medical Marihuana.



**ACKNOWLEDGEMENT REGARDING CONFIDENTIALITY
AND NON-DISCLOSURE OF INFORMATION OBTAINED DURING
MEDICAL MARIHUANA PERMIT APPLICATION SCORING PROCESS**

I, _____, by signing below, hereby acknowledge the following:

1. That the City of Pontiac (the "City") has approved an ordinance to allow medical marihuana provisioning centers to operate in the City.

2. That I am in a position to review and score one or more components of an applicant's medical marihuana facility permit application or proposed medical marihuana facility for a provisioning center on behalf of relevant departments/divisions of the City (including contractors of the City) tasked with reviewing and scoring medical marihuana applications or proposed medical marihuana facilities for provisioning centers.

3. That any and all information contained in an applicant's medical marihuana facility permit application for a provisioning center or obtained or reviewed in relation to the same by the City and/or any of its departments, divisions, officers, agents, employees, or contractors during the review and scoring of that application or proposed facility is considered confidential ("Confidential Information").

4. That I will have access to such Confidential Information as part of the process of reviewing and scoring one or more components of an applicant's medical marihuana facility permit application or proposed medical marihuana facility for a provisioning center.

By signing below, the undersigned hereby agrees as follows:

A. That I will not share or disclose Confidential Information with any person or entity who is not in a position to review and score the applicable permit application for such provisioning center applicant;

B. That I will take reasonable measures to maintain and preserve the confidential nature of the Confidential Information; and

C. That I will return all Confidential Information and related materials to the City Clerk at the conclusion of the review and scoring process and will not retain a copy of any Confidential Information.

SIGNATURE: _____ TITLE: _____ DATE: _____

STATE OF _____)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____.

_____, Notary Public
_____, County, Michigan
My commission expires: _____

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by

_____.

_____, Notary Public
_____, Michigan
My commission expires: _____

The foregoing instrument was acknowledged before me this ____ day of _____, 201____, by

_____.

_____, Notary Public

County, Michigan

My commission expires: _____

#11

**COMMUNICATION
FROM THE
MAYOR**

Garland Doyle

From: Anthony Chubb <achubb@gmhlaw.com>
Sent: Thursday, July 23, 2020 12:19 PM
To: Jane Bais-DiSessa; Mayor Deirdre Waterman
Subject: Bonadio Statement

WARNING: This email originated from **outside** of City of Pontiac. **DO NOT click on any links or open any attachments** unless you recognize the sender and are expecting the message.

At the previous City Council meeting, it was stated that the Executive Office has, by and through the City Attorney, rejected the forensic audit contract with Bonadio Group in an attempt to subvert a forensic audit. This is professionally and personally insulting to myself and the Mayor, and absolutely inaccurate.

I have been in active negotiation with the Bonadio Group for well over a week, and we have exchanged not less than six versions of the proposed agreement. Although many changes were agreed upon, their last and final proposed version requires the City to "indemnify and hold harmless Bonadio, its employees, partners and third party consultants and subcontractors from any and all direct and third party claims, liabilities, costs, and expenses, including reasonable attorneys' fees, arising from or relating to the service or deliverables under this letter, except to the extent finally determined to have resulted from the negligence, willful misconduct or fraudulent behavior of Bonadio & Co., LLP."

As a policy, the City generally requires contractors to indemnify it, rather than the inverse. However, some professional services require exceptions to that policy, and are done on a case-by-case basis. Regarding the Bonadio Group contract, my final change was that rather than "except to the extent finally determined", it stated "except to the extent they are alleged or determined". This is very reasonable, and limits our obligation to defend them when it is alleged that they acted negligently, engaged in misconduct, or even fraud. This is reasonable and properly protects the City, and is consistent with my obligations pursuant to Charter Section 4.202.

Importantly, this in no way prohibits a forensic audit. It simply requires that a responsible contractor perform that function.

Anthony Chubb

Giarmarco, Mullins & Horton, P.C.
Tenth Floor Columbia Center
101 West Big Beaver Road
Troy, Michigan 48084-5280
Phone: (248) 457-7054
Fax: (248) 404-6334
Email: achubb@gmhlaw.com
www.gmhlaw.com

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#12

**COMMUNICATION
FROM THE
MAYOR**



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Council President and City Council Members

FROM: Mayor Dierdre Waterman

DATE: July 16, 2020

RE: MAYORAL REPORT – PONTIAC’S OUTDOOR DINING PROGRAM

As restaurants in Pontiac continue to work towards re-opening, finding staff, and restoring their customer base, it is important to support those efforts by working within the limits of the various executive orders and finding ways to help those establishments by expanding their capacity and seating through using outdoor spaces.

In accord with my authority under our charter I have issued the attached Executive Order which implements a program where restaurants may obtain administrative approval of outdoor dining options to expand their capacity, meet customer’s needs, and enhance their potential volume of customers.

The process includes the submission of basic site drawings outlining where the new seating is, how they will keep social distancing guidelines, and how the seating will comply with fire codes and other building standards. This program is available for all restaurants and eateries that are currently licensed and registered in the City of Pontiac.

#13

**COMMUNICATION
FROM THE
MAYOR**



CITY OF PONTIAC
Department of Building Safety & Planning
CODE ENFORCEMENT DIVISION
47450 Woodward Ave • PONTIAC, MICHIGAN 48342
TELEPHONE: (248) 758-2800

Mayor Deirdre Waterman

TO: HONORABLE MAYOR, COUNCIL PRESIDENT, AND CITY COUNCIL

**FROM: PATRICK BRZOZOWSKI, CODE ENFORCEMENT MANAGER
THROUGH THE OFFICE OF DEPUTY MAYOR JANE BAIS-DISESSA**

SUBJECT: SPECIAL PRESENTATION, CODE ENFORCEMENT UPDATE

DATE: JULY 14, 2020

We are excited to present the City Council with updated Code Enforcement activities, accomplishments, and goals moving forward. During Fiscal year 2019-2020 we have made significant progress towards achieving compliance with our rental, exterior property, and business license ordinance requirements. Highlighted within the presentation will include an executive summary of recent enforcement activity and a general overview of the Blight Court ticketing process which will be used to help achieve our City goal of a Blight Free Community.

The presentation will be divided into three (3) primary sections:

Section 1: Activity/Accomplishments

- Enforcements Filled
- Code Enforcement Inspections Completed
- Tickets Issued
- Unregistered Rental Enforcements
- Nuisance Abatement Program

Section 2: Goals

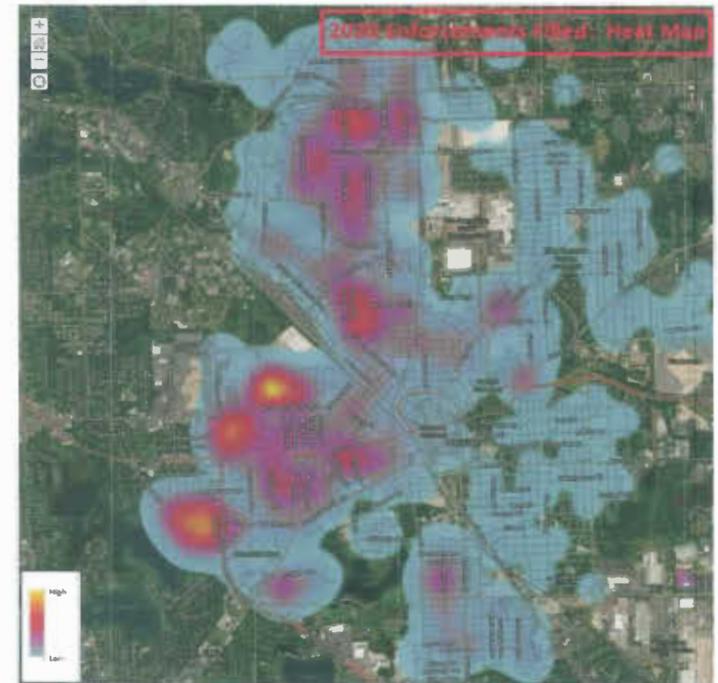
- Code Enforcement
- Business Licensing
- Vacant/Rental Housing

Section 3: Q&A

Maintaining a Blight Free Pontiac Through Code Enforcement Services, *July 21, 2020 Report*

presented by: *Patrick Brzozowski, Code Enforcement Manager*

- **Blight Court Update**
- **Code Enforcement Progress & Activity**
- **Nuisance Abatement Report**



Blight Court

- Blight Court meets twice a month on the 1st Thursday from 9 AM – 12 PM, and the third Thursday from 6-9 PM.
 - Two Blight Court Hearings have been held; June 18th and July 16th
 - **113 Blight Court Tickets** issued for our next hearing on August 6, 2020.
- 

Blight Court

08/06/2020 Hearing Docket



8/6/2020: City of Pontiac Blight Court Docket

Case No.	Violation	Address	Parcel No.	Owner	Offense No.	Code Officer
E203204	Tall Grass	910 CESAR E CHAVEZ AVE	64-14-19-206-044	910 CESAR LLC	1	FLORIN MINDRU
E202911	Tall Grass	CASS	64-14-29-502-027	A/S PROPERTY TAX GROUP - 8TH FLOOR	1	ENRIQUE LEMUS
E203439	Tall Grass	630 M L KING BLVD N	64-14-21-405-006	AARONCO MANAGEMENT CO INC	1	HECTOR ORTIZ
E203190	Tall Grass	158 CLIFFORD ST	64-14-34-103-016	ABLE, HAZEL	1	ENRIQUE LEMUS
E202939	Tall Grass	124 OLIVER ST	64-14-21-331-016	ANDERSON, LAVERN	1	TAMI COOPER
E202822	Tall Grass	363 SEWARD	64-14-34-156-007	BLAKELY, BENNIE	1	ENRIQUE LEMUS
E203240	Tall Grass	CAMERON	64-14-22-176-026	BRICKLAND LLC	1	HECTOR ORTIZ
E202991	Tall Grass	324 HUGHES	64-14-32-478-022	BYRD, JAMES FLANAGAN	1	TAMI COOPER
E202656	Tall Grass	47700 WOODWARD	64-14-28-305-004	CENTRAL LLC	1	ENRIQUE LEMUS
E202471	Tall Grass	83 OAKHILL ST	64-14-28-109-017	CORDOBA, RAFAEL	1	HECTOR ORTIZ
E202634	Tall Grass	621 MARKLE	64-14-21-208-016	DAVID BAMIDELE OLUTUSIN	1	ENRIQUE LEMUS
E202458	Tall Grass	821 ROBINWOOD ST	64-14-22-108-016	DELOSANGELES, VICTOR	1	HECTOR ORTIZ
E202912	Tall Grass	WOODWARD	64-14-29-408-017	DETROIT SMSA LTD PARTNERSHIP	1	ENRIQUE LEMUS
E202654	Tall Grass	W HURON	64-14-29-408-018	DETROIT SMSA LTD PARTNERSHIP	1	ENRIQUE LEMUS
E202722	Tall Grass	467 OMAR ST	64-14-21-377-039	DIAZ LEON CHAVEZ, MIGUEL A	1	HECTOR ORTIZ

Blight Court

08/06/2020 Hearing Docket



8/6/2020: City of Pontiac Blight Court Docket

Case No.	Violation	Address	Parcel No.	Owner	Offense No.	Code Officer
E202969	Tall Grass	1056 WILLIAMSON	64-14-15-426-050	DONALDSON JR, CALVIN	1	HECTOR ORTIZ
E202970	Tall Grass	1110 WILLIAMSON	64-14-15-426-033	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202968	Tall Grass	1052 WILLIAMSON	64-14-15-426-051	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202967	Tall Grass	1048 WILLIAMSON	64-14-15-426-052	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202966	Tall Grass	1028 WILLIAMSON	64-14-15-426-057	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202973	Tall Grass	1132 CARPENTER DR	64-14-15-427-002	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202972	Tall Grass	1124 CARPENTER DR	64-14-15-427-004	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202971	Tall Grass	1117 CARPENTER DR	64-14-15-427-007	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202982	Tall Grass	1073 WILLIAMSON	64-14-15-427-017	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202981	Tall Grass	1083 WILLIAMSON	64-14-15-427-020	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202978	Tall Grass	1111 WILLIAMSON	64-14-15-427-027	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202977	Tall Grass	1115 WILLIAMSON	64-14-15-427-028	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202976	Tall Grass	1119 WILLIAMSON CIR	64-14-15-427-029	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202975	Tall Grass	1123 WILLIAMSON CIR	64-14-15-427-030	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E202974	Tall Grass	1127 WILLIAMSON	64-14-15-427-031	DONALSON JR, CALVIN	1	HECTOR ORTIZ
E203304	Tall Grass	1087 WILLIAMSON	64-14-15-427-021	DONALSON, CALVIN	1	HECTOR ORTIZ
E202979	Tall Grass	1107 WILLIAMSON	64-14-15-427-026	DONALSON, CALVIN	1	HECTOR ORTIZ

Blight Court

08/06/2020 Hearing Docket



8/6/2020: City of Pontiac Blight Court Docket

Case No.	Violation	Address	Parcel No.	Owner	Offense No.	Code Officer
E202723	Tall Grass	835 CEDAR ST	64-14-22-352-010	DOULAVERIS, GEORGE	1	HECTOR ORTIZ
E202834	Tall Grass	458 CESAR E CHAVEZ AVE	64-14-20-354-027	DTH REO INC	1	FLORIN MINDRU
E203047	Tall Grass	618 E KENNETT RD	64-14-21-255-003	E KENNETT 618	1	FLORIN MINDRU
E202620	Tall Grass	686 N PERRY ST	64-14-21-377-001	ECORSE INV LLC	1	HECTOR ORTIZ
E203125	Tall Grass	176 LIBERTY ST	64-14-30-426-034	EDWARDS, JOHN L	1	TAMI COOPER
E202590	Tall Grass	N SAGINAW	64-14-29-257-012	ELEPHANT INK LLC	1	ENRIQUE LEMUS
E203014	Tall Grass	382 CESAR E CHAVEZ AVE	64-14-20-381-013	ELFAKIR INVESTMENT PROPERTIES LLC	1	FLORIN MINDRU
E202801	Tall Grass	513 HARPER	64-14-21-377-025	ELSNER, RICK	1	HECTOR ORTIZ
E202423	Tall Grass	33 MORELAND AVE	64-14-28-152-024	ESPARZA, MANUEL	1	HECTOR ORTIZ
E202649	Tall Grass	W HURON	64-14-29-354-006	EVANS GLADWIN DALE	1	ENRIQUE LEMUS
E202748	Tall Grass	31 ELLWOOD ST	64-14-28-106-017	FOSTER, JUSTIN BOYD	1	HECTOR ORTIZ
E203144	Tall Grass	43 ADAMS ST	64-14-33-252-017	GADDY, WARREN D	1	ENRIQUE LEMUS
E202375	Tall Grass	377 OSMUN ST	64-14-33-210-043	GILMORE, BRIAN	1	ENRIQUE LEMUS
E202600	Tall Grass	704 EMERSON AVE	64-14-22-178-008	GOLDMAN, JACK	1	HECTOR ORTIZ
E202359	Tall Grass	260 NELSON ST	64-14-21-329-014	GOLONSKA, DIANE E	1	HECTOR ORTIZ
E203037	Tall Grass	115 GLADSTONE PL	64-14-29-233-024	GRACE GOSPEL FELLOWSHIP	1	FLORIN MINDRU
E202416	Tall Grass	401 UNIVERSITY DR	64-14-28-128-045	GRACE TEMPLE MISSIONARY BAPT CHUR	1	HECTOR ORTIZ
E202920	Tall Grass	13 JAMES	64-14-29-301-002	GREENFIELD DANA N	1	TAMI COOPER
E203206	Tall Grass	962 CESAR CHAVEZ	64-14-19-205-038	HAGER 1 LLC	1	FLORIN MINDRU

Blight Court

08/06/2020 Hearing Docket



8/6/2020: City of Pontiac Blight Court Docket

Case No.	Violation	Address	Parcel No.	Owner	Offense No.	Code Officer
E202992	Tall Grass	260 CRYSTAL LAKE DR	64-14-32-480-034	HARPER, ALICE	1	TAMI COOPER
E202432	Tall Grass	143 W KENNETT RD	64-14-17-359-006	HEARNE, JOHN	1	FLORIN MINDRU
E202688	Tall Grass	54 S SHIRLEY	64-14-28-457-016	JOHNSON, AMOS G	1	ENRIQUE LEMUS
E202508	Tall Grass	93 E PRINCETON	64-14-17-206-006	JOHNSON, RAYMOND	1	FLORIN MINDRU
E203181	Tall Grass	114 W WALTON	64-14-08-380-027	JOHNSON, STANLEY	1	FLORIN MINDRU
E202830	Tall Grass	146 N MERRIMAC ST	64-14-20-107-023	KASSAB, VERNEY	1	FLORIN MINDRU
E202369	Tall Grass	263 W STRATHMORE	64-14-17-303-001	KINGZETT, JEFFREY R	1	FLORIN MINDRU
E202370	Tall Grass	1087 STANLEY AVE	64-14-18-479-022	LOCKE, DONNA	1	FLORIN MINDRU
E203142	Tall Grass	268 W WILSON AVE	64-14-32-433-036	LOMBARDO, PETER	1	TAMI COOPER
E203010	Tall Grass	248 HUGHES AVE	64-14-32-478-039	MARY J FAULKNER COLLEGE	1	TAMI COOPER
E203011	Tall Grass	240 HUGHES	64-14-32-479-016	MARY J FAULKNER COLLEGE	1	TAMI COOPER
E203249	Tall Grass	122 SUMMIT ST	64-14-20-311-010	MAYS IV, CHARLIE D	1	FLORIN MINDRU
E202387	Tall Grass	1166 MAURER	64-14-22-458-001	MICHIGAN LEGACY CREDIT UNION	1	HECTOR ORTIZ
E203028	Tall Grass	33 UTICA RD	64-14-30-378-014	MICHIGAN RESIDENTIAL LLC	1	TAMI COOPER
E202663	Tall Grass	17 LOIS LN	64-14-28-407-020	MOM HAVEN 12 LP	1	ENRIQUE LEMUS
E202356	Tall Grass	68 N GLENWOOD AVE	64-14-21-328-032	MUTUTE, MAYRON	1	HECTOR ORTIZ
E202459	Tall Grass	18 MANHATTAN ST	64-14-22-302-002	NEWMAN, BERTHA	1	HECTOR ORTIZ
E202792	Tall Grass	641 LEBARON AVE	64-14-21-202-021	NEWPORT INVESTMENTS PROPERTIES LL	1	HECTOR ORTIZ

Blight Court

08/06/2020 Hearing Docket



8/6/2020: City of Pontiac Blight Court Docket

Case No.	Violation	Address	Parcel No.	Owner	Offense No.	Code Officer
E202890	Tall Grass	617 MARKLE	64-14-21-208-015	OLUTUSIN, DAVID	1	HECTOR ORTIZ
E202452	Tall Grass	734 KENILWORTH	64-14-22-176-002	PARK TERRACE PROPERTIES	1	HECTOR ORTIZ
E203176	Tall Grass	825 ORLANDO	64-14-19-206-032	PON 825 ORLANDO LLC	1	FLORIN MINDRU
E202804	Tall Grass	OAK HILL	64-14-28-108-029	RALPH AND DENISE PUTMAN TRUST	1	HECTOR ORTIZ
E202886	Tall Grass	1555 STANLEY AVE	64-14-07-480-010	RAMSEYER, ERIK	1	FLORIN MINDRU
E202612	Tall Grass	20 JAMES	64-14-29-152-014	REROOT PONTIAC	1	TAMI COOPER
E202505	Tall Grass	166 EUCLID AVE	64-14-20-308-010	S&A EUCLID AVE LLC	1	FLORIN MINDRU
E202860	Tall Grass	79 HOME ST	64-14-20-452-011	SCHOENHERR HOMES LLC	1	FLORIN MINDRU
E203172	Tall Grass	161 PINGREE AVE	64-14-20-311-019	SHIRLEY FUNDING LLC	1	FLORIN MINDRU
E202776	Tall Grass	78 SUMMIT ST	64-14-20-355-001	SINA, FATJON	1	FLORIN MINDRU
E202435	Tall Grass	69 E HOPKINS AVE	64-14-17-207-030	SMITH, CAROL J	1	FLORIN MINDRU
E202679	Tall Grass	1056 CANTERBURY DR	64-14-31-456-015	SOLTICE	1	TAMI COOPER
E203016	Tall Grass	159 EUCLID	64-14-20-307-036	STEBBINS, GEORGE J	1	FLORIN MINDRU
E202699	Tall Grass	804 KENILWORTH AVE	64-14-22-130-005	STICKLAND LLC	1	HECTOR ORTIZ
E202787	Tall Grass	176 W HOPKINS	64-14-17-103-038	THE LOWELL T. CHUBA TRUST	1	FLORIN MINDRU
E202493	Tall Grass	104 EUCLID	64-14-20-309-018	TIGE, CARLA	1	FLORIN MINDRU
E203239	Tall Grass	591 KENILWORTH AVE	64-14-22-326-013	TYKUNE COMPANIES, LLC	1	HECTOR ORTIZ
E202364	Tall Grass	891 SPENCE ST	64-14-21-257-022	US BANK NATIONAL ASSOCIATION	1	HECTOR ORTIZ

Blight Court

08/06/2020 Hearing Docket



8/6/2020: City of Pontiac Blight Court Docket

Case No.	Violation	Address	Parcel No.	Owner	Offense No.	Code Officer
E202890	Tall Grass	617 MARKLE	64-14-21-208-015	OLUTUSIN, DAVID	1	HECTOR ORTIZ
E202452	Tall Grass	734 KENILWORTH	64-14-22-176-002	PARK TERRACE PROPERTIES	1	HECTOR ORTIZ
E203176	Tall Grass	825 ORLANDO	64-14-19-206-032	PON 825 ORLANDO LLC	1	FLORIN MINDRU
E202804	Tall Grass	OAK HILL	64-14-28-108-029	RALPH AND DENISE PUTMAN TRUST	1	HECTOR ORTIZ
E202886	Tall Grass	1555 STANLEY AVE	64-14-07-480-010	RAMSEYER, ERIK	1	FLORIN MINDRU
E202612	Tall Grass	20 JAMES	64-14-29-152-014	REROOT PONTIAC	1	TAMI COOPER
E202505	Tall Grass	166 EUCLID AVE	64-14-20-308-010	S&A EUCLID AVE LLC	1	FLORIN MINDRU
E202860	Tall Grass	79 HOME ST	64-14-20-452-011	SCHOENHERR HOMES LLC	1	FLORIN MINDRU
E203172	Tall Grass	161 PINGREE AVE	64-14-20-311-019	SHIRLEY FUNDING LLC	1	FLORIN MINDRU
E202776	Tall Grass	78 SUMMIT ST	64-14-20-355-001	SINA, FATJON	1	FLORIN MINDRU
E202435	Tall Grass	69 E HOPKINS AVE	64-14-17-207-030	SMITH, CAROL J	1	FLORIN MINDRU
E202679	Tall Grass	1056 CANTERBURY DR	64-14-31-456-015	SOLTICE	1	TAMI COOPER
E203016	Tall Grass	159 EUCLID	64-14-20-307-036	STEBBINS, GEORGE J	1	FLORIN MINDRU
E202699	Tall Grass	804 KENILWORTH AVE	64-14-22-130-005	STICKLAND LLC	1	HECTOR ORTIZ
E202787	Tall Grass	176 W HOPKINS	64-14-17-103-038	THE LOWELL T. CHUBA TRUST	1	FLORIN MINDRU
E202493	Tall Grass	104 EUCLID	64-14-20-309-018	TIGE, CARLA	1	FLORIN MINDRU
E203239	Tall Grass	591 KENILWORTH AVE	64-14-22-326-013	TYKUNE COMPANIES, LLC	1	HECTOR ORTIZ
E202364	Tall Grass	891 SPENCE ST	64-14-21-257-022	US BANK NATIONAL ASSOCIATION	1	HECTOR ORTIZ

Blight Court

08/06/2020 Hearing Docket



8/6/2020: City of Pontiac Blight Court Docket

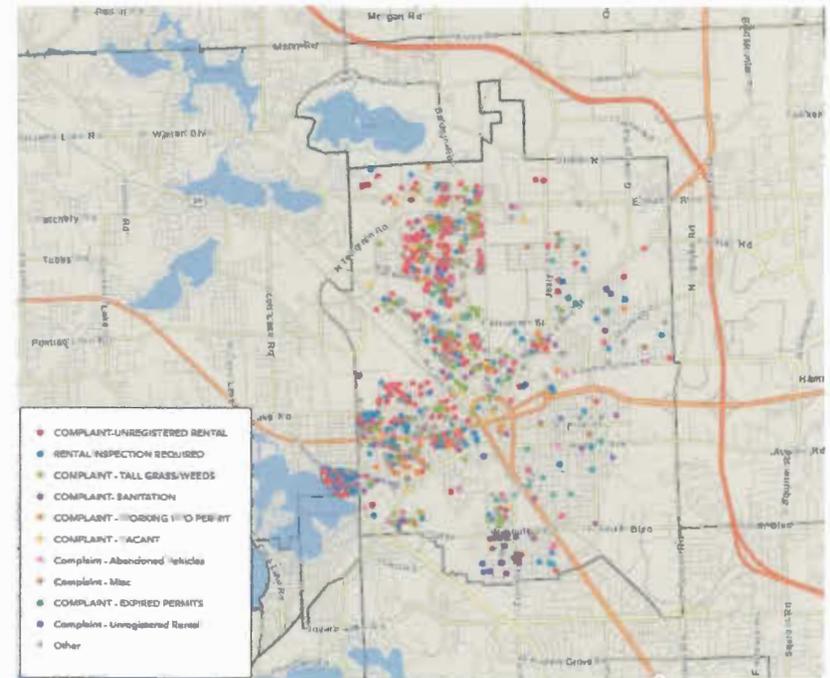
Case No.	Violation	Address	Parcel No.	Owner	Offense No.	Code Officer
E202831	Tall Grass	144 N MERRIMAC ST	64-14-20-107-024	VERNEY AKRAM KASSAB GROUP, LLC	1	FLORIN MINDRU
E202768	Tall Grass	391 S PADDOCK	64-14-33-185-001	VICTORIOUS CHRISTIAN LIFE CHURCH	1	ENRIQUE LEMUS
E203119	Tall Grass	122 DWIGHT	64-14-30-426-016	WHITE, OMAR D	1	TAMI COOPER
E202657	Tall Grass	666 MARKLE	64-14-21-210-016	WHITEHEAD, EDWARD J	1	HECTOR ORTIZ
E202456	Tall Grass	774 ROBINWOOD ST	64-14-22-109-011	WILLINGHAM, JOHN	1	HECTOR ORTIZ
E202726	Tall Grass	412 N PADDOCK	64-14-21-357-009	WORLD CONSOLIDATED INC	1	HECTOR ORTIZ
E203020	Tall Grass	BALDWIN	64-14-17-333-028	YOUNG, HEAVEN	1	FLORIN MINDRU

Blight Court Goals

- Establish/maintain the Bureau and continue our directive to accomplish a Blight Free Pontiac
 - Accelerated compliance with city/municipal ordinances
 - Work to educate property owners of the Roles/Responsibilities to Maintain a Blight Free Pontiac
 - Improve the quality of live for Pontiac residents
 - Maintain a respectful and orderly presence within the community, and help direct the growth in a responsible manner
- 

Code Enforcement Progress/Activity: (Jan 2020 – Present)

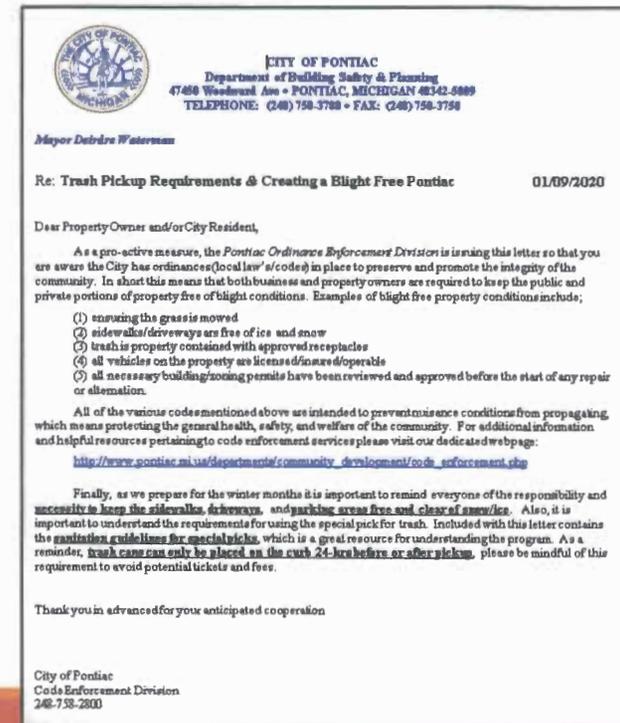
- **7,076** Total Inspections Completed
 - 1,179 Inspections per Month
 - 244 Inspections per Week
 - 35 Inspections per Day
- **1,376** New Enforcements Filed
 - **25%** Resolved
- 1st half of 2020 issued 5,487 violations notices, and sent over 161 properties to our mowing contractor, which is a 95% increase compared to the same time period on 2018 (161 vs. 58).



Proactive Enforcement Measures:

Letters published and mailed to Businesses and Property Owners

- Tenant/Landlord Sanitation Req. & Ice and Snow Removal Posted on City's Facebook website on 1/15/2020
- Tall Grass Mowing Requirements
 - Published on 3/10/2020 & 5/5/2020 via Oakland County Legal News
 - Also, posted onto the City's Facebook webpage



Nuisance Abatement Report Fiscal Year 2019/2020

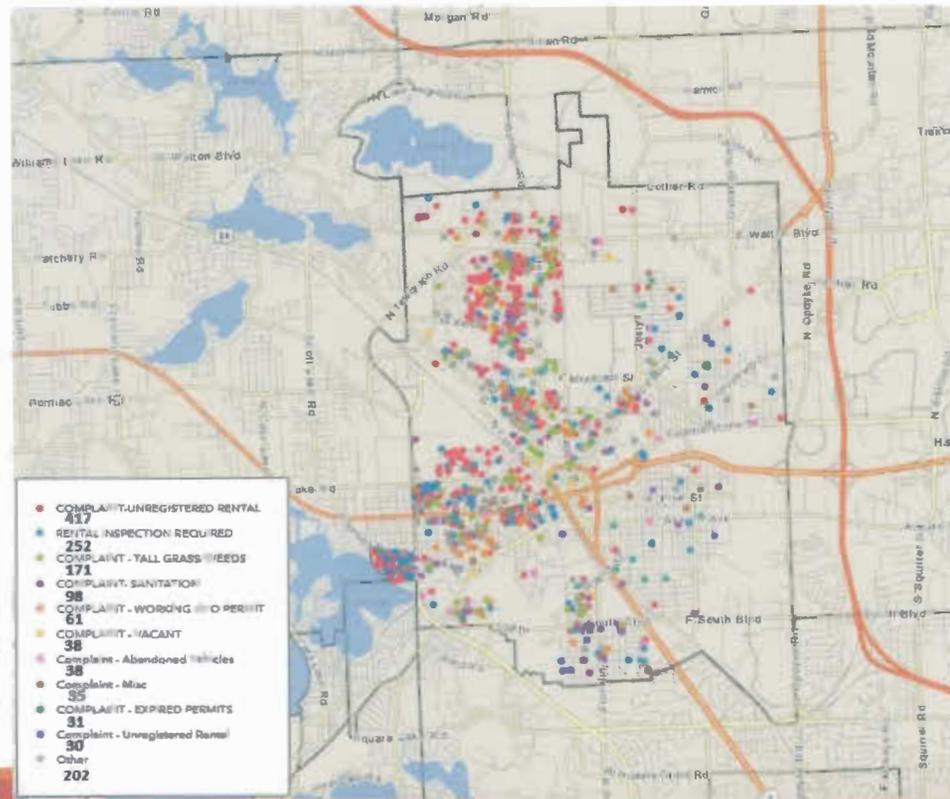
- Code Enforcement successfully abated 17 properties in Fiscal Year 2019/2020, totaling \$47,667.00
- District One: 2 properties, \$2,870.00
- District Two: 2 properties, \$2,000.00
- District Three: 1 property, \$1,850.00
- District Four: 2 properties, \$2,525.00
- District Five: 1 property, \$362.00
- District Six: 3 properties, \$9,350.00
- District Seven: 6 properties, \$23,840.00



Maintaining a Blight Free Pontiac Through Code Enforcement Services, *July 21, 2020 Report*

presented by: *Patrick Brzozowski, Code Enforcement Manager*

Questions?



#14

**COMMUNICATION
FROM THE
MAYOR**



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council

FROM: Linnette Phillips, Director, Economic Development

THROUGH: Jane Bais DiSessa, Deputy Mayor

DATE: July 23, 2020

CC: Mayor Waterman; Irwin Williams, Interim Finance Director; and Anthony Chubb, City Attorney.

RE: **2020 CENSUS UPDATE FOR CITY OF PONTIAC**

The City of Pontiac is actively working to increase our response rate, particularly in the hard to count communities. To date we have secured grant funding from both Community Foundation and Michigan Municipal League totaling \$110,000.

Working with US 2020 Census and our local partners, we receive bi-weekly response rates per each of Pontiac's 18 tracts and currently has a 59% response rate. In efforts to increase our response rate, previously laid off City of Pontiac employees and residents were hired to conduct community outreach activities. A Community Census Committee was formed and along with local organizations and organizations we've created several events to increase our rate.

Some upcoming events are:

- Census Rallies in all 7 City of Pontiac districts
 - Saturday, July 25th 10:00am – 12:00 pm at Woodland Heights Apartments
 - Saturday, July 25th 2:00pm – 4:00pm at Beaudette Park
- Food Distribution – Tuesday, July 28th 10:00am – 12:00 pm at Walton Park
- Friday Night Concerts in the Park – Every Friday in August 6:30pm- 8:30pm
 - August 7th – City Hall Parking Lot
 - August 14th – Aaron Perry Park

The City of Pontiac website, the City of Pontiac Face Book page and City of Pontiac 2020 Census Face Book pages are sources where the information is provided.

#15

**COMMUNICATION
FROM THE
MAYOR**



**EXECUTIVE OFFICE
CITY OF PONTIAC**

47450 Woodward Ave | PONTIAC, MICHIGAN 48342-5009

Mayor Deirdre Waterman

TO: HONORABLE COUNCIL PRESIDENT WILLIAMS AND CITY COUNCIL MEMBERS

FROM: MAYOR DEIRDRE WATERMAN

DATE: JULY 23, 2020

CC: JANE BAIS DISESSA, DEPUTY MAYOR; ANTHONY CHUBB, CITY ATTORNEY; DAN RINGO, DPW DIRECTOR; JOHN BALINT, CITY ENGINEER, HRC; AND IRWIN WILLIAMS, INTERIM FINANCE DIRECTOR.

SUBJECT: RESOLUTION TO SUPPORT LETTER OF APOLOGY TO DETROIT REGIONAL CONVENTION PARKING AUTHORITY.

In early March 2020, the Executive Office presented the City Council with a unique proposal from the Detroit Regional Convention Parking Authority to help us operate and maintain the parking deck of the Phoenix Center.

Unlike past contracts, their proposal sought to promote and generate new excitement for the Phoenix Center and our downtown businesses. A partnership with the Detroit Regional Convention Parking Authority would have saved the City a total of \$96,720.00 annually in operational expenditures. Additionally, any profit derived from the operation of the parking lot would have been split 50/50 with the City. As parking professionals, they were anticipating a profit of \$290,000.00 annually, which if realized, would have ultimately provided the City with a revenue of \$124,000.00 annually.

In an effort to further strengthen the City's relationship with the business community, I respectfully invite the City Council to join me by signing the attached letter of apology to the Detroit Regional Convention Parking Authority.

The following resolution is presented for your consideration:

Whereas, the City of Pontiac embraces a positive business environment that encourages new businesses to build in our community; and

Whereas, the City of Pontiac is committed to professional integrity and sound business relationships; and

Whereas, the City of Pontiac understands the importance of building good partnerships with the business community.

Now therefore, the City Council joins the Mayor of Pontiac by supporting the attached letter of apology to the Detroit Regional Convention Parking Authority.

Attachment

July 28, 2020

Mr. Patrick S. Bero
C.E.O/C.F.O.
Detroit Regional Convention Facility Authority
One Washington Blvd.
Detroit, MI 48226

Dear Mr. Bero:

It is with great regret that we received the news that the Detroit Regional Convention Facility Authority was standing down in the offer to operate and maintain the Phoenix Center Parking Structure in Pontiac. Without a doubt, we see this as a result of the City Council Meeting that was attended via Zoom on Tuesday, March 24th.

The manner in which the Pontiac City Council treated you and your attorney Ebony Duff was appalling. This is not how the City of Pontiac wants to conduct business. The Mayor's office and the executive staff, specifically the Department of Public Works, was extremely excited to be working with the caliber of employees and managers your organization brings. We were also excited about bringing the Phoenix Center back to an asset vs. a liability for the City.

We would like to thank you and your staff for your interest in this project and well as for the time spent to date investigating and preparing work plans and contracts. If there is any way to resurrect this opportunity, the City Administration would like to push forward and work to get the agreement approved by our City Council. I may be reached directly at (248) 758-3181.

Sincerely,

Mayor Deirdre Waterman
City of Pontiac

CC: Dan Ringo, Interim Director DPW
John Balint, Special DPW Consultant

#16

**COMMUNICATION
FROM THE
MAYOR**



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

To: Hon. MAYOR, COUNCIL PRESIDENT, MEMBERS OF COUNCIL

From: Deputy Mayor Jane Bais-DiSessa
Special Counsel for Economic Development Matthew Gibb

Date: July 23, 2020

Re: **Status Update Phoenix Center Bids**
Presenter – Matthew Gibb

Background

On May 1, 2020 the City Council was presented the entire scope of work and schematic package to complete the four levels of work set forth in the Settlement Agreement. At that meeting, and immediately following, Council was apprised of the inter-coordination of the total work, including the general conditions and the effect of partial commencement and long term completion.

On May 19, 2020 City Council was presented an update of the process to draft bid packages and was formally requested to host a special meeting to allow Council to engage in and review the bid approach and the itemized work that would satisfy the structural, electrical, maintenance and elevators commitment. That request was postponed by Council who subsequently acted to allocate a not to exceed amount of \$7 million to support funding for the work required at the Phoenix Center.

Based upon the direction given by Council and in line with the specific direction of funding, a revised time line was submitted to the City at the Council meeting of June 9, 2020 the pre-bid notifications and preliminary organizational work has commenced allowing the bid documents to be finalized. The bids for the first phase of required work at the Phoenix Center are summarized and recommend as attached.

NOTE: The City Council, after being informed that the first phase bids were out for consideration scheduled a special meeting, the purpose of which was to review the entire scope of work, as was presented on May 1, 2020. The members of UAHC, IDS and the Mayors office brought together an entire package of bid work, but the meeting was cancelled without discussion. It is now understood that Council is interested in seeing the results of bidding all work as previously presented and estimated at \$16.8 million for critical and necessary work, and \$21 million for all work.

ISSUE

The partial release of work outlined above requires the cooperation of the owners of Ottawa Towers to coordinate power, as the partial work will not include independent power sources for the Phoenix Center. As a reminder the following work will not be completed as a result of the limitations imposed by restrictions in funding:

Description	Critical/Necessary
Remove ticket booths	\$2,624
Electrical demolition	\$261,550
LEVEL 1 - R&R paving at incoming service	\$6,000
Conc curb & gutter- north & south entrances R&R	\$16,128
Conc sidewalk- islands - north & south entrances R&R	\$11,168
Conc paving- north & south entrances - R&R	\$25,066
Electrical equipment pads	\$10,000
Remove & Replace security mesh upper 10' at Level 1	\$420,000
Sealant joints at exterior precast	\$79,800
SOUTH/ SOUTH EAST/ EAST ENTRY Roll-Up grille- galv steel,	\$58,920
Architectural Revisions: Egress Doors, FRP Doors, Office Finishes,	\$613,052
Paint outer wall surfaces/ stairwell/ Security Bars/ LVL 2 Crashrail	\$339,739
Entry/ Exit Station/ Barrier Gate/ LED 'Full' Sign/ Hardware/ Software/ Etc.	\$303,840
Elevator No.1 -4 Modernization	\$1,400,000
HVAC	\$190,262
Electrical	4,054,978
Utility cost	\$10,000
Trade Total	\$7,803,127

Effect of Restricted Funding

The City Council has reduced the budget account for Phoenix Center such that the budgeted amount would be limited to seven million dollars (\$7,000,000). The purpose of this budget line is for the payment of expenses related to the repair and restoration of the Phoenix Center as set forth in the Settlement Agreement binding the City. The City has an obligation to complete these repairs, maintenance and improvements, the cost of which is minimally estimated at \$16,585,039.

The obligations of the City, as set forth in Exhibit 2 of the Settlement Agreement, are required, and cannot be partially completed. Reducing the City's budget for this obligation will leave the City with a known and expected shortfall. Failing to budget for all required work under the Settlement Agreement, may further expose the City to the probability of default and create financial instability and unnecessary budgetary risk.

What is the Actual Cost of the Settlement Agreement?

There is a theory from some on City Council that the only obligation of the City is a six million dollar (\$6,000,000) commitment to restore and maintain the parking garage to established code. This theory is grossly incorrect. The City has paid for expert analysis

regarding the scope of work and cost the City is obligated to under the settlement, and that analysis clearly shows that the cost of meeting the terms of the Settlement Agreement will exceed sixteen million dollars (\$16,000,000).

Exhibit 2 of The Settlement Agreement sets forth two separate and distinct obligations of the City:

1. Maintenance and Improvements.

The Agreement states: "The City pay up to Six Million (\$6,000,000) Dollars to do all Maintenance and Improvements (as such terms are defined in the Settlement Agreement) necessary to bring the Phoenix Center into conformance with the requirements of the International Property Maintenance Code (2015 edition), as referenced in the Michigan Building Code and the Michigan Rehabilitation Code (2015 edition), within the ten (10) year period after the Effective Date of this Agreement". This is an ongoing and long-term commitment to adequately restore AND MAINTAIN the property pursuant to the applicable building codes. This obligation does not commit the City to structural repair, lighting, electrical or other physical restoration of the parking garage or amphitheater. That obligation is separate, distinct and very costly.

This first obligation binds the city to a requirement that, once the Phoenix Center is brought back to proper condition under the building code, it will be kept that way. The City must acknowledge and budget as if the entire stated amount of \$6,000,000 will be needed and expended to meet this requirement. **THIS IS NOT THE ONLY REQUIREMENT.**

2. All necessary electrical, lighting, elevator and serious structural repairs.

The language of Exhibit 2 must be read closely. At the end of paragraph one, following the Maintenance and improvement obligations, the Agreement clearly states, " [p]rovided, however, that: Within thirty (30) days of the Effective Date of this Agreement, the City shall repair vandalism damage previously reported by Plaintiffs; within twenty-four (24) months of the Effective Date of this Agreement, the City shall complete all necessary electrical, lighting, elevator and serious structural repairs to the Deck...". This aspect of the Settlement Agreement is so extensive that the commitment is broken into stages, directing restoration work in specific areas of the Phoenix Center, and driving the largest cost components of the City's financial obligation.

The City has contracted experts to define that performance obligations rise out of terms "necessary electrical, lighting, elevator and serious structural repairs". Those experts

have stated repeatedly that the following represents the actual required improvements to meet the terms and language of the Settlement Agreement;

- Electrical – All service leads, substation replacement, conduit, pads, equipment and related wiring, attachments, and fixtures such that the facility will operate, including elevators, lights, signs, payment centers, restrooms, and gates.
- Lighting - All fixtures, wiring, leads, power sourcing, and other fixtures necessary to restore lighting to the tunnel, entrances, maintenance rooms, and each floor of the garage.
- Elevator- The elevators are a complete loss and must be fully replaced, including power.
- Structural - Correction of broken rebar, ties, panels, flooring systems, protective mesh, concrete walls and base, sealants, protective finishing and access.

These four elements, taken DIRECTLY from the language of the Settlement Agreement, were broken into seven categories, and subdivided into critical and necessary work. The requested budget amount would represent a good faith effort by the City to meet the potential budget demands of the Phoenix Center. The experts, contracted by the City on resolution of the Council, have set forth the following necessary budget items;

The City of Pontiac					
Phoenix Center Renovation					
Cost Summary by Category					
Item Description	Critical Costs	Necessary Costs	Recommended Costs	Plaza Costs	Total Costs
Structural	\$4,796,858	\$0	\$0	\$0	\$4,796,858
Architectural Renovations	\$2,200,015	\$818,454	\$979,804	\$840,322	\$4,838,596
Elevators	\$964,062	\$896,573	\$0	\$504,965	\$2,365,601
Plumbing	\$373,248	\$5,123	\$0	\$347,164	\$725,535
HVAC	\$210,814	\$47,635	\$0	\$118,580	\$377,029
Fire Protection	\$341,296	\$0	\$0	\$0	\$341,296
Electrical	\$5,956,498	\$51,233	\$180,730	\$1,149,108	\$7,337,568
Totals	\$14,842,791	\$1,819,018	\$1,160,534	\$2,960,139	\$20,782,482

Third Party Partnership Opportunities

An update on this work will be given at the Council meeting

EXHIBIT 2 – SCHEDULE OF IMPROVEMENTS

(A) The City shall pay up to Six Million (\$6,000,000) Dollars to do all Maintenance and Improvements (as such terms are defined in the Settlement Agreement) necessary to bring the Phoenix Center into conformance with the requirements of the International Property Maintenance Code (2015 edition), as referenced in the Michigan Building Code and the Michigan Rehabilitation Code (2015 edition), within the ten (10) year period after the Effective Date of this Agreement; provided, however, that:

Within thirty (30) days of the Effective Date of this Agreement, the City shall repair vandalism damage previously reported by Plaintiffs; within twenty-four (24) months of the Effective Date of this Agreement, the City shall complete all necessary electrical, lighting, elevator and serious structural repairs to the Deck in the following stages:

- 1) Maintenance and Improvements to the third (3rd) floor of the north side of the Deck which is defined as that portion of the Deck located to the north of Orchard Lake Road ("North Side") – both electrical and structural and the Maintenance and Improvements to both of the south side elevators;
- 2) then all south side sections of the Deck, being that portion of the Deck located to the South of Orchard Lake Road ("South Side");
- 3) then return to repair the remaining portions of the North Side of the Deck.

(B) Notwithstanding the 24-month schedule above, if Ottawa Towers II, LLC, or any subsequent owner, leases the Judson tower (or portion thereof), the City shall, within twelve (12) months of the date that City is served written notice of such lease execution ("Notice of Lease"), complete the following Maintenance and Improvements to the Deck:

- 1) all electrical and structural Maintenance and Improvements on the south side of the Deck;
- 2) two elevators on the south side of the Deck;
- 3) make both electrical and structural Maintenance and Improvements to have the 3rd floor on the north side of the Deck ready for parking;

(C) Commencing upon May 1, 2018, the City will reimburse Plaintiffs in advance on the first day of each month for the actual costs of providing electricity to the Deck and Tunnel (\$4,374.00 per month) to continue until such time as the City can establish and assume the costs of providing electricity to the Deck and Tunnel; all payments to be paid electronically to an account designated by Plaintiffs on or before the first day of the month. The City shall immediately upon execution of this Agreement pay any past due invoices to Plaintiffs for the period after the signing of the Term Sheet until this Agreement is signed. As soon as is feasible, the City will have the electrical power for the Deck and Tunnel placed on the City's account with the electric provider, pay any actual costs associated with doing so, and thereafter pay the electrical charges directly.

(D) FIRE SUPPRESSION SYSTEM: A portion of the fire suppression system for the Phoenix Center that services the secured parking area on the second floor of the Deck (near Tower I) is connected to fire pumping equipment located in the 31 Judson Tower. The City shall disconnect the fire suppression service pumping equipment from the 31 Judson Tower. There are 175 parking spaces within this secured parking area on the second floor of the Deck; the City agrees to provide 175 parking spaces within the Deck, free of charge to the owner of the 31 Judson Tower, their tenants and employees, until such time as City completes the work to disconnect/reconnect the fire suppression system as above described.

CITY OF PONTIAC

PHOENIX CENTER

Recommend to Award Subcontract

Bid Category	Description/Contractor	Base Bid	Alternate #1	Alternate #2	Contract Award	Budget	Variance	Comments / Exclusions
Bid Package No. 1								
A	STRUCTURAL REPAIRS				\$2,793,345	\$3,028,670	\$235,325	
	DRV	\$2,793,345	\$1,653,760					
	Pullman	\$3,996,347	\$1,782,710					
	RAM	\$3,132,688	\$2,080,600	-				
B	CONCRETE FOUNDATIONS				\$15,620	\$0	(\$15,620)	
	CI Contracting	\$11,980	\$3,640	-				
C	MASONRY				\$24,400	\$0	(\$24,400)	
	Davenport Masonry	\$24,400						
D	ARCHITECTURAL RENOVATIONS				\$108,300	\$120,000	\$11,700	
	DennCo Construction	\$108,300						
	Diversified Construction	\$179,655						
	Pontiac Ceiling & Partition	\$980,000						
E	PAINTINGS AND COATINGS				\$94,800	\$0	(\$94,800)	
	Accurate Painting	\$94,800	-	-				
F	FIRE SUPPRESSION				\$199,980	\$200,000	\$20	
	Professional Sprinkler	\$199,980	-	-				
G	PLUMBING				\$106,800	\$271,013	\$164,213	
	JM & Sons Plumbing	\$115,600	-	-				
	TempCo	\$106,800						
H	MECHANICAL				\$22,000	\$0	(\$22,000)	Incomplete bid
	Tempco	\$22,000	-	-				
I	ELECTRICAL				\$487,800	\$393,106	(\$94,694)	
	Centerline	\$565,400	-	-				
	Ferndale	\$487,800						
	Great Lakes Lighting	\$517,000						
	J&J	\$627,000						
	J Ranck	\$683,679						
	Project General Requirements				\$18,640	\$18,640		
					\$3,871,685	\$4,031,429	\$159,744	\$159,744
TRADE ALLOWANCES								
1	3N Temp Lighting				\$150,000	\$150,000	\$0	ALLOWANCE
2	Water Main Into Building				\$47,813	\$47,813	\$0	Remaining from FP
3	Temp Walkway from 3N				\$35,000	\$35,000	\$0	ALLOWANCE
4	Pre Action Fire Alarm System				\$70,000	\$0	(\$70,000)	ALLOWANCE
5	Fire Alarm Panel/ Sprinkler Monitoring				\$50,000	\$0	(\$50,000)	ALLOWANCE
6	Structural Repair Allowance per Walker Associates 07/22				\$419,002	\$454,300	\$35,298	15% Allowance
7	Power Wash Deck				\$200,000	\$0	(\$200,000)	ALLOWANCE
					\$4,843,500	\$4,718,542	(\$124,958)	-\$124,958
MISC.	STANDARD ALLOWANCES							
1	General Liability	\$0			\$2,956	\$32,956	\$0	0.50%
2	Builders Risk	\$0			\$0	\$0	\$0	By Owner
3	Municipal Building Permits	\$0			\$95,030	\$95,030	\$0	1.50%
4	Utility Permits & Fees	\$0			\$0	\$0	\$0	By Owner
5	QC/ Testing	\$0			\$100,000	\$100,000	\$0	
TOTAL BUILDING TRADE CONTRACTS & ALLOWANCES					\$5,071,486	\$4,946,528	(\$124,958)	check (\$124,958)
Estimating Contingency.....					\$296,919	\$539,854	\$242,935	5.0%
Construction Contingency.....					\$296,919	\$296,919	\$0	5%
Bid Savings.....					\$117,977	\$0	(\$117,977)	
Auch Reimbursables/ General Conditions.....					\$680,000	\$680,000	\$0	
CM (Auch) Fee.....					\$160,759	\$160,759	\$0	
TOTAL CONSTRUCTION					\$6,624,060	\$6,624,060	\$0	check \$0

July 23, 2020

City Of Pontiac
47450 Woodward Avenue
Pontiac, MI 48342

Attention: Dan Ringo

Reference: City Of Pontiac
Phoenix Center
Auch Project No. 8922

Subject: Recommendation to Award Trade Contracts
Per Attached Recommendation to Award Summary

Dear Mr. Ringo

This letter will serve as our request for Authorization to Award subcontracts. We have conducted cost bid reviews/ scope/ cost/ schedule review sessions with the noted contractors to discuss their individual proposals regarding their respective work categories. These proposals were found to be complete and in o

Therefore, we request your approval to award subcontracts to the listed contractors for the amounts stipulated, all in accordance with the attached substantiation material.

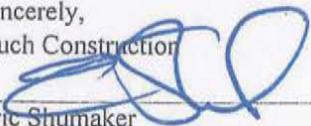
- > Recommendation for Award Summary, dated 07/23/2020
- > Bid Tabulation Summary/ Project Construction Budget, dated 07/23/2020

We request, upon your approval, authorization to proceed based on the current Project Budget

- > Construction Budget (Through 07/23/2020)..... \$6,624,060

Current Construction Budget \$6,624,060

We will proceed immediately with the issuance of subcontracts upon receipt of your approval. Please sign and return one copy of this letter for our files.

Sincerely,
Auch Construction

Eric Shumaker
Sr. Project Manager

Approved By:
City of Pontiac

Date

Attachments
File 8733: 2.1
City of Pontiac Clerk
Matt Gibb
Vince DeLeonadis

City of Pontiac Phoenix Center

Recommendation for Award Breakdown -- Bid Packages A-G & I

Recommendation for Award Breakdown -- Site, Core Shell, Enclosure & Interior Fitout

A Structural Repairs		
DRV Contractors, LLC		
1. Base Proposal.....		\$2,793,345
*Per the recommendation of Walker Consultants 07/22/2020 a separate 15% Allowanc line item is being carried outside of the contractor for quantity unknowns.		
	Contract Award	\$2,793,345
B Concrete Foundation		
CI Contracting		
1. Base Proposal.....		\$11,980
2. Base Proposal Alternate to place Floor in Fire Riser Room.....		\$3,640
	Contract Award	\$15,620
C Masonry		
Davenport Masonry		
1. Base Proposal.....		\$24,400
	Contract Award	\$24,400
D Architectural Renovations		
Denneo Construction		
1. Base Proposal.....		\$108,300
	Contract Award	\$108,300
E Painting		
Accurate		
1. Base Proposal.....		\$94,800
	Contract Award	\$94,800
F Fire Suppression		
Professional Sprinkler		
1. Base Proposal.....		\$199,980
* Does not include note 34 on M2.4 regarding pre-action system. Confirmed with architect this note is a mistake and it was intended to install per note 35 which is a dry system.		
	Contract Award	\$199,980
G Plumbing		
Tempco Mechanical		
1. Base Proposal.....		\$106,800
	Contract Award	\$106,800
H Mechanical		
No Recommendation include bid.		
	Contract Award	\$0

City of Pontiac
Phoenix Center
Recommendation for Award Breakdown -- Bid Packages A-G & I
Recommendation for Award Breakdown -- Site, Core Shell, Enclosure & Interior Fitout

I Underpass Lighting
Ferndale Electric

1. Base Proposal.....	\$487,800
Contract Award	\$487,800

*** Refer to attached Budget Budget.