

OFFICE OF THE CITY ADMINISTRATOR

Subject: Recommendations for Council Meeting of December 6, 2021

- Item 1 CALL TO ORDER Prerogative of the Mayor to call this meeting to order.
- Item 2 ROLL CALL Prerogative of the Mayor to request a Roll Call from the City Clerk.
- Item 3 PLEDGE OF ALLEGIANCE Prerogative of the Mayor to lead the City Council, Administration, and members of the audience in the Pledge of Allegiance.
- Item 4 RECOGNITION OF COMMISSION MEMBERS Prerogative of the Mayor to request Commission Members in attendance at tonight's meeting to approach the podium and introduce themselves and the Commission on which they serve.
- Item 5 CONSENT AGENDA All items listed under the Consent Agenda are considered routine by the Council and will be enacted by one motion and a second. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the consent agenda and considered. One member may request that an item be removed and no second is required.

Prerogative of the City Council to approve all items listed under the consent agenda as presented.

A. Approval of Minutes

1. City Council 11/15/21
2. Tree Commission 10/06/21

B. Bids/Proposals/Contracts

1. License Agreement: AT&T Wireless (5th Amendment)
 - a. Memo 11/28/21 - City Attorney
 - b. Fifth Amendment to License Agreement
 - c. License Agreement 06/17/96 and Addendum 06/17/21
 - d. First Amendment to License Agreement 03/30/04
 - e. Second Amendment to License Agreement 09/24/08
 - f. (3rd) Second Amendment to License Agreement 09/06/11
 - g. Fourth Amendment to License Agreement 09/25/18

The City Attorney, in her memo dated November 28, 2021, provides an overview of the history regarding the cell tower located at City Hall, which began in 1996. AT&T has expressed interest in extending the Agreement and has proposed an amendment (5th) to the Agreement to extend the term and permit a modification to the tower equipment. She further outlines details of the Fifth Amendment presented for Council's consideration, which includes adding six renewal terms of five years each (30 years), New Cingular will pay \$4,456.00 in monthly rent (\$53,472 per year) with a 3.5% annual increase, a \$120,000.00 signing bonus, and additional details pertaining to

additional tenants, Quit Claim Deed and/or Bill of Sale, Removal Bond, and Equipment. Approval of this Agreement will authorize the City Administrator to sign the contract.

2. Contract: Annual Fuel Purchase

- a. Memo 11/29/21 - Director of Public Services
- b. Bid Tabulation - RKA Tank Wagon 12/10/19
- c. Bid Tabulation - RKA Truck Transport 12/10/19

The Director of Public Services, in his memo dated November 29, 2021, is again recommending a contract be awarded to RKA Petroleum Companies to provide tank wagon deliveries of gasoline and diesel fuel from February 1, 2022, through January 31, 2024, in an amount not to exceed \$115,000.00 annually. RKA has agreed to extend current contract pricing. This item is included in the budget, and I concur with his recommendation. Approval of this contract will authorize the City Administrator to sign necessary documentation.

C. Ordinances

1. First Reading: An Ordinance to Amend the Code of Ordinances for the City of Grosse Pointe Woods, Chapter 2, Administration, Article VI, Elections to Amend Section 2-515 to Revise the Location of the Polling Places

- a. Memo 11/18/21 - City Attorney
- b. Proposed Ordinance

This ordinance is proposed to be set and published in the Grosse Pointe News for a Second Reading and adoption for the meeting on December 20, 2021.

2. First Reading: An Ordinance to Amend City of Grosse Pointe Woods Code of Ordinances, Chapter 2, Administration, Article I, In General, To Add Regulations Placing the City Clerk, City Treasurer, and City Departments under the Supervision of the City Administrator

- a. Memo 11/30/21 - City Attorney
- b. Proposed Ordinance

This ordinance is proposed to be set and published in the Grosse Pointe News for a Second Reading and adoption for the meeting on December 20, 2021.

3. Second Reading: An Ordinance to Adopt Article XVII Solar Energy Systems, Chapter 8, Buildings and Building Regulations, Sec. 8-501 to Eliminate the Requirement that Panels be Located Within 4 Feet of Any Peak, Eave or Valley, to Provide that the Installation of the Solar Energy System Shall Comply with the Michigan Residential Code, and to Provide for Appeals to the City Council

- a. Letter 11/01/21 - City Attorney Tomlinson
- b. Proposed Ordinance
- c. Affidavit of Legal Publication

This ordinance is proposed to be adopted and made effective in twenty days.

4. Second Reading: An Ordinance to Amend City of Grosse Pointe Woods Code of Ordinances, Chapter 2, Administration, Article II, Officers and Employees, to Add a New Division 5 to Create the Office of Assistant City

Administrator

- a. Memo 11/01/21 - City Attorney
- b. Chapter 2 - Administration Article II - Officers and Employees; Divisions 2, 3, and 4
- c. Proposed Ordinance
- d. Affidavit of Legal Publication

This ordinance is proposed to be adopted and made effective in ten days.

D. Claims and Accounts

1. City Engineer - Anderson, Eckstein & Westrick

- a. DPW Barn Addition Invoice No. 0132601 08/11/21 - \$1,125.00; Account No. 598-787-977.103.
- b. Oxford Road Recon - Mack to Holiday Invoice No. 0133913 11/02/21 - \$216.40; Account Nos: 203-451-974.201 - \$17.31, 202-451-977.803 - \$177.45, 592-537-975.401 - \$21.64.
- c. Allard Rd Recon. Chester/Harper (WCL) Invoice No. 0133914 11/02/21 - \$4,823.00; Account No. 203-451-977.803.
- d. 2020/21 GIS Maintenance Invoice No. 0134036 11/02/21 - \$36.75; Account No. 592-537-977.000.
- e. DPW Barn Addition Invoice No. 0134046 11/02/21 - \$3,375.00; Account No. 598-787-977.103.
- f. 2019 Sewer Open Cut Repair Program Invoice No. 0134150 11/08/21 - \$154.10; Account No. 592-537-976.001.
- g. 2020/21 Water Main Replacement Program Invoice No. 0134151 11/08/21 - \$20,440.64; Account No. 592-537-977.310.
- h. 2020 Concrete Pavement Repair Program Invoice No. 0134152 11/08/21 - \$2,637.81; Account Nos: 202-451-974.201 - \$501.18, 203-451-974.201 - \$316.54, 585-561-978.300 - \$1,318.91, 592-537-975.401 - \$501.18.
- i. Sewer Rehab - Lining Invoice No. 0134153 11/08/21 - \$310.05; Account No. 592-537-976.001.
- j. Sewer Rehab - Open Cut Invoice No. 0134154 11/08/21 - \$2,591.40; Account No. 592-537-976.001.
- k. 2021 Misc. Concrete Repair Invoice No. 0134155 11/08/21 - \$6,113.72; Account Nos: 202-451-974.201 - \$1,406.16, 203-451-974.201 - \$917.05, 585-561-978.300 - \$2,384.35, 592-537-975.401 - \$1,406.16.
- l. 2021/22 General Engineering Invoice No. 0134212 11/09/21 - \$270.50; Account Nos: 101-441-818.000 - \$90.16, 101-444-818.000 - \$90.17, 592-537-818.000 - \$90.17.
- m. 2021 Sewer Rehab by FCIPP Invoice No. 0134214 11/09/21 - \$11,286.91; Account No. 592-537-976.001.

2. McKenna - Building Services Invoice No. 21849-45 11/08/21 - \$3,920.00; Account No. 101-180-818.000.
3. WCA Assessing Invoice No. 11162021 11/16/21 - \$6,508.50; Account No. 101-224-818.000.
4. Kitch Drutchas Wagner Valitutti & Sherbrook Cell Tower Invoice No. 516935 11/02/21 - \$6,057.82; Account No. 101-210-812.000.

5. McGraw Morris Legal Services Invoice No. 8343 11/11/21 - \$297.50; Account No. 101-210-801.000.
6. Keller Thoma Labor Attorney Invoice No. 121176 11/01/21 - \$262.50; Account No. 101-210-810.000.
7. Rosati, Schultz, Joppich & Amtsbuechler City Attorney Invoice No. 1076433 11/11/21 - \$10,191.50; Account Nos: 101-210-801.000 - \$8,509.50, 101-210-801.300 - \$1,682.00.

Item 6 ACCEPTANCE OF THE AGENDA Prerogative of the City Council that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Item 7 OATH OF OFFICE Prerogative of the Mayor to ask the City Clerk to administer the Oath of Office to Sue Como, who will be serving as the City's Assistant City Administrator effective December 16, 2021.

Item 8 COMMUNICATIONS

Item 8A RETIREMENT CELEBRATION Prerogative of the City Council to rescind the motion allowing an expenditure of up to \$2,000.00 for the retirement celebration.

Item 8B BUDGET TRANSFER – RETIREE HEALTH CARE TRUST FUND The Treasurer/Comptroller, in her memo dated November 26, 2021, is requesting to transfer \$200,000.00 to the Retiree Health Care Trust Fund held with Charles Schwab for payment toward Other Post-Employment Benefits (OPEB). This item is included in the FY 2021/22 budget and funds will be restricted for the payment of retiree healthcare expenses.

Prerogative of the City Council to approve a budget transfer in the amount of \$200,000.00 from Account No. 101-299-999.736 into the Retiree Health Care Trust Fund held with Charles Schwab for payment toward Other Post-Employment Benefits.

Item 8C RULES OF ORDER AND PROCEDURE FOR THE COMMON COUNCIL On November 15, 2021, the City Council approved the Rules of Order and Procedure for Common Council, which incorporated a number of revisions including the addition of utilizing a Consent Agenda. Following implementation and various discussions, the City Clerk recommends additional revisions to the Rules of Order as follows:

1. Item No. 2 – Remove *Presentation* from the Consent Agenda and insert after Acceptance of the Agenda;
2. Item No. 2 – Remove *Ordinance* from the Consent Agenda and insert after Communications;
3. Item No. 25 – Revised to clarify processing matters to be addressed by City Council.

Prerogative of the City Council to approve the Rules of Order and Procedure for the Common Council as amended.

- Item 8D LEGAL PROCEEDINGS: DUBRULLE ET AL VS GREAT LAKES WATER AUTHORITY Prerogative of the City Council to receive these Legal Proceedings and forward to the City Attorney for further processing.
- Item 8E RESIGNATION – BEAUTIFICATION COMMISSION Prerogative of the Mayor to accept the resignation of Linda Stephens from the Beautification Commission with regret, and direct that appropriate thanks and recognition be sent to Ms. Stephens.
- Item 9 NEW BUSINESS/PUBLIC COMMENT Prerogative of the Mayor to ask if there is any New Business to come before the City Council from the City Council or Administration; and then, to ask members of the audience if there is any Public Comment to come before the City Council.
- Item 10 CONSIDERATION OF A CLOSED SESSION UNDER SECTION 9(E) OF THE OPEN MEETINGS ACT TO CONSULT WITH THE CITY ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH U.S. DISTRICT COURT CASE NO. 21-CV-12546, U.S. SPECIALTY INSURANCE COMPANY V GROSSE POINTE WOODS, WHERE AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE CITY'S LITIGATION AND SETTLEMENT POSITION.
- Item 11 ADJOURNMENT Upon the conclusion of public comment with no further business to be conducted by the City Council, prerogative of the City Council to motion for adjournment of tonight's meeting.

Respectfully submitted,



Bruce J. Smith
City Administrator