

March 24, 2020 Approved Minutes

**Official Proceedings
Pontiac City Council
144th Session of the Tenth Council**

Call to order

A Study Session of the City Council of Pontiac, Michigan was called to order electronically on Tuesday, March 24, 2020 at 6:00 p.m. by Council President Kermit Williams.

Roll Call

Members Present: Carter, Pietila, Waterman, and Williams.

Members Absent: Miller and Taylor-Burks.

Mayor Waterman was present.

Clerk announced a quorum.

Authorization to Excuse Councilmembers

20-105 **Excuse Councilmembers Gloria Miller and Doris Taylor-Burks for personal reasons.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Pietila, Waterman, Williams and Carter

No: None

Motion Carried.

Moment of Silence in remembrance of Councilman George Williams

Councilmember Taylor Burks arrived at 6:06 p.m.

Amendments to and Approval of the Agenda

20-106 **Motion to remove Coronavirus Update from Mayor Waterman.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Waterman, K. Williams, and Carter

No: None

Motion Carried.

20-107 **Approval of the Agenda as amended.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Taylor-Burks, Waterman, K. Williams, Carter, and Pietila

No: None

Motion Carried.

Approval of the Minutes

20-108 **Approve meeting minutes for March 24, 2020.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Waterman, K. Williams, Carter, and Taylor-Burks

No: None

Abstain: Pietila

Motion Carried.

Public Comment

One individual submitted a public comment that was read by the City Clerk. Councilmember Miller arrived at 6:29 p.m.

Rules Suspended

20-109 **Suspend the rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

City Clerk

20-110 **Refer Resolution to approve a budget amendment for fiscal year 2019/2020 General Fund 101 Medical Marijuana Applications Dept (255) to the Finance Subcommittee Meeting on April 14, 2020.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Rules Suspended

20-111 **Suspend the rules to vote.** Moved by Councilperson Pietila and second by Councilperson Miller.

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

No: None

Motion Carried.

City Council

20-112 **Resolution to approve a budget amendment for fiscal year 2019-2020 to allocate a total of \$50,000.00, from the General Fund's City Council budget account 101-101-808.101, District Projects, to account 101-101-804.000, Legal Services.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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WHEREAS, the Pontiac City Council approved the FY 2019-2020 budget on June 25, 2019; and,
WHEREAS, the adopted FY 2019-2020 budget included allocating \$30,000.00 to the General Fund's City Council budget account 101-101-804.000, Legal Services; and,
WHEREAS, on September 24, 2019, the City Council passed resolution 19-485 (5-1), to authorize Clark Hill PLC to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the mayor and the Clerk under City Charter; and,
WHEREAS, the budgeted funds that were allocated for legal services have been expended; and,
WHEREAS, City Council's budgeted funds previously allocated in the General Fund's City Council District Projects account 101-101-808.101 has suitable funds to cover any remaining unfunded balance in account 101-101-804.000, Legal Services; and,
WHEREAS, the City Council requests a transfer of \$50,000.00 from account 101-101-808.101, District Projects to account 101-101-804.000, Legal Services.
NOW, THEREFORE BE IT RESOLVED the Pontiac City Council hereby approves a budget amendment for fiscal year 2019-2020 to allocate a total of \$50,000.00, from the General Fund's City Council budget account 101-101-808.101, District Projects, to account 101-101-804.000, Legal Services.

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

Rules Suspended

20-113 **Suspend the rules to vote.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks

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

Department of Public Works (DPW)

20-114 **Resolution to authorize Mayor to enter into an as-needed agreement with RNA FM for both landscape and snow removal services for the designated areas commencing April 15th 2020.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

WHEREAS, The Department of Purchasing combined both landscape and snow removal services into one RFP. The Department of Public Works received two bids and interviewed two vendors. The decision was made to recommend RNA FM based on their capacity and competency to handle the services as laid out in the RFP.

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council authorized the Mayor to enter into an as-needed agreement with RNA FM for both landscape and snow removal services for the designated areas commencing April 15th 2020.

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

No: None

Resolution Passed.

Rules Suspended

20-115 **Suspend the rules to vote.** Moved by Councilperson Miller and second by Councilperson Pietila.

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

No: None

Motion Carried.

Department of Public Works (DPW)

20-116 **Resolution to authorize the execution of a quit claim deed to Oakland Hope, a Michigan non-profit corporation for a portion of tax parcel 14-17-201-031.** Moved by Councilperson Carter and second by Councilperson Taylor-Burks.

WHEREAS, City Administration received a request from Oakland Hope, a Michigan non-profit corporation, that the City grant Oakland Hope a quit claim deed to a portion of a parcel located at the southeast corner of Walton Boulevard and Baldwin Avenue (part of Tax Parcel 14-17-201-031).

WHEREAS, the overall parcel has been a commercial retail strip center for more than 50 years and during Oakland Hope's acquisition of the shopping center from Kosma Enterprises (successor in interest to operator of Atlas Supermarkets, Inc.), a defect in title was discovered and the City is shown as the owner of record for a small portion of the shopping center.

WHEREAS, historically, the City owned a 16' wide alley running east to west (from Price Street to Baldwin) through the middle of the overall parcel as well as an alley running north to south from Walton Blvd. to the 16' wide alley. The alleys were vacated by Council action, with the last action being taken on May 18, 1971.

WHEREAS, it does not appear that a deed was ever recorded from the City to Atlas Supermarkets for the vacated alley abutting Lot 488.

WHEREAS, the Office of the City Attorney was provided with a proposed quit claim deed to convey the East 20 feet of Lot 488 and ½ adjacent vacated alley, DuPont Heights Subdivision to Oakland Hope and made certain modifications to quit claim deed all of which were approved by Marc Swoish, counsel for Oakland Hope.

WHEREAS, it is for the mutual benefit of the City and Oakland Hope for the City to convey the property in question to Oakland Hope.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Mayor is authorized to execute the attached quit claim deed to Oakland Hope, and to take any and all other action reasonably necessary and prudent to quit claim the property to Oakland Hope.

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

No: None

Resolution Passed.

Rules Suspended

20-117 **Suspend the rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: K. Williams and Waterman

Motion Carried.

Department of Public Works (DPW)

20-118 **Resolution to support MDOT’s reconfiguration of the Woodward Avenue Widetrack Loop proposal.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

WHEREAS, on January 27, 2020, the Pontiac City Council held a special meet to meet with MDOT Official’s to discuss the Woodward Avenue Widetrack Loop Conversion Proposal.

WHEREAS, the Woodward Avenue Widetrack Loop Conversion proposal will promote livability and placemaking by improving accessibility and connectivity between the downtown business district and adjacent neighborhoods.

WHEREAS, this proposal is consistent with Pontiac’s economic recovery plan entitled “Pontiac Moving Forward,” and supports the recommendations of multiple studies, community charrettes, and assessments completed by the City of Pontiac to determine the benefit and effect of the Widetrack Loop conversion.

WHEREAS, the City acknowledges the projected effects on traffic flow, congestion and access brought forth in the previous studies, and accepts the following substantial benefits provided by the proposed two way conversion as providing a greater benefit and alternative to the City:

- Reduce the barrier effect the existing wide one-way streets provide today
- Eliminate the existing circuitous routing to provide more travel paths and make the street system less disorienting for motorists.
- Provide on-street parallel parking opportunities using some of the excess pavement width
- Provide opportunities for beautification and traffic calming by introducing narrow median islands.
- Increase pedestrian safety and comfort by reducing vehicle speeds.
- Create economic opportunities by encouraging motorists to slow-down and stop in the City.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Pontiac City Council fully support the Michigan Department of Transportation’s (MDOT) proposed conversion \$19 million of the Woodward Avenue Widetrack Loop.

Ayes: Waterman and K. Williams

No: Carter, Miller, Pietila, and Taylor-Burks

Resolution Failed.

Rules Suspended

20-119 **Suspend the rules to vote on Agenda Items #9 and #10.** Moved by Councilperson Pietila and second by Councilperson Waterman.

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

No: None

Motion Carried.

Finance

20-120 **Resolution to approve the budget amendments to transfer \$249,405.00 from the Major Street Fund balance and \$700,931.00 from the Local Street Fund balance to the accounts shown attached labeled Exhibit A.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Whereas, the City of Pontiac timely approved the 2019-2020 budget on June 9, 2019, and;
Whereas, the Mayor has reviewed the department of public works requests for rollover of unused appropriations in the previous fiscal year, 2018-2019, and;
Whereas, the Mayor is proposing to the City Council to increase the appropriations for the current year 2019-2020 for the funds and amounts described in exhibit A and below as necessary to complete the projects that the City Council had fully funded and approved in the last fiscal year but were not timely expended. Those amounts are:

- Major Street Fund - \$249,405
 - Public Works - \$249,405
- Local Street Fund - \$700,931
 - Public Works - \$700,931

Whereas, the increased appropriations will not cause the fund balance in any of the funds to go below the policy mandated thresholds and;

Now therefore, be it resolved that the City Council of the City of Pontiac approves the rollover budget amendments for the fiscal year 2019-2020 as requested by the Mayor and department of public works above and detailed in the attachment labeled exhibit A.

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

No: None

Resolution Passed.

20-121 **Resolution to approve the budget amendment to transfer a total of \$312,000 from the Youth Recreation Fund balance to expenditure account 208-756-941.000 (Building and Land Rental) to cover one-year unbudgeted lease expenditures for the Pontiac Youth Recreation and Enrichment Center.** Moved by Councilperson Miller and second by Councilperson Waterman.

Whereas, the City of Pontiac timely approved the 2019-2020 budget on June 2019, and;
Whereas, the City Council approved the lease between Creative Schools Management and the City of Pontiac to lease the building located at 825 Golf Drive, Pontiac MI 48341, and;
Whereas, the terms of lease between Creative Schools Management and the City of Pontiac shall commence on July 1, 2018 and expire on June 30, 2021, and;

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Whereas, the lease specifies that the base rent for the building is \$26,000 per month, and \$312,000 annually, and;

Whereas, the City has not executed the purchase option during Fiscal Year 2019/2020 and continues to pay the monthly base rent amount of \$26,000 out of the un-budgeted line item within its special revenue fund 208 Youth Recreation, this unbudgeted line item is account 208-756-941.000 Services – Building & Land Rental

Whereas, the total amount the City is liable for during its Fiscal Year 2019/2020 is \$312,000, and;

Whereas, the Mayor is proposing to the City Council to approve a budget amendment that will take \$312,000 out of the Youth Recreation fund balance and increase the expenditure account 208-756-941.000 Services – Building and Land Rental,

Now therefore, be it resolved that the City Council of the City of Pontiac approves the Youth Recreation amendment requested by the Mayor above.

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

No: None

Resolution Passed.

Rules Suspended

20-122 **Suspend the rules.** Moved by Councilperson Waterman and second by Councilperson Miller.

Ayes: Waterman, K. Williams, Miller, Pietila, and Taylor-Burks

No: Carter

Motion Carried

Planning

20-123 **Resolution to approve the Redevelopment ‘Bistro’ Liquor License, for the Alley Cat Café, 31 N. Saginaw.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, The Alley Cat Café, Parcel 64-14-29-433-015, 31 N. Saginaw St., has made petition for a Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM), ‘Bistro’ License, and whom meets eligibility requirements for licensure issuance under the MCL 436.1521a (1)(b) and;

Whereas, The City of Pontiac Planning Commission unanimously approved a Special Reception Permit at the March 4, 2020 meeting, that the Bistro Liquor License for the Alley Cat Café, at 31 N. Saginaw, be approved for License issuance, and;

Whereas, The Alley Cat Café, 31 N. Saginaw St., shall comply with the City of Pontiac Ordinance 2366 to Allow for Redevelopment Liquor Licenses and Conditions for Issuance and Operations of the petitioned Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) ‘Bistro’ License and the MCL 436.1521a (1)(b) and;

Therefore be it resolved, as recommended by the Planning Commission at the meeting held on March 4, 2020, recommendation for approval of the Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) ‘Bistro’ License on behalf of the petitioner, The Alley Cat Café, 31 N. Saginaw St., Parcel No. 64-14-29-433-015 and further recommends this application be considered for approval by the Michigan Liquor Control Commission.

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Ayes: K. Williams, Miller, Pietila, Taylor-Burks, and Waterman
No: Carter

Resolution Passed.

Adjournment

Council President Kermit Williams adjourned the meeting at 8:10 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK