

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Monday, November 13, 2017

7:30 PM

Council Chambers

CITY COUNCIL

*Eric Mays, Ward 1
Santino J. Guerra, Ward 3
Jerri Winfrey-Carter, Ward 5
Monica Galloway, Ward 7*

*Maurice D. Davis, Ward 2
Kate Fields, Ward 4
Herbert J. Winfrey, Ward 6
L. Allan Griggs, Ward 8*

Eva Worthing, Ward 9

Inez M. Brown, City Clerk

CALL TO ORDER

City Clerk Inez M. Brown shall call this City Council meeting to order for the purpose of electing a City Council President, in accordance with Section 3-103 of the Flint City Charter.

ORGANIZATION OF THE CITY COUNCIL (Council President)

The City Council shall elect from its members a presiding officer who shall be known as the President of the Council.

CALL TO ORDER (President-Elect)

The President-Elect shall formally call this City Council meeting to order.

ORGANIZATION OF THE CITY COUNCIL (Council Vice President)

The City Council shall elect from its members an officer who shall be known as the Vice President of the Council.

ORGANIZATION OF THE CITY COUNCIL (Other Officers and Committees)

The City Council may elect such other officers as it deems necessary.

The President-Elect of the City Council may appoint committees officers (Finance, Governmental Operations, Legislative, and Grants) and sub-committees as deemed necessary.

ROLL CALL**PLEDGE OF ALLEGIANCE****READING OF DISORDERLY PERSONS CITY CODE SUBSECTION**

Any person that persists in disrupting this meeting will be in violation of Flint City Code Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.

EXECUTIVE (CLOSED) SESSION (POSTPONED from 11-08-17 Committees)

The Department of Law requests an Executive Session for the purpose of updating the City Council regarding FPOA (Flint Police Officers Association) negotiations.

EXECUTIVE (CLOSED) SESSION

The Department of Law requests an Executive Session for the purpose of updating the City Council regarding the City of Flint v. Rooter1, Inc., litigation - Case No. C17G3934.

The Department of Law requests an Executive Session for the purpose of updating the City Council regarding Kathy Konesny.

The Flint City Council requests an Executive Session for the purpose of allowing all of the City Council to be informed of the current status of the Michigan Department of Environmental Quality (MDEQ) v. City of Flint and Flint City Council lawsuit, particularly its newly-elected members.

REQUEST FOR CHANGES AND/OR ADDITIONS TO AGENDA

Council shall vote to adopt any amended agenda.

PRESENTATION OF MINUTES

170553 Summary Minutes/Flint City Council/Regular Meeting/September 11, 2017

Summary Minutes of the Flint City Council regular meeting held Monday, September 11, 2017, at 6:39 p.m., in the City Council Chambers, 3rd Floor, City Hall.

170554 Summary Minutes/Flint City Council/Special Meeting/September 20, 2017

Summary Minutes of the Flint City Council special meeting held Wednesday, September 20, 2017, at 5:07 p.m., in the City Council Chambers, 3rd Floor, City Hall.

170555 Summary Minutes/Flint City Council/Regular Meeting/September 25, 2017

Summary Minutes of the Flint City Council regular meeting held Monday, September 25, 2017, at 6:35 p.m., in the City Council Chambers, 3rd Floor, City Hall.

170556 Summary Minutes/Flint City Council/Special Meeting/September 29, 2017

Summary Minutes of the Flint City Council special meeting held Wednesday, September 29, 2017, at 9:06 a.m., in the City Council Chambers, 3rd Floor, City Hall.

PUBLIC HEARINGS

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), Council members may not speak during Public Hearings, nor may they make response comments to speakers. Public Hearing speakers are limited to a total of three (3) minutes.

170526.4 Public Hearing/Ordinance No. 170526

A Public Hearing for Ordinance No. 170526, an ordinance to amend Chapter

18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons), of the Code of the City of Flint by adding a new subsection (s), concerning Swayze Court (Communities First, Inc.).

170527.4 Public Hearing/Ordinance No. 170527

A Public Hearing for Ordinance No. 170527, an ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons), of the Code of the City of Flint by adding a new subsection (t), concerning Flint Marketplace (310 East Third Street Limited Dividend Housing Association Limited Partnership).

170528.4 Public Hearing/Ordinance No. 170528

A Public Hearing for Ordinance No. 170528, an ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons), of the Code of the City of Flint by adding a new subsection (v), concerning Cedar Court Commons (Cedar Court, Inc.).

170529.4 Public Hearing/Ordinance No. 170529

A Public Hearing for Ordinance No. 170529, an ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.7 (Same - Duration), of the Code of the City of Flint concerning the duration of tax incentives.

PUBLIC SPEAKING

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), three (3) minutes per speaker. Only one speaking opportunity per speaker. Numbered slips will be provided prior to the start of the meeting to those wishing to speak during this agenda item. No additional speakers or slips will be accepted after the meeting begins. Speakers may not allocate or "donate" their allotted time to another person. Council members may not speak during Public Speaking, nor may they make response comments to speakers. Council members may use their five (5) minutes for Final Comments to address any issues that have been addressed by Public Speakers.

PETITIONS AND UNOFFICIAL COMMUNICATIONS

170557 Update on Property Interest/Mortgage Contracting Services

Communication received October 12, 2017, from Mortgage Contracting Services, re: Notice that Mortgage Contracting Services no longer has an interest in 2018 Chelan Street, Flint, Michigan (sold at auction).

170558 Proof of Service and Stipulation for Entry of Consent Judgment/Michigan Tax Tribunal/VW Leasing, LLC v. City of Flint/MTT Docket No. 16-002441

Communication received October 10, 2017, re: Proof of Service, Stipulation for Entry of Consent Judgment, Motion for Dismissal, and Stipulation for Dismissal filed with the Michigan Tax Tribunal by VW Leasing, LLC regarding Parcels No. 30-00-100-009 and 20-00-189-214.

170559 Financial Report/Notice of Cancellation/Karegnondi Water Authority (KWA)

Communication received Nov. 1, 2017, re: The Karegnondi Water Authority (KWA) September 2017 Financial Report, as well as a Notice of Cancellation of Public Meeting (Nov. 8, 2017).

OFFICIAL COMMUNICATIONS (from Mayor and other City Officials)

170560 Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closures permits (7) dated October/November 2017 for requested activities/events, with noted responsibility for the placement of the required traffic control devices, and/or personnel, for the protection of traffic and event participants.

170561 Office of the City Clerk/Genesee County Final 911 Service Plan and Amendments/City Administration/Police Department

Communication dated October 27, 2017, from City Clerk Brown to Interim City Administrator Branch and Police Chief Johnson, re: the Genesee County Final 911 Service Plan and Amendments.

ADDITIONAL COMMUNICATIONS

APPOINTMENTS (POSTPONED)

Resolution/Appointment No. 170521 was POSTPONED from the 9-25-2017 City Council meeting to this agenda.

Resolution/Appointment No. 170544 was POSTPONED to this agenda from the 11-08-2017 Council Committee meetings due to the lack of a quorum.

170521 Mayoral Appointment/Interim Chief Financial Officer/Hughey Newsome

Resolution resolving that the Flint City Council approves the recommendation by Mayor Karen Weaver to appoint Hughey Newsome as Interim Chief Financial Officer, at an hourly compensation rate of Sixty-Four Dollars (\$64.00) per hour - payable in regular biweekly installments and in the same manner that other employees of the City are paid - with such earnings paid from Salary and Wages Acct. No. 101-191.100-702.000, per the Professional Services Agreement (PSA) between the City of Flint and Hughey Newsome. [NOTE: The terms of the PSA shall commence on September 18, 2017, and end on June 30, 2018, inclusive.]

- 170544 Mayoral Appointment/Department of Public Works (DPW) Director/Robert Bincsik

Resolution resolving that the Flint City Council approves the recommendation by Mayor Karen Weaver to appoint Robert Bincsik as the Director of the Department of Public Works (DPW), at an hourly compensation rate of \$61.704, payable in regular biweekly installments and in the same manner that other employees of the City are paid - with such earnings paid from multiple accounts, which includes grant funds from the Mott Foundation. [NOTE: Mr. Bincsik shall be entitled to two weeks' notice prior to the termination of his appointment and, upon termination of said appointment due to the filling of the position with a different DPW Director, Mr. Bincsik shall revert back to his former classification of Water Service Center Supervisor or equivalent, as described in the requisition dated September 23, 2013. In the event that Mott Foundation opts not to fund the position, and if Mr. Bincsik is not replaced by another DPW Director, the compensation rate would be reduced to \$95,000.00.]

APPOINTMENTS

LICENSES

RESOLUTIONS (POSTPONED)

Resolutions No. 170537, 170547, 170548, 170549, 170550, 170551, and 170552 were POSTPONED from the 11-08-17 Committee meetings due to the lack of a quorum.

- 170537 Amendment/FY2018 Master Fee Schedule

Resolution resolving that the appropriate city officials be and are hereby authorized to amend the Biennial Master Fee Schedule for FY2018 to include the fines for the non-filing of Property Transfer Affidavits, which will be set in accordance with (Michigan State Law) 211.27b, as requested by Assessments. [NOTE: The fee amount is not included in the Resolution.]

- 170547 Co #1/Multi-Year/Contract/Boyd's Lawn & Landscaping/Snow Removal/Eleven Vacant City-Owned Properties

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into change order #1 to the contract with Boyd's Lawn & Landscaping, for additional snow removal services 11 vacant city-owned properties that are listed for sale, in an amount NOT-TO-EXCEED \$3,300.00, and an aggregate spend amount of \$83,300.00, as requested by Planning & Development [General Fund Acct. No. 101-371.209-801.000 = \$1,200.00, and HUD Fund Acct. No. 274-748.102-805.327 = \$1,200.00 and HUD Fund Acct. No. 274-748.184-805.336 = \$900.00]. [NOTE: On November 9, 2016, the proper city officials were authorized to enter into a two-year contract with Boyd's Lawn & Landscaping to provide snow removal services to City Hall and other city facilities in the amount of \$80,000.00.]

- 170548** Dover & Co./Additional Overhead Garage Door Repair & Replacement Services
- Resolution authorizing the Department of Purchases & Supplies, upon City Council's approval, to issue a purchase order, in an amount NOT-TO-EXCEED \$4,500.00, and contracts for FY2018 to Dover & Co. for overhead/garage door repairs and replacements, for a revised total NOT-TO-EXCEED \$\$92,500.00, as requested by various departments [Sewer Fund Acct. No. 590-540.100-976.000 = \$2,250.00; and Water Fund Acct. No. 591-540.202-930.000 = \$2,250.00]. [NOTE: On July 12, 2017, the Department of Purchases & Supplies was authorized to issue purchase orders and contracts, in an amount NOT-TO-EXCEED \$88,000.00, for overhead/garage door repair and replacements.]
- 170549** Berger Chevrolet/Ten (10) Chevrolets
- Resolution authorizing the Department of Purchases and Supplies, upon City Council's approval, to issue a purchase order to Berger Chevrolet for ten (10) Chevrolets, in an amount NOT-TO-EXCEED \$272,556.50, as requested by Fleet [Fleet/Central Garage Fund Acct. No. 661-451.100-977.500]. [NOTE: According to the Staff Review, the 10 vehicles that will be removed from service and sold at auction will net an estimated \$1,000.00 to \$1,500.00.]
- 170550** D & K Truck/Six (6) Tandem Axle Trucks
- Resolution authorizing the Department of Purchases & Supplies, upon City Council approval, to issue a purchase order to D & K Truck for six (6) tandem axle trucks, as requested by Fleet, in an amount NOT-TO-EXCEED \$494,094.00 [Fleet/Central Garage Fund Acct. No. 661-451.100-977.500].
- 170551** Contract/City of Flint/County of Genesee/Flint Holding Facility Operation
- Resolution resolving that the appropriate city officials do all things necessary to enter into the attached agreement with Genesee County for operation of the Flint Holding Facility. [NOTE: The City of Flint Police Department includes a 110-person holding facility with the ability to hold detainees for up to 72 hours. The Genesee County Sheriff currently operates the holding facility. The city and the sheriff have agreed to the terms of a contract for the sheriff to continue operating the facility for a contract price NOT-TO-EXCEED \$2,550,741.00. The agreement is contingent on the city receiving funding from the State of Michigan to pay the full costs of the contract and the sheriff receiving a continued waiver from the Michigan Department of Corrections.] [NOTE: According to the Staff Review Form, the contract is for 12 months beginning October 1, 2017 and ending November 30, 2018.] [NOTE: Agreement is attached.]
- 170552** Budget Amendment/Transfer of Funds/226 Rubbish Collection Account Fund Balance/Bray Road Dump Site
- Resolution resolving that the appropriate city officials, upon City Council's

approval, are authorized to do all things necessary to transfer funds in the amount of \$225,000.00 for the monitoring and cleanup of Bray Road into Rubbish Collection Acct. No. 226-528.207-801.100. [NOTE: There is a need for an emergency allocation of funds to protect Bluebell Beach and residential wells near the Bray Road Dump Site. Funds to provide for environmental monitoring and assessment were previously included in the Mayor's budget for FY2017-2018 and removed by the City Council. The money is available in the 226 Rubbish Collection Acct. Fund Balance.]

RESOLUTIONS

- 170562** Public Hearing Date/Consolidated Annual Performance and Evaluation Report (CAPER)
- Resolution resolving that the Department of Planning and Development, Division of Community and Economic Development (CED), will hold a Public Hearing on November 27, 2017, City Council Chambers, Flint City Hall, for the purposes of allowing review of the Consolidated Annual Performance and Evaluation Report (CAPER) and to receive public comment. [Administration Submission No. CA5462017]
- 170563** Acceptance of Donated Asset/U.S. Law Enforcement Support Office/Armored MXT Vehicle
- Resolution resolving that the appropriate City Officials are authorized to do all things necessary to accept an Up Armored International, Navistar Armored MXT vehicle, and to add the estimated value of \$80,000.00 to the City's Capital Assets, AND, resolving that the appropriate City Officials are authorized to do all things necessary to appropriate estimated revenue and expense in the amount of \$80,000.00, in Accts. No. 661-000.300-159.000 and 661-000-300.674.000. [NOTE: The City has been approved to accept an Up Armored International, Navistar Armored MXT vehicle from the U.S. Law Enforcement Support Office through the 1033 Program. The City will utilize this vehicle for SWAT, active shooter, barricaded suspect, emergency response, first responder, hostage rescue, natural disaster rescue, homeland security, counterdrug, and counterterrorism activities.] [Administration Submission No. CA5532017]
- 170564** Budget Amendment/2016-17 (2018) Adopted Budget/Event Policing and Public Safety
- Resolution resolving that the appropriate City Officials are authorized to do all things necessary to abide by the terms of the C.S. Mott Grant No. G-2017-01580, in the amount of \$133,290.00, to appropriate revenue and expenditure amounts using Grant Code LCSM17EVENTS, and to make the grant funds available in the current and any subsequent fiscal years that funding continues to remain available by the grantor. [NOTE: The FY18 Adopted Budget must be amended to include the awarded funds.]

LIQUOR LICENSES

INTRODUCTION AND FIRST READING OF ORDINANCES

SECOND READING AND ENACTMENT OF ORDINANCES

- 170526** Amendment/Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article I (In General)/Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons)
- An ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons), of the Code of the City of Flint by adding a new subsection (s), concerning Swayze Court (Communities First, Inc.).
- 170527** Amendment/Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article I (In General)/Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons)
- An ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons), of the Code of the City of Flint by adding a new subsection (t), concerning Flint Marketplace (310 East Third Street Limited Dividend Housing Association Limited Partnership).
- 170528** Amendment/Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article I (In General)/Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons)
- An ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons), of the Code of the City of Flint by adding a new subsection (v), concerning Cedar Court Commons (Cedar Court, Inc.).
- 170529** Amendment/Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article I (In General)/Section 18-4.7 (Same - Duration)
- An ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article I (In General), Section 18-4.7 (Same - Duration), of the Code of the City of Flint concerning the duration of tax incentives.

FINAL COUNCIL COMMENTS

ADJOURNMENT