

# **City of Flint, Michigan**

*Third Floor, City Hall  
1101 S. Saginaw Street  
Flint, Michigan 48502  
[www.cityofflint.com](http://www.cityofflint.com)*



## **Meeting Agenda - Final**

**Monday, December 14, 2020**

**5:30 PM**

**ELECTRONIC PUBLIC MEETING**

### **CITY COUNCIL**

*Kate Fields, President, Ward 4  
Maurice D. Davis, Vice President, Ward 2*

*Eric Mays, Ward 1  
Jerri Winfrey-Carter, Ward 5  
Monica Galloway, Ward 7*

*Santino J. Guerra, Ward 3  
Herbert J. Winfrey, Ward 6  
Allan Griggs, Ward 8*

*Eva L. Worthing, Ward 9*

*Inez M. Brown, City Clerk*

*Davina Donahue, Deputy Clerk*

**SPECIAL PUBLIC NOTICE -- ELECTRONIC PUBLIC MEETING****AMENDED PUBLIC NOTICE  
In Accordance with the Newly Revised Open Meetings Act  
FLINT CITY COUNCIL ELECTRONIC PUBLIC MEETING**

On Friday, October 5, 2020, the Michigan Supreme Court (MSC) issued an order declaring the Emergency Powers of Governor (EPG) Act as an unconstitutional delegation of legislative authority, which was the primary authority relied on by Governor Whitmer for her COVID-19 related executive orders. Subsequently, Governor Whitmer requested that the MSC clarify that their order does not go into effect until October 30, 2020. On Monday October 12, 2020, the Michigan Supreme Court rejected Governor Whitmer's request to delay the effect of its decision to strike down the EPG. On Tuesday, October 13, 2020, Senate Bill 1108 passed, amending the Open Meetings Act to allow municipalities to hold electronic meetings before January 1, 2021 and retroactive to March 18, 2020. On Friday, October 16, 2020, Governor Whitmer signed into law Senate Bill 1108 amending the Open Meetings Act. On November 15, an order from the Michigan Department of Health and Human Services (DHHS) prohibits gatherings at non-residential venues beginning November 18. Therefore, pursuant to the amended Open Meetings Act and the DHHS order, the following meeting is scheduled electronically:

**Flint City Council Meeting  
Monday, December 14, 2020, at 5:30 p.m.**

The public and media may listen to the meeting online by live stream at <https://www.youtube.com/watch?v=ncv0cuMHpEE> or through Start Meeting Solution by dialing (617) 944-8177.

1. In order to speak during the PUBLIC HEARING PERIOD of the meeting by telephone, participants will also call (617) 944-8177:
    - a. All callers will be queued and muted until the Public Hearing portion of the agenda;
    - b. Public speakers will be unmuted in order and asked if they wish to address the City Council on THE SUBJECT OF THE PUBLIC HEARING SPECIFICALLY;
    - c. Public speakers should state and spell their name for the record and will be allowed ten (10) minutes to speak during the public hearing;
    - d. The speaker will be returned to mute after the 10 minutes have expired.
  2. In order to speak during the PUBLIC SPEAKING PERIOD of the meeting by telephone, participants will also call (617) 944-8177:
    - a. All callers will be queued and muted until the Public Speaking portion of the agenda;
    - b. Public speakers will be unmuted in order and asked if they wish to address the City Council ON ANY SUBJECT;
    - c. Public speakers should state and spell their name for the record and will be allowed three (3) minutes for public speaking;
    - d. The speaker will be returned to mute after the 3 minutes have expired;
    - e. After the telephonic public speakers are completed, emailed public comments will be read by the City Clerk. All emailed public comments will be timed for 3 minutes;
    - f. Per Rules Governing Meetings of the Council (Rule 7.1 VII), there will only be one speaking opportunity per speaker. Consequently, public participants who call in and speak during the public speaking period of the meeting WILL NOT have written comments as submitted read by the City Clerk.
  3. The public may send public comments by email to [CouncilPublicComment@cityofflint.com](mailto:CouncilPublicComment@cityofflint.com) no later than 10 minutes prior to the meeting start time of 5:30 p.m.
  4. Persons with disabilities may participate in the meeting by the above-mentioned means or by emailing a request for an accommodation to [CouncilPublicComment@cityofflint.com](mailto:CouncilPublicComment@cityofflint.com), with the subject line Request for Accommodation, or by contacting the City Clerk at (810) 766-7418 to request accommodation - including but not limited to interpreters.
- If there are any questions concerning this notice, please direct them to City Council office at (810) 766-7418.

**CALL TO ORDER****ROLL CALL****MEMBER REMOTE ANNOUNCEMENT**

*Pursuant to the newly revised Open Meetings Act, each Council member shall state that they are attending the meeting remotely and shall state where he or she is physically located (county or city and state).*

**MEMBER CONTACT INFORMATION**

*Eric Mays - (810) 922-4860; Maurice Davis - mdavis@cityofflint.com; Santino Guerra - sguerra@cityofflint.com; Kate Fields - kfields@cityofflint.com; Jerri Winfrey-Carter - jwinfrey-carter@cityofflint.com; Herbert Winfrey - (810) 691-7463; Monica Galloway - mgalloway@cityofflint.com; Allan Griggs - agriggs@cityofflint.com; Eva Worthing - eworthing@cityofflint.com.*

**PLEDGE OF ALLEGIANCE****PRAYER OR BLESSING****PROCEDURES ON CONDUCTING ELECTRONIC PUBLIC MEETINGS**

*All boards and commissions must adhere to all laws established under the Michigan Compiled Laws and in accordance with the revisions to the Open Meetings Act adopted in Senate Bill 1108, as passed on October 13, 2020, and signed into law on October 16, 2020.*

**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.*

**REQUESTS FOR CHANGES AND/OR ADDITIONS TO AGENDA**

*Council shall vote on any agenda changes.*

**EXECUTIVE (CLOSED) SESSION**

*The Department of Law requests an Executive Session for the purpose of updating the City Council on Wells v City of Flint, Case No. 2:18-cv-12755.*

**PRESENTATION OF MINUTES****SPECIAL ORDERS**

**200503** Special Order/COVID-19 in City Hall

A Special Order as requested by Councilperson Mays, re: He would like to discuss COVID-19 and the 55 city employees who have tested positive for the virus.

**200504** Special Order/Water Litigation

A Special Order as requested by Council President Fields to allow for additional dialogue regarding water litigation.

**200505** Special Order/Pierce Golf Course

A Special Order as requested by Councilperson Galloway to discuss the Pierce Golf Course and its burned-out club house.

**PUBLIC HEARINGS****200426.6** Public Hearing/FY2021-FY2024 Vision, Mission, and Goals of the Strategic Plan

A public hearing on the City of Flint FY2021-FY2024 Vision, Mission, and Goals of the Strategic Plan. The plan shall state the City of Flint's goals, prioritized objectives and measures for success for the next fiscal year. The City Council shall utilize the City of Flint's Comprehensive Plan, input from the Mayor and input from the public in updating the strategic plan.

**200468.6** Public Hearing/Alley Vacation/1415-1419 North Dort Highway

Resolution resolving that a public hearing to consider the vacation of the public alley located at 1415-1419 North Dort Highway, Flint (Parcel Nos. 41-08-239-008, 41-08-239-009, 41-08-239-001 and 41-08-239-002), including the entire 15-foot alleyway along the street address of 1415 to 1419 North Dort Highway, including the portion of the alleyway from there towards its terminus at Missouri Street, shall be held on the 14th day of December, 2020, at 5:30 p.m. via Electronic Public Meeting. [NOTE: The applicant intends to construct a retail pharmacy location with drive-through services and a contiguous parking for customers' use. To undertake the requisite construction, an existing structure must be demolished and excavation of soil is required before new construction can commence. There is an existing 15-foot alleyway (public) which must be vacated.]

**200461.6** Ordinance 200461

An ordinance to amend the Code of the City of Flint by amending Chapter 35, (Personnel), Article V (Working Conditions) by amending Section 35-89 (Holidays). [NOTE: Amendment adds Juneteenth to the list of holidays.]

**PUBLIC SPEAKING**

**COUNCIL RESPONSE****PETITIONS AND UNOFFICIAL COMMUNICATIONS****COMMUNICATIONS (from Mayor and other City Officials)****ADDITIONAL COMMUNICATIONS****APPOINTMENTS****LICENSES****RESOLUTIONS****200426.2** Approval/FY2021-FY2024 Vision, Mission, and Goals of the Strategic Plan

Resolution resolving that the City of Flint FY2021-FY2024 Vision, Mission, and Goals of the Strategic Plan are hereby approved as set forth in the attached document.

**200468.1** Approval/Alley Vacation/1415 to 1419 North Dort Highway

Resolution resolving that 1415 to 1419 North Dort Highway, Flint (Parcel Nos. 41-08-239-008, 41-08-239-009, 41-08-239-001 and 41-08-239-002), including the entire 15-foot alleyway along the street address of 1415 to 1419 North Dort Highway, including the portion of the alleyway from there towards its terminus at Missouri Street, is hereby vacated and discontinued forever as a public street, alley or public ground, and the same is hereby placed on the assessment rolls for the purpose of taxation; AND, resolving that the City Clerk shall, within 30 days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer. [NOTE: The applicant intends to construct a retail pharmacy location with drive-through services and a contiguous parking for customers' use. To undertake the requisite construction, an existing structure must be demolished and excavation of soil is required before new construction can commence. There is an existing 15-foot alleyway (public) which must be vacated.]

**200488** Settlement/Flint Water Litigation

Resolution resolving that the Flint City Council approves and consents to the city joining the settlement of Flint Water Litigation and authorizes the City Administrator to do all things necessary to settle the Flint Water Litigation matters by using funds provided by its insurer. [NOTE: Executive Session was requested in this matter on October 12, 2020, October 26, 2020, November 9, 2020 and November 23, 2020. Numerous Flint Water Litigation cases - lawsuits arising out of the City's use of the Flint River from 2014-2015 - have been filed in state and federal court, in which

the City of Flint, former City officials, and/or City employees are among those named as defendants. Multiple other defendants have agreed to resolve, to the maximum extent possible, Flint Water Litigation claims against them, through a Settlement announced in August, 2020, the terms of which were made public on or about November 18, 2020. The City may resolve, to the maximum extent possible, the Flint Water Litigation claims against it, its former officials, and/or its former employees, by contributing to and joining in that Settlement. The City's excess liability insurance carrier has agreed to provide \$20 million as the City's contribution to the Settlement, which will resolve Flint Water Litigation claims against the City, its former officials, and/or its former employees, at no cost to the City and its taxpayers. Although the City of Flint admits no liability, City Administrator Clyde Edwards and Law Department recommend using the funds provided by the City's excess liability insurance carrier to settle the Flint Water Litigation cases.]

- 200493**      Approval/Emergency Amended Rules Governing Meetings of the Flint City Council
- Resolution resolving that the Flint City Council approves the attached amendments to the [Rules Governing Meetings of the Flint City Council], for 60 days, with immediate effect.
- 200506**      Contract/Tetra Tech/Engineering Services/Primary Clarifier Improvements/Battery B Grit Removal
- Resolution resolving that the proper city officials, upon City Council's approval, are to do all things necessary to enter into a contract with Tetra Tech for qualified engineers for best qualified firm for Proposal No. 21000556-Primary Clarifier Improvements and Proposal No. 21000566 as the best qualified firm for Battery B Grit Removal, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED \$1,362,600.00 [State Revolving Fund Acct. No. To Be Determined.]
- 200507**      Contract/Hubbell, Roth & Clark, Inc./Engineering Services/Secondary Clarifier Improvements
- Resolution resolving that the proper city officials, upon City Council's approval, are to do all things necessary to enter into a contract with Hubbell, Roth & Clark, Inc. for qualified engineers for secondary Clarifier improvements -- engineering services, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED \$436,000.00 [State Revolving Fund Acct. No. To Be Determined.]
- 200508**      Contract/Wade Trim/Engineering Services/Third Avenue Pumping Station Improvements
- Resolution resolving that the proper city officials, upon City Council's approval, are to do all things necessary to enter into a contract with Wade Trim for qualified engineers for Third Avenue Pumping Station improvements, as requested by Water Pollution Control, in an amount NOT-TO-EXCEED \$965,000.00 [State Revolving

Fund Acct. No. To Be Determined.]

200509

Contract/Environmental Testing & Consulting/Lead Inspection/Risk Assessment/HUD Lead-Based Paint Hazard Control Program

Resolution authorizing the proper city officials, upon City Council's approval, to do all things necessary to enter into a contract with Environmental Testing & Consulting for lead inspection/risk assessment for the U.S. Department of Housing and Urban Development's (HUD) Lead-Based Paint Hazard Control Program, as requested by the Chief Resilience Officer, in an amount NOT-TO-EXCEED \$106,800.00 [HUD Grant Professional Services Acct. No. 296-171.530-801.000 [NOTE: The primary strategy of the Lead-Based Paint Hazard Control Program focuses on elimination of lead hazards in 70 eligible housing units.]

200510

CO#2/Contract/CDM Smith/Resident Project Representative Services/Construction Engineering Services

Resolution authorizing the proper city officials, upon City Council's approval, to enter into change order #2 with CDM Smith for additional Resident Project Representative (RPR) services and Construction Engineering (CE) services, for an additional contract amount of \$428,947.00, in an amount NOT-TO-EXCEED \$95,586.00, and a total contract price NOT-TO-EXCEED \$1,020,833.00, with disbursement of Water Infrastructure Improvements for the Nation (WIIN) funding from the Department of Environment, Great Lakes and Energy (EGLE), as requested by DPW [WIIN Acct. No. 496-553.000-801.054.] [Enter body here.]

200511

Grant Acceptance/State of Michigan/Genesee County Community Action Resource Department (GCCARD)

Resolution resolving that the appropriate city officials, upon City Council's approval, are authorized to do all things necessary to accept grant funding from the State of Michigan through sub-recipient GCCARD, in the amount of \$1,869,272.61, as requested by Finance. [NOTE: Gov. Gretchen Whitmer signed House Bill 690 on July 1, 2020, appropriating funding for Water Utility Assistance to residential water and waste water customers with new arrearages starting March 1, 2020. GCCARD identified qualified delinquent Flint water and sewer accounts eligible for the program. The delinquent accounts eligible for the program totaled \$1,869,272.61.

## LIQUOR LICENSES

## INTRODUCTION AND FIRST READING OF ORDINANCES

200489

Ordinance/Amendment/Chapter 31 (General Offenses)/Article I (In General)/Addition of Section 31-65 (Hours of the Sale of Liquor)

An ordinance to amend the Code of the City of Flint by amending Chapter 31 (General Offenses), Article I (In General), by the addition of Section 31-65

(Hours of the Sale of Liquor).

*Postponed from 11-23-20*

- 200490** Amendment/Ordinance/Chapter 24 (Housing)/Article I (International Property Maintenance Code)/Addition of Section 24-5 (Landlords Removal and Disposal Process Regarding Evictions)

An ordinance to amend the Code of the City of Flint by amending Chapter 24 (Housing), Article I (International Property Maintenance Code), with the addition of Section 24-5 (Landlords Removal and Disposal Process Regarding Evictions).

*Postponed from 11-23-20*

- 200512** Ordinance/Amendment/Chapter 12 (Business and Occupations Generally)/Article XVI (Medical Marihuana Facilities)/Addition of Section 12-96 (Sixty Day Emergency Opt-In to Related Recreational Marihuana Facilities, Elimination of License Cap, to Extend that Section by Sixty (60) Days)

An ordinance to amend the Code of Ordinances for the City of Flint by amending Chapter 12 (Business and Occupations Generally), Article XVI (Medical Marihuana Facilities), Section 12-96 (Sixty Day Emergency Opt-In to Related Recreational Marihuana Facilities, Elimination of License Cap, to Extend that Section by Sixty (60) Days.) [NOTE: This is the seventh and supplemental extension of sixty days Emergency Opt-In to Related Recreational Marihuana Facilities; Elimination of License Cap.]

## **SECOND READING AND ENACTMENT OF ORDINANCES**

- 200461** Amendment/Chapter 35 (Personnel)/Article V (Working Conditions)/Amendment of Section 35-89 (Holidays)

An ordinance to amend the Code of the City of Flint by amending Chapter 35, (Personnel), Article V (Working Conditions) by amending Section 35-89 (Holidays). [NOTE: Amendment adds Juneteenth to the list of holidays.]

## **DISCUSSION ITEMS**

- 200500** Council Review/Rules Governing Meetings of the Council (RGMC)

Per the "Rules Governing Meetings of the Council", the Flint City Council shall review the "Rules Governing Meetings of the Council" (RGMC). [NOTE: RGMC Rule No. 33.1 states that, "Every December, the City Council shall place an item on the Special Affairs Committee agenda for review of these rules." Because Special Affairs meetings are suspended indefinitely due to health concerns, it has been added to this agenda.] [NOTE: The "Rules Governing Meetings of the Council" were originally adopted by the City Council on May 10, 1976, with a 1st Amendment adopted May 24, 2010, a 2nd Amendment adopted on April 27, 2015, and a 3rd Amendment adopted June 12, 2017.]



**200501**      Marihuana Ordinances

A discussion item as requested by the City Attorney to discuss the city's permanent marihuana ordinances.

**200502**      Discussion Item/State of Emergency

A Discussion Item as requested by Councilperson Mays, re: He would like to discuss the current State of Emergency and the Mayor's failure to expediently convene a meeting with City Council.

**ADDITIONAL DISCUSSION ITEMS****FINAL COUNCIL COMMENTS****ADJOURNMENT**

RESOLUTION NO.: 200426.2

PRESENTED: DEC 14 2020

ADOPTED:

**RESOLUTION AUTHORIZING THE ADOPTION OF THE 2021-2024 VISION,  
MISSION AND GOALS OF THE CITY OF FLINT STRATEGIC PLAN**

**BY THE FLINT CITY COUNCIL:**

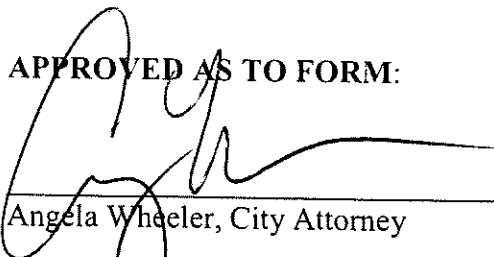
The Flint City Council recognizes that the development and implementation of a multi-year strategic plan is an essential component of developing a sustainable city government. The progress of the City of Flint is now defined by the steps it takes to achieve its stated vision, mission and goals. Flint city government is focused on enabling the City of Flint to become an attractive place to live, work, play, study and visit. In order to do this city government must become and remain financially stable and provide residents, businesses, students and visitors with an adequate level of municipal services. The city must also have the capacity to encourage and guide others in achieving its vision and goals. Achievement of the city's vision will be measured by the progress that is being made towards specific goals and objectives.

Ordinance 3855, Section 2-106, Development and Update of Strategic Plan, requires the City Council adoption of an update to the Strategic Plan in preparation of the biennial budget. Completion of the Vision, Mission and Goals is the initial step in the annual process.

The Mayor and City Council, working with city administration and staff, have created the City of Flint FY2021-2024 Vision, Mission and Goals of the Strategic Plan, attached hereto and made a part thereof.

**IT IS RESOLVED** that the City of Flint FY2021-2024 Vision, Mission and Goals of the Strategic Plan are hereby approved as set forth in the attached document.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Angela Wheeler, City Attorney

**FOR THE CITY:**

\_\_\_\_\_  
Sheldon Neeley, Mayor

**APPROVED BY THE FLINT CITY COUNCIL:**

\_\_\_\_\_  
Kate Fields, City Council President

# **CITY OF FLINT STRATEGIC PLAN**

**2019-2023**

*Setting a Sustainable Course for the City of Flint*

## **The Vision for the City Government of Flint**

A well-managed, financially stable, and accountable government focused on creating and maintaining a vibrant and growing community which will attract and retain residents, businesses, students, and visitors and improve our quality of life

## **The Mission of the City Government**

To assure that residents, businesses, students and visitors in the City of Flint receive municipal services in a customer friendly, financially responsible, and equitable manner in order to insure equality of opportunity for all persons

## **The Goals**

In order to operate per our Mission and realize our Vision, residents, businesses, students and visitors can expect that the City of Flint will:

1. The City will operate in an open and financially sustainable manner, including improving citizen access, focusing on measurable results, improving the City's financial position and eliminating accumulated deficits
2. The City will provide a highly trained and professional staff of elected leaders, appointed officials and employees
3. The City will provide for a safe, secure, healthy and clean environment in which to live, work, learn and play
4. The City will provide access to dependable, quality and sustainable water and sewer
5. The City will provide access to an adequate and well maintained transportation network for all modes of travel serving motorized, non-motorized, and pedestrian needs
6. The City will foster cooperation among business, non-profit, higher education, foundation partners, and residents to create a climate that supports economic development with a focus on small business and entrepreneurs in order to build local wealth and enhance the tax base
7. The City will seek partnerships with Local, State and Federal governmental partners, and other private entities in order to maximize efficiencies and resources in meeting its Mission
8. The City will promote the equal protection of the law for each person in accordance with fundamental human rights

# CITY OF FLINT STRATEGIC PLAN

2021-2024

*Setting a Sustainable Course for the City of Flint*

## The Vision for the City Government of Flint

A well-managed, financially stable, and accountable government focused on creating and maintaining a vibrant and growing community which will attract and retain residents, businesses, students, and visitors and improve our quality of life

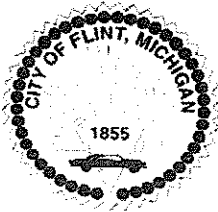
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6. The City will foster cooperation among business, non-profit, higher education, foundation partners, and residents to create a climate that supports economic development with a focus on small business and entrepreneurs in order to build local wealth and enhance the tax base
7. The City will seek partnerships with Local, State and Federal governmental partners, and other private entities in order to maximize efficiencies and resources in meeting its Mission
8. The City will promote the equal protection of the law for each person in accordance with fundamental human rights. **THE CITY WILL ADOPT POLICIES AND ORDINANCES TO INSURE SAME.**
9. **THE CITY WILL ENSURE OPTIMUM PRACTICES IN ORDER TO PROMOTE GOVERNMENT TRANSPARENCY.**
10. **THE CITY WILL IMPROVE SYSTEMS MANAGEMENT PROCESSES TO ENSURE BETTER EFFECTIVENESS OF RECORDS MANAGEMENT, STORAGE AND ACCESS TO CITY DOCUMENTS – TO INCLUDE IMPROVEMENTS TO CITY TECHNOLOGY AND THE WEB SITE.**



RESOLUTION NO.:

200468.1

PRESENTED:

DEC 14 2020

ADOPTED:

**RESOLUTION RECOMMENDING THE VACATION a Public Alleyway of 1415 – 1419 N. Dort Highway, Flint, MI. (Parcels: 41-08-239-008, 41-08-239-009, 41-08-239-001, 41-08-239-002) including the entire 15-foot alleyway along the street address of 1415 to 1419 North Dort highway including the portion of the alleyway from there towards its terminus at Missouri Street.**

**BY THE CITY ADMINISTRATOR:**

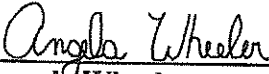
**WHEREAS**, Due notice has been given to all persons interested as to the time and place of a hearing in respect to the proposed action of this body to vacate the street, alley or public ground known as 1415 – 1419 N. Dort Highway, Flint, MI. (Parcels: 41-08-239-008, 41-08-239-009, 41-08-239-001, 41-08-239-002) including the entire 15-foot alleyway along the street address of 1415 to 1419 North Dort highway including the portion of the alleyway from there towards its terminus at Missouri Street.

**WHEREAS**, Pursuant to the requirements of section 42-25 of the Flint City Code, a public hearing has been held so that members of the Flint City Council could meet and hear objections to the proposed vacation and discontinuance of the above described street, alley or public ground.

**IT IS RESOLVED**, that 1415 – 1419 N. Dort Highway, Flint, MI. (Parcels: 41-08-239-008, 41-08-239-009, 41-08-239-001, 41-08-239-002) including the entire 15-foot alleyway along the street address of 1415 to 1419 North Dort highway including the portion of the alleyway from there towards its terminus at Missouri Street., is hereby vacated and discontinued forever as a public street, alley, or public ground, and the same is hereby placed on the assessments rolls for the purpose of taxation.

**FURTHER RESOLVED**, that the City Clerk shall, within thirty (30) days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer.

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Angela Wheeler  
Chief Legal Officer

**ADMINISTRATION:**

  
\_\_\_\_\_  
Clyde Edwards  
City Administrator

**CITY COUNCIL:**

\_\_\_\_\_  
Kate Fields,  
City Council President



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** 11/3/2020

**BID/PROPOSAL#:** N/A

**AGENDA ITEM TITLE:** RESOLUTION RECOMMENDING THE VACATION a Public Alleyway of 1415 – 1419 N. Dort Highway, Flint, MI. (Parcels: 41-08-239-008, 41-08-239-009, 41-08-239-001, 41-08-239-002) including the entire 15-foot alleyway along the street address of 1415 to 1419 North Dort highway including the portion of the alleyway from there towards its terminus at Missouri Street.

**PREPARED BY:** Suzanne Wilcox, Planning and Development, x 3001

**VENDOR NAME:** N/A

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

At its meeting on October 27, 2020 the Flint Planning Commission recommended to council the vacation of the alleyway as referenced above and submitted by the applicant.

The Applicant intends to construct a retail pharmacy location with Drive-through services; and contiguous parking lot for customers' use. To undertake the requisite construction, an existing structure must be demolished and excavation of soil is required before new construction can be commenced. There is an existing platted 15-foot alleyway (public) which must be vacated.

This alley vacation request has been reviewed by all applicable City of Flint departments including the City Engineer who reviewed for Water and Sewer, Fire Department, Building Department and Planning and Zoning staff.

**FINANCIAL IMPLICATIONS:** The property will be discontinued forever as a public street, alley, or public ground and become the ownership of the adjacent property owners'.

**BUDGETED EXPENDITURE?** YES ☐ NO ☒ IF NO, PLEASE EXPLAIN: No expenditures required

Dept.	Name of Account	Account Number	Grant Code	Amount
N/A	N/A	N/A	N/A	N/A
FY19/20 GRAND TOTAL				N/A

**PRE-ENCUMBERED?** YES ☐ NO ☒ REQUISITION NO:



## CITY OF FLINT

ACCOUNTING APPROVAL: N/A Date: N/A

FINANCE APPROVAL: N/A Date: N/A

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒

(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

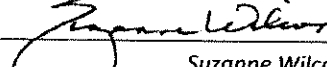
BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): There are no other implications

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE:   
Suzanne Wilcox, Director



PRESENTED: \_\_\_\_\_

200488

PRESENTED: \_\_\_\_\_

NOV 23 2020

ADOPTED: \_\_\_\_\_

## RESOLUTION TO APPROVE SETTLEMENT OF FLINT WATER LITIGATION

### BY THE CITY ADMINISTRATOR:

Executive Session was requested in this matter on October 12, 2020, October 26, 2020, November 9, 2020 and November 23, 2020; and

**WHEREAS** numerous Flint Water Litigation cases – lawsuits arising out of the City's use of the Flint River from 2014-2015 – have been filed in state and federal court, in which the City of Flint, former City officials, and/or City employees are among those named as defendants; and

**WHEREAS** multiple other defendants have agreed to resolve, to the maximum extent possible, Flint Water Litigation claims against them, through a Settlement announced in August, 2020, the terms of which were made public on or about November 18, 2020; and

**WHEREAS** the City may resolve, to the maximum extent possible, the Flint Water Litigation claims against it, its former officials, and/or its former employees, by contributing to and joining in that Settlement; and

**WHEREAS** the City's excess liability insurance carrier has agreed to provide \$20 million as the City's contribution to the Settlement, which will resolve Flint Water Litigation claims against the City, its former officials, and/or its former employees, at no cost to the City and its taxpayers; and

**WHEREAS** although the City of Flint admits no liability, City Administrator Clyde Edwards and Law Department recommend using the funds provided by the City's excess liability insurance carrier to settle the Flint Water Litigation cases.

**THEREFORE, BE IT RESOLVED** that the Flint City Council approves and consents to the City joining the settlement of Flint Water Litigation and authorizes the City Administrator to do all things necessary to settle the Flint Water Litigation matters by using funds provided by its insurer.

### APPROVED AS TO FORM:

Angela Wheeler  
Angela Wheeler, Chief Legal Officer

### APPROVED AS TO FINANCE:

Amanda Trujillo  
Amanda Trujillo, Acting Chief Financial Officer

### FOR THE CITY OF FLINT:

Clyde Edwards  
Clyde Edwards, City Administrator

### APPROVED BY CITY COUNCIL:

\_\_\_\_\_  
Kate Fields, City Council President





## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** 11/18/2020

**BID/PROPOSAL#**

**AGENDA ITEM TITLE:** RESOLUTION TO APPROVE SETTLEMENT OF FLINT WATER LITIGATION

**PREPARED BY** Angela Wheeler  
(Please type name and Department)

**VENDOR NAME:** N/A

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

Numerous Flint Water Litigation cases – lawsuits arising out of the City's use of the Flint River from 2014-2015 – have been filed in state and federal court, in which the City of Flint, former City officials, and/or City employees are among those named as defendants; and multiple other defendants have agreed to resolve, to the maximum extent possible, Flint Water Litigation claims against them, through a Settlement announced in August, 2020, the terms of which were made public on or about November 18, 2020; and the City may resolve, to the maximum extent possible, the Flint Water Litigation claims against it, its former officials, and/or its former employees, by contributing to and joining in that Settlement; and the City's excess liability insurance carrier has agreed to provide \$20 million as the City's contribution to the Settlement, which will resolve Flint Water Litigation claims against the City, its former officials, and/or its former employees, at no cost to the City and its taxpayers; and therefore it is recommended that Flint City Council approves and consents to the City joining the settlement of Flint Water Litigation and authorizes the City Administrator to do all things necessary to settle the Flint Water Litigation matters by using funds provided by its insurer.

**FINANCIAL IMPLICATIONS:** Paid through the City of Flint's excess carrier

**BUDGETED EXPENDITURE?** YES ☐ NO ☐ IF NO, PLEASE EXPLAIN:

Dept.	Name of Account	Account Number	Grant Code	Amount



		FY20/21 GRAND TOTAL		

**PRE-ENCUMBERED?    YES ☐   NO ☐    REQUISITION NO:**

**ACCOUNTING APPROVAL:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**WILL YOUR DEPARTMENT NEED A CONTRACT?** YES ☐ NO ☒  
(If yes, please indicate how many years for the contract) YEARS

**WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)**

### BUDGET YEAR 1

## BUDGET YEAR 2

### BUDGET YEAR 3

**OTHER IMPLICATIONS (i.e., collective bargaining):**

**STAFF RECOMMENDATION: (PLEASE SELECT):** X ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: Angela Wheeler  
(PLEASE TYPE NAME, TITLE)



PRESENTED: \_\_\_\_\_

200493

PRESENTED: \_\_\_\_\_

NOV 23 2020

ADOPTED: \_\_\_\_\_

## **RESOLUTION TO APPROVE EMERGENCY AMENDMENT TO COUNCIL RULES**

### **BY THE CITY COUNCIL:**

**WHEREAS**, the City Council adopted its last version of Rulings Governing Meetings of the Council ("Council Rules") on June 12, 2017, and that City Council's annual review of Council Rules takes place every December during the Special Affairs Committee agenda; and

**WHEREAS**, it has been impractical for City Council to hold Council Committee meetings during the COVID-19 Pandemic since it was deemed an unnecessary hardship to the City Council staff and put their health safety at risk; and

**WHEREAS**, it has been over three years since the previous amendment of City Council rules; and

**WHEREAS**, on October 9, 2019, the Rules Committee approved various amendments to the Council Rules, as proposed in the attached version of the Council Rules; and

**WHEREAS**, to have productive meetings during this pandemic it is of utmost importance to have the Council Rules include those amendments, on an emergency basis pursuant to Flint City Charter Section 1-801(H), for a period of 60 days.

**THEREFORE, BE IT RESOLVED** that the Flint City Council approves the attached amendments to the City Council rules for 60 days, with immediate effect.

### **APPROVED BY CITY COUNCIL:**

\_\_\_\_\_  
Kate Fields, City Council President

### **APPROVED AS TO FORM:**

\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

# RULES GOVERNING MEETINGS OF THE COUNCIL

## GENERAL

PREAMBLE

OPEN MEETINGS ACT (OMA)

FREEDOM OF INFORMATION ACT (FOIA)

- RULE 1 PARLIAMENTARY AUTHORITY  
2 SUSPENSION AND AMENDMENT OF RULES

## ORGANIZATION #1

- RULE 3 COUNCIL PRESIDENT; PRESIDING AT MEETINGS  
4 APPOINTMENT OF COMMITTEES

## ORGANIZATION #2

- 5 TIME AND PLACE OF MEETINGS AND SPECIAL MEETINGS  
6 AGENDA FOR REGULAR MEETINGS OF COUNCIL; AGENDAS FOR  
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EXECUTIVE OR CLOSED SESSIONS

## ACTION BY COUNCIL

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## **CONDUCT, ETHICS AND DISCIPLINARY ACTIONS**

- RULE 30 GENERAL CONDUCT AND STANDARDS OF CONDUCT
- 31 ETHICS
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- RULE 33 ANNUAL REVIEW OF CITY COUNCIL RULES

## GENERAL

### PREAMBLE

These are rules governing the orderly conduct of Flint City Council meetings in accordance with Robert's Rules of Order Newly Revised (1970 Major Revision) and certain laws.

### OPEN MEETINGS ACT (OMA)

City Council meetings are subject to the Open Meetings Act, Public Act 267 of 1976, MCL 15.261 through 15.275.

### FREEDOM OF INFORMATION ACT (FOIA)

All documents (i.e. agendas, minutes, attachments, transcripts, recordings) are subject to FOIA, unless subject to exemptions rule in FOIA.

### PARLIAMENTARY AUTHORITY

- Rule 1.1 All matters of procedure not covered specifically by Council Rules, Federal, State, or Local law, shall be governed by Robert's Rules of Order Newly Revised (1970 Major Revision). If a conflict arises between Council Rules and Robert's Rules of Order, Council Rules take precedence.
- 1.2 The President or Chair (Presiding Officer) SHALL (is required to) decide all questions arising under these rules and general parliamentary practice, subject to appeal. While on all questions of order, and of interpretation of the rules, and of priority of business, it is the DUTY of the Chairman to first decide the question, it is the privilege of any member to "appeal from the decision." If the appeal is seconded, the Chairman states his decision, and that it has been appealed from, and then states the question thus: "Shall the decision of the Chair stand as the judgment of Council?" The Chairman can then, without leaving the chair, state the reasons for his decision, after which it is open to debate. No member is allowed to speak more than once except the presiding officer who may answer arguments against the decision or give additional reasons by speaking a second time at the close of debate. A majority or tie vote of the Councilmembers-elect sustains the decision of the chair. The appeal shall be determined by a majority of the Councilpersons-elect.
- 1.3 City Council can appoint a person of their choosing to be the Parliamentary Authority, but any Council member may make reference to either City

Council Rules, which take precedence over Robert's Rules, or reference to Robert's Rules when the issue is not covered in City Council Rules.

## SUSPENSION AND AMENDMENT OF RULES

- Rule 2.1 The rules may be suspended on the vote of two-thirds of the Councilpersons-elect.
- 2.2 The rules may be amended in accordance with Section 1-801 of the Flint City Charter.

## ORGANIZATION #1

### COUNCIL PRESIDENT; PRESIDING AT MEETINGS

- Rule 3.1 The Council shall have a President and a Vice-President, each chosen by a majority of the Councilpersons-elect for a one year term which shall end on the second Monday in November.
- 3.2 The President shall preside at the meetings of the Council and, in the absence of the President, the Vice-President shall preside. If both the President and Vice-President are absent, a Chairperson from a Council Committee shall preside in the following order: Finance, Governmental Operations, Legislative, Grants.

### COMMITTEES

- Rule 4.1 The President, unless otherwise directed by the Council, shall appoint all committee chairs and vice-chairs for a one-year term which shall end on the second Monday in November.
- 4.2 The standing committees of the Council are Finance, Governmental Operations, Legislative, Grants, And Special Affairs. The Council President may determine in which order they are addressed.
- 4.3 Finance Committee - Business conducted consists of all matters relating to City finances (e.g. spending, revenue, contracts, fees, budgets, audits, etc.). Finance Committee shall meet at 5:00 pm on the Wednesdays a week before regular Council meetings. [Note - see Rule 6.8A]

- 4.4 Legislative Committee - Business conducted consists of all matters relating to City legislation (e.g. ordinances, policies, etc.). Legislative Committee shall meet after Finance Committee. [Note - see Rule 6.8B]
- 4.5 Governmental Operations Committee - Business conducted consists of all matters relating to governmental function (e.g. multi-member bodies, policies and procedures, matters related to City government and City departments, etc.). Governmental Operations Committee shall meet after Legislative Committee. [Note - see Rule 6.8C]
- 4.6 Grants Committee - Business conducted consists of all matters relating to City grant programs and grant awards (e.g. applying for grants, accepting and monitoring of grants, federal and state grant monies, and local grant dollars, etc.). Grants Committee shall meet after Governmental Operations Committee. [Note - see Rule 6.8D]
- 4.7 Special Affairs Committee - Reserved for any standing committee agenda item needing additional discussion or information, as well as for any emergency agenda submission. Special Affairs Committee shall meet at 4:30 p.m. right before regular Council meetings on the 2nd and 4th Mondays of the month. [Note - see Rule 6.8E]
- 4.8 All standing committees of Council shall be comprised of all members of Council who are not under disciplinary actions/restrictions.
- 4.9 The President, at his/her own discretion, may create ad hoc committees and shall appoint these committees' chairs and members. The President shall determine the number of Council members comprising these committees.

## **ORGANIZATION #2**

### **TIME AND PLACE OF MEETINGS AND SPECIAL MEETINGS**

- Rule 5.1 All meetings of the City Council and all committees of the Council shall take place in the Council Chambers on the third floor of City Hall or at such other places as the Council may determine.
- 5.2 The regular meeting of the City Council is 5:30 p.m. on the second and fourth Monday of every month.



- 5.3 The Flint City Council may schedule other committee meetings as deemed necessary.
- 5.4 In the event of a call for a special meeting or a change in the time or place of a meeting, the Clerk shall be notified and shall see that each Councilperson and the public are informed as is required by the Open Meetings Act.
- 5.5 The Mayor shall be notified of all meetings of the City Council.

#### AGENDA FOR REGULAR MEETINGS OF COUNCIL

- Rule 6.1 Matters shall be placed on the agenda of any meeting of the City Council by action of the Council President or any presiding Chair of any committee of the Council, or at the request of the Mayor or Clerk, prior to the start of the meeting. After roll call, the presiding officer shall ask for "any additions or changes to the agenda". Agenda changes or additions need to be approved by the presiding officer.
- 6.2 Any agenda matters that require official Council action at the meeting for final adoption (i.e., resolutions, budget amendments, grant acceptances, etc.) must be accompanied by the appropriate documentation such as staff review reports, etc., and must be signed by the required signatories.
- 6.3 The deadline for contacting staff for the purpose of adding matters to an agenda shall be by 12:00 pm (noon) on Thursdays.
- 6.4 City Council agendas for regular and standing committees shall normally be available to Councilpersons on the Friday before the meeting.
- 6.5 The presiding officer shall chose a person to lead the Pledge of Allegiance.
- 6.6 Opening Ceremonies will consist of Pledge of Allegiance, a short prayer or blessing, and may include requests for moments of silence for deceased or ailing individuals.
- 6.7 Spiritual leaders (of many faiths) will be invited and scheduled to offer a short prayer after the Pledge of Allegiance. The City Clerk will be responsible for making these arrangements.

#### AGENDAS FOR COMMITTEE MEETINGS

- 6.8 Items denoted with \*\* will only appear on a committee agenda if necessary. If there is no such matter to be addressed, then it will not appear on the agenda.
- 6.8a Finance Committee Agenda - Roll Call, \*\*Closed Session [Executive Session], public comment, \*\*Special Order, Resolutions, Discussion Items, Outstanding Discussion Items, Adjournment
- 6.8b Legislative Committee Agenda - Roll Call, Public Comment, \*\*Resolutions, Ordinances, Discussion Items, Outstanding Discussion Items, Adjournment
- 6.8c Governmental Operations Committee Agenda - Roll Call, Public Comment, \*\*Special Order, \*\*Licenses, Resolutions, Appointments, Discussion Items, Outstanding Discussion Items, Adjournment
- 6.8d Grants Committee Agenda - Roll Call, Public Comment, Resolutions, Discussion Items, Outstanding Discussion Items, Adjournment
- 6.8e Special Affairs Agenda - Roll Call, \*\*Closed Session [Executive Session], Public Comment, \*\*Special Order, Resolutions, Appointments, Ordinances, Discussion Items, Additional Council Discussion, Adjournment
- 6.9 Rules 6.1, 6.2, 6.3 and 6.4 concerning regular Council meetings also apply here to Committee meetings. Section 31.12 of the Disorderly Persons Ordinance applies to all committee meetings.

#### ORDER OF BUSINESS FOR REGULAR MEETINGS OF COUNCIL

- Rule 7.1 The order of business at Regular Meetings of the City Council shall be as follows:
- I Call to Order, Roll Call and opening ceremonies
  - II Reading of Disorderly Persons Section  
(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.)
  - III Request for Changes and/or Additions to Agenda  
(Council shall vote to adopt any amended agenda.)

- IV Presentation of Minutes  
(Council shall vote to accept minutes.)
- V Special Orders  
(Any Councilperson may request permission for a Special Order, but it must first be approved by both the Council President, and Committee Chair if during a Committee meeting.)
- VI Public Hearings  
(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.)
- VII Public Speaking  
(Three [3] minutes per speaker. Only one speaking opportunity per speaker. Numbered slips will be provided prior to the start of a 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.)
- VIII Petitions and Unofficial Communications
- IX Official Communications – From Mayor and Other City Officials
- X Additional Communications
- XI Appointments
- XII Licenses
- XIII Resolutions  
(A Council member who desires to speak in debate must obtain the floor by being recognized by the presiding Chair. In the debate, each member has the right to speak twice [for a maximum of five (5) minutes] on the same question on the same day, but cannot make a second speech on the same question so long as any member who has not spoken on that question desires the floor. A member who has spoken twice on a particular question on the same day has *exhausted his/her right to debate* that question for that day. A timer will be utilized. No "banking" of time or division of time for future use is allowed.

Council members may request to ask questions of Administrative staff, etc. During debate on any agenda item.

Guest speaker time allowed shall be determined by the presiding Chair and is not considered to be part of the limited debate time allocated to council members.

- XIV Liquor Licenses
- XV Introduction and First Reading of Ordinances
- XVI Second Reading and Enactment of Ordinances
- XVII Additional Discussion Items
- XVIII Final Council Comments
- XIV Adjournment

### **ORGANIZATION #3**

#### **EXECUTIVE OR CLOSED SESSIONS**

(Refer to Open Meetings Act [OMA], Public Act 267 Of 1976, MCL 15.261 through 15.275, and The OMA Handbook By AG Bill Schuette.)

- 7.2 The Open Meetings Act provides exemptions to the rule that government body meetings must be open to the public.

Meeting in closed session – a public body may meet in a closed session only for one or more of the permitted purposes specified in Section 8 of the OMA.

The limited purposes include, among others:

(1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.

(2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(3) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(4) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(5) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

(6) To consider material exempt from discussion or disclosure by state or federal statute. But note – a board is not permitted to go into closed session to discuss an attorney's oral opinion, as opposed to a written legal memorandum.

7.3 A closed session must be conducted during the course of an open meeting. Section 2(c) of the OMA defines "closed session" as "a meeting or part of a meeting of a public body that is closed to the public." Section 9(1) of the OMA provides that the minutes of an open meeting must include "the purpose or purposes for which a closed session is held."

7.4 Going into Closed Session [Executive Session] – Section 7(1) of the OMA sets out the procedure for calling a closed session: a 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under Section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken. Thus, a public body may go into closed session only upon a motion duly made, seconded, and adopted by a 2/3 roll call vote of the members appointed and serving during an open meeting for the purpose of (1) considering the purchase or lease of real property, (2) consulting with their attorney, (3) considering an employment application, or (4) considering material exempt from disclosure under state or federal law. A majority vote is sufficient for going into closed session for the other OMA permitted purposes.

7.5 Leaving a Closed Session [Executive Session] – the OMA is silent as to how to leave a closed session. Suggested is for a motion to be made to end the closed session with a majority vote needed for approval. Admittedly, this is a decision made in a closed session, but it certainly isn't a decision that "effectuates or formulates public policy." When the public body has concluded its closed session, the open meeting minutes should state the time the public body reconvened in open session and, of course, any votes on matters discussed in the closed session must occur in an open meeting.

- 7.6 Decisions Must Be Made During an Open Meeting, Not the Closed Session [Executive Session] – section 3(2) of the OMA requires that "all decisions of a public body shall be made at a meeting open to the public." section 2(d) of the OMA defines "decision" to mean "a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy."
- 7.7 All matters discussed in closed session [executive session] and materials provided are privileged information and are not to be shared with any person(s) outside of the session.

### ACTION BY COUNCIL

FORM OF ACTION BY COUNCIL; DIVISION OF QUESTION  
(NOTE – THIS ACTION IS OFTEN UTILIZED BY COUNCIL FOR MASTER RESOLUTIONS AND SEPARATION OF SPECIFIC RESOLUTIONS)

- Rule 8.1 All official action of the Council as required by the City Charter shall be by ordinance or resolution, but decisions on parliamentary procedure may be made upon motion. Other action may be made upon motion, including decisions on parliamentary procedure.
- 8.2 No motion may be debated by the Council until it has been stated by the presiding officer and it must be reduced to writing if requested by the presiding officer or any Councilperson.
- 8.3 If a question before the Council is susceptible of division, it shall be divided on the demand of any Councilperson.

### VOTING

- Rule 9.1 The determination of any question at a regular City Council meeting shall require a roll call vote.
- 9.2 The determination of any question at a committee meeting shall be upon call of the Chair for a vote. If there is an objection, a roll call vote shall be taken.
- 9.3 The voting on all roll calls shall be rotated so that the Councilperson representing the First Ward shall cast the first vote on the first roll call of any

meeting, the Councilperson from the Second Ward shall cast the first vote on the second roll call at any meeting, and so on throughout the meeting so that the first vote on a roll call shall be solicited from the succeeding Councilperson. Following the first vote on any roll call, the remaining Councilpersons shall be called in consecutive order until all nine Councilpersons have been afforded an opportunity to vote on any question.

- 9.4 A councilperson must be seated at his/her designated seating place in order to vote. Proxy votes are not allowed.
- 9.5 Interruption of Votes - interruptions during the taking of a vote are permitted only before any member has actually voted, unless, as sometimes occurs in ballot voting, other business is being transacted during voting or tabulating.
- 9.6 Rule Against Explanation by Members During Voting - a member has no right to "explain his vote" during voting, which would be the same as debate at such a time.
- 9.7 Changing One's Vote - a member has a right to change his vote up to the time the result is announced. After that s/he can make the change only by the unanimous consent of the assembly requested and granted, without debate, immediately following the chair's announcement of the result of the vote.
- 9.8 Abstaining Votes - to "abstain" means to not vote at all.
- 9.9 Abstaining from Voting on a Question of Direct Personal Interest - no member should vote on a question in which he/she has a direct personal or pecuniary interest not common to other members of the organization.  
Voting on questions which affect oneself - the rule on abstaining from voting on a question of direct personal interest does not mean that a member should not vote for him/herself for an office or other position to which members generally are eligible, or should not vote when other members are included with him in a motion.

INTRODUCTION AND ENACTMENT OF ORDINANCES  
(BOTH CITY COUNCIL AND THE LEGAL  
DEPARTMENT MAY INTRODUCE AN ORDINANCE)

- Rule 10.1 Upon the introduction of any ordinance, the City Clerk shall proceed as directed in Section 3-302 of the Charter.

- 10.2 After a public hearing has been completed, any Councilperson may move the enactment of the ordinance.
- 10.3 If the ordinance is amended to the extent that there has been inadequate notice to the public of the content of the ordinance, it shall not be enacted until the procedures of Section 3-302 are complied with.
- 10.4 Every ordinance must state the date that it becomes effective. After the vote on the enactment of the ordinance, any Councilperson may move that it be given immediate effect upon publication, rather than the date stated. Any effective date earlier than thirty days after enactment requires a two-thirds vote of the Councilpersons-elect.
- 10.5 Every ordinance shall be submitted to the Chief Legal Officer (for correct format, not content) for review prior to enactment.

## MOTIONS

### CONSIDERATION OF MOTIONS

- Rule 11.1 When a question is under debate, the Chair will receive only the following motions:

Rule 13	to adjourn
Rule 14	to recess
Rule 15	to postpone temporarily (lay on the table)
Rule 16	to vote immediately (previous question)
Rule 17	to limit debate
Rule 18	to postpone definitely
Rule 19	to refer (commit)
Rule 20	to amend
Rule 21	to postpone indefinitely
Rule 22	to reconsider
rule 23	to rescind
rule 24	to withdraw a motion
rule 25	point of order
rule 26	point of information

- 11.2 If more than one of the above motions are made, they shall be considered in the order listed.



## SUPPORT FOR MOTIONS

- Rule 12.1 No motion may be considered or debated unless it has the support of at least one other Councilperson and has been properly stated by the Chair.
- 12.2 Nominations need not be seconded.

## MOTION TO ADJOURN

- Rule 13.1 A motion to adjourn is always in order. If it is made during the count of a vote, it will not be considered until after the vote is announced.
- 13.2 A motion to adjourn will be decided without debate. However, the issue of the time to reconvene may be debated if it is introduced by the maker of the motion or by amendment.

## MOTION TO RECESS

- Rule 14.1 A motion to recess shall state the length of the recess and shall be decided without debate.
- 14.2 When a recess is taken during the pending of any question, the consideration of the question shall be resumed upon the reassembling of the Council.
- 14.3 The Chair may order a recess without objection.

## MOTION TO POSTPONE TEMPORARILY (LAY ON THE TABLE)

- Rule 15.1 The Council may decide to postpone temporarily any matter pending before it. The motion may be referred to as a motion to lay on the table.
- 15.2 A decision to lay upon the table shall have the effect of postponing the question involved, all pending amendments, and other adhering motions.
- 15.3 If a decision is made to resume consideration of a matter or to take up from the table, it shall return in exactly the same form as when it was postponed temporarily. A motion to resume consideration must be made at the same meeting.
- 15.4 All matters postponed temporarily shall be considered at the meeting at which they were postponed. If the motion to take up from the table fails, the issue is considered to have failed.

- 15.5 A motion to postpone temporarily or to resume consideration shall be decided without debate.

MOTION TO VOTE IMMEDIATELY  
(PREVIOUS QUESTION OR CALL THE QUESTION)

- Rule 16.1 Any Councilperson may move to vote immediately. If the motion is supported, debate will cease immediately. A two-thirds vote is required for the motion to carry. Failure to cease talking shall result in disciplinary action. Violators shall be removed from the meeting.
- 16.2 If the motion receives a majority of the votes of the Councilpersons-elect, in accordance with Section 3-204(a) of the Charter, the Council shall vote on the pending question or questions in their regular order.

MOTION TO LIMIT OR EXTEND DEBATE

- Rule 17.1 The Council may decide, by majority vote, to limit or determine the time that will be devoted to discussion of a pending motion or to modify or remove limitations already imposed on its decision. This may include a limit of time for each councilperson to speak to the issue. Failure to cease talking when a time limit has been reached shall result in disciplinary action. Violators shall be removed from the meeting.
- 17.2 If each councilperson has a limited time to speak, this time limit shall include any questions asked and/or answered per the councilpersons request.

**MOTIONS #2**

MOTION TO POSTPONE DEFINITELY

- Rule 18.1 The Council may decide to put off consideration of a pending main motion and to fix a definite time for its consideration.
- 18.2 The debate on the motion to postpone definitely shall be limited to the reasons for the postponement and the time the main motion shall be taken up.

MOTION TO REFER (COMMIT)

- Rule 19.1 If a motion to refer a matter to a committee or other agency has been made, the Council shall proceed to decide the question of the referral.
- 19.2 There shall be no further debate on the merits of the main motion or amendments to the main motion until the referral motion is decided.

#### MOTION TO AMEND

- Rule 20.1 A motion to amend must be germane to the main motion.
- 20.2 An amendment may be amended but an amendment to an amendment may not be amended.

#### MOTION TO POSTPONE INDEFINITELY

- Rule 21.1 The Council may decide to prevent discussion or further discussion on a question by voting to postpone it indefinitely.
- 21.2 A motion that has been postponed indefinitely cannot come up again at the same meeting. If it is reintroduced at a later meeting, it shall be treated as a new motion.

#### MOTION TO RECONSIDER

- Rule 22.1 A motion to reconsider any decision of the City Council may be made by any Councilperson that voted in the affirmative on the motion in question.
- 22.2 A motion to reconsider may be made at the same meeting or not later than the next succeeding regular meeting of the Council provided that notice has been given to the Council prior to the start of the meeting.
- 22.3 No question may be reconsidered more than once.
- 22.4 If a decision of the Council has gone into effect, the motion to reconsider shall not be in order.

#### MOTION TO RESCIND

- Rule 23.1 Action to rescind, repeal or annul a previous action may be by resolution unless the previous action is an ordinance. Action to repeal a published ordinance may only be by ordinance regardless of whether the ordinance has gone into effect.

- 23.2 Notice of a motion to rescind a previous action must be given to the Clerk at least two days prior to the meeting at which the motion is to be made. However, the Council may vote by two-thirds of Councilpersons-elect to waive the notice.
- 23.3 Motions to rescind may be reconsidered regardless of whether the vote was affirmative or negative.

#### REQUEST TO WITHDRAW A MOTION

- Rule 24.1 Any Councilperson may withdraw his or her motion before it has been restated by the Chair and placed before the assembly. The Councilperson need not obtain concurrence of any other person.
- 24.2 After the motion has been placed before the assembly, it may only be withdrawn by majority consent of all Councilpersons present.
- 24.3 No request to withdraw a motion may be made after the vote on the motion has commenced.

#### MOTIONS #3

#### INCIDENTAL MOTIONS – POINT OF ORDER

- Rule 25.1 The purpose of a point of order is to correct a breach in the rules when the presiding officer does not correct it, or when the presiding officer makes a breach of the rules. **A POINT OF ORDER, REQUEST FOR INFORMATION, OR PARLIAMENTARY INQUIRY CANNOT INTERRUPT THE CHAIR OR ANOTHER MEMBER, WHO HAS BEEN PROPERLY RECOGNIZED TO SPEAK. THE CHAIR MAY STILL CALL MEMBERS TO ORDER.**
- 25.2 A point of order should not be used for minor infractions.
- 25.3 A point of order does not need a second, ~~can interrupt a speaker,~~ is not debatable, and is decided by the chair.
- 25.4 A point of order cannot be ignored by the presiding officer. A ruling of "agreement - out of order" or "disagree - denied" must be given. All debate and/or talking shall cease immediately when a point of order is raised, in

order for the presiding officer to rule. Failure to cease talking shall result in disciplinary action. Violators shall be removed from the meeting.

- 25.5 Any two members have the right to *appeal* the presiding officer's decision on a point of order. This requires one member making (or taking) the appeal and another seconding (or supporting) it. Lack of support means the motion fails. If the motion is supported, the council body votes to decide the question. Members have no right to question the decision or ruling of the presiding officer unless they appeal from his/her decision.

- 25.6 **IN ORDER TO CALL FOR A POINT OF ORDER, A SPECIFIC RULE NUMBER MUST BE NOTED OR IT IS CONSIDERED AN ABUSE OF A POINT OF ORDER.**

#### INCIDENTAL MOTIONS - REQUEST FOR INFORMATION

- Rule 26.1 A request for information generally applies to information desired from a speaker. **A POINT OF ORDER, REQUEST FOR INFORMATION, OR PARLIAMENTARY INQUIRY CANNOT INTERRUPT THE CHAIR OR ANOTHER MEMBER, WHO HAS BEEN PROPERLY RECOGNIZED TO SPEAK. THE CHAIR MAY STILL CALL MEMBERS TO ORDER.**
- 26.2 Its purpose is to help one understand the process and the potential consequences of the next voting.
- 26.3 A request for information cannot be ignored by the presiding officer, but the presiding officer – upon hearing the request – may decide whether the request is legitimate, and can proceed, or whether the speaker is misleadingly utilizing this motion to secure the floor for other purposes. The presiding officer must rule with either "proceed" or "denied" if the information is desired of a councilperson who is speaking, the presiding officer must inquire if the member will yield for a question and the councilperson may decide whether or not to yield.
- 26.4 A request for-information can be given with a very short explanation, but using this tactic as an opportunity to gain the floor is not allowed. Multiple abuses of use of point of information is cause for disciplinary action.

#### **PUBLIC PARTICIPATION AND MAINTENANCE OF ORDER**

MAINTENANCE OF ORDER AND DEBATE  
(THE PUBLIC AND CITY COUNCIL ARE BOTH SUBJECT TO THE DISORDERLY

PERSON-PERSONS ORDINANCE SECTION 31-10 AND THE GENERAL CODE OF CONDUCT. ADDITIONALLY, THE CHAIR OR PRESIDING OFFICER HAS A RESPONSIBILITY AND DUTY TO ENFORCE THESE RULES AND SANCTIONS FOR THE PURPOSE OF MAINTENANCE OF ORDER. ONLY THE CHAIR OR PRESIDING OFFICER MAY DETERMINE AND RULE ON WHO/WHAT IS IN OR OUT OF ORDER. VIOLATIONS OF THIS RULE SHALL RESULT IN REMOVAL FROM THE MEETING.)

- Rule 27.1 No councilpersons shall leave their seats while a motion is on the floor. No councilpersons shall leave a meeting of the council without first having obtained leave to do so from the president, presiding officer or committee chair. If a councilperson leaves a meeting without having obtained this permission, the presiding officer is to assume the councilperson has left the meeting and will not, cannot, return without the presiding officer's permission. A councilperson who has left a meeting may not vote without having first obtained the presiding officer's permission to return to the meeting.
- 27.2 When a member has been called to order, the Chair shall determine whether or not he or she is in order. Every question of order shall be decided by the Chair subject to an appeal to the Council by any member. If a member is called to order for words spoken, the exceptional words shall be immediately taken down in writing so that the presiding officer or Council may be better able to judge the matter.
- 27.3 During any portion of any meeting, council members may not engage in any type of argumentative discourse with members of the audience, at any time, for any reason. Any council member or audience member who engages in this behavior during a meeting shall be removed from the meeting.
- 27.4 Only the presiding officer may call an individual (or staff member, or department head, etc.) Up to the podium (and/or table) to speak. Other council members would have to petition the presiding officer to make this request.
- 27.5 **FOR AGENDA ITEMS, THERE WILL BE AN UNTIMED QUESTION AND ANSWER (Q&A) PERIOD FOR DEPARTMENT HEADS AND OTHERS, BUT NO DEBATE OR GENERAL COMMENTS WILL BE ALLOWED DURING THAT TIME.**

#### RIGHT TO SPEAK IN DEBATE

- Rule 28.1 Every Councilperson and every person granted the privilege of speaking to the Council shall address all remarks to members of the Council and shall not speak until recognized.
- 28.2 When two or more Councilmembers address the Chair at the same time, the Chair shall name the Councilperson who is first to speak.
- 28.3 **DISCUSSION OF ANY MATTER (RESOLUTION, SPECIAL ORDER, ETC) WILL BE LIMITED TO FIVE (5) MINUTES TOTAL, PER MEMBER, ON ANY GIVEN ITEM, WITH MEMBERS PERMITTED TO RESERVE PART OF THEIR TIME TO SPEAK A SECOND TIME. NO FURTHER BANKING OF TIME AND NO YIELDING OF TIME IS PERMITTED.**
- 28.4 **DISCUSSION OR DEBATE ON ANY AGENDA ITEM (RESOLUTION, ORDINANCE, ETC) CANNOT TAKE PLACE UNLESS THERE IS A MOTION ON THE FLOOR.**

#### PUBLIC MEETINGS AND PARTICIPATION BY PUBLIC

- Rule 29.1 All meetings of the Council shall be open to the public in accordance with law.
- 29.2 If a member of the public wishes to address the City Council, they may do so at the regular City Council meeting. He or she shall submit, prior to the start of the meeting, a statement in writing containing his or her name and address and the topic to be covered. A box will be placed at the entrance to the Council Chambers for the collection of the statements.
- 29.3 Members of the public shall have no more than 3 minutes per speaker during public comment. Only one speaking opportunity per speaker. Numbered speaker slips will be provided prior to the start of a meeting to those wishing to speak during this portion of the agenda. No additional speakers or slips will be accepted after the meeting begins. City council members may not also address council as a member of the public at this time. Speakers may not allocate or "donate" their allotted time to another person.
- 29.4 If a member of the public is addressing the Council at a scheduled public hearing, he or she shall stand to obtain recognition by the President at the opening of the hearing or at the conclusion of the remarks of the previous speaker.

- 29.5 Members of the public shall have no more than 10 minutes to address the City Council during a public hearing.
- 29.6 Any person while being heard at a Council meeting may be called to order by the President or any Councilperson for failure to be germane, for vulgarity, for personal attack of persons or institutions, or for speaking in excess of the allotted time.
- 29.7 Any person who is called to order shall thereupon yield the floor until the President shall have determined whether he or she is in order. Every question of order shall be decided by the President subject to an appeal by any Councilperson to the Council. If a person so engaged in presentation shall be determined by the Council to be out of order, that person shall not be permitted to continue at the same meeting except on special leave of the Council.
- 29.8 Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two minutes and is subject to all rules of decorum and discipline.

## **CONDUCT, ETHICS AND DISCIPLINARY ACTIONS**

### **GENERAL CONDUCT AND STANDARDS OF CONDUCT**

- Rule 30.1 Every councilperson is subject to the established rules of general conduct and the standards of conduct.

### **ETHICS**

- Rule 31.1 Every councilperson is subject to the established rules of the City of Flint ethics ordinance.

### **DISCIPLINARY ACTIONS**

- Rule 32.1 Every councilperson is subject to the established rules and disciplinary actions for violations of rules and City ordinances.

## **REVIEW OF CITY COUNCIL RULES**





PROPOSALS #21000556 & 21000566

## CITY OF FLINT

RESOLUTION NO: **200506**

PRESENTED: **DEC 14 2020**

ADOPTED: \_\_\_\_\_

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO TETRA TECH FOR PRIMARY CLARIFIER IMPROVEMENTS &  
BATTERY B GRIT REMOVAL- ENGINEERING SERVICES**

The Finance Department - Division of Purchases & Supplies solicited proposals for qualified engineers for Primary Clarifier Improvements and Battery B Grit Removal - Engineering Services, as requested by the Department of Public Works/Water Pollution Control.

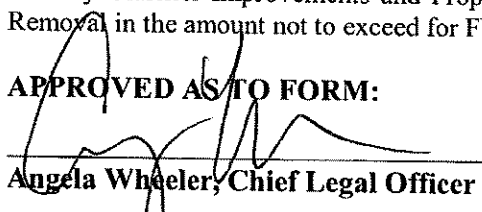
TETRA TECH, 1005 River Street, Suite 1, Port Huron, MI 48302, was selected from five (5) proposals as the best qualified firm for Proposal #21000556-Primary Clarifier Improvements and for Proposal #21000566 as the best qualified firm for Battery B Grit Removal from three (3) proposals for said requirements. These projects were combined as a cost savings in the amount of \$61,600.00. **Staff Reviews are attached for detail.**

Funding for said services will come from the following accounts for FY21 (07/01/20 – 06/30/21):

Name of Account	Account #	Grant #	Amount
State Revolving Fund	To be determined	n/a	\$1,362,600.00
	<b>FY20/21 GRAND TOTAL</b>		<b>\$1,362,600.00</b>

IT IS RESOLVED, that the proper city officials are to do all things necessary to enter into a contract with TETRA TECH for qualified engineers for best qualified firm for Proposal #21000556-Primary Clarifier Improvements and Proposal #21000566 as the best qualified firm for Battery B Grit Removal in the amount not to exceed for FY21 (07/01/20 – 06/30/21) \$1,362,600.00.

APPROVED AS TO FORM:

  
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

  
Amanda Trujillo, Acting Chief Financial Officer

FOR THE CITY OF FLINT:

  
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

  
Kate Fields, City Council President

APPROVED AS TO PURCHASING:

  
Joyce A. McClane, Purchasing Manager



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** 12/01/2020

**BID/PROPOSAL#** P-21000556 and P-21000566

**AGENDA ITEM TITLE:** WPC Primary Clarifier Improvements and  
Battery B Grit Removal Improvements

**PREPARED BY** Jeanette Best  
WPC Manager

**VENDOR NAME:** Tetra Tech

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

After careful consideration of all the proposals for the following two projects, it was determined that the best proposals for the Primary Clarifier improvements and for Battery B Grit Improvements were from Tetra Tech. When we discussed the engineering services for each of the projects a suggestion was made that there could be some overlap in the services. By combining these two projects into a single project, Tetra Tech was able to offer significant engineering costs savings. This proposal was discussed with EGLE and the District Engineer agreed that combining these two related projects into one project was a good idea and was acceptable to the CWSRF program.

Therefore, I recommend that Tetra Tech, who was the best qualified engineering firm for these combined projects be awarded the contract for all engineering services for the projects as listed below.

**Primary Clarifier Improvements**

The WPCF has 10 primary clarifiers which receive flow after grit removal. The equipment in the primary clarifiers was installed in the early seventies and has exceeded its expected useful life. The structural integrity of the tanks and catwalks is showing signs of deterioration. The equipment and structural rehabilitation of the clarifiers is needed to ensure continued, reliable sludge collection and removal to provide effective clarification of the influent flow. Replacement of the following equipment for each primary clarifier tank is needed to rehabilitate each of the tanks:

- (4) 18"x18" sluice gates
- (4) Electric valve actuators for the sluice gates
- (1) 3-way collector drive
- (2) longitudinal collectors
- (1) cross collector
- Sprockets, chains, wear strips, hardware



## CITY OF FLINT

**WILL YOUR DEPARTMENT NEED A CONTRACT?** YES ☒ NO ☐  
(If yes, please indicate how many years for the contract) 2 YEARS

**WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)**

**BUDGET YEAR 1** \$760,600.00

**BUDGET YEAR 2** \$602,000.00

**BUDGET YEAR 3**

**OTHER IMPLICATIONS (i.e., collective bargaining):** None.

**STAFF RECOMMENDATION: (PLEASE SELECT):** ☒ **APPROVED** ☐ **NOT APPROVED**

**DEPARTMENT HEAD SIGNATURE:**

Jeanette H. Best  
(Jeanette Best, WPC Manager)



**TETRA TECH**

November 30, 2020

Ms. Jeanette Best  
Water Pollution Control Manager  
City of Flint  
G-4652 Beecher Road  
Flint, Michigan 48532

**RE: Proposal for Construction Phase Services  
Flint WPCF – Battery B Grit Removal/Primary Clarifier Improvements Projects  
Proposal No. 21000566 and Proposal No. 21000556**


Dear Ms. Best:

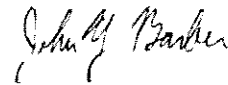
Tetra Tech is pleased to present this combined total price for the services as shown on the attached Total Price sheet in order to complete the Battery B Grit Removal and Primary Clarifier Improvement projects in the City of Flint, Michigan. This combined price is based on our understanding that the City is combining the two contracts that will be awarded to Tetra Tech for cost savings. Our combined pricing includes the following cost savings:

1. The total hours for the combined projects has been reduced by 416 hours.
2. The Resident Project Representative hours during the construction phase have been reduced from 2,500 hours to 2,200 hours.
3. Meetings have been reduced by 116 hours (combined pre-bid, preconstruction and progress meetings).
4. Total cost savings by combining the two projects is \$61,600.

Thank you for the opportunity to work with you on this project. If you have any questions, please contact our office.

Sincerely,

  
Pete Daukss, P.E.  
Project Manager

  
John Y. Barber, P.E.  
Client Representative

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proposal\pricing\pricing letter\_battery b grit removal and primary clarifier improvements.docx

Tetra Tech, Inc.  
11100 River Road, Suite 100, Detroit, MI 48204-3045  
Tel: (313) 950-1111 Fax: (313) 950-1111

# Total Price

## CITY OF FLINT

### Battery B Grit Removal Improvements | Proposal No. 21000566 Primary Clarifier Improvements | Proposal No. 21000556

#### PRICE PROPOSAL

TASK	FEE
Task 1 - Preliminary Design – Basis of Design	\$172,400
Task 2 - Design (Construction Plans & Specifications)	\$588,200
Task 3 – Bidding	\$41,500
Task 4 - Construction Services	\$560,500
<b>TOTAL</b>	<b>\$1,362,600</b>

#### Battery B Grit Removal/Primary Clarifier Improvements Assumptions

- ◆ Geotechnical investigations and site surveys are not required.
- ◆ AutoCAD construction drawing backgrounds will utilize existing drawing images.
- ◆ A complete inventory and condition assessment has been completed and additional field effort will not be required to determine the extent of valve, air piping and other equipment replacements.
- ◆ HVAC modifications to the Battery B Building will not be required.
- ◆ Site work, other than possibly minor excavation adjacent to structures, tanks or channels, is not part of this project.
- ◆ Architectural design and construction documents are not required.
- ◆ Our construction services budget is based on having a resident project representative available only during active construction and we believe this would best serve the City's needs during portions of the project. We have assumed 2,200 hours for budget purposes.



**SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Battery B Grit Removal Improvements – Engineering Services  
PROPOSAL #21000566**

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

**Bidder #1: Donohue & Associates, Inc. 3949 Sparks Drive SE, Suite 105  
Grand Rapids, MI 49546**

**Bidder #2: Hubbell, Roth & Clark, Inc. (HRC), 555 Hulet Drive  
Bloomfield Hills, MI 48302-0360**

**Bidder #3: Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100  
Ann Arbor, MI 48108**



SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Battery B Grit Removal Improvements – Engineering Services  
PROPOSAL #21000566

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100, Ann Arbor, MI 48108

PRICE PROPOSAL	
TASK	Fee
Task 1 – Preliminary Design – Basis of Design	\$90,200
Task 2 – Design (Construction Plans & Specifications)	\$356,300
Task 3 – Bidding	\$21,000
Task 4 – Construction Services	\$330,800
TOTAL	\$798,300



**SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Primary Clarifier Improvements  
PROPOSAL #21000556**

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

**Bidder #1: Donohue & Associates, Inc. 3949 Sparks Drive SE, Suite 105  
Grand Rapids, MI 49546**

**Bidder #2: Fishbeck, 5913 Executive Drive, Suite 100  
Lansing, MI 48911**

**Bidder #3: Jones & Henry Engineers, Ltd., 4791 Campus Drive  
Kalamazoo, MI 49008**

**Bidder #4: Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100  
Ann Arbor, MI 48108**

**Bidder #5: Wade Trim, Inc., 555 S. Saginaw Street, Suite 201  
Flint, MI 48502**





SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Primary Clarifier Improvements  
PROPOSAL #21000556

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100, Ann Arbor, MI 48108

PRICE PROPOSAL	
TASK	Fee
Task 1 – Preliminary Design – Basis of Design	\$83,000
Task 2 – Design (Construction Plans & Specifications)	\$228,000
Task 3 – Bidding	\$24,000
Task 4 – Construction Services	\$290,900
TOTAL	\$625,900



PROPOSAL #21000560

## CITY OF FLINT

RESOLUTION NO: 200507

PRESENTED: DEC 14 2020

ADOPTED: \_\_\_\_\_

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO HUBBELL, ROTH & CLARK, INC FOR SECONDARY CLARIFIER  
IMPROVEMENTS – ENGINEERING SERVICES**

The Finance Department - Division of Purchases & Supplies solicited proposals for qualified engineers for Secondary Clarifier Improvements-Engineering Services, as requested by the Department of Public Works/Water Pollution Control.

Hubbell, Roth & Clark, Inc, 555 Hulet Drive, Bloomfield Hills, MI 48302, was selected from five (5) proposals for said requirements as the best qualified firm.  
**Staff Review is attached for details.**

Funding for said services will come from the following accounts for FY21 (07/01/20 – 06/30/21):

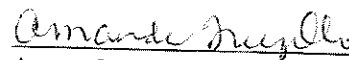
Name of Account	Account #	Grant #	Amount
State Revolving Fund	To be determined	n/a	\$436,000.00
	<b>FY20/21 GRAND TOTAL</b>		<b>\$436,000.00</b>

IT IS RESOLVED, that the proper city officials are to do all things necessary to enter into a contract with Hubbell, Roth & Clark, Inc. for qualified engineers for Secondary Clarifier Improvements – Engineering Services in the amount not to exceed for FY21 (07/01/20 – 06/30/21) \$436,000.00.

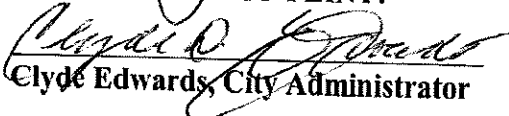
APPROVED AS TO FORM:

  
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

  
Amanda Trujillo, Acting Chief Financial Officer

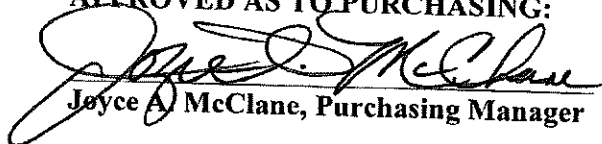
FOR THE CITY OF FLINT:

  
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

\_\_\_\_\_  
Kate Fields, City Council President

APPROVED AS TO PURCHASING:

  
Joyce A. McClane, Purchasing Manager



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** 12/01/2020

**BID/PROPOSAL#** P-21000560

**AGENDA ITEM TITLE:** WPC Secondary Clarifier Improvements

**PREPARED BY** Jeanette Best  
WPC Manager

**VENDOR NAME:** Hubbell, Roth & Clark, Inc. (HRC)

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

The WPCF has 8 secondary clarifiers. They are divided into two trains, Battery A and Battery B. They receive the activated sludge from the aeration tanks to allow the biologically treated water to settle. Effluent is discharged from the secondary clarifiers through a single sided, fingered weir system. The clarifiers have metal sludge skirts and effluent troughs, but the influent trough is concrete in Battery B tanks and metal in Battery A tanks. Scum removal is accomplished by a scum skimming arm, scum baffle, and scum collection hopper. The influent and effluent troughs and weirs are failing. There are holes in several areas of the trough systems. The finger weir configuration promotes algae growth due to the low weir overflow rates. This has occurred as average flows have decreased over time.

Secondary clarifier solutions are needed to address several of the current deficiencies in their operation:

1. Influent/effluent troughs are in poor condition often causing "short circuiting" of the clarifier and uneven distribution of the influent to the tank.
2. Algae buildup in the effluent weirs can severely restrict flow causing throughput issues during high flow conditions.
3. Sludge buildup in the influent troughs can restrict flow causing throughput issues during high flow conditions.
4. There are minor structural issues with several of the tanks.

I recommend that the best qualified engineering firm be awarded the contract for all engineering services for this Secondary Clarifier Improvement project in the amount of \$436,000.00.

Please issue a contract for the budgeted amount of \$436,000.00.

**FINANCIAL IMPLICATIONS:** None

**BUDGETED EXPENDITURE?** YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:



MAILING: P.O. Box 443  
Flint, Michigan 48906-0443  
SHIPPING: 545 H. St. W. 2nd  
Flint, Michigan 48906-0443  
PHONE: 313.432.5447  
WEBSITE: [www.hrc.com](http://www.hrc.com)

November 24, 2020

City of Flint  
Department of Purchases and Supplies  
1101 S Saginaw Street, Room 203  
Flint, MI 48502

Attn: Ms. Joyce McClane, Purchasing Manager

Re: Secondary Clarifier Improvements – Engineering Services  
Proposal No. 210000560

HRC Job No. 20200783

Dear Ms. McClane:

Based on our discussion regarding the final scope and budget for the referenced project, our proposed fees by phase of work is as follows.


Not that we have included the additional computational fluid dynamics (CFD) analysis as an additional task in this price.


<u>Phase</u>	<u>Cost</u>
Design:	\$165,000.00
Bidding:	\$ 16,000.00
Construction:	<u>\$255,000.00</u>
Total Fee:	\$436,000.00

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

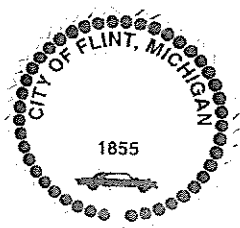
HUBBELL, ROTH & CLARK, INC.

  
Trevor Wagenmaker, PE  
Senior Associate

  
Daniel Mitchell, PE  
President

Cc: Ms. Jeanette Best, WPCF

David Taylor, PE 1101 S Saginaw St. Flint, MI 48502 313.432.5447	Chris Smith 1101 S Saginaw St. Flint, MI 48502 313.432.5447	Gregory Smith 1101 S Saginaw St. Flint, MI 48502 313.432.5447	John Smith 1101 S Saginaw St. Flint, MI 48502 313.432.5447	John Smith 1101 S Saginaw St. Flint, MI 48502 313.432.5447	John Smith 1101 S Saginaw St. Flint, MI 48502 313.432.5447	John Smith 1101 S Saginaw St. Flint, MI 48502 313.432.5447
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Sheldon A. Neeley

# City of Flint

## Department of Finance

### Division of Purchases & Supplies

November 2, 2020

**TO:** Jeanette Best  
Krystal Wallace  
John Florshinger  
(WPC)

**FROM:** Joyce A. McClane  
Purchasing Manager

**SUBJECT:** SEALED BIDS

Attached are five (5) bids that were received for **PROPOSAL #21000560 – SECONDARY CLARIFIER IMPROVEMENTS**. Enclosed are copies for your file. **Bid Due Date: 11/2/20. Enclosed is a spreadsheet.**

Your staff review and recommendation form is needed as soon as possible. Please use the new fillable form. This form is to be used for your staff review.

A staff review must be completed for ALL **Bids/Proposals**. Please let me know if you need a copy of the fillable form.

**Please note:** If your project is being funded by any grants issued by the federal government, you must go to:  
<https://www.dol.gov/ofccp/regs/compliance/preaward/debarlist.htm> to ensure that the selected vendor has not been debarred.

**PLEASE NOTE:**

Results may be viewed next business day online EXCEPT when a bid is under review. The bidders/public will only see the names of the bidders that submitted a bid, not their cost. This will protect the bidders cost in case there is a re-bid.



Sheldon A. Neeley

# City of Flint

## Department of Finance

### Division of Purchases & Supplies

Today's Date:

Please complete the following form if you decide to rebid:

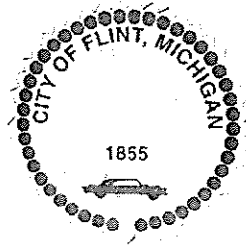
Proposal #

DETAILED REASON FOR WANTING TO REBID:

Authorized Signature and Title:

Date Signed

.....  
PURCHASING USE ONLY



SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
**For Secondary Clarifier Improvements**  
PROPOSAL #21000560

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

Bidder #1: Donohue & Associates, Inc. 3949 Sparks Drive SE, Suite 105  
Grand Rapids, MI 49546

Bidder #2: Fishbeck, 5913 Executive Drive, Suite 100  
Lansing, MI 48911

Bidder #3: Hubbell, Roth & Clark, Inc. (HRC), 555 Hulet Drive  
Bloomfield Hills, MI 48302-0360

Bidder #4: Jones & Henry Engineers, Ltd., 4791 Campus Drive  
Kalamazoo, MI 49008

Bidder #5: Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100  
Ann Arbor, MI 48108

*We are holding pricing until further notice.*

**A SPECIAL NOTE FROM THE PURCHASING DIVISION**  
*Bid results posted are before evaluation team review and award recommendation.*



**SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Secondary Clarifier Improvements  
PROPOSAL #21000560**

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

**Bidder #1: Donohue & Associates, Inc. 3949 Sparks Drive SE, Suite 105  
Grand Rapids, MI 49546**

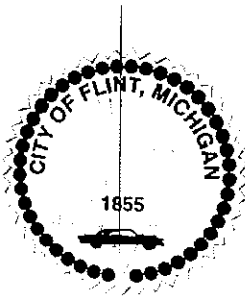
**Bidder #2: Fishbeck, 5913 Executive Drive, Suite 100  
Lansing, MI 48911**

**Bidder #3: Hubbell, Roth & Clark, Inc. (HRC), 555 Hulet Drive  
Bloomfield Hills, MI 48302-0360**

**Bidder #4: Jones & Henry Engineers, Ltd., 4791 Campus Drive  
Kalamazoo, MI 49008**

**Bidder #5: Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100  
Ann Arbor, MI 48108**





SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Secondary Clarifier Improvements  
PROPOSAL #21000560

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

**CONSULTANT FEE**

Hubbell, Roth & Clark, Inc. (HRC), 555 Hulet Drive, Bloomfield Hills, MI 48302-0360

<i><b>TASK</b></i>	<i><b>HOURS</b></i>	<i><b>COST</b></i>
Design	1,072	\$ 140,000.00
Bidding	112	\$ 16,000.00
Construction	1,932	\$ 255,000.00
<b>Total</b>	<b>3,116</b>	<b>\$ 411,000.00</b>



PROPOSAL #21000549

## CITY OF FLINT

RESOLUTION NO: **200508**PRESENTED: **DEC 14 2020**

ADOPTED: \_\_\_\_\_

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO WADE TRIM FOR THIRD AVENUE PUMPING  
STATION IMPROVEMENTS**

The Finance Department - Division of Purchases & Supplies solicited proposals for qualified engineers for Third Avenue Pumping Station Improvements, as requested by the Department of Public Works/Water Pollution Control.

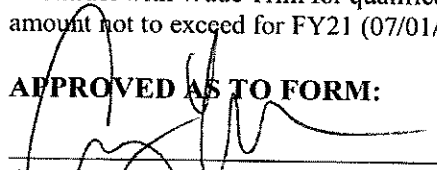
Wade Trim, 555 S. Saginaw Street, Suite 201, Flint, MI 48502, was selected from five (5) proposals for said requirements as the best qualified firm. Staff Review is attached for details.

Funding for said services will come from the following accounts for FY21 (07/01/20 – 06/30/21):

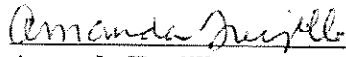
Name of Account	Account #	Grant #	Amount
State Revolving Fund	To be determined	n/a	\$965,000.00
	<b>FY20/21 GRAND TOTAL</b>		<b>\$965,000.00</b>

IT IS RESOLVED, that the proper city officials are to do all things necessary to enter into a contract with Wade Trim for qualified engineers for Third Avenue Pumping Station Improvements in the amount not to exceed for FY21 (07/01/20 – 06/30/21) \$965,000.00.

APPROVED AS TO FORM:

  
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

  
Amanda Trujillo, Acting Chief Financial Officer

FOR THE CITY OF FLINT:

  
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

  
Kate Fields, City Council President

APPROVED AS TO PURCHASING:

  
Joyce A. McClane, Purchasing Manager



**SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Third Avenue Pumping Station Improvements – Engineering Services  
PROPOSAL #21000549**

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

**Bidder #1: DLZ Michigan, Inc., (DLZ), 1425 Keystone Avenue  
Lansing, MI 48911**

**Bidder #2: Donohue & Associates, Inc. 3949 Sparks Drive SE, Suite 105  
Grand Rapids, MI 49546**

**Bidder #3: Fishbeck, 5913 Executive Drive, Suite 100  
Lansing, MI 48911**

**Bidder #4: Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100  
Ann Arbor, MI 48108**

**Bidder #4: Wade Trim, Inc., 555 S. Saginaw Street, Suite 201  
Flint, MI 48502**



SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
**For Third Avenue Pumping Station Improvements – Engineering Services**  
 PROPOSAL #21000549

Approximate Annual Quantities – Not Guaranteed  
 Furnish as requested for the period 7/1/20 – 6/30/21

**PRICE PROPOSAL**

**Wade Trim, Inc., 555 S. Saginaw Street, Suite 201, Flint, MI 48502**

Estimated Hours and Fee for Each Task		
Project Phase	Estimated Hours	Fee
Design Services	2,600	\$425,000
Permitting Preparation and Support	45	\$ 10,000
Bidding Assistance	155	\$ 30,000
Construction Administration and Observation	2,775	\$500,000
<b>Total</b>	<b>5,575</b>	<b>\$965,000</b>



Wade Trim, Inc.  
555 S. Saginaw Street, Suite 201 • Flint, MI 48502  
810.735.2555 • www.wadetrim.com

November 24, 2020

City of Flint  
Water Pollution Control Facility  
G-4652 Beecher Road  
Flint, MI 48532

Attention: Ms. Jeanette Best, WPC Manager

Re: Proposal No. 21000549  
Third Avenue Pumping Station Improvements

Dear Jeanette:

The City of Flint has requested the services of qualified engineering consulting firms to assist with rehabilitation of the Third Avenue Pumping Station including architectural improvements to the buildings, rehabilitation or replacement of isolation valves, and replacement of an existing wet weather pump with a smaller, dry weather pump. It is our understanding that after reviewing the various qualification packages submitted, the City has selected the Wade Trim Team of Wade Trim (WT) and Hubbell, Roth & Clark (HRC).

Based on the scope of services and schedule outlined in our qualifications package and the negotiations we participated in with you and Joyce McClane, our fee for the work is \$965,000, which includes professional services for design services, permitting preparation and support, bidding assistance, contract administration and construction observation.

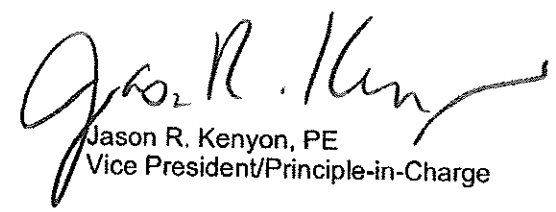
If you have any further questions or concerns, please do not hesitate to reach out to myself or Jason Kenyon. We look forward to working with you and anticipate getting started on this project very soon.

Very truly yours,

Wade Trim, Inc.

  
John J. Arvai, PE  
Project Manager

JJA:JRK:efa  
AAA1000.20  
20201124\_Best-Ltr.docx

  
Jason R. Kenyon, PE  
Vice President/Principle-in-Charge



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** 11/30/2020

**BID/PROPOSAL#** P-21000549

**AGENDA ITEM TITLE:** WPC Third Avenue Pumping Station Improvements

**PREPARED BY** Jeanette Best  
WPC Manager

**VENDOR NAME:** Wade Trim, Inc.

#### BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Flint Water Pollution Control Facility now only receives a fraction of its original designed flow. This results in oversizing of the Third Avenue Pumping Station. The pump station was updated in 1974 with four pumps that each pump 25,000 gallons per day or 36 million gallons per day. The pumps cannot be run slow enough to pump the low flows on a normal day which is 5-10 million gallons per day. This project will replace one of the big pumps with a smaller pump capable of pumping the dry weather flows while leaving three of the large pumps to handle wet weather flows when needed. In addition, the valves and gates designed to isolate the 72-inch and the 50-inch force mains are inoperable which further restricts the plant from operating the system at the recommended capacity. There are also isolation valves between the pumps that are inoperable. Ultimately without this critical project WPC will no longer be able to effectively pump the sewage to the WPCF leading to permit violations, overflows, and increased costs.

Other building issues will be addressed including repair and/or replacement of the roofs, downspouts, windows, and masonry mortar.

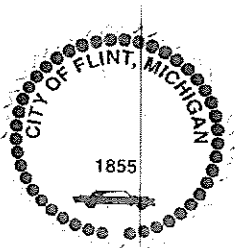
Cost savings will result from right sizing the pumping station and is a significant part of this project.

I recommend that the best qualified engineering firm be awarded the contract for all engineering services in the amount of \$965,000 for The Third Avenue Pumping Station Improvements.

Please issue a contract for the budgeted amount of \$965,000.00.

**FINANCIAL IMPLICATIONS:** None

**BUDGETED EXPENDITURE?** YES ☒ NO ☐ IF NO, PLEASE EXPLAIN:



Sheldon A. Neeley

# City of Flint

## Department of Finance

### Division of Purchases & Supplies

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November 2, 2020

**TO:** Jeanette Best  
Krystal Wallace  
John Florshinger  
(WPC)

**FROM:** Joyce A. McClane  
Purchasing Manager

**SUBJECT:** SEALED BIDS

Attached are five (5) bids that were received for **PROPOSAL #21000549 – THIRD AVENUE PUMPING STATION IMPROVEMENTS – ENGINEERING SERVICES**. Enclosed are copies for your file. **Bid Due Date: 11/2/20. Enclosed is a spreadsheet.**

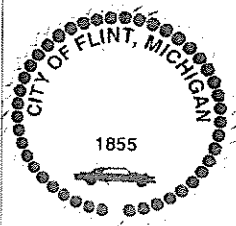
Your staff review and recommendation form is needed as soon as possible. Please use the new fillable form. This form is to be used for your staff review.

A staff review must be completed for ALL **Bids/Proposals**. Please let me know if you need a copy of the fillable form.

**Please note:** If your project is being funded by any grants issued by the federal government, you must go to:  
<https://www.dol.gov/ofccp/regs/compliance/preaward/debarlist.htm> to ensure that the selected vendor has not been debarred.

**PLEASE NOTE:**

Results may be viewed next business day online EXCEPT when a bid is under review. The bidders/public will only see the names of the bidders that submitted a bid, not their cost. This will protect the bidders cost in case there is a re-bid.



Sheldon A. Neeley

# City of Flint

## Department of Finance

### Division of Purchases & Supplies

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Today's Date:

Please complete the following form if you decide to rebid:

Proposal #

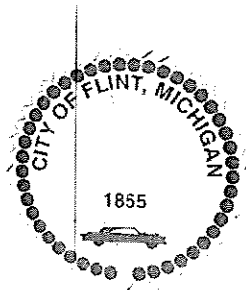
DETAILED REASON FOR WANTING TO REBID:

Authorized Signature and Title:

Date Signed

.....  
PURCHASING USE ONLY





**SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Third Avenue Pumping Station Improvements – Engineering Services  
PROPOSAL #21000549**

**Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21**

Bidder #1: DLZ Michigan, Inc., (DLZ), 4494 Elizabeth Lake Rd.  
Waterford Township, MI 48328

Bidder #2: Donohue & Associates, Inc. 3949 Sparks Drive SE, Suite 105  
Grand Rapids, MI 49546

Bidder #3: Fishbeck, 5913 Executive Drive, Suite 100  
Lansing, MI 48911

Bidder #4: Tetra Tech of Michigan, PC, 710 Avis Drive, Suite 100  
Ann Arbor, MI 48108

Bidder #5: Wade Trim, Inc., 555 S. Saginaw Street, Suite 201  
Flint, MI 48502

*We are holding pricing until further notice.*

**A SPECIAL NOTE FROM THE PURCHASING DIVISION**  
*Bid results posted are before evaluation team review and award recommendation.*



Wade Trim, Inc.  
555 S. Saginaw Street, Suite 201 • Flint, MI 48502  
810.235.2555 • www.wadetrim.com

November 24, 2020

City of Flint  
Water Pollution Control Facility  
G-4652 Beecher Road  
Flint, MI 48532

Attention: Ms. Jeanette Best, WPC Manager

Re: Proposal No. 21000549  
Third Avenue Pumping Station Improvements

Dear Jeanette:

The City of Flint has requested the services of qualified engineering consulting firms to assist with rehabilitation of the Third Avenue Pumping Station including architectural improvements to the buildings, rehabilitation or replacement of isolation valves, and replacement of an existing wet weather pump with a smaller, dry weather pump. It is our understanding that after reviewing the various qualification packages submitted, the City has selected the Wade Trim Team of Wade Trim (WT) and Hubbell, Roth & Clark (HRC).

Based on the scope of services and schedule outlined in our qualifications package and the negotiations we participated in with you and Joyce McClane, our fee for the work is \$965,000, which includes professional services for design services, permitting preparation and support, bidding assistance, contract administration and construction observation.

If you have any further questions or concerns, please do not hesitate to reach out to myself or Jason Kenyon. We look forward to working with you and anticipate getting started on this project very soon.

Very truly yours,

Wade Trim, Inc.

A handwritten signature in black ink, appearing to read 'John J. Arvai'.

John J. Arvai, PE  
Project Manager

JJA:JRK:efa  
AAA1000.20  
20201124\_Best-Ltr.docx

A handwritten signature in black ink, appearing to read 'Jason R. Kenyon'.

Jason R. Kenyon, PE  
Vice President/Principle-in-Charge



PROPOSAL #21000571

# CITY OF FLINT

RESOLUTION NO:

200509

PRESENTED:

DEC 14 2020

ADOPTED:

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO ENVIRONMENTAL TESTING & CONSULTATION FOR  
LEAD INSPECTION/RISK ASSESSMENT FOR HUD LEAD BASED PAINT  
HAZARD CONTROL PROGRAM**

The Finance Department-Division of Purchases & Supplies solicited proposals for Lead Inspection/Risk Assessment for HUD Lead Based Paint Hazard Control Program, as requested by the Mayor's Office/Chief Resilience Officer.

Environmental Testing & Consultation, 38900 W. Huron River Drive, Romulus, MI 48174 was the responsive bidder from seven (7) solicitations for said requirements.

Funding for said services will come from the following accounts for FY21 (07/01/20 – 06/30/21):


Name of Account	Account #	Grant #	Amount
Professional Services	296-171.530.801.000	FHUD-LBPHC18	\$106,800.00
	<b>FY20/21 GRAND TOTAL</b>		<b>\$106,800.00</b>

IT IS RESOLVED, that the proper city officials are to do all things necessary to enter into a contract with Environmental Testing & Consultation, for Lead Inspection/Risk Assessment for HUD Lead Based Paint Hazard Control Program in the amount not to exceed for FY21 (07/01/20 – 06/30/21) \$106,800.00.

APPROVED AS TO FORM:

  
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:

  
Amanda Trujillo, Acting Chief Financial Officer

FOR THE CITY OF FLINT:

  
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

  
Kate Fields, City Council President

APPROVED AS TO PURCHASING:

  
Joyce A. McClane, Purchasing Manager



## CITY OF FLINT

### STAFF REVIEW FORM

**TODAY'S DATE:** 12/01/2020

**BID/PROPOSAL#** 21000571

**AGENDA ITEM TITLE:** Lead Inspection/Risk Assessment for HUD Lead Based Paint Hazard Control Program

**PREPARED BY**

*Lottie Ferguson, Mayor's Office*

**VENDOR NAME:** Environmental Testing & Consultation, 38900 W. Huron River Drive, Romulus, MI 48174

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

In December 2018, the United States Department of Housing and Urban Development awarded the City of Flint grant number: MILHB0683-18 for \$2,299,437. The funding is allocated as follows: \$1,999,437 in Lead Based Paid Hazard Reduction grant program funding and \$300,000 in Healthy Homes Supplemental funding (Performance period May 1, 2019 – October 30, 2022). The primary strategy of the Lead Based Paid Hazard Control Program focuses on elimination of lead hazards in 70 eligible housing units. Environmental Testing and Consulting is being recommended to perform Lead Based Paint, Lead Inspection/Risk Assessments, Healthy Homes Assessments, provide the scope of lead abatement or encapsulation work and complete final clearances following the repairs to housing units.

**FINANCIAL IMPLICATIONS:** \$106,800.00

**BUDGETED EXPENDITURE?** YES X NO IF NO, PLEASE EXPLAIN:

*mtf*

Dept.	Name of Account	Account Number	Grant Code	Amount
Public Health LBPHC	Professional Services FHUD-LBPHC18	296-171.530.801.000		\$106,800.00





**SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES  
For Michigan Licensed Lead-Based Paint Lead Inspectors/Risk Assessors  
PROPOSAL #21000571**

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/20 – 6/30/21

**A. Price Proposal & Budget**

**Bidder #1: ABF Environmental LLC**

**28200 Orchard Lake Road, Suite 101, Farmington Hills, MI 48334**

<b>Environmental Investigation Without Water Testing</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$1150
All other units including Common Areas	\$700/unit

<b>Environmental Investigation With Water Testing</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$1200
All other units including Common Areas	\$750/unit

<b>Addition Environmental Investigation Based on initial results of the subject unit and common areas previously tested</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$1150

<b>Risk Assessment</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$800
All other units including Common Areas	\$600/unit

<b>Date of Cancellation</b>	<b>Percentage of Full Cost to be Invoiced</b>	<b>EXAMPLE</b>
On or before the 10th calendar day of the scheduled date	No Charge	No Charge
Between the 9th and 6th calendar day of the scheduled date	No Charge	25% of cost
Between the 5th and 2nd calendar day of the scheduled date	50% of cost	50% of cost
One calendar day before the scheduled date	75% of cost	75% of cost
On the scheduled date	100% of cost	100% of cost



**Bidder #2: ATC Group Services LLC – An Atlas Company**  
**46555 Humboldt Drive, Suite 100, Novi, MI 48377**

<b>Environmental Investigation Without Water Testing</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$ 975.00
All other units including Common Areas	\$1235.00

<b>Environmental Investigation With Water Testing</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$1375.00
All other units including Common Areas	\$1635.00

<b>Addition Environmental Investigation Based on initial results of the subject unit and common areas previously tested</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$975.00

<b>Risk Assessment</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$605.00
All other units including Common Areas	\$905.00

<b>Date of Cancellation</b>	<b>Percentage of Full Cost to be Invoiced</b>	<b>EXAMPLE</b>
On or before the 10th calendar day of the scheduled date	No Charge	No Charge
Between the 9th and 6th calendar day of the scheduled date	No Charge	25% of cost
Between the 5th and 2nd calendar day of the scheduled date	25%	50% of cost
One calendar day before the scheduled date	50%	75% of cost
On the scheduled date	100%	100% of cost



**Bidder #3: Environmental Testing & Consulting (etc)**

**38900 W. Huron River Drive, Romulus, MI 48174**

<b>Environmental Investigation Without Water Testing</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$1025
All other units including Common Areas	\$ 950

<b>Environmental Investigation With Water Testing</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$1560
All other units including Common Areas	\$1460

<b>Addition Environmental Investigation Based on initial results of the subject unit and common areas previously tested</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$600

<b>Risk Assessment</b>	<b>Pricing</b>
Single Family Homes including Common Areas	\$310
All other units including Common Areas	\$310

<b>Date of Cancellation</b>	<b>Percentage of Full Cost to be Invoiced</b>	<b>EXAMPLE</b>
On or before the 10th calendar day of the scheduled date	N/A	No Charge
Between the 9th and 6th calendar day of the scheduled date	N/A	25% of cost
Between the 5th and 2nd calendar day of the scheduled date	N/A	50% of cost
One calendar day before the scheduled date	10%	75% of cost
On the scheduled date	40%	100% of cost





**Bidder #4: Intertek - PSI**

**37483 Interchange Drive, Farmington Hills, MI 48335**

Environmental Investigation Without Water Testing	Pricing
Single Family Homes including Common Areas	\$650 per dwelling including common areas
All other units including Common Areas	\$600 per unit including common areas

Environmental Investigation With Water Testing	Pricing
Single Family Homes including Common Areas	\$650 per dwelling including common areas
All other units including Common Areas	\$600 per unit including common areas

Addition Environmental Investigation Based on initial results of the subject unit and common areas previously tested	Pricing
Single Family Homes including Common Areas	\$350 per dwelling including common areas

Risk Assessment	Pricing
Single Family Homes including Common Areas	\$650 per dwelling including common areas
All other units including Common Areas	\$600 per unit including common areas

Date of Cancellation	Percentage of Full Cost to be Invoiced	EXAMPLE
On or before the 10th calendar day of the scheduled date	No Charge	No Charge
Between the 9th and 6th calendar day of the scheduled date	No Charge	25% of cost
Between the 5th and 2nd calendar day of the scheduled date	No Charge	50% of cost
One calendar day before the scheduled date	25% of Cost	75% of cost
On the scheduled date	50% of Cost	100% of cost



Bidder #5: K & J Environmental Solutions, LLC  
 11306 Rose Rd., Emmett, MI 48022

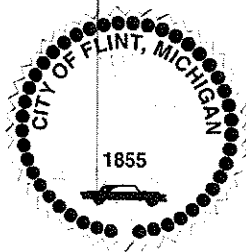
Environmental Investigation Without Water Testing	Pricing \$475.00 per single unit
Single Family Homes including Common Areas	
All other units including Common Areas	
*Duplex-\$700.00 total. Tri-plex-\$925.00 total. Quadplex \$1150.00	

Environmental Investigation With Water Testing	Pricing \$575.00 per single unit
Single Family Homes including Common Areas	
All other units including Common Areas	
*Duplex-\$825.00 total. Tri-plex-\$1,125.00 total. Quadplex \$1,425.00 total.	

Addition Environmental Investigation Based on initial results of the subject unit and common areas previously tested: Based on a lead Clearance with no water testing	Pricing \$325.00 per single unit
Single Family Homes including Common Areas	
*Duplex-\$450.00 total. Tri-plex-\$575.00 total. Quadplex \$700.00 total.	

Risk Assessment Based on no water testing	Pricing \$350.00 per single unit
Single Family Homes including Common Areas	
All other units including Common Areas	
*Duplex-\$550.00 total. Tri-plex-\$750.00 total. Quadplex \$950.00 total.	

Date of Cancellation	Percentage of Full Cost to be Invoiced	EXAMPLE
On or before the 10th calendar day of the scheduled date		No Charge
Between the 9th and 6th calendar day of the scheduled date		No Charge
Between the 5th and 2nd calendar day of the scheduled date		No Charge
One calendar day before the scheduled date		No Charge
On the scheduled date		25 % Per Unit



Bidder #6: The Mannik & Smith Group, Inc.  
2365 Haggerty Road South, Canton, MI 48188

**Price Proposal**

The price offered below is for the duration of the contract and will not be altered.

SERVICE	COST
<b>Lead Inspection/Risk Assessment (LI/RA) base price</b> A single family home LIRA includes an inspection with up to 14 dust wipe samples, 4 soil samples, per inspection. LIRA Report is included. Cost includes travel and mileage.	\$750
<b>Lead Inspection/Risk Assessment (LI/RA) w/Water Sampling</b> A single family home LIRA includes an inspection with up to 14 dust wipe samples, 4 soil samples, six 250 milliliters first draw samples and three 1 liter system draws per inspection. LIRA Report is included. Cost includes travel and mileage.	\$900
<b>Healthy Home Hazard Assessment</b> A single family home Healthy Homes Assessment includes a survey, interview, and report documenting healthy and safety issues. A report with a picture and risk assessment is included along with travel and mileage.	\$460
<b>Lead Clearance</b> A lead clearance of a single family home includes a review of the abatement scope of work, a visual examination and 6 dust wipe samples. A clearance report is included as is travel and mileage.	\$315

DATE OF CANCELLATION	% OF FULL COST TO BE INVOICED	TIME TO COMPLETE
On or before the 10th calendar day of the scheduled date	No Charge	No Charge
Between the 9th and 6th calendar day of the scheduled date	25% of cost	No Charge
Between the 5th and 2nd calendar day of the scheduled date	50% of cost	No Charge
One calendar day before the scheduled date	75% of cost	10%
On the scheduled date	100% of cost	30%



**Bidder #7: Metropolitan Environmental LLC**

**32455 West 12 Mile Road, Farmington Hills, MI 48334**

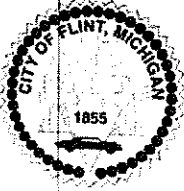
Environmental Investigation Without Water Testing	Pricing
Single Family Homes including Common Areas	\$900
All other units including Common Areas	\$900

Environmental Investigation With Water Testing	Pricing
Single Family Homes including Common Areas	\$1050
All other units including Common Areas	\$1050

Addition Environmental Investigation Based on initial results of the subject unit and common areas previously tested	Pricing
Single Family Homes including Common Areas	\$525

Risk Assessment	Pricing
Single Family Homes including Common Areas	\$450
All other units including Common Areas	\$450

Date of Cancellation	Percentage of Full Cost to be Invoiced	EXAMPLE
On or before the 10th calendar day of the scheduled date	No Charge	No Charge
Between the 9th and 6th calendar day of the scheduled date	15% of Charge	25% of cost
Between the 5th and 2nd calendar day of the scheduled date	25% of Charge	50% of cost
One calendar day before the scheduled date	35% of Charge	75% of cost
On the scheduled date	50% of Charge	100% of cost



200510

RESOLUTION NO.:

PRESENTED:

DEC 14 2020

ADOPTED:

**Resolution Authorizing Change Order #2 with CDM Smith of Michigan**

**BY THE CITY ADMINISTRATOR:**

**WHEREAS**, On November 29, 2018, Flint City Council approved Resolution #180577 to enter into an agreement with CDM Smith to complete design work on a chemical systems feed building in an amount not to exceed 486,300.00; and

**WHEREAS**, On April 27, 2020, Flint City Council approved Resolution #200166.1 to enter into change order #1 with CDM Smith to include resident project representative (RPR) services and construction engineering (CE) services in an amount not to exceed \$428,947.00 for a total contract price not to exceed \$915,247.00; and

**WHEREAS**, Due to the COVID-19 State of Michigan Stay -At- Home order the start of construction was delayed which suspended the scheduling of subcontractors and materials; and

**WHEREAS**, This delay has caused an additional eighteen (18) weeks of RPR services for construction inspection and forty (40) hours of CE services; and

**WHEREAS**, The cost for extended RPR construction inspection and CE services is not to exceed \$95,586.00 for a total contract price not to exceed \$1,010,833.00; and

**WHEREAS**, Reimbursable WIIN funding will be made available in account 496-553.000-801.054 FEPA18WIIN-1; and

**BE IT RESOLVED**, that the Proper City Officials, upon Flint City Council's approval, are hereby authorized to enter into a change order #2 contract with CDM Smith of Michigan for additional RPR and CE services in an amount not to exceed \$95,586.00 for a total contract price not to exceed \$1,010,833.00 with disbursement of WIIN funding from EGLE.

**APPROVED AS TO FORM:**

  
Angela Wheeler, Chief Legal Officer

**APPROVED AS TO FINANCE:**

  
Amanda Trujillo, Acting Chief Financial Officer

  
Clyde Edwards, City Administrator

**CITY COUNCIL:**

  
Kate Fields, Council President



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** December 4, 2020

**BID/PROPOSAL#**

**AGENDA ITEM TITLE:** Resolution Authorizing Appropriate City Officials to Enter Into a Change Order#2 Contract with CDM Smith of Michigan

**PREPARED BY:** Yolanda Gray, Department of Public Works Accounting Supervisor

**VENDOR NAME:** CDM Smith of Michigan

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

On November 29, 2018, Flint City Council approved Resolution #180577 to enter into an agreement with CDM Smith to complete design work on a chemical systems feed building in an amount not to exceed 486,300.00 and on April 27, 2020, Flint City Council approved Resolution #200166.1 to enter into change order #1 with CDM Smith to include resident project representative (RPR) services and construction engineering (CE) services in an amount not to exceed \$428,947.00 for a total contract price not to exceed \$915,247.00. Due to the COVID-19 State of Michigan Stay-At-Home order the start of construction was delayed which suspended the scheduling of subcontractors and materials and caused an additional eighteen (18) weeks of RPR services for construction inspection and forty (40) hours of CE services with a cost not to exceed \$95,586.00 and a total contract price not to exceed \$1,010,833.00.

**FINANCIAL IMPLICATIONS:**

**BUDGETED EXPENDITURE?** YES NO ☒ IF NO, PLEASE EXPLAIN: This wasn't a budgeted expenditure due to unforeseen COVID-19. However EGLE will provide reimbursable WIIN funding for additional costs.

Dept.	Name of Account	Account Number	Grant Code	Amount
496	Chemical Feed Services	496-553.000-801.054	FEPA18WIIN-1	\$95,586.00
FY21 GRAND TOTAL				\$95,586.00

**PRE-ENCUMBERED?** YES NO ☒ **REQUISITION NO:**

**ACCOUNTING APPROVAL:** Yolanda Gray **Date:** 12-4-2020

**WILL YOUR DEPARTMENT NEED A CONTRACT?** YES ☐ NO ☐  
(If yes, please indicate how many years for the contract) YEARS



## CITY OF FLINT

**WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)***

**BUDGET YEAR 1**

**BUDGET YEAR 2**

**BUDGET YEAR 3**

**OTHER IMPLICATIONS *(i.e., collective bargaining)*:**

**STAFF RECOMMENDATION: *(PLEASE SELECT)*:** ☒ **APPROVED** ☐ **NOT APPROVED**

**DEPARTMENT HEAD SIGNATURE:** \_\_\_\_\_  
*(PLEASE TYPE NAME, TITLE)*



RESOLUTION NO.: 200511  
PRESENTED: DEC 14 2020  
ADOPTED: \_\_\_\_\_

**RESOLUTION TO ACCEPT MI WATER RELIEF GRANT FUNDS**

**BY THE MAYOR:**

**WHEREAS**, Governor Whitmer signed House Bill 690 on July 1, 2020 appropriating funding for Water Utility Assistance to food assistance residential water and waste water customers with new arrearages starting March 1, 2020; and

**WHEREAS**, the Genesee County Community Action Resource Department (GCCARD), as the authorized sub recipient, identified qualified delinquent Flint water and sewer accounts eligible for the Water Utility Assistance Program. The delinquent accounts eligible for the program totaled \$1,869,272.61.

**BE IT RESOLVED**, that the appropriate officials are hereby authorized to do all things necessary to accept grant funding from the State of Michigan through sub recipient Genesee County Community Action Resource in the amount of \$1,869,272.61.

**APPROVED AS TO FORM:**

Angela Wheeler  
Angela Wheeler, Chief Legal Officer

**APPROVED AS TO FINANCE:**

Amanda Trujillo  
Amanda Trujillo, Acting Chief Financial Officer

**FOR THE CITY OF FLINT:**

Sheldon A. Neeley  
Mayor Sheldon A. Neeley

**APPROVED BY CITY COUNCIL:**

\_\_\_\_\_  
Kate Fields, Council President



## RESOLUTION STAFF REVIEW

**Date:** December 8, 2020

**Agenda Item:** RESOLUTION TO ACCEPT MI WATER RELIEF GRANT FUNDS

**Prepared By:** V. Foster for Amanda Trujillo

**Background/Summary of Proposed Action:**

Resolution to accept funding in the amount of \$1,869,272.61 under the Water Assistance Program set up to assist residential water customers in order to retain water service to mitigate the spread of COVID-19 (Senate Bill 690).

The Genesee Community Action Resource Division identified 7,221 City of Flint delinquent water accounts as qualified under the program for a total of \$1,869,272.61.

**Staff Recommendation:** It is the Department of Finance recommendation to accept funding in the amount of \$1,869,272.61 to be credited to the 7,221 delinquent accounts identified as eligible under the grant.

**Approval:** Amanda Trujillo  
Amanda Trujillo  
Acting Chief Financial Officer

# WATER ASSISTANCE PROGRAM



AUGUST 12, 2020

SB690

Senate Bill 690 appropriated \$25 million for Water Utility Assistance to create a residential utility relief program to provide direct payment assistance for water and wastewater utilities to ensure vulnerable families have access to water to mitigate the spread of COVID-19. The program is a partnership between, EGLE the Executive Office of the Governor, and MDHHS.

**EGL**

MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND EN



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING



# WATER ASSISTANCE PROGRAM

## PURPOSE

### Water Assistance Program

To ensure food assistance eligible residential water customers retain water service through December 1, 2020 to mitigate the spread of COVID-19.



## FUNDING INFORMATION

- **Senate Bill 690**
  - **Funding Award:** \$25,000,000
  - **Grant Term:** 8/1/20 to 12/31/20
  - **Leadership:** EGLE and MDHHS
  - **Grantor:** MDHHS – Bureau of Community Action and Economic Opportunity
  - **Subrecipient:** Community Action Agencies
  - **Partner:** Water Providers

## GUIDING PRINCIPLES AND EXPECTATIONS

- Reduce administrative burden for all partners; ELGE, MDHHS, Water Providers, and CA
- Ensure an equitable process is used to reimburse arrearages for all participants
- Identify a streamlined approach to identify food assistance residential water customers arrearages starting March 1, 2020 and during the State of Emergency Order
- Reduce or limit documentation burden of food assistance water customers eligible for 1 program
- Ensure low-income food assistance water customers benefit from the program
- Assist water provider with payments for the arrearages on their books
- Encourage strong local collaboration between partners to conduct the water program



# PROGRAM SUMMARY

Water utility providers opting into the program will be reimbursed by their local CAA

- for forgiving food assistance residential water customer's arrearages up to \$700 for water and/or wastewater and
- fees incurred and for providing a 25% discount on the total water bill for eligible customers, funds allow.

If the total arrearage payments exceed the program funding award, arrearage payments will be prorated

**Signature:**

**Email:** [mmoffett-page@cityofflint.com](mailto:mmoffett-page@cityofflint.com)



200489

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 31, General Offenses; Article I, In General by the addition of Section 31-65, Hours of the Sale of Liquor, which shall read in its entirety as follows:

IT IS HEREBY ORDANIED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 31, General Offenses, Article I, In General, by the addition of Section 31-65, Hours of the Sale of Liquor, which shall read in its entirety as follows:

**Sec 31-65 HOURS OF THE SALE OF LIQUOR.**

**THE HOURS OF OPERATION AND THE SALE OF BEER, WINE, LIQUOR OR OTHER ALCOHOLIC BEVERAGES AT LIQUOR STORES, CORNER STORES, CONVENIENCE STORES, AND GAS STATIONS FROM 7AM TO 9PM MONDAY THROUGH SATURDAY AND 12PM TO 9PM SUNDAY.**

**(A) DEFINITIONS: THE DEFINITION AND PROVISIONS CONTAINED IN THIS SECTION SHALL GOVERN THE CONSTRUCTION, MEANING AND APPLICATIONS OF THE FOLLOWING WORDS AND PHRASES USED IN THIS CHAPTER**

**1. BEER- A FERMENTED MALT**

**BEVERAGE  
CONTAINING 0.5%  
OR MORE ALCOHOL  
BY VOLUME.**

**2. CIDER- AN ALCOHOLIC BEVERAGE THAT IS OBTAINED BY THE FERMENTATION OF THE JUICE OF APPLES OR PEARS AND THAT CONTAINS LESS THAN 0.5% ALCOHOL BY VOLUME. "CIDER" INCLUDES FLAVORED, SPARKLING, AND CARBONATED CIDER.**

**3. INTOXICATING LIQUOR (OR LIQUOR) - ALL ALCOHOL BEVERAGES (OTHER THAN BEER) CONTAINING 0.5% OR MORE ALCOHOL BY VOLUME AND ALL WINES.**

**4. ALCOHOLIC BEVERAGES- A STATUTORY TERM WHICH INCLUDES BEER, WINE, AND LIQUOR.**

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020, A.D.

**(B) IT SHALL BE UNLAWFUL FOR A SALES PERSON, EMPLOYEE, CASHIER, AGENT OR REPRESENTATIVE OF A LIQUOR STORE, CORNER STORE, OR GAS STATION TO SELL BEER, WINE, LIQUOR, OR ANY OTHER ALOCHOLIC BEVERAGE BEFORE 7AM OR AFTER 9PM MONDAY THRU SATURDAY, AND BEFORE 12PM SUNDAY OR AFTER 9PM.**

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

**(C) IT SHALL BE UNLAWFUL FOR A LIQUOR STORE, CORNER STORE, CONVENIENCE STORE, OR GAS STATION TO REMAIN OPEN PAST 9PM MONDAY THRU SUNDAY.**

**(D) ANY PERSON OR PERSONS WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 AND/OR IMPRISONMENT UP TO 90 DAYS OR BOTH SUCH FINE AND IMPRISONMENT MAY BE IMPOSED AT THE DISCRETION OF THE COURT.**

**(E) IF ANY PROVISIONS OF THIS ORDIANACE SHALL BE HELD INVALID, THE REMAINDER OF THE ORDIANCE SHALL NOT BE AFFECTED THEREBY.**

Sec. 2. This ordinance shall become  
effective this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020. A.D.

200490

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing; Article I, International Property Maintenance Code.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing, Article I, International Property Maintenance Code, by the addition of Section 24-5 Landlords Removal and Disposal Process Regarding Evictions which shall read in its entirety as follows:

§ 24-5 Landlords Removal and Disposal Process Regarding Evictions:

- (A) IT SHALL BE UNLAWFUL FOR A LANDLORD TO REMOVE, DISPOSE OF, OR PLACE A PROPERLY OR LEGALLY EVICTED TENANT'S BELONGINGS OR PROPERTY ONTO THE CURB, SIDEWALK, LAWN, YARD OR STREET AND LEAVE IT UNATTENDED.
- (B) A LANDLORD SHALL PROPERLY REMOVE OR DISPOSE OF A TENANT'S PROPERTY BY NOTIFYING TENANT OF ITS INTENTIONS AND MUST ADVISE TENANT WHEN AND WHERE BELONGINGS ARE OR WILL BE STORED.
- (C) IT SHALL BE THE RESPONSIBILITY OF THE LANDLORD TO PROPERLY REMOVE OR DISPOSE OF PROPERTY ABANDONED OR LEFT BEHIND BY TENANT(S) AND LANDLORD MAY ACCESS A

STORAGE FEE THAT MAY BE PASSED ON TO THE TENANT.

- (D) ANY PERSON OR PERSONS WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 AND/OR IMPRISONMENT UP TO 90 DAYS OR BOTH. SUCH FINE AND/OR IMPRISONMENT MAY BE IMPOSED AT THE DISCRETION OF THE COURT.
- (E) IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, THE REMAINDER OF THE ORDINANCE SHALL NOT BE AFFECTED THEREBY.

Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.

FOR THE CITY:

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler  
Angela Wheeler, Chief Legal Officer

200512

ORDINANCE NO. \_\_\_\_\_

**An Ordinance to amend the Flint City Code of Ordinances Chapter 12, Business and Occupations Generally; Article XVI, Medical Marihuana Facilities, by the addition of Section 12-96.**

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

**Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally; amending Article XVI, Section 12-96, Sixty Day Emergency Opt In to Related Recreational Marihuana Facilities, Elimination of License Cap, to Extend that Section by an Sixty Days, which shall read in its entirety as follows:**

**§12-96. SEVENTH** ~~Sixth~~ and Supplemental Extension of Sixty Day Emergency Opt In To Related Recreational Marihuana Facilities; Elimination Of License Cap.

(a) *Emergency.* The State Of Michigan Department Of Licensing And Regulatory Affairs announced its intention to accept applications for recreational marihuana licenses, of all types on November 1, 2019, which effectively created a November 1 deadline for the city to have an ordinance regulating or prohibiting recreational marihuana licenses in place.

As outlined in the Michigan Regulation and Taxation Of Marihuana Act ( "the MRTMA" ), being Initiated Law 1 of 2018, MCL 333.27951 et seq, and its corresponding administrative rules, the state shall grant any marihuana license application that meets the state criteria. Pursuant to the MRTMA Sec. 6(3)(c), such applicants are only limited to non-residential areas and 1000 feet from an existing K-12 school. The City will have no additional opportunity to review such a license application, in the absence of a City Ordinance, pursuant to the MRTMA Sec. 9(3) unless it has a

prohibiting or limiting ordinance in effect at the time such an application is received.

As demonstrated on the attached map, the absence of such an ordinance would affect the welfare and property rights of the citizens of the city of flint, as marihuana establishments could arise in areas directly adjacent to residences, preschools, parks, and places of worship. Pursuant to the City Code, Sec. 50-183, the City has determined that marihuana establishments are incompatible in such proximity to these properties; and the absence of this ordinance would directly affect City residents. This result, contrary to current City Code and combined with the immediate necessity of such an ordinance in effect by November 1, 2019, constitutes an emergency for the purposes of City Charter Sec. 3-307.

City Staff have undergone significant efforts presenting a draft ordinance for these new facilities to the Planning Commission which formally recommended that marihuana microbusinesses be treated similarly to liquor store or medical marihuana provisioning centers added social equity exemptions for residential license applicants, and blight elimination and park beautification plans as a part of the marijuana licensing process, as well as a resident-initiated hearing process for dealing with nuisances. Additional time is required to complete the legislative process for the city council's second reading and public hearing of that ordinance.

Further, in light of the State of Emergency declared in the City of Flint by Mayor Neeley, which was extended indefinitely by Flint City Council, and declared by Governor Whitmer for the State of Michigan due to the COVID-19 virus, the capacity for the City of Flint to hold a meeting and extend the current emergency ordinance, or to adopt the ordinance on a permanent basis prior to the expiration of this emergency ordinance, remains questionable. In order to maintain the above-referenced standards during this duration, the City Council hereby opted to extend this emergency ordinance for a ~~sixth~~ **SEVENTH** time

as the City and the community navigate the COVID-19 emergency.

(b) *Licensure Of Related Recreational Marihuana Licenses By The Standards Set Forth In The Medical Marihuana Opt-In Ordinance.* Marihuana establishments, as authorized by and defined in the MRTMA, shall be subject to the criteria, zoning restrictions and license requirements already set forth in the City's current Medical Marihuana Opt-In Ordinance, Sec. 50-183, to the extent those establishments are defined as a related license type as set forth in the MRTMA administrative rules.

Specifically:

- (1) marihuana growers shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana growers;
- (2) marihuana safety compliance facilities shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana safety compliance facilities;
- (3) marihuana processors, shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana processors;
- (4) marihuana retailers, shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana provisioning centers; and
- (5) marihuana secure transporters shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana secure transporters.

(c) *Applications For Related Recreational Marihuana Licenses.* Applications for the above-listed licenses shall be taken and evaluated in the same matter, and subject to the same criteria, as outlined above and as set forth in the Medical Marihuana Opt-In Ordinance, Sec. 50-183, except as set forth in (d) below.

(d) *Elimination of license caps.* The license caps, as identified in Sec. 50-183 but not otherwise inherently related to zoning, are hereby eliminated for medical marihuana establishments, and similarly shall not apply to related recreational marihuana establishments.

In recognition of the efforts and commitments made by the medical marihuana facility applicants throughout the rubric scoring process, the City shall exhaust the list of provisioning center applications, in the order set forth in result of said scoring, by hearings of all such applications by the City's Planning Commission, prior to new retail or provisioning center applications being heard by the commission.

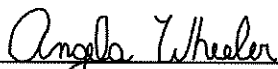
Sec. 2. This ordinance shall remain in effect, by the enactment of this extension pursuant to City Charter 3-307(e), immediately upon adoption, and pursuant to that same provision shall expire after a period of sixty (60) days, or upon passage and the effective date of the city's permanent amendments to its marijuana ordinance, city code sec. 50-183, whichever is sooner.

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_ 2020, A.D.

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

S:\Kelly\00 - Marihuana\Ordinances\FIFTH AND SUPPLEMENTAL EXTENSION OF Chapter 12, Business and Occupations\_ Article XVI, Emergency Sixty Day Opt In to Related Recreational Marihuana Facilities, Intention for Full Approval §12-96.docx

200461

ORDINANCE NO. \_\_\_\_\_

**An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 35, Personnel; Article V, Working Conditions.**

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

**Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 35, Personnel; Article V, Working Conditions, by the amending of Section 35-89 Holidays, which shall read in its entirety as follows:**

§ 35-89 Holiday.

(a) Holiday observance.

(1) The following days shall be designated as holidays:

- a. Independence Day;
- b. Labor Day;
- c. Thanksgiving Day;
- d. Christmas Eve;
- e. Christmas Day;
- f. New Year's Eve;
- g. New Year's Day;
- h. Martin Luther King Day; ~~and~~
- i. Memorial Day; ~~AND~~

**J. JUNETEENTH.**

(2) All holidays shall be observed on the actual calendar day of their occurrence except in the following situations:

a. Martin Luther King Day shall be observed on a Monday; and

b. For employees with a normal workweek which enables them to have every Saturday and/or Sunday off, any holiday which has a calendar date falling on a Saturday and/or Sunday, the calendar date shall be ignored and the holiday shall be observed as follows:

- 1. Holidays occurring on a Saturday will be observed on the preceding Friday;
- 2. Holidays occurring on a Sunday will be observed on the following Monday;
- 3. Consecutive holidays occurring on Friday and Saturday will be observed on Thursday and Friday; and
- 4. Consecutive holidays occurring on Sunday and Monday will be observed on Monday and Tuesday.

(b) Holiday benefits — regular shift. Regular shift employees who are not required to work their regular shift on any holiday set forth in subsection (a) above shall receive eight hours pay at their straight time hourly rate.

(c) Holiday benefits — other than regular shift.

(1) Any regular employee allocated to level 22B and below required to work four or more hours in excess of a regular shift on any holiday set forth in subsection (a) hereof shall be paid one additional hour of pay at their straight time hourly rate for each hour worked in excess of eight, or in lieu of such payment the employee may elect to be credited with

one hour annual leave for each hour worked in excess of eight on that day.

(2) Any regular employee allocated to level 22B and below called in to work less than a full shift on any holiday set forth in subsection (a) above, whether or not the employee was on standby, shall, in addition to the compensation set forth in subsection (b) above, be credited with one hour annual leave for each hour worked on the holiday.

(d) Duplication of holiday benefits. Employees required to work both the calendar date and the designated date of a holiday shall receive holiday benefits only for the calendar date of the holiday.

(e) Unauthorized leave. Employees who are absent the last scheduled work day preceding the holiday, or the first scheduled work day following a holiday, which absence is not authorized, shall receive no pay for the holiday.

**Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.**

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.**

**FOR THE CITY:**

\_\_\_\_\_  
**Sheldon A. Neeley, Mayor**

\_\_\_\_\_  
**Inez M. Brown, City Clerk**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Angela Wheeler, Chief Legal Officer**