

City of Flint, Michigan

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



Meeting Agenda - Final

Wednesday, June 30, 2021

5:00 PM

ELECTRONIC PUBLIC MEETING

SPECIAL CITY COUNCIL

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

*Eric Mays, Ward 1
Jeri 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**PUBLIC NOTICE
FLINT CITY COUNCIL ELECTRONIC PUBLIC MEETING**

On Friday, October 5, 2020, the Michigan Supreme Court (MSC) issued an order declaring that 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. On Friday, October 16, 2020, Governor Whitmer signed into law Senate Bill 1108 amending the Open Meetings Act. Subsequently, on December 22, 2020 Public Act 267 of 1976 was amended through Senate Bill 1246 extending the electronic meetings with no reason through March 31, 2021. The act also allows that after March 31, 2021 electronic meetings may be held if a local state of emergency was declared. On March 23, 2020, the Flint City Council extended Mayor Neeley's declaration of emergency indefinitely due to the COVID-19 pandemic. Therefore, the following meeting will be held electronically:
Special Flint City Council Meeting

Pursuant to the newly revised Open Meetings Act and Flint City Charter Section 3-202, notice is hereby given that City Council members Eric Mays and Herbert J. Winfrey call for a Special City Council Meeting, scheduled to be held:

Date: Wednesday, June 30, 2021

Time: 5 p.m.

Location: Via Electronic Public Meeting

The meeting is being held for the following purpose:

- **To consider Resolution No. 210309 - a Resolution to enter into a change order with Republic Services to provide additional waste collection services; and**
- **Other General City Business.**

1. The public and media may listen to the meeting online by live stream at <https://www.youtube.com/channel/UCp2cWTuocUM3awU4xXWzwaw> or through Start Meeting Solution by dialing (617) 944-8177. (If unable to call in, please dial (206) 451-6011.)
 2. In order to speak during the PUBLIC SPEAKING PERIOD of the meeting by telephone, participants will also call (617) 944-8177. (If unable to call in, please dial (206) 451-6011.)
 - 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 no later than 10 minutes prior to the meeting start time of 5 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, 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.

This Special City Council meeting is being held for the following purpose:

- ***To consider Resolution No. 210309 - a Resolution to enter into a change order with Republic Services to provide additional waste collection services; and***
- ***Other General City Business.***

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).

PROCEDURES ON CONDUCTING ELECTRONIC 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.

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.

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.

PLEDGE OF ALLEGIANCE

PRAYER OR BLESSING

REQUEST FOR CHANGES AND/OR ADDITIONS TO AGENDA

Council shall vote on any agenda changes.

PUBLIC SPEAKING

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), three (3) minutes per speaker. Only one speaking opportunity per speaker.

COUNCIL RESPONSE

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), 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.

RESOLUTIONS

210309 CO#3/Contract/Republic Services/Waste Collection Services

Resolution resolving that the appropriate city officials are authorized to do all things necessary to enter into Change Order #3 to the contract with Republic Services to provide additional waste collection services, from July 1, 2021, to September 30, 2021, in an amount NOT-TO-EXCEED \$1,430,006.99, and an aggregate total of \$21,019,325.89 [Rubbish Collection Fund Acct. No. 226-528.201-801.000.]

DISCUSSION ITEMS

210314 Discussion Item/Reopening of City Hall

A Discussion Item as requested by Councilperson Mays: re, he would like to discuss the reopening of City Hall. [Referral Action Date: 6/28/2021 @ City Council Electronic Public Meeting.]

OTHER GENERAL CITY BUSINESS

ADDITIONAL COUNCIL DISCUSSION

FINAL COUNCIL COMMENTS

ADJOURNMENT



RESOLUTION NO.: 210309

PRESENTED: JUN 28 2021

ADOPTED: _____

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO REPUBLIC WASTE SERVICES FOR
WASTE COLLECTION SERVICES CHANGE ORDER #3**

WHEREAS, the Department of Public Works (DPW) uses Republic Waste Services for waste collection services. The DPW recommends to extend the contract with Republic Waste Services through September 30, 2021 for an amount of \$1,430,006.90.

Account Number	Account Name	Amount
226-528.201-801.000	Professional Services	\$1,430,006.90
	FY2022 GRAND TOTAL	\$1,430,006.90

IT IS RESOLVED, that the appropriate City Officials are authorized to do all things necessary to enter into change order #3 to the contract with Republic Waste Services to provide additional waste collection services for FY2022 from July 1 to September 30, 2021 for the amount of \$1,430,006.90 and a contract total amount of \$21,019,325.89.

APPROVED AS TO FORM:


Angela Wheeler (Jun 22, 2021 16:09 EDT)
Angela Wheeler, Chief Legal Officer

APPROVED AS TO FINANCE:


Shelbi Frayer (Jun 23, 2021 08:59 EDT)
Shelbi Frayer, Chief Financial Officer

FOR THE CITY OF FLINT:

CLYDE D EDWARDS
CLYDE D EDWARDS (Jun 23, 2021 09:20 EDT)
Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

Kate Fields, City Council President

APPROVED AS TO PURCHASING:


Jennifer Ryan (Jun 23, 2021 15:27 EDT)
Jenn Ryan, Deputy Finance Director

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Waste Collection Services Agreement (this "First Amendment") is entered into as of July 1, 2021 ("Effective Date"), between the City of Flint, a Michigan Municipal Corporation, 1101 S. Saginaw Street, Flint, MI 48502 ("City") and Tri-County Refuse Service, Inc. dba Republic Services of Flint ("Contractor"). The City and Contractor may be referred to individually as "Party" or collectively as "Parties" herein.

Recitals

A. The City and Contractor entered into that certain Waste Collection Services Agreement effective December 13, 2018 ("Agreement"), pursuant to which Contractor agreed to provide waste collection services within the City.

B. The City issued a Request for Proposals No. 21000592 ("RFP") for Waste Collection Services for the City of Flint on February 11, 2021 and the City has canceled the RFP and rejected all bids.

C. The current Agreement expires on July 1, 2021. As a result, the City is in need of a temporary contract extension to continue to provide the residences with waste collection services.

D. The City and Contractor have agreed to extend the term of the Agreement and modify certain terms only as identified below.

Agreement

The City and Contractor agree as follows:

1. Compensation. Section 4 of the Agreement is deleted in its entirety and replaced with the following:

Compensation: The current rate for the extended term for such services is a base monthly rate of **\$379,021.767** for each month during the Extended Term. Payment for each month's services during the Extended Term must be paid by City to Contractor no later than the first day of each month during each month of the Extended Term, except that the payment for the first month being due within five (5) days of the Effective Date of this First Amendment. In addition, the City must pay Contractor a one-time, nonrefundable payment of Two Hundred Ninety-Two Thousand Nine Hundred Forty-One Dollars and Sixty Cents (\$292,941.60) for additional costs associated with the services during the Extended Term ("Additional Cost Coverage Payment"). Payment of the Additional Cost Coverage Payment must be paid by City to Contractor within five (5) days of the Effective Date of this First Amendment.

2. Effective Date. Section 7 of the Agreement is deleted and replaced with the following:

Extended Term Date: The Parties agree that the term of the Agreement is extended for

three months commencing on July 1, 2021 and expiring September 30, 2021 (the "Extended Term").

3. Compliance. The parties acknowledge and agree that as of the Effective Date, the City and the Contractor are not in default of, and are in compliance with, their respective contractual obligations.

4. Press Releases. As of the Effective Date and during the Extended Term, Contractor and City will undertake best efforts to communicate with each other regarding any press releases issued by City or Contractor pertaining to the services provided under the Agreement prior to any press releases being issued.

5. Performance Bond. Contractor will furnish to the City a Performance Bond in the amount of \$650,000 for the Extended Term. The Performance Bond will guarantee Republic's obligations to the City of Flint and payment of persons furnishing labor, materials, services, equipment, supplies and insurance premiums under this Amendment in the event that Contractor is in default of the Agreement's or Amendment's terms, has received written notice of the default by the City specifically describing the default, and has failed to cure or otherwise resolve the default within fifteen (15) days of receipt of the City's written notice.

6. Capitalized or Defined Terms. Capitalized or defined terms used but not otherwise defined in this First Amendment have the meanings assigned to them in the Agreement.

7. Continuing Effect. Except as expressly modified or amended by this First Amendment, all terms and provisions of the Agreement remain in full force and effect. In the case of a conflict in meaning between the Agreement and this First Amendment, this First Amendment prevails.

8. Counterparts. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which combined shall constitute one and the same instrument. Facsimile and/or electronic copies of the Parties' signatures shall be valid and treated the same as original signatures. Each Party warrants and represents that the signatory for each Party is fully authorized to execute this First Amendment.

IN WITNESS WHEREOF, the Parties have entered into this First Amendment to be effective as of the Effective Date.

CONTRACTOR:

CITY:

TRI-COUNTY REFUSE SERVICE, INC.

CITY OF FLINT

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

180544

(Proposal 16000541)

SUBMISSION NO.: _____

PRESENTED: 10-17-18

ADOPTED: 10-22-2018

BY THE MAYOR:

RESOLUTION TO TRI-COUNTY REFUSE SERVICES, INC. FOR ADDITIONAL WASTE COLLECTION SERVICES

RESOLUTION

On October 10, 2017, the Proper City Officials were authorized to enter into change order #1 (resolution 170510) to the contract with Tri-County Refuse Services, Inc., dba Republic Services, G-3328 Torrey Rd., Flint, Michigan to extend waste collection services to November 12, 2018 in the amount not to exceed \$3,846,032.00 and an aggregate total of \$7,582,064.00; and

The Purchasing Department has received a request to extend said contract until June 30, 2021, along with dumpster requests for neighborhood cleanups. Funding for said services will come from account 226-528.201-801;

IT IS RESOLVED, that the Proper City Officials are hereby authorized to enter into a change order #2 to the contract with Tri-County Refuse Services, Inc., dba Republic Services to extend said contract to June 30, 2021 in an amount not to exceed \$12,007,254.99 for an aggregate total of \$19,589,319.00. (Rubbish Collection Fund) \$2,887,820.82 FY19, \$4,559,717.09 pending adoption of the FY20 budget, and \$4,559,717.09 pending adoption of the FY21 budget in the account listed,

IT IS ALSO RESOLVED that the Proper City Officials are hereby authorized to amend the Special Assessment fee for Rubbish Collection in the Master Fee Schedule for the FY2020 and FY2021 fiscal year budgets as part of the budget adoption process.

APPROVED PURCHASING DEPT.:



Hughey Newsome
for Purchasing Department

APPROVED AS TO FINANCE:




Hughey Newsome
Chief Financial Officer

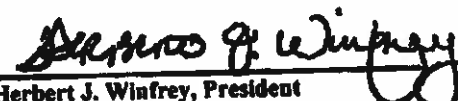
APPROVED AS TO FORM:



Angela Wheeler
Chief Legal Officer



Dr. Karen W. Weaver, Mayor



Herbert J. Winfrey, President
City Council

170510

(Proposal 16000541)

SUBMISSION NO.: CA5172017

PRESENTED: 9-13-17

ADOPTED: RTAB 10-11-17

BY THE CITY ADMINISTRATOR

RESOLUTION TO TRI-COUNTY REFUSE SERVICES, INC. FOR ADDITIONAL WASTE COLLECTION SERVICES

RESOLUTION

On November 9, 2016, the Proper City Officials were authorized to enter into a contract with Tri-County Refuse Services, Inc., dba Republic Services, G-3328 Torrey Rd, Flint, Michigan for waste collection services in the amount of \$3,736,032.00 for the period ending November 12, 2017 with an option to extend the contract for an additional year in the amount of \$3,736,032.00, and

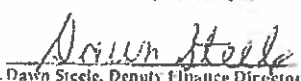
The Purchasing Department has received a request to extend said contract until November 12, 2018, along with dumpster requests for neighborhood cleanups. Funding for said services will come from the following accounts: 226-528.201-801.000 (\$3,736,032.00), 226-528.205-801.000 (\$20,000), 274-748.139-801.000 (\$35,000) and

IT IS RESOLVED, that the Proper City Officials are hereby authorized to enter into a change order #1 to the contract with Tri-County Refuse Services, Inc., dba Republic Services to extend said contract to November 12, 2018 in an amount not to exceed \$3,846,032.00 for an aggregate total of \$7,582,064.00. (FY18 \$2,355,020 Rubbish Collection Fund, \$35,000 HUD, CBDG, FSG & HOME Grants) \$1,421,012.00 Rubbish Collection Fund, \$35,000 HUD, CBDG, ESG & HOME Grants pending adoption of the FY19 budget

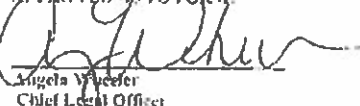
APPROVED PURCHASING DEPT.:

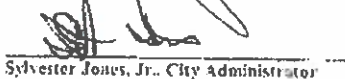

Derrick Jones, Purchasing Manager

APPROVED AS TO FINANCE:

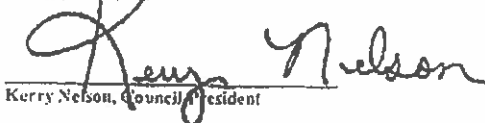

Dawn Steele, Deputy Finance Director

APPROVED AS TO FORM:


Angela Wheeler
Chief Legal Officer


Sylvester Jones, Jr., City Administrator

CITY COUNCIL:


Kerry Nelson, Council President

RECEIVERSHIP TRANSITION ADVISORY BOARD:

PRESENTED TO CITY COUNCIL:

9-20-2017
ADOPTED BY CITY COUNCIL:

9-25-2017

ADOPTED BY THE RECEIVERSHIP TRANSITION ADVISORY BOARD
OCTOBER 11, 2017

160482

(Proposal 16000541)

SUBMISSION NO.: CA3032016

PRESENTED: 10/24/16

ADOPTED: RTAB 11-9-16

**RESOLUTION TO REPUBLIC WASTE SERVICES
FOR WASTE COLLECTION SERVICES**

BY THE CITY ADMINISTRATOR:

RESOLUTION

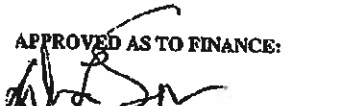
The City Administration is submitting a resolution, per the State of Michigan, 7th Circuit Court, County of Genesee court order, for waste collection services as requested by the Department of Public Works/Transportation Division; and

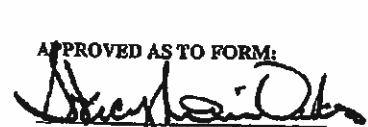
Tri-County Refuse Service, Inc., dba Republic Services, G-3328 Torrey Rd., Flint, MI is the vendor that has been mutually agreed upon to perform said services for a period of one year (11/12/2016 - 11/12/2017) with an option to extend the contract for an additional year. Funding for said services will come from the following account: 226-528.201-801.000; and


IT IS RESOLVED that the Proper City Officials are hereby authorized to enter into a contract with Tri-County Refuse Service, Inc, dba Republic Services for waste collection services for period of one year (11/12/2016 - 11/12/2017) with an option to extend the contract for an additional year. The first year cost is in the amount not to exceed \$3,736,032.00 and the optional additional year is in the amount of \$3,736,032.00 for an aggregate total of \$7,472,064.00. (Rubbish Collection Fund) \$3,736,032.00 pending adoption of the FY18 budget

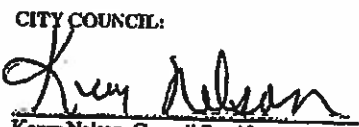
APPROVED PURCHASING DEPT.:

Derrick Jones, Purchasing Manager

APPROVED AS TO FINANCE:

David L. Sabuda, Chief Financial Officer

APPROVED AS TO FORM:

Stacy Erwin, Chief Legal Officer


Sylvester Jones, Jr, City Administrator

CITY COUNCIL:

Kerry Nelson, Council President

RECEIVERSHIP TRANSITION ADVISORY BOARD:

ADOPTED BY THE
RECEIVERSHIP TRANSITION
ADVISORY BOARD
NOVEMBER 9, 2016

PRESENTED TO CITY COUNCIL: 10-24-2016

ADOPTED BY CITY COUNCIL: 10-24-2016