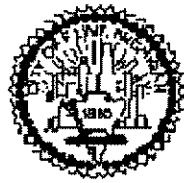


# **City of Flint, Michigan**

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



## **Meeting Agenda - FINAL**

**Monday, September 25, 2023**

**5:30 PM**

**AMENDED to Add Minutes No. 230327, Communications No. 230326,  
and Resos No. 230328. 230329 and 230330**

**CITY COUNCIL CHAMBERS**

### **CITY COUNCIL**

*Ladel Lewis, Vice President, Ward 2*

*Eric Mays, Ward 1  
Judy Priestley, Ward 4  
Tonya Burns, Ward 6  
Dennis Pfeiffer, Ward 8*

*Quincy Murphy, Ward 3  
Jerri Winfrey-Carter, Ward 5  
Candice Mushatt, Ward 7  
Eva L. Worthing, Ward 9*

*Davina Donahue, City Clerk*

**CALL TO ORDER****ROLL CALL****PLEDGE OF ALLEGIANCE****PRAYER OR BLESSING****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.*

**REQUEST FOR CHANGES AND/OR ADDITIONS TO THE AGENDA****PRESENTATION OF MINUTES**

**230327** DRAFT Summary Minutes/Flint City Council/Special Meeting/September 18, 2023

DRAFT Summary Minutes of the Flint City Council Special Meeting held Monday, September 18, 2023, at 5:44 p.m., in City Council Chambers, 3rd Floor, City Hall.

**PUBLIC HEARINGS**

**230276.6** Public Hearing/Ordinance No. 230276

A Public Hearing for Ordinance No. 230276, an ordinance to amend the Flint City Code of Ordinances by amending Chapter 6 (Alcoholic Liquor Sales), Article I (In General), Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception).

**230277.6** Public Hearing/Ordinance No. 230277

A Public Hearing for Ordinance No. 230277, an ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article I (In General), Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle).

**230278.6** Public Hearing/Ordinance No. 230278

A Public Hearing for Ordinance No. 230278, an ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic),

Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles).

## **PUBLIC SPEAKING**

*Members of the public shall have no more than three (3) minutes per speaker during public comment. Only one speaking opportunity per speaker. Numbered speaker slips will be provided prior to the start of the meeting to those wishing to speak during this portion of the agenda. No additional speakers or slips will be accepted after the meeting begins.*

## **COUNCIL RESPONSE**

*Councilmembers may respond once to all public speakers only after all public speakers have spoken. An individual Councilmember's response shall be limited to two (2) minutes and is subject to all rules.*

## **CONSENT AGENDA**

*Per the amended Rules Governing Meetings of the Flint City Council (as adopted by the City Council on Monday, February 27, 2023), the Presiding Officer or Chair may request the adoption of a "Consent Agenda". After a motion to adopt a Consent Agenda is made and seconded, the Presiding Officer or Chair shall ask for separations. Any agenda item on a Consent Agenda shall be separated at the request of any Councilmember. After any separations, there is no debate on approving the Consent Agenda - it shall be voted on or adopted without objection.*

## **OFFICIAL COMMUNICATIONS (From the Mayor and Other City Officials)**

### **230326      Traffic Engineering/Closure Permits**

Sidewalk, Lane and Street Closure permits (10) dated August 2023, for requested activities/events, with noted responsibility for the placement of the required traffic control devices, and/or personnel, for the protection of traffic and event participants.

## **RESOLUTIONS (POSTPONED)**

*[NOTE: Resolutions No. 230301, 230306 and 230308 were POSTPONED from the September 11, 2023 City Council Meeting to this City Council agenda due to the lack of a final council action.]*

### **230301      CO#4/Contract/Shelter of Flint/Contract No. 21-088**

Resolution resolving that the appropriate City officials are authorized to process any necessary budget adjustments and to enter into Change Order #4 to Contract 21-088 with Shelter of Flint in the amount of \$25,000.00 for a new total contract amount of \$618,290.00.

### **230306      J.F. Cavanaugh Company/WPC Influent Chamber/Emergency Repair**

Resolution resolving that the Proper City Officials are authorized to do all things necessary to approve this emergency procurement with J. F.

Cavanaugh Company for the WPC Influent Chamber repair and restoration, in the not to exceed amount of \$135,908.00 using available FY 2024 sewer funding.

- 230308** Lake Star Construction Services, Inc./Lead Remediation/Lead Based Paint Hazard Program

Resolution resolving that Division of Purchases & Supplies is hereby authorized to issue a Purchase Order for FY24 to Lake Star Construction for the lead remediation project for the Lead Based Paint Hazard Program in an amount not to exceed \$378,000.00 for FY24(07/01/2023 to 10/31/2023).

## **RESOLUTIONS**

- 230302** CO#3/Contract/Sorensen Gross/Dort Pump Station Rehabilitation

Resolution resolving that the appropriate City Officials are hereby authorized to enter into Change Order #3 of the contract with Sorensen Gross for the Dort Pump Rehabilitation Project, in an amount not to exceed \$30,222.00 for FY24(07/01/23-06/30/24) for an aggregate grand total amount not to exceed \$4,399,391.47.

- 230321** PSA/City of Flint/F&V Operations and Resource Management, Inc./Back-up Laboratory Services Operator

Resolution resolving that the Flint City Council approves the Professional Services Agreement between the City of Flint and F&V Operations and Resource Management, Inc., for back-up operator in charge and laboratory services.

- 230322** LaFontaine Automotive/Six (6) 2024 Pickup Trucks

Resolution resolving that the proper City Officials are authorized to approve this purchase in the amount of \$315,308.00. [NOTE: The City of Flint Water and Sewer Departments (WSC) is requesting the purchase of six (6) 2024 pickup trucks.]

- 230324** DLZ/Engineering Services/Cedar Street Reservoir and Pump Station Rehabilitation

Resolution resolving that the appropriate City Officials do all things necessary to authorize a purchase order to DLZ for engineering services to Cedar Street reservoir and pump station rehabilitation in an amount not to exceed 835,700.00 (EGLE American Rescue Plant- State Revolving Fund Grant) Funds from account 496-536.702-802.058.

## **RESOLUTIONS (May Be Referred from Special Affairs)**

- 230281.1** Amended Resolution/ARPA Fund Utilization/Pandemic Impact on Health Disparities of Pregnant-New Mothers and Their Infants in Flint/Michigan State

## University/Flint Rx Kids Program

An amended resolution resolving that the appropriate City Officials are authorized to do all things necessary to provide funding to Michigan State University [for the Flint Rx Kids Program], amend the FY24 budget, and appropriate funding for revenue and expenditures in future fiscal years, for as long as funds are available from the funder. Funds will be paid from the American Rescue Plan Act fund (287). Before funds are spent, the City of Flint's ARPA administration, compliance, and implementation firm shall review and ensure compliance with the latest US Department of Treasury final rules. [NOTE: The Administration recommends funding up to \$1,000,000 for Michigan State University for the Flint Rx Kids Program.] [NOTE: Resolution amended to remove "...amend the FY24 budget..." from the Resolved paragraph.]

**230328** Suspension/Councilwoman Ladel Lewis/Flint City Charter Violations

Resolution resolving that the Flint City Council, pursuant to its authority under Section 3-103 of the Flint City Charter, hereby suspends Councilwoman Ladel Lewis for a period of ninety (90) days, effective immediately, and through and including December 24, 2023, AND, resolving that while suspended, Councilwoman Ladel Lewis is prohibited from taking her seat or participating in any meeting of the City Council or its committees, in her official capacity as City Councilwoman.

**230329** Suspension/Councilman Quincy Murphy/Flint City Charter Violations

Resolution resolving that the Flint City Council, pursuant to its authority under Section 3-103 of the Flint City Charter, hereby suspends Councilman Quincy Murphy for a period of ninety (90) days, effective immediately, and through and including December 24, 2023, AND, resolving that while suspended, Councilman Quincy Murphy is prohibited from taking his seat or participating in any meeting of the City Council or its committees, in his official capacity as City Councilman.

**230330** Recognition/Sickle Cell Awareness Month

Resolution resolving that Mayor Sheldon A. Neeley and the Flint City Council recognize September as Sickle Cell Awareness Month and urge everyone to learn more about this disease, AND, resolving that the Flint community is encouraged to donate blood to help sickle cell patients who need blood transfusions to alleviate this disease's devastating symptoms.

**SECOND READING AND ENACTMENT OF ORDINANCES****230276** Amendment/Ordinance/Chapter 6 (Alcoholic Liquor Sales)/Article I (In General)/Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 6 (Alcoholic Liquor Sales), Article I (In General), Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park

or Parkway Prohibited; Exception).

- 230277** Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article I (In General)/Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article I (In General), Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle).

- 230278** Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles).

## **FINAL COUNCIL COMMENTS**

*Final Council Comments shall be limited to two (2) minutes and are subject to all rules.*

## **ADJOURNMENT**



# City of Flint, Michigan

## Meeting Minutes 2 - Draft

### SPECIAL CITY COUNCIL

230327

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

*Ladel Lewis, Vice President, Ward 2*

*Eric Mays, Ward 1  
Judy Priestley, Ward 4  
Tonya Burns, Ward 6  
Dennis Pfeiffer, Ward 8*

*Quincy Murphy, Ward 3  
Jerri Winfrey-Carter, Ward 5  
Candice Mushatt, Ward 7  
Eva Worthing, Ward 9*

*Davina Donahue, City Clerk*

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**Monday, September 18, 2023**

**5:44 PM**

**Council Chambers**

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*This Special City Council Meeting was called by 1st Ward Councilmember Eric Mays and 6th Ward Councilmember Tonya Burns for the purpose of considering the following resolutions for approval: (1) J.F. Cavanaugh Company/WPC Influent Chamber/Emergency Repair (Resolution #230306), (2) CO#4/Contract/Shelter of Flint/Contract No. 21-088 (Resolution #230301), (3) Lake Star Construction Services, Inc./Lead Remediation/Lead Based Paint Hazard Program (Resolution #230308), and (4) Resolution to Approve Tentative Agreement Between the City of Flint and AFSCME Council 25, Local 1799 (Resolution #230318); AND, to Consider any other Unfinished Business from the Monday, September 11, 2023 Special Affairs Committee and Regular City Council Meetings, and the Thursday, September 14, 2023 Special City Council Meetings (i.e. All Resolutions [as Moved, Postponed and/or Referred]); AND, Other General City Business.*

## CALL TO ORDER

*This Special City Council Meeting was called to order by Vice President Lewis at 5:44 p.m.*

## ROLL CALL

*Councilperson Mays took his seat just after the Roll Call was taken.*

**Present:** Councilperson Mays, Councilperson Lewis, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns, Councilperson Mushatt, Councilperson Pfeiffer and Councilperson Worthing

**Absent:** Councilperson Murphy

## RESOLUTIONS

**230299** Grant Acceptance/State of Michigan (SOM)/Public Assistance Grant Program [FEMA]

Resolution resolving that the appropriate City officials are authorized to do all things necessary to process a budget amendment recognizing grant revenue and corresponding appropriations under grant code FFEMA-CRV23 in the amount of \$70,368.36.

**This Matter was Adopted on the Consent Agenda.**

**Adopted****230300** Purchase of Properties/Friends of Berston/Genesee County Land Bank/Berston Fieldhouse Development Project

Resolution resolving that the appropriate City officials are authorized to do all things necessary to provide funding to Friends of Berston and the Genesee County Land Bank to purchase these properties for this development project. Funds will be paid from the Neighborhood Planning grant fund (296). [NOTE: In the amount of \$3,450.00.]

**This Matter was Adopted on the Consent Agenda.**

**Adopted****230303** William E. Walter/HVAC Services/Additional City Departments

Resolution resolving that the Division of Purchases & Supplies is hereby authorized to issue additional Purchase Orders to William E. Walter for W. Plant and OBC HVAC services in the amount not to exceed \$39,000.00, for an overall Grand Total not to exceed \$179,000.00 for FY24 (07/01/23-06/30/24).

**This Matter was Adopted on the Consent Agenda.**

**Adopted****230305** Contract/Brown & Sons Co, Inc./Auto Parts

Resolution resolving that the appropriate City Officials are authorized to do all things necessary to enter into a contract with Brown & Sons, Co., Inc. for the annual supply of auto parts, bulbs, breakers, sprays, and filters for the amount of \$100,000.00 per year for FY24, FY25, and FY26, pending the adoption of the FY25 and FY26 budgets, for a total of \$300,000.00.

**This Matter was Adopted on the Consent Agenda.**

**Adopted****230307** CO#1/Contract/Industrial Applied Technologies [Formerly W.S.I. Industrial Services, Inc.]/WPC East Tank Cleaning

Resolution resolving that the Proper City Officials are authorized to do all things necessary to approve Contract Change Order?1 with Industrial Applied Technologies, formerly W.S.I. Industrial Services, Inc., for the WPC East Tank Cleaning in the not to exceed amount of \$350,000.00, a revised contract not to exceed amount of \$920,000.00.

**This Matter was Adopted on the Consent Agenda.**

**Adopted****230309** Contract/Complete Towing/Towing Service for the Police Department



Resolution resolving that the Proper City Officials, upon City Council's approval, are hereby authorized to enter into a contract with Complete Towing for the Police Department for towing and storage services, for a total not to exceed \$428,245.00 , for FY2024 (07/01/23 06/30/24).

**This Matter was Adopted on the Consent Agenda.**

**Adopted**

**230311 Contract/Inliner Solutions, LLC/Sanitary Sewer Relining Services**

Resolution resolving that the Proper City Officials, upon City Council's approval, are hereby authorized to enter into a three-year contract with Inliner Solutions, LLC for sewer relining services and a three-year aggregate amount of \$6,900,000.00 (\$2,300,000.00 pending adoption of the FY25 budget, \$2,300,000.00 pending adoption of the FY26 budget).

**This Matter was Adopted on the Consent Agenda.**

**Adopted**

**230313 Public Hearing Date/Brownfield Redevelopment Plan/Carriage Town Neighborhood Project**

Resolution resolving that the Flint City Council will hold a public hearing on the above request at 5:30 p.m. on October 9, 2023 at wherever location the Flint City Council will meet on that date, AND, resolving that the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this Act and shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed brownfield plan.

**This Matter was Adopted on the Consent Agenda.**

**Adopted**

**230314 Funding/Public Health Office/Opioid Settlement Funds**

Resolution resolving that the appropriate City officials are authorized to do all things necessary to allocate Opioid Settlement Funds to fund the Office of Public Health and appropriate the funding for revenue and expenditure in future fiscal years' budgets, in the amount of \$330,000, grant code ONOS-OPDST22, with the ability to roll over any funds remaining to subsequent fiscal years through Dec. 31st, 2040.

**This Matter was Adopted on the Consent Agenda.**

**Adopted**

**Passed The Consent Agenda**

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Burns, including all the preceding items marked as having been adopted on a Consent Agenda. The motion carried by the following vote:

**Aye:** 7- Councilperson Mays, Councilperson Lewis, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns, Councilperson Mushatt and Councilperson Pfeiffer

**Absent:** 2- Councilperson Murphy and Councilperson Worthing

## **SEPARATED FROM CONSENT AGENDA**

**230318** Approval/Collective Bargaining Wage Reopener Agreement/City of Flint/AFSCME Local 1799

Resolution resolving that the Flint City Council RATIFIES the Tentative Agreement between the City of Flint and AFSCME Local 1799, and authorizes the Director, Human Resources and Labor Relations, to execute a Memorandum of Understanding so providing.

**A motion was made by Councilperson Mays, seconded by Councilperson Pfeiffer, that this matter be Adopted. The motion carried by the following vote:**

**Adopted**

**Aye:** 7- Councilperson Mays, Councilperson Lewis, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns, Councilperson Mushatt and Councilperson Pfeiffer

**Absent:** 2- Councilperson Murphy and Councilperson Worthing

**230302** CO#3/Contract/Sorensen Gross/Dort Pump Station Rehabilitation

Resolution resolving that the appropriate City Officials are hereby authorized to enter into Change Order #3 of the contract with Sorensen Gross for the Dort Pump Rehabilitation Project, in an amount not to exceed \$30,222.00 for FY24(07/01/23-06/30/24) for an aggregate grand total amount not to exceed \$4,399,391.47.

**A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be REFERRED TO COMMITTEE to the FINANCE COMMITTEE, due back on September 20, 2023. The motion carried by the following vote:**

**REFERRED TO COMMITTEE to the FINANCE COMMITTEE**

**Aye:** 5- Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

**No:** 2- Councilperson Lewis and Councilperson Mushatt

**Absent:** 2- Councilperson Murphy and Councilperson Worthing

**230312** Support for Lane Reduction(s)/Fifth (5th) and Court Streets/From Ann Arbor Street to Lapeer Road

Resolution resolving that the City Council of the City of Flint wholeheartedly supports the implementation of lane reduction (sometimes referred to as "road diets") of Court Street and 5th Street, commencing from Ann Arbor Street to the intersection of 5th and Court Streets with Lapeer Rd.

A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be REFERRED TO COMMITTEE to the GOVERNMENTAL OPERATIONS COMMITTEE, due back on September 20, 2023. The motion carried by the following vote:

**REFERRED TO COMMITTEE to the GOVERNMENTAL OPERATIONS COMMITTEE**

**Aye:** 7 - Councilperson Mays, Councilperson Lewis, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns, Councilperson Mushatt and Councilperson Pfeiffer

**Absent:** 2 - Councilperson Murphy and Councilperson Worthing

**230252.1** Amended Resolution/Contract/ARPA Fund Utilization/Pandemic Impact on Housing for Flint Homeowners/Court Street Village/The Paint Project

An amended resolution resolving that the appropriate City Officials are authorized to do all things necessary to provide funding to Court Street Village, amend the FY24 budget, and appropriate funding for revenue and expenditures in future fiscal years, for as long as funds are available from the funder. Funds will be paid from the American Rescue Plan Act fund (287). Before funds are spent, the City of Flint's ARPA administration, compliance, and implementation firm shall review and ensure compliance with the latest US Department of Treasury final rules. [NOTE: The Administration recommends funding up to \$225,000 for Court Street Village to continue to provide home repair and improvement resources through The Paint Project to City of Flint residents.] [NOTE: Resolution amended to remove "...amend the FY24 budget..." from the Resolved paragraph.]

A motion was made by Councilperson Mushatt, seconded by Councilperson Lewis, that this matter be REFERRED TO COMMITTEE to the FINANCE COMMITTEE, due back on September 20, 2023. The motion carried by the following vote:

**REFERRED TO COMMITTEE to the FINANCE COMMITTEE**

**Aye:** 5 - Councilperson Lewis, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Mushatt

**No:** 1 - Councilperson Pfeiffer

**Absent:** 3 - Councilperson Mays, Councilperson Murphy and Councilperson Worthing

**230315** Suspension/Councilwoman Ladel Lewis/Flint City Charter Violations

Resolution resolving that the Flint City Council, pursuant to its authority under Section 3-103 of the Flint City Charter, hereby suspends Councilwoman Ladel Lewis for a period of six (6) months, effective immediately, and through and including March 1, 2023, AND, resolving that while suspended, Councilwoman Ladel Lewis is prohibited from taking her seat or participating in any meeting of the City Council or its committees, in her official capacity as City Councilwoman.

A motion was made by Councilperson Lewis, seconded by Councilperson Burns, that this matter be Adopted. The motion failed by the following vote:

**Adopted**

**Aye:** 4 - Councilperson Mays, Councilperson Priestley, Councilperson Burns and Councilperson Pfeiffer

**No:** 3 - Councilperson Lewis, Councilperson Winfrey-Carter and Councilperson Mushatt

**Absent:** 2 - Councilperson Murphy and Councilperson Worthing

**230316**      **Suspension/Councilman Quincy Murphy/Flint City Charter Violations**

Resolution resolving that the Flint City Council, pursuant to its authority under Section 3-103 of the Flint City Charter, hereby suspends Councilman Quincy Murphy for a period of six (6) months, effective immediately, and through and including March 1, 2023, AND, resolving that while suspended, Councilman Quincy Murphy is prohibited from taking his seat or participating in any meeting of the City Council or its committees, in his official capacity as City Councilman.

**A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be Adopted. The motion failed by the following vote:**

**Adopted**

**Aye:** 4 - Councilperson Mays, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

**No:** 2 - Councilperson Lewis and Councilperson Mushatt

**Absent:** 3 - Councilperson Murphy, Councilperson Priestley and Councilperson Worthing

**230306**      **J.F. Cavanaugh Company/WPC Influent Chamber/Emergency Repair**

Resolution resolving that the Proper City Officials are authorized to do all things necessary to approve this emergency procurement with J. F. Cavanaugh Company for the WPC Influent Chamber repair and restoration, in the not to exceed amount of \$135,908.00 using available FY 2024 sewer funding.

**A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be REFERRED TO COMMITTEE to the FINANCE COMMITTEE, due back on September 20, 2023. The motion failed by the following vote:**

**REFERRED TO COMMITTEE to the FINANCE COMMITTEE**

**Aye:** 4 - Councilperson Mays, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

**No:** 1 - Councilperson Mushatt

**Absent:** 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley and Councilperson Worthing

**230301**      **CO#4/Contract/Shelter of Flint/Contract No. 21-088**

Resolution resolving that the appropriate City officials are authorized to process any necessary budget adjustments and to enter into Change Order #4 to

Contract 21-088 with Shelter of Flint in the amount of \$25,000.00 for a new total contract amount of \$618,290.00.

**A motion was made, seconded by Councilperson Burns, that this matter be REFERRED TO COMMITTEE to the FINANCE COMMITTEE, due back on September 20, 2023. The motion failed by the following vote:**

**REFERRED TO COMMITTEE to the FINANCE COMMITTEE**

**Aye:** 4 - Councilperson Mays, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

**No:** 1 - Councilperson Mushatt

**Absent:** 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley and Councilperson Worthing

**230308** Lake Star Construction Services, Inc./Lead Remediation/Lead Based Paint Hazard Program

Resolution resolving that Division of Purchases & Supplies is hereby authorized to issue a Purchase Order for FY24 to Lake Star Construction for the lead remediation project for the Lead Based Paint Hazard Program in an amount not to exceed \$378,000.00 for FY24(07/01/2023 to 10/31/2023).

**A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be REFERRED TO COMMITTEE to the FINANCE COMMITTEE, due back on September 20, 2023. The motion failed by the following vote:**

**REFERRED TO COMMITTEE to the FINANCE COMMITTEE**

**Aye:** 4 - Councilperson Mays, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

**No:** 1 - Councilperson Mushatt

**Absent:** 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Priestley and Councilperson Worthing

## **ADJOURNMENT**

*This Special City Council meeting was Adjourned at 1:39 a.m.*



## CITY OF FLINT

230301

RESOLUTION NO.: \_\_\_\_\_

PRESENTED: \_\_\_\_\_ SEP - 6 2023

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

### **Resolution Authorizing Change Order #4 to Contract 21-088 with Shelter of Flint to Add \$25,000.00 for a New Total Contract Amount of \$618,290.00**

#### **BY THE CITY ADMINISTRATOR:**

**WHEREAS**, The City of Flint is a recipient of Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) in the amount of \$2,441,943.00 for ESG. These funds must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance, and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus.

**WHEREAS**, At its meeting on August 10, 2021 (Resolution No. 210368.1), the Flint City Council authorized allocations to several agencies, including \$355,926.00 to Shelter of Flint for shelter operations and essential services.

**WHEREAS**, At its meeting on November 15, 2021, the Flint City Council authorized Change Order #1 (Resolution No. 210548) to increase the contract by \$184,903.00 for salaries and wages, and appliances associated with the operation of the shelter.

**WHEREAS**, At its meeting on June 13, 2022, the Flint City Council authorized Change Order #2 (Resolution No. 220230) to increase the contract by \$2,461.00 for additional items to prevent, prepare for and respond to COVID.

**WHEREAS**, At its meeting on November 14, 2022, the Flint City Council authorized Change Order #3 (Resolution No. 220474) to increase the contract by \$50,000.00 in admin funds for staff costs and extended the term of the contract until September 8, 2023.

**WHEREAS**, Shelter of Flint has indicated a need for additional funds. Staff is recommending an additional \$25,000.00 be awarded to Shelter of Flint for items to be purchased for their non-congregate shelter.

**WHEREAS**, ESG-CV funding is available to be allocated to eligible agencies/activities.



## CITY OF FLINT

**WHEREAS**, Per the requirements of CPD Notice 21-08, issued July 19, 2021, by the U.S. Department of Housing and Urban Development, The Community and Economic Development Division will publish on the City's website, a notification of CARES Act Award to Genesee County Youth Corporation and how funds will be used.

**WHEREAS**, Funding is available in the following accounts:

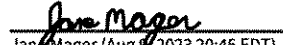
Dept.	Name of Account	Account Number	Grant Code	Amount
P&D	ESG-CV	282-733.101-531.000	FHUD-ESGCA	\$25,000.00
P&D	ESG-CV	282-733.101-963.000	FHUD-ESGCA	\$25,000.00

**IT IS RESOLVED**, That the appropriate City officials are authorized to process any necessary budget adjustments and to enter into Change Order #4 to Contract 21-088 with Shelter of Flint in the amount of \$25,000.00 for a new total contract amount of \$618,290.00

**APPROVED AS TO FORM:**

  
William Kim (Aug 9, 2023 19:31 EDT) 08/09/2023  
William Kim, City Attorney

**APPROVED AS TO FINANCES:**

  
Jane Mager (Aug 9, 2023 20:45 EDT) 08/09/2023  
Jane Mager, Acting Chief Financial Officer

**ADMINISTRATION:**

  
Clyde D. Edwards (Aug 10, 2023 14:32 EDT) 08/10/2023  
Clyde Edwards, City Administrator

**CITY COUNCIL:**



## CITY OF FLINT

### RESOLUTION STAFF REVIEW

July 31, 2023

**AGENDA ITEM TITLE:** Resolution Authorizing Change Order #4 to Contract 21-088 with Shelter of Flint to Add \$25,000.00 for a New Total Contract Amount of \$618,290.00

**PREPARED BY:** Department of Planning and Development – Community Development Division – K. L. Miller

**VENDOR NAME:** Shelter of Flint

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

The City of Flint is a recipient of Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) in the amount of \$2,441,943 for Emergency Solutions Grant funding (ESG). These funds must be used to prevent, prepare for, and respond to coronavirus among individuals and families who are homeless or receiving homeless assistance, and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts created by coronavirus.

At its meeting on August 10, 2021, the Flint City Council authorized allocations to several agencies (Resolution #210368.1), including \$355,926.00 to Shelter of Flint for shelter operations. The City has been working with shelter agencies to identify uses for these funds and Shelter of Flint has indicated a need for additional funds. The first change order approved November 15, 2021 (Resolution No. 210548) added \$184,903.00 for wages and salaries, and appliances associated with the operation of the shelter. Change order #2 allocated an additional \$2,461.00 for additional items to prevent, prepare for and respond to COVID. Change order #3 increased the contract by \$50,000 in admin funds to cover staff costs. Staff is recommending an additional \$25,000.00 be awarded to Shelter of Flint for items for a non-congregate shelter.

Per the requirements of CPD Notice 21-08, issued July 19, 2021, by the U.S. Department of Housing and Urban Development, the City has published on its website, on the Community and Economic Development page, how it is using its ESG-CV funds.

**FINANCIAL IMPLICATIONS:** Funds for this purpose are reserved to provide services to the homeless population in Flint and serve to prevent, prepare for or respond to coronavirus. Funds determined to be ineligible, paid and drawn, must be repaid using general fund dollars.





## CITY OF FLINT

BUDGETED EXPENDITURE? YES ☐ NO ☐ IF NO, PLEASE EXPLAIN: N/A

\*\*\*\*\*Upon Adoption BA will be completed to move from uncommitted accounts to Shelter of Flint specific accounts. \*\*\*\*\*

Dept.	Name of Account	Account Number	Grant Code	Amount
P&D	ESG-CV	282-733.101-531.000	FHUD-ESGCA	\$25,000.00
P&D	ESG-CV	282-733.101-963.000	FHUD-ESGCA	\$25,000.00
P&D	Shelter of Flint	282-733.482-531.000	FHUD-ESGCA	\$25,000.00
P&D	Shelter of Flint	282-733.482-805.101	FHUD-ESGCA	\$25,000.00

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 240007624

ACCOUNTING APPROVAL: Carissa Dotson Date: 08/03/2023  
Carissa Dotson (Aug 3, 2023 09:08 EDT)

FINANCE APPROVAL: [Signature] Date: 08/03/2023

ENVIRONMENTAL APPROVAL: [Signature] Date: 08/08/2023

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐

(If yes, please indicate how many years for the contract) 1 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) n/a

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): N/A

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

DEPARTMENT HEAD SIGNATURE:

Emily Doerr  
Emily Doerr (Aug 9, 2023 19:25 EDT)

08/09/2023

Emily Doerr, Director



PROPOSAL: Emergency  
BY THE CITY ADMINISTRATOR:

230306  
RESOLUTION NO.: \_\_\_\_\_

PRESENTED: SEP - 6 2023

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

**RESOLUTION TO J. F. CAVANAUGH COMPANY FOR  
THE EMERGENCY REPAIR OF THE WPC INFLUENT CHAMBER**

**WHEREAS**, Water Pollution Control is a Publicly Operated Treatment Works Facility (POTW). The sanitary sewer system collects the City's sewage and conveys it to WPC. Under normal circumstances this flow is conveyed to the influent chamber prior to disinfection. The influent gate controls the direction of the raw sewage inflow. The concrete, which the gate should be affixed, is compromised. The gate is no longer in the proper position for full functionality.

**WHEREAS** This equipment failure will cause sewage spills, overflows, and unlawful discharges that are an environmental health hazard, with the incident probability increasing with higher wet weather flows. MI-EGLE has stated that it is imperative to restore this critical function expeditiously or face penalties and fines related to an unlawful discharge, of up to \$25,000.00 per day.

**WHEREAS**, J. F. Cavanaugh Company was the contractor selected for other closely related construction projects in progress or recently completed for WPC. Their cost estimate is \$135,908.00 (attached) for the emergency repair the WPC influent chamber.

Account Number	Account Name	Amount
590-550.300-976.000	WPC- Building Repairs/Additions	\$67,954.00
590-550.300-977.000	Equipment	\$67,954.00
	<b>FY 2024 TOTAL</b>	<b>\$135,908.00</b>

**IT IS RESOLVED**, that the Proper City Officials are authorized to do all things necessary to approve this emergency procurement with J. F. Cavanaugh Company for the WPC Influent Chamber repair and restoration, in the not to exceed amount of \$135,908.00 using available FY 2024 sewer funding.

**APPROVED AS TO FORM:**

  
William Kim (Sep 1, 2023 14:25 EDT)

**William Kim, Chief Legal Officer**

**APPROVED AS TO FINANCE:**

  
AT

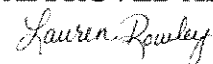
**FOR THE CITY OF FLINT:**

  
CLYDE D EDWARDS (Sep 1, 2023 14:26 EDT)

**Clyde Edwards, City Administrator**

**APPROVED BY CITY COUNCIL:**

**APPROVED AS TO PURCHASING:**



**Lauren Rowley, Purchasing Manager**



# CITY OF FLINT

## STAFF REVIEW FORM

**TODAY'S DATE:** 09/01/2023  
**BID/PROPOSAL:** Emergency  
**ITEM TITLE:** Influent Gate Repair  
**PREPARED BY:** Krystal Wallace, Water Pollution Control  
**VENDOR NAME:** J. F. Cavanaugh Company

### BACKGROUND/SUMMARY OF PROPOSED ACTION:

The influent structure is where the sewage flows converge prior to disinfection. This gate controls the conveyance of the plant flow through the influent piping. The concrete which the gate is affixed, in the influent chamber, is compromised. This has caused the gate to disconnect from a fixed position, preventing the functionality of the gate. This gate is an integral part of the sanitary sewer system. This equipment failure will cause sewage spills, overflows, and unlawful discharges that are an environmental health hazard, with the probability increasing with higher wet weather flows. MI-EGLE has stated that it is imperative to restore this critical function or face penalties and fines related to an unlawful discharge, of up to \$25,000.00 per day.

It is recommended that, J. F. Cavanaugh Company, be awarded this emergency contract to repair the influent chamber. They are the contractor selected for other closely related construction projects in progress for WPC. Their cost estimate is attached. A change order to the other project(s) is inappropriate due those projects being part of the CWSRF project plan and funding is specific to those tasks.

**FINANCIAL IMPLICATIONS:** None

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

Dept.	Name of Account	Account Number	Grant Code	Amount
DPW-WPC	Building Improvements	590-550.300-976.000		\$67,954.00
	Equipment	590-550.300-977.000		\$67,954.00
FY2024 GRAND TOTAL				\$135,908.00.00

**PRE-ENCUMBERED?** YES ☒ NO ☐ REQUISITION NO: 240007751

**ACCOUNTING APPROVAL:** Krystal Wallace Date: 09/01/2023

**WILL YOUR DEPARTMENT NEED A CONTRACT?** YES ☒ NO ☐

(If yes, please indicate how many years for the contract) - One-(1)-YEAR

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

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

**AUTHORIZED SIGNATURE:** Jeanette M. Best  
(Jeanette M. Best, WPC Manager)



Trevor Wagenmaker, P.E.  
Senior Project Manager  
555 S. Saginaw Street, Unit 201  
Flint, MI 48502

August 31, 2023

Attention: Trevor Wagenmaker, PE  
Re: City of Flint  
Water Pollution Control  
Emergency Replacement of 36" Slide Gate in Influent Chamber

Mr. Wagenmaker,

We herewith submit our quotation in the amount of \$125,908 (One Hundred Twenty Five Thousand Nine Hundred Eight Dollars) for providing labor and materials necessary for replacing the damaged 36" Slide Gate in the Influent Chamber at the Flint Waste Water Treatment Plant. Please find our Scope of Work, Qualifications, Exclusions, and Conceptual Sketch of the Isolation Box.

### **Scope of Work**

- Provide and Install Fabricated Steel Box to Slow Flow from Influent Chamber to Retention Basin as indicated on Wade Trim's Proposal
- Temporarily Install 3" Pump for Dewatering flow not contained by Steel Box
- Remove damage 36" Slide Gate
- Allow Access for Wade Trim to inspect condition of Concrete
- Perform Concrete Restoration (Included as a \$20,000 Allowance)
- Install new 36" Slide Gate Provided by the City of Flint
- Remove Steel Box

### **Qualifications**

- During field investigations, we could not determine that the guide supports had been removed from the slide gate inside the influent chamber as indicated from a previous contract. We therefore are quoting this work with a steel box instead of steel plate (see sketch below).
- The steel box would surround the entire slide gate frame and attempt to seal at the wall and base slab. The actual tolerance of the surface we are attempting to seal against is unknown and we are unable to provide a guarantee of success. We have allowed a crew day to set the bulkhead in place and another to make adjustment. If field efforts exceed our allotted two days, we will seek the input of others and continue work on a Time and Material basis.
- To proceed with the replacement of the damaged gate, we need to flow to be slowed to a rate that is controllable by a 3" pump.
- Concrete Restoration to be completed under a \$20,000 ALLOWANCE

**Qualifications (continued)**

- If Steel Box requires Engineer's Stamp, ADD \$10,000
- Warranty not included for Owner Provided Equipment
- Additional Cost if Manufacturer's site visit is required

**Exclusions**

We have excluded the following items in our proposal –

- A. Electrical Work of any kind.
- B. Sludge Cleaning/Removal of any kind.
- C. Temporary Pumping / By-Pass piping of any kind.
- D. Excavation / Backfill / Pipe Bedding / Earth Retention System work of any kind.
- E. Instrumentation / Controls work of any kind.
- F. Dewatering of any kind, other than listed above.
- G. Precast Concrete work of any kind.
- H. Line, Grades and Benchmarks are by others.
- I. Finish Paint of any Kind.
- J. Cost of Permits of any kind

Proposal is good for 60 days. Proposal is contingent upon acceptable terms and conditions, and schedule.

If you have any questions pertaining to the above Proposal please contact us.

Sincerely,  
J. F. Cavanaugh Co., Inc.

A handwritten signature in black ink, appearing to read 'JRitter', with a long horizontal flourish extending to the right.

---

Joseph Ritter, PE



Krystal Wallace <kwallace@cityofflint.com>

---

**Fwd: Flint WPC influent structure**

1 message

---

Jeanette Best <jbest@cityofflint.com>

To: Clyde Edwards <cedwards@cityofflint.com>, Joseph Kuptz <jkuptz@cityofflint.com>

Bcc: kwallace@cityofflint.com

Thu, Aug 31, 2023, 1:51 PM

Hi Clyde and Joe,

I wanted to share this email with you. It is from EGLE. We have been keeping Chuck informed since the date of the equipment failure. The gate broke during a storm the night of August 13, Chuck on August 14. I also notified you, Clyde, by leaving you a voicemail message. I was unable to reach you directly. The same day I called Wade Trim Engineering for the emergency. I because they were the engineering firm that designed the upgrades for the influent structure (influent box) in Phase 1 of our CWSRF projects. The failed bypass gate was not included as part is in the influent structure. They have been assisting us with repair options since we called them.

For your convenience I am attaching Wade Trim's cost proposal for the emergency engineering required to repair the bypass gate.

Please call me if you have any questions or concerns.

Thank you,

*Jeanette M. Best*

City of Flint WPC Manager

G-4652 Beecher Rd.

Flint, Michigan 48532

810 766-7210 ext. 3622

810 691-9811 cell

jbest@cityofflint.com

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----- Forwarded message -----

From: Bennett, Charles (EGLE) <BENNETTC4@michigan.gov>

Date: Thu, Aug 31, 2023 at 3:51 PM

Subject: RE: Flint WPC influent structure

To: Jeanette Best <jbest@cityofflint.com>, John Florshinger (Jflorshinger@cityofflint.com) <Jflorshinger@cityofflint.com>

Cc: Mathews, Laura (EGLE) <MathewsL2@michigan.gov>, Meyer, Cheri (EGLE) <MeyerC2@michigan.gov>, Clyde Edwards <cedwards@cityofflint.com>

Jeanette and John,

Thank you for your call this afternoon to discuss the failed slide gate and plans for repair. I am encouraged to know that your engineers found a pathway to making the repair. I do need to ensure discharge of untreated or partially treated wastewater discharges to land or waters of the state is unlawful and must not continue.

While we understand that repair of the slide gate within the influent chamber is not simple or inexpensive, we do expect the City of Flint to make every possible effort to restore this piece of equipment to proper operation, so that all wastewater is properly treated and lawfully discharged.

I understand from our conversation that a work order is being drafted and parts ordered for the repair. Please do all that is possible to expedite the process and keep our office informed of progress.

Again, thank you for keeping us informed, and for working to restore full and proper treatment as soon as possible for protection of public health and the environment.

chuck

Charles Bennett, PE

Lansing District Office

Water Resources Division

Michigan Department of Environment, Great Lakes, and Energy (EGLE)

517-290-4095

Michigan.gov/EGLE

---

From: Bennett, Charles (EGLE)

Sent: Thursday, August 24, 2023 9:58 AM

To: Jeanette Best <jbest@cityofflint.com>

Subject: Flint WPC influent structure

Hi Jeanette,

I haven't heard from you since your call of last Friday. You discussed with me coming out this week, and joining an on-site conversation with your engineers and contractors, when they gather alternatives for repairing the slide gate at the structure.

**Signature:** Amanda Trujillo  
Amanda Trujillo (Sep 1, 2023 14:06 EDT)

**Email:** Atrujillo@Cityofflint.com

RESOLUTION NO.: 23030BPRESENTED: SEP - 6 2023

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

**BY THE CITY ADMINISTRATOR:****Resolution to Lake Star Construction Services, INC.**

**Whereas,** The Division of Purchases and Supplies solicited proposals on behalf of the Lead Based Paint Hazard Program for the Office of Public Health for residential lead paint remediation for thirteen (13) homes located in Ward numbers 1,2,3,5,6,7,8 and 9. All interior and exterior lead-based paint hazards and some healthy home hazards identified must be addressed for completion of the project; and

**Whereas,** Lake Star Construction Services, Inc., Detroit Michigan has been awarded the bid for lead remediation on thirteen (13) addresses as requested and fits the required needs for the lead remediation program; and

**Whereas,** Lake Star was granted the bids for 9 structures previously and has completed the lead remediation work in a timely manner.

Funding is to come from the following account:

Account Number & Grant Code	Account Name	Amount
296-171.711-801.000 FHUD-LBPHC18	Professional Services	\$378,000.00
	<b>FY2024 Grand Total</b>	<b>\$378,000.00</b>

**It is Resolved,** that the Division of Purchases & Supplies is hereby authorized to issue a Purchase Order for FY24 to Lake Star Construction for the lead remediation project for the Lead Based Paint Hazard Program in an amount not to exceed \$378,000.00 for FY24(07/01/2023 to 10/31/2023).

**APPROVED AS TO FORM:**  
William Kim (Aug 30, 2023 15:22 EDT)**William Kim, City Attorney****APPROVED AS TO FINANCE:**  
Jane Mager (Aug 30, 2023 15:25 EDT)**Jane Mager, Acting Chief Financial Officer****FOR THE CITY OF FLINT:**  
CLYDE D EDWARDS (Aug 30, 2023 16:56 EDT)**Clyde Edwards, City Administrator****APPROVED BY CITY COUNCIL:**  
\_\_\_\_\_





## CITY OF FLINT

### STAFF REVIEW FORM

**TODAY'S DATE:** 08/21/2023

**BID/PROPOSAL#** 24000507

**AGENDA ITEM TITLE:** Professional Service Contract with Lake Star Construction Services for Lead Based Paint remediation/ Healthy Home

**PREPARED BY** Mikesha Loring, Lead Based Paint Hazard Control Program Manager- Mayor's Office  
(Please type name and Department)

**VENDOR NAME:** Lake Star Construction Services INC.

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

Lake Star Construction Services is a mid-sized company that has been in the construction industry for over 15 years specializing in general rehab and lead abatement. Lake Star Construction Services has been one of Detroit's most reputable construction firms and have worked closely with the State of Michigan Lead Safe Program as well as the City of Flint Lead-Based Paint Hazard Control program. Lake Star Services will address all concerns written in the scope of work from ETC (Lead Inspection/ Risk Assessor.) They will use a combination of interim control and abatement activities as the approach for addressing single-family multi-family owner-occupied, rental, and vacant units that are enrolled in the program. All interior and exterior lead-based paint hazards and some healthy home hazards identified must be addressed. This contract is for 13 homes located in Ward numbers 1,2,3,5, and 6,7,8,9 SHPO clearance and Environmental Reviews have also been completed on each property.

**FINANCIAL IMPLICATIONS:** \$378,000

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

Dept.	Name of Account	Account Number	Grant Code	Amount
Mayor	Professional Service	296-171.711-801.00	FHUD-LBHC18	\$378,000
<b>FY24 GRAND TOTAL</b>				<b>\$378,000</b>

# CITY OF FLINT



PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 240007664

## ACCOUNTING APPROVAL:

  
Steven Filary (Aug 21, 2023 14:29 EDT)

Date: 8/21/2023

## FINANCE APPROVAL:



Date: 8/21/2023

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☒ NO ☐

(If yes, please indicate how many years for the contract) 6 months

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 \$378,000

BUDGET YEAR 2

BUDGET YEAR 3

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

STAFF RECOMMENDATION: (PLEASE SELECT):



APPROVED



NOT APPROVED

DEPARTMENT HEAD SIGNATURE:



CLYDE D EDWARDS (Aug 23, 2023 22:23 EDT)

(PLEASE TYPE NAME, TITLE)

DEPARTMENT HEAD MUST SIGN



SEALED PROPOSALS RECEIVED IN THE DIVISION OF PURCHASES & SUPPLIES

**LBPHC Services Provider**

**P24-507**

Approximate Annual Quantities – Not Guaranteed  
Furnish as requested for the period 7/1/23 – 6/30/24

**Bidder #1: Lakestar Construction Services, Inc.**  
**Detroit, MI**

Address 1	\$ 26,120.00
Address 2	\$ 19,190.00
Address 3	\$ 24,340.00
Address 4	\$ 26,590.00
Address 5	\$ 39,740.00
Address 6	\$ 37,040.00
Address 7	\$ 14,740.00
Address 8	\$ 20,340.00
Address 9	\$ 34,740.00
Address 10	\$ 24,840.00
Address 11	\$ 37,440.00
Address 12	\$ 40,940.00
Address 13	\$27,947.00
Total	\$ 346,060.00

**A SPECIAL NOTE FROM THE PURCHASING DIVISION**

*Bid results posted are before evaluation team review and award recommendation.*

## **LEAD ABATEMENT CONTRACT BETWEEN THE CITY OF FLINT AND LAKE STAR CONSTRUCTION SERVICES**

This agreement (hereinafter "Agreement") is entered into between the City of Flint, a municipal corporation (hereinafter "City"), 1101 S. Saginaw Street, Flint, MI 48502, and Lake Star Construction Services INC (hereinafter "Lake Star"), 440 Burroughs Ste. 133 Detroit, MI 48202 which shall be collectively referred to herein as the "Parties".

**WHEREAS**, in December 2018, the City of Flint was awarded grant number: MILHB0683-18, for \$2,299,437. The funding is allocated as follows: \$1,999,437 in Lead Based Paint Hazard Reduction grant program funding and \$300,000 in Healthy Homes Supplemental funding (Performance period May 1, 2019 -October 30, 2023);

**WHEREAS**, the primary strategy of the City of Flint Lead Based Paint Hazard Control Program (COF LBPHC Program) will focus on elimination of lead hazards in 70 eligible housing units of target housing, including 12 rental units and 58 owner occupied housing units.

**WHEREAS**, Lake Star is currently the agency will perform Lead Based Paint Abatement work on identified units.

**WHEREAS**, Lake Star's mission is to remove and abate any lead hazards in homes by using interim and permanent control measures

**WHEREAS**, Lake Star will enter a performance-based MOU over the duration of the grant program pertaining to Lead Abatement contractual work on homes in the City of Flint.

**Duties of Lake Star with the Lead Based Paint Hazard control program for 12 units within the City of Flint** Provide lead abatement services as listed in the scope of work for LI/RA

1. **Duties of the City:** The City will endeavor to complete the following deliverables in accordance with the timeline and scope described in this memorandum and subject to the timely provision of relevant information, data, and connections to Lake Star.
  - a. The City shall provide funding in the amount of \$378,000 to Lake Star. Lake Star shall provide a detailed invoice to the City at the end of each month and the City will pay such invoice within thirty (30) days of receipt of the invoice.
  - b. Assign a Program Director and Program Manager, who will be a City employee, who will be responsible for the following:
    - i. Quarterly reports to HUD
    - ii. Managing the Budget
    - iii. Organize/facilitate meetings that pertain to the grant, ensuring appropriate Lake Star staff is invited to attend
    - iv. Visit work sites
    - v. Handle applications/ approvals and denials
2. **Effective Date:** This Agreement shall not become effective until signed by all parties. This agreement is effective August 8, 2023 through October 30, 2023.
3. **Compliance with Laws and Regulation:** The Parties agree to comply with federal, state, and local laws, regulations and policies (including those regarding the expenditure of federal funding) in the performance of this Agreement.
4. **Applicable Law:** This Agreement and all related disputes shall be governed by and interpreted in accordance with the laws of the State of Michigan.

5. **Arbitration:** Lake Star agrees that for all claims, disputes, and other matters arising out of or relating to this agreement, Lake Star must request the City's consent to arbitrate within 30 days from the date the Lake Star knows or should have known the facts giving rise to the claim, dispute or question.
  - a. Notice of a request for arbitration must be submitted in writing by certified mail or personal service upon the Chief Legal Officer.
  - b. Within 60 days from the date a request for arbitration is received by the City, the City shall inform Lake Star whether it agrees to arbitrate. If the City does not consent, Lake Star may proceed with an action in a court of competent jurisdiction within the State of Michigan. If the City does consent, then within 30 days of the consent each party shall submit to the other the name of one person to serve as an arbitrator. The two arbitrators together shall then select a third person, the three together shall then serve as a panel in all proceedings. Any unanimous decision of the three arbitrators shall be a final binding decision. The City's failure to respond to a timely, conforming request for arbitration is deemed consent to arbitration.
  - c. The costs of the arbitration shall be split and borne equally between the parties and such costs are not subject to shifting by the arbitrator.
  - d. Lake Star's failure to comply with any portion (including timeliness) of this provision shall be deemed a permanent waiver and forfeiture of the claim, dispute, or question.
  - e. This provision shall survive the expiration or termination of this Agreement in perpetuity.
6. **Termination:** This contract may be terminated by either party hereto by submitting a notice of termination to the other party. The City, through its City Administrator, may terminate this agreement upon actual notice to Lake Star. Lake Star may terminate this agreement by providing written notice that shall be effective 30 days from the date it is submitted unless otherwise agreed to by the parties hereto. Lake Star, upon receiving such notice and prorated payment upon termination of this contract shall give to the City all pertinent records, data, and information created up to the date of termination to which the City, under the terms of this contract, is entitled.
7. **Force Majeure:** Neither party shall be responsible for damages or delays caused by Force Majeure or other events beyond the control of the other party and which could not reasonably have been anticipated or prevented. For purposes of this Agreement, Force Majeure includes, but is not limited to, adverse weather conditions, floods, epidemics, war, riot, strikes, lockouts, and other industrial disturbances; unknown site conditions, accidents, sabotage, fire, and acts of God. Should Force Majeure occur, the parties shall mutually agree on the terms and conditions upon which the services may continue. Lake Star acknowledges that the Country is in the middle of a COVID-19 pandemic and agrees that Lake Star and its subcontractors will comply with Federal, State of Michigan Executive Orders, Local guidance, CDC, OSHA, MIOSHA, and other regulatory guidelines to mitigate risk and exposure to COVID-19.
8. **Good Standing:** Lake Star must remain current and not be in default of any obligations due the City of Flint, including the payment of taxes, fines, penalties, licenses, or other monies due the City of Flint. Violations of this clause shall constitute a substantial and material breach of this contract. Such breach shall constitute good cause for the termination of this contract should the City of Flint decide to terminate on such basis.

9. **Indemnification:** To the fullest extent permitted by law, Lake Star agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Flint, its elected and appointed officials, employees and volunteers, and other working on behalf of the City of Flint, against any and all claims, demands, suits, demands for repayment, or losses, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of Flint, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Flint, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which may arise as a result of Lake Star's acts, omissions, faults, and negligence, or that of any of his employees, agents, and representatives in connection with the performance of this Agreement. Should Lake Star fail to indemnify the City in the above-mentioned circumstances, the City may exercise its option to deduct the cost that it incurs from the Agreement price forthwith or may file an action in a court of competent jurisdiction, the costs of which shall be paid by Lake Star. This provision shall survive the termination and/or expiration of this agreement, in perpetuity.
10. **Non-Assignability:** Lake Star shall not assign or transfer any interest in this Agreement without the prior written consent of the City provided, however, that claims for money due or to become due to Lake Star from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City.
11. **Non-Disclosure/Confidentiality:** Lake Star agrees that Lake Star will not disclose any such information provided to Lake Star in furtherance of this Agreement, or in any other way make such documents public, without the express written approval of the City or the order of a court of competent jurisdiction.
12. **Non-Discrimination:** Lake Star shall comply with the Elliott Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq., the Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 et seq., and all other federal, state, and local fair employment practices and equal opportunity laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, association with the federal government, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position or status with respect to public assistance. A breach of this covenant is a material breach of this Agreement.
13. **Anti-Lobbying:** Lake Star shall not use any of the grant funds awarded in this Agreement for the purpose of lobbying as defined in the State of Michigan's lobbying statute, MCL 4.415(2). "Lobbying" means communicating directly with an official of the executive branch of state government or an official in the legislative branch of state government for the purpose of influencing legislative or administrative action." Lake Star shall not use any of the grant funds awarded in this Agreement for the purpose of litigation against the State or City. Further, Lake Star agrees to require that language of this assurance be included in the award documents of all sub awards.
14. **Grant Funds:** Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the

treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. § 75.300(a) (requiring HHS to “ensure that Federal funding is expended . . . in full accordance with U.S. statutory . . . requirements.”); 21 U.S.C. §§ 812(c)(10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

15. **Ethics:** Pursuant to the Flint City Charter §1-602 (I) entitled Notice, every public servant, volunteer and city, Lake Star is to receive training and be provided with a copy of these ethical standards upon passage of this Charter or at the time of appointment and or hire or the commencement of services. (See Attached Flint City Charter §1-602 (I)). Therefore, Lake Star acknowledges receipt of Flint City Charter §1-602 and agrees that Lake Star and its staff shall abide by the terms and participate in any training provided by the City/or update orientation as may be necessary from time to time. Public servants are all persons employed or otherwise engaged by the corporation of the City of Flint to conduct business

on its behalf including but not limited to elected officials, appointed employees, members of boards and commissions, classified employees, and volunteers, in accordance with Flint City Charter §1-602.

16. **Notices:** Notices to the City of Flint shall be deemed sufficient if in writing and mailed, postage prepaid, addressed to **Shelly Sparks and Davina Donahue, Interim City Clerk, City of Flint, 1101 S. Saginaw Street, Flint, Michigan 48502**, or to such other address as may be designated in writing by the City from time to time. Notices to Lake Star shall be deemed sufficient if in writing and mailed, postage prepaid, addressed to 440 Burroughs Ste. 133 Detroit, MI 48202, or to such other address as may be designated in writing by CTI from time to time.

17. **Records Property of City:** All documents, information, reports, and the like prepared or generated by Lake Star as a result of this Agreement shall become the sole property of the City of Flint, and shall be disclosed to the City upon request.

18. **Severability:** In the event that any provision contained herein shall be determined by a court or administrative tribunal to be contrary to a provision of state or federal law or to be unenforceable for any reason, then, to the extent necessary and possible to render the remainder of this Agreement enforceable, such provision may be modified or severed by such court or administrative tribunal so as to, as nearly as possible, carry out the intention of the parties hereto, considering the purpose of the entire Agreement in relation to such provision. The invalidation of one or more terms of this contract shall not affect the validity of the remaining terms.

19. **Whole Agreement:** This Agreement and the documents cited herein embody the entire agreement between the parties. Any additions, deletions, or modifications hereto must be in writing and signed by both parties. This Agreement may be executed by facsimile and in counterparts, all of which, taken together, shall constitute a single agreement.

Lake Star Construction Services INC:

\_\_\_\_\_

Charles Lamar Bailey, Founder Date

CITY OF FLINT, a Michigan Municipal Corp.:

\_\_\_\_\_

Sheldon A. Neeley, Mayor Date

\_\_\_\_\_

Clyde Edwards, City Administrator Date

APPROVED AS TO FORM:

\_\_\_\_\_

William Kim, Chief Legal Officer Date





230302  
RESOLUTION NO.: \_\_\_\_\_

PRESENTED: SEP - 6 2023

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

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO SORENSEN GROSS FOR CHANGE ORDER #3 FOR DORT PUMP  
STATION REHABILITATION**

**WHEREAS,** The Division of Purchases and Supplies solicited proposals for the rehabilitation of the Dort Pump Station, a project for the Water System Infrastructure Improvements for the Nation (WIIN) and Sorensen Gross, 3407 Torrey Road, Flint, MI, was the lowest bidder from twenty (20) solicitations for said requirements.

**WHEREAS,** Flint City Council approved Resolution #210103 to enter into a contract with Sorensen Gross on March 25, 2021, in an amount not to exceed \$3,649,397.00.

**WHEREAS,** Flint City Council approved Resolution #210580 Change Order #1 on January 10, 2022, in the amount of \$420,547.47 for a total contract amount not to exceed \$4,069,944.47.


**WHEREAS,** Flint City Council approved Resolution #220346 Change Order #2 on August 22, 2022, in the amount of \$299,225.00 for a total contract amount not to exceed \$4,369,169.47.

**WHEREAS,** The Water Plant is requesting additional funding for Change Order #3, as it was discovered during inspection, vibration coming from the flow meter. The following services are required to complete the project: disconnect and reconnect electrical to roof exhaust fans, sandblast and paint existing steel lids, yellow striping at the motor base, an ultrasonic clamp on the flow meter, and survey for the flow meter. The total cost of Change Order #3 is not to exceed \$30,222.00, for a total contract price not to exceed \$4,399,391.47.

GL/ACCOUNT #	ACCOUNT NAME /GRANT CODE	AMOUNT REQUESTED
496-536.802-802.076	Dort Pump Station/FEPA18WIIN-1	\$30,222.00
	<b>FY2024 TOTAL</b>	<b>\$30,222.00</b>

**IT IS RESOLVED** that the Appropriate City Officials are hereby authorized to enter into Change Order #3 of the contract with Sorensen Gross for the Dort Pump Rehabilitation Project, in an amount not to exceed \$30,222.00 for FY24(07/01/23-06/30/24) for an aggregate grand total amount not to exceed \$4,399,391.47.

**APPROVED AS TO FORM:**

  
William Kim (Aug 23, 2023 12:14 EDT)


**William Kim, City Attorney**

**APPROVED AS TO FINANCE:**

  
Jane Mager (Aug 23, 2023 14:36 EDT)

**Jane Mager, Acting Chief Financial Officer**

**FOR THE CITY OF FLINT:**

  
CLYDE D EDWARDS (Aug 23, 2023 22:25 EDT)

**Clyde Edwards, City Administrator**

**APPROVED BY CITY COUNCIL:**



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** August 22, 2023

**BID/PROPOSAL#** 21000572

**AGENDA ITEM TITLE:** Resolution Authorizing Appropriate City Officials to Enter Into a Change Order #3 Contract with Sorensen Gross for the Dort Pump Station Rehabilitation

**PREPARED BY:** Yolanda Gray, Department of Public Works-Utilities

**VENDOR NAME:** Sorensen Gross

**BACKGROUND/SUMMARY OF PROPOSED ACTION:** Flint City Council approved Resolution #210103 to enter into a contract with Sorensen Gross the lowest bidder from twenty (20) solicitations, on March 25, 2021, in an amount not to exceed \$3,649,397.00 for the Dort Pump Station Rehabilitation project with funding coming from the Water System Infrastructure Improvements for the Nation (WIIN). Flint City Council approved Resolution #210580 Change Order #1 on January 10, 2022, in the amount of \$420,547.47 for a total contract amount not to exceed \$4,069,944.47. Flint City Council approved Resolution #220346 Change Order #2 on August 22, 2022, in the amount of \$299,225.00 for a total contract amount not to exceed \$4,369,169.47. The Water Plant is requesting additional funding for Change Order #3, as it was discovered during inspection, vibration coming from the flow meter. The following services are required to complete the project: disconnect and reconnect electrical to roof exhaust fans, sandblast and paint existing steel lids, yellow striping at the motor base, an ultrasonic clamp on the flow meter, and survey for the flow meter. The total cost of Change Order #3 is not to exceed \$30,222.00, for a total contract price not to exceed \$4,399,391.47.

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

Dept.	Name of Account	Account Number	Grant Code	Amount
496	Dort Pump Station	496-536.802-802.076	FEPA18WIIN-1	\$30,222.00
FY24 GRAND TOTAL				\$30,222.00

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

**ACCOUNTING APPROVAL:** Yolanda Gray **Date:** 8-22-23

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

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

**DEPARTMENT HEAD SIGNATURE:** Scott Duenkel 8/22/2023  
(PLEASE TYPE NAME, TITLE)

**CHANGE ORDER NO.: 3**

Owner:	City of Flint	Owner's Project No.:	21000572
Engineer:	DLZ	Engineer's Project No.:	1949-018800
Contractor:	Sorensen Gross	Contractor's Project No.:	88101
Project:	Dort Pump Station Rehabilitation		
Contract Name:	Dort Pump Station Rehabilitation		
Date Issued:	5/4/2023	Effective Date of Directive:	

The Contract is modified as follows upon execution of this Change Order:

**Description:**

This Change Order includes cost for the following:

1. CE 12 – Disconnect and reconnect electrical to (3) roof exhaust fans due to roof replacement for \$2,089.00.
2. CE 17 – Sandblast and paint two (2) existing steel lids above the suction manifold chamber for \$2,619.00.
3. CE 19 - Yellow striping at the motor base and miscellaneous handrail for \$729.00.
4. CE 20 - An ultrasonic clamp on flow meter from Flexim with associated installation and commissioning for \$23,194.00.
5. CE 21 – Survey for flow meters utilizing HI Controls, LLC for \$1,591.00.

\*The total cost increase via this Change Order is **\$30,222.00**.


**Attachments:**

CE 12.pdf, CE 17.pdf, CE 19 yellow stripes.pdf, CE 20 flow meters.pdf, CE 21.pdf

Change in Contract Price		Change in Contract Times [State Contract Times as either a specific date or a number of days]	
Original Contract Price:		Original Contract Times:	
\$ 3,649,397.00		Phase I Substantial Completion:	11/9/2021
		Phase II Substantial Completion:	3/6/2022
		Ready for final payment:	4/6/2022
Contract Price Increase from previously approved Change Orders:		Increase/Decrease from previously approved Directives:	
\$ 719,772.47		Phase I Substantial Completion:	31 Working Days
		Phase II Substantial Completion:	4 Months
		Ready for final payment:	4 Months
Contract Price prior to this Directive:		Contract Times prior to this Directive:	
\$ 4,369,169.47		Phase I Substantial Completion:	12/28/2021
		Phase II Substantial Completion:	7/19/2022
		Ready for final payment:	8/17/2022
Increase this Directive:		Increase/Decrease this Directive:	
\$ 30,222.00		Phase I Substantial Completion:	0
		Phase II Substantial Completion:	0
		Ready for final payment:	3 Months
Contract Price incorporating this Directive:		Contract Times with all approved Directive:	
\$ 4,399,391.47		Phase I Substantial Completion:	12/28/2021
		Phase II Substantial Completion:	7/19/2022
		Ready for final payment:	8/17/2022

EJCDC® C-941, Change Order.

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Recommended by Engineer (if required)		Authorized by Owner
By:	<div> <div>Brian Bachler, PE</div> <div>  </div> </div>	
Title:	Project Construction Manager	
Date:	5/4/2023	
	Authorized by Owner	Approved by Funding Agency (if applicable)
By:	Clyde D. Edwards	
Title:	CITY ADMINISTRATOR	
Date:	July 18, 23	



230321

RESOLUTION NO.: \_\_\_\_\_

PRESENTED: SEP 20 2023

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

**RESOLUTION APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE  
CITY OF FLINT AND F&V OPERATIONS AND RESOURCE MANAGEMENT, INC.**

**BY THE CITY ADMINSTRATOR:**

**WHEREAS**, on September 24, 2018, the Flint City Council approved resolution 180496.2 to F&V Operations and Resource Management (FVOP) to provide the City of Flint water treatment plant operator in charge and laboratory services for a five (5) year term expiring September 30, 2023 and,


**WHEREAS**, Scott Dungee, water plant supervisor, has attained certifications required to operate the facility, FVOP will serve as the back-up operator in charge. The back-up operator in charge is required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and United States Environmental Protection Agency (USEPA) for systems the size of the City of Flint water treatment plant and,

**WHEREAS**, Laboratory technicians were recently hired who are inexperienced and will need assistance to maintain compliance and retain the laboratory certification. FVOP will assume previous laboratory responsibilities while the staff develops with anticipation of a reduction in the scope of services when a qualified laboratory supervisor is hired and,

**WHEREAS**, Operations services will be provided on a lump sum basis at a proposed monthly fee of \$22,905.00 and will be prorated for any partial month with funding available from account 591-545.200-801.000 and,

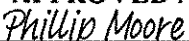
**BE IT RESOLVED**, that the Flint City Council approves the Professional Services Agreement between the City of Flint and F&V Operations and Resource Management, Inc., for back-up operator in charge and laboratory services.

**APPROVED AS TO FORM:**

  
William Kim (Sep 18, 2023 12:35 EDT)


**William Kim, Chief Legal Officer**

**APPROVED AS TO FINANCE:**

  
Phillip Moore (Sep 18, 2023 12:44 EDT)

**Phillip Moore, Chief Financial Officer**

**FOR THE CITY OF FLINT:**

  
CLYDE D. EDWARDS (Sep 18, 2023 13:46 EDT)

**Clyde Edwards, City Administrator**

**APPROVED BY CITY COUNCIL**



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** September 18, 2023

**AGENDA ITEM TITLE:** Resolution Approving the Professional Services Agreement Between the City of Flint and F&V Operations and Resource Management, Inc.

**PREPARED BY:** Yolanda Gray, Department of Public Works & Utilities

**VENDOR NAME:** F&V Operations

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

F&V Operations Resource Management Inc (FVOP), and the City of Flint water plant entered into a five (5) year agreement to provide operator in charge and staff for the laboratory with services expiring September 30, 2023. The water plant has a certified operator in charge and no longer needs FVOP to render services as the operator in charge. Due to the size of the water plant a back-up operator in charge is required. The water plant recently hired laboratory technicians who are inexperienced and will need assistance to maintain compliance. F&V will assume previous responsibility while the city staff develops and will reduce the scope of services when a qualified supervisor is hired. The total operations services as the back-up operator in charge and laboratory services will be provided on a lump sum basis of \$22,905.00 and will be prorated for any partial month. Funding will be available from account 591-545.200-801.000.

**FINANCIAL IMPLICATIONS:**

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

Dept.	Name of Account	Account Number	Grant Code	Amount
591	Professional Services	591-545.200-801.000		\$274,860.00
<b>FY24 GRAND TOTAL</b>				<b>\$274,860.00</b>

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

**ACCOUNTING APPROVAL:** Yolanda Gray **Date:** 9-18-23

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

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

**DEPARTMENT HEAD SIGNATURE:** Scott Dungee 9-18-23  
(PLEASE TYPE NAME, TITLE)



August 31, 2023

Mr. Clyde Edwards, City Administrator  
City of Flint  
1101 S. Saginaw Street  
Flint, MI 48502

RE: Laboratory Staff and Backup Operator In Charge Support Services, Flint, MI

Dear Mr. Edwards:

F&V Operations and Resource Management, Inc. (FVOP), appreciates the opportunity and the successes we enjoyed over the last few years assisting the city in the recovery of the Flint water system. Our current agreement is expiring, we are providing this proposal to get the city to the finish line and achieve a smooth transition to in-house water system operations, providing safe, clean, drinking water to the residents of the City of Flint.

Your staff has developed significantly since we began working with the city. Your staff has achieved certifications required to operate the facility; however, FVOP is currently serving as the Operator In Charge (O.I.C.). We feel the city staff is ready to take on this responsibility at this time and are proposing a shift in the operations structure with the city staff taking the O.I.C. and FVOP serving as the backup O.I.C. The backup O.I.C. is required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and United States Environmental Protection Agency (USEPA) for systems of your size. This change will reduce our scope and responsibility.

The city water plant laboratory staff is currently very inexperienced and will need assistance to maintain compliance and retain the laboratory certification. As your staff develop and assume our previous responsibilities, we anticipate a further reduction in our scope in the future, however with the volatility of today's labor market, finding qualified staff has proven challenging.

The proposed scope and budget are based on our understanding of your facility, the staff, and the city's current operational needs.

#### SCOPE OF SERVICES

We know the water system laboratory operations and current labor requirements. We propose to continue to provide up to two operations specialists to provide the following services at the City of Flint Water Treatment Plant and Water Distribution System. To provide a comfortable level of back up and redundancy, it is likely we will continue to utilize up to four different operations specialists throughout this project:

2960 Lucerne Drive SE, Suite 100  
Grand Rapids, MI 49546  
P: 616.566.2900  
F: 616.977.1005  
[www.fv-operations.com](http://www.fv-operations.com)

#### **BASE SCOPE OF SERVICES**

- Provide EGLE-required backup O.I.C. services.
- Sample the required distribution sites daily five days per week; city staff will work shadow and receive training in proper sampling and validation of samples for reporting purposes.
- Provide a marked FVOP vehicle for transportation to the various distribution system sites to perform sampling.
- Operate the city water plant lab within the technical capabilities of the laboratory and train city staff in the laboratory techniques associated with your lab equipment and regulatory requirements.
- Train and provide documents, such as bench sheets, chains of custody, and weekly summary reports for internal use and submittal to various government agencies such as USEPA and EGLE.
- Provide inspection and training regarding laboratory equipment; supervise maintenance, calibrations, and other repair/maintenance tasks.
- Perform and train city staff in the requirements for the collection of data to prepare state reports.
- Perform and train city staff regarding the collection of water samples and performance of laboratory analysis, and participate in plant operations as required.
- Assist in the review of water system projects from a laboratory perspective.
- Provide the city staff with minor consultation regarding water plant operations and reporting requirements.

#### **ADDITIONAL (NON-BASE) SERVICES:**

- Respond to utility system emergencies at all hours.
- Emergency service to assist on-site staff when requested.
- Other requested services.

#### **RESPONSIBILITIES OF THE CITY:**

- Laboratory equipment and reagents.
- Postage associated with mailing samples to off-site laboratories.
- Provide and pay for all operations items (this is not included in FVOP base services).
- Electricity and Chemicals
- Laboratory testing by outside labs.
- Daily O&M checks
- Generator fuel
- Equipment maintenance
- Equipment repair
- Residuals disposal
- Additional engineering

#### **PROPOSED STAFFING**

FVOP proposes to staff this project with two operation specialists overseen by Robert Jones. The following key staff will be assisting the team.

**Robert Jones:** Rob will be providing overall project management and certified operator services. He is currently serving as your certified Operator in Charge (OIC), his new role will be the backup O.I.C. Rob is familiar with your staff and reducing his role in your facility will provide cost savings to the city.



**Corina Privett:** Corina will lead the laboratory, reporting, and training efforts in addition to some of the sampling efforts on this project. Corina has many years of water plant laboratory and sampling experience at the City of Flint in addition to her Chemistry degree from the University of Michigan and her Michigan Drinking Water certification. Corina is an expert with the city's laboratory, sampling requirements, sample plans and collection points, and reporting requirements.

**Ben Pank:** Ben will lead distribution system sampling and training efforts in addition to some of the laboratory efforts on this project. Ben has many years of water plant laboratory and sampling experience in addition to his Michigan Drinking Water certifications. Ben is an expert with the city's water system laboratory, sampling requirements, sample plans, and collection points.

**H. Blair Selover:** Blair oversees all FVOP projects and has more than 40 years' experience in wastewater and water operations. Blair holds a Municipal F2, S1 Drinking Water certification. Blair is the point of contact for planning administrative project concerns.

All FVOP operations staff are highly trained individuals — FVOP emphasizes excellence and certification. We provide all staff with room to grow to reach their full potential. All staff serving your project will have the experience and the technical training for the task assigned. FVOP has more than 80 operations personnel available

#### SCHEDULE

We are prepared to begin this transition of scope and work immediately upon your written approval of our proposal.

#### BUDGET

These operations services will be provided on a lump sum basis. Our proposed monthly fee is \$22,905 for the services outlined within this proposal and will be prorated for any partial month. This represents a savings of nearly \$90,000 annually.

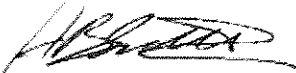
These proposal rates are valid until September 30, 2024, at which time FVOP reserves the right to adjust the lump sum rate based on the United States Department of Labor, Bureau of Labor Statistics, Employment Cost Index, Total compensation for All Civilian workers in All industries and occupations, 12-month percent change. These services will automatically renew each calendar year. Either party may terminate with or without cause with a 14-day written notice.

If you concur with our Scope of Services and budget, we will amend the current Professional Services Agreement to add these services.

We thank you for this opportunity and we look forward to working with you. If you have any questions regarding this proposal or any FVOP services, please contact me at 810.252.8884 or [bselover@fv-operations.com](mailto:bselover@fv-operations.com).

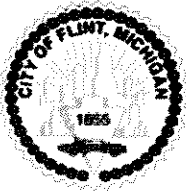
Sincerely,

F&V OPERATIONS AND RESOURCE MANAGEMENT, Inc.



H. Blair Selover  
Group Manager | Principal

230322



RESOLUTION NO.: \_\_\_\_\_

PRESENTED: SEP 20 2023

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

BY THE CITY ADMINISTRATOR:

**RESOLUTION TO LAFONTAINE AUTOMOTIVE GROUP FOR THE PURCHASE OF SIX (6)  
2024 PICKUP TRUCKS**

**WHEREAS**, The City of Flint Water and Sewer Departments (WSC) is requesting the purchase of six (6) 2024 pickup trucks. These vehicles will be replacing six older truck models. The current vehicles will either be repurposed for use at the WSC or auctioned off in accordance with established City of Flint disposal policies. LaFontaine Automotive Group is a pre-qualified dealer evaluated by the State of Michigan Department of Technology, Management & Budget. This MiDeal Vehicle Purchasing Program evaluated participating vendors based on experience, qualifications, service & delivery to ensure fair pricing and quality contracts. Dealer advises that the vehicles are currently in stock. See attached specifications for each vehicle.

**WHEREAS**, The City of Flint Water and Sewer Departments, Utilities Division, is requesting the amount of \$315,308.00 for this vehicle purchase. Funding for said purchases will come from the following accounts:


Account Number	Name of Account	Amount
591-540.100-977.000	Vehicle and Equipment Charges	157,654.00
590-540.100-977.000	Vehicle and Equipment Charges	157,654.00
	<b>FY24 GRAND TOTAL</b>	<b>\$315,308.00</b>

**IT IS RESOLVED**, that the Proper City Officials, upon City Council's approval, are hereby authorized to approve this purchase in the amount of \$315,308.00.


APPROVED AS TO FORM:

  
 William Kim (Sep 12, 2023 15:10 EDT)  
 William Kim, City Attorney

APPROVED AS TO FINANCE:

  
 Amanda Trujillo (Sep 13, 2023 09:04 EDT)  
 Amanda Trujillo, Acting Chief Financial Officer

FOR THE CITY OF FLINT:

  
 CLYDE D EDWARDS  
 CLYDE D EDWARDS (Sep 14, 2023 10:48 EDT)  
 Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:

APPROVED AS TO PURCHASING:

  
 Lauren Rowley  
 Lauren Rowley, Purchasing Manager



# CITY OF FLINT

## RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: 9/6/23

BID/PROPOSAL#

AGENDA ITEM TITLE: Pickup Truck Purchases

PREPARED BY: Cheri Priest, Utilities - Water Service Center

VENDOR NAME: LaFontaine Automotive Group

### BACKGROUND/SUMMARY OF PROPOSED ACTION:

The Water Service Center requests the purchase of (6) 2023 pickup trucks. Three vehicles each will be assigned to the Sewer and Water Departments. These vehicles will replace 6 older pickup up trucks which will be auctioned, if not repurposed for WSC use, at a later time in compliance with the City's disposal policy. Lafontaine Automotive Group is a pre-qualified dealer evaluated by the State of Michigan Department of Technology, Management & Budget. The Lafontaine contract option was exercised and effective 10/13/2022. This MiDeal Vehicle Purchasing Program evaluated participating vendors based on experience, qualifications, service & delivery to ensure fair pricing and quality contracts. See attached specifications for details.

FINANCIAL IMPLICATIONS: None

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

Dept.	Name of Account	Account Number	Grant Code	Amount
2496	Equipment	590-540.100-977.000	N/A	157,654.00
2493	Equipment	591-540.100-977.000	N/A	157,654.00
FY24 GRAND TOTAL				\$315,308.00

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO: 24-00007760

ACCOUNTING APPROVAL: Cheri Priest Date: 09/12/2023  
Cheri Priest (Sep 12, 2023 09:23 EDT)

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒

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

FLEET SIGNATURE:

Aaron Cottrell, Fleet Administrator

DEPARTMENT HEAD SIGNATURE:

Entrice Mitchell, Sewer Systems Supervisor

**LaFontaine Automotive Group**  
**4000 W Highland Rd**  
**Highland, MI 48357**  
**248-714-1071-Office**  
**517-795-9834-Cell**  
[kmartin@lafontaine.com](mailto:kmartin@lafontaine.com)

## QUOTATION

Name: City Of Flint (For Water Department)  
Address: 702 W 12th Street  
City: Flint State: MI Zip: 48503  
Contact: Aaron Cottrell  
Phone: 810-766-7499 Ext 2811  
Email: [acottrell@cityofflint.com](mailto:acottrell@cityofflint.com)

**Date:** 7/20/2023

Quote: 72023-1

[illegible]

Signed: Kim Martin

[kmartin@lafontaine.com](mailto:kmartin@lafontaine.com)

Signed: Kim Martin



RESOLUTION NO.: \_\_\_\_\_

PRESENTED: SEP 20 2023

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

**RESOLUTION TO DLZ FOR ENGINEERING SERVICES TO CEDAR  
STREET RESERVOIR AND PUMP STATION REHABILITATION**

**BY THE CITY ADMINISTRATOR**

**WHEREAS**, DLZ was selected for engineering services for the Cedar Street reservoir and pump station as requested by the Water Plant; and

**WHEREAS**, Funding for said services will come from the EGLE American Rescue Plan-State Revolving Fund Grant from the following account: 496-536.702-802.058; and

**IT RESOLVED**, that the appropriate City Officials do all things necessary to authorize a purchase order to DLZ for engineering services to Cedar Street reservoir and pump station rehabilitation in an amount not to exceed 835,700.00 (EGLE American Rescue Plan- State Revolving Fund Grant) Funds from account 496-536.702-802.058

**APPROVED AS TO FORM:**

*William Kim*  
William Kim (Sep 6, 2023 11:49 EDT)

**William Kim, Chief Legal Officer**

**APPROVED AS TO FINANCE:**

*Amanda Trujillo*  
Amanda Trujillo (Sep 6, 2023 12:02 EDT)

**Finance**

**FOR THE CITY OF FLINT:**

*CLYDE D EDWARDS*  
CLYDE D EDWARDS (Sep 7, 2023 1:4:57 EDT)

**Clyde Edwards, City Administrator**

**APPROVED BY CITY COUNCIL:**

\_\_\_\_\_



## CITY OF FLINT

### RESOLUTION STAFF REVIEW FORM

**TODAY'S DATE:** August 30, 2023

**BID/PROPOSAL#**

**AGENDA ITEM TITLE:** Resolution To DLZ For Engineering Services Cedar Street Reservoir and Pump Station Rehabilitation

**PREPARED BY:** Yolanda Gray, Department of Public Works -Utilities

**VENDOR NAME:** DLZ

**BACKGROUND/SUMMARY OF PROPOSED ACTION:**

DLZ was selected to render engineering services for the Cedar Street reservoir and pump station rehabilitation with funding coming from the EGLE American Rescue Plan – State Revolving Fund Grant in an amount not to exceed \$835,700.00 account 496-536.702-802.058.

**FINANCIAL IMPLICATIONS:**

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

Dept.	Name of Account	Account Number	Grant Code	Amount
496	Cedar Street Rehab	496-536.702-802.058	SARP	\$835,700.000
		<b>FY24 GRAND TOTAL</b>		<b>\$835,700.00</b>

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

**ACCOUNTING APPROVAL:** Yolanda Gray **Date:** 8-30-23

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

**DEPARTMENT HEAD SIGNATURE:** Scott Duggan 8-30-23  
(PLEASE TYPE NAME, TITLE)



INNOVATIVE IDEAS  
EXCEPTIONAL DESIGN  
UNMATCHED CLIENT SERVICE

the City of Flint  
Design Survey PG & Revision CE Services Proposal  
August 11, 2013  
Page 2 of 7

- C. Professional Structural Engineering
- D. Registered Architecture
- E. Professional Electrical Engineering through DSD as a subconsultant
- F. Professional Surveying
- G. Computer Aided Drafting Technicians

#### RESPONSIBILITIES OF THE CITY

- The CITY will provide access to the site during all normal construction activity periods and on special request to assist in construction inspection and administration.
- The CITY will provide support in progress meeting and program coordination to ensure DLZ and the contractors are meeting the CITY's needs.

#### Additional Services

The following items are not included within the Scope of Services and shall be considered as Additional Services (if required, Additional Services may be provided and negotiated separately):

- Any redesigns of the current bid documents. Minor changes and field coordination will be included in this proposal, but scope changes to include additional elements not included in the original design may require a contract amendment.
- Site staking.
- Environmental Analysis/ Hazardous Material Testing and Abatement
- Material testing. Material testing is the responsibility of each contractor.

#### STANDARD TERMS AND CONDITIONS

The Standard Terms and Conditions, as set forth as attached Exhibit A, are incorporated here into and made a part of this Work Order Proposal. The Client referred to in the Standard Terms and Conditions means the City of Flint.

#### PROFESSIONAL FEE

For services described in the **SCOPE OF SERVICES**, DLZ proposes to charge, and the CITY agrees to pay Lump Sum Fee of \$835,700.00 for professional construction engineering services.

If you approve and accept this Proposal, please sign, date, and return one copy of this Proposal for our records. Should you prefer to issue a Purchase Order as your official acceptance, we request that you reference this Proposal in your paperwork.

DLZ appreciates the opportunity to submit this Letter Agreement for professional services. This offer will remain open for acceptance for 60 days. If for any reason you should have questions, please do not hesitate to call Brian Bachler, P.E. at (248) 836-4068.

Sincerely,  
DLZ MICHIGAN, INC.

Manoj Sethi, P.E.  
President

Attachments:  
Exhibit A: Standard Terms and Conditions

#### Approved and Accepted

Signature

Printed Name

Title

Date





INNOVATIVE IDEAS  
EXCEPTIONAL DESIGN  
UNMATCHED CLIENT SERVICE

August 11, 2023

Mr. Clyde Edwards, City Administrator  
City of Flint  
1101 S. Saginaw St.  
Flint, MI 48502

**Re: Proposal for Cedar Street Pump Station & Reservoir Rehabilitation – Construction Engineering Services**

Dear Mr. Edwards:

DLZ Michigan, Inc. (DLZ) is pleased to submit this proposal to the City of Flint (CITY) to perform professional engineering services for construction administration of the Cedar Street Pump Station & Reservoir Rehabilitation projects.

#### BACKGROUND

Both the Cedar Street Pump Station Rehabilitation project and the Cedar Street Reservoir Rehabilitation project have been awarded to contractors for construction to being late August/early September. DLZ completed the engineering and architectural designs, coordinated with state agencies for permits and DWSRF funding, and assisted in bidding for both projects. Professional construction engineering services will include contract administration and inspection for both projects from initiation through final completion.

#### SCOPE OF SERVICES

- DLZ will perform full time on-site construction inspection for both the reservoir and pump station. There will be an individual for each project conducting inspections.
- DLZ will document construction activities daily and provide those reports to the CITY.
- DLZ will review all submittals for materials and equipment per the contract specifications.
- DLZ will review and approve all pay applications and submit a recommendation to the CITY for processing.
- DLZ will coordinate field issues and respond to requests for information and change order request submittals.
- DLZ will coordinate progress meetings on a regular basis as agreed upon with the CITY. Special field meetings will also be held on an as-needed basis.
- DLZ will provide final survey after construction has finished and provide as-built drawings for the CITY records.

#### MATTERS OF UNDERSTANDING

- It is DLZ's understanding that the CITY wishes to have full time construction inspection and construction administration services for the Cedar Street Reservoir Rehabilitation and the Cedar Street Pump Station Rehabilitation projects.
- DLZ will follow all applicable local and federal laws while conducting official professional services on behalf of the CITY.
- DLZ will provide confined space entry equipment and training for our personnel in relation to the reservoir rehabilitation project. Equipment will include fall arrest harnesses and air monitors.
- Truck and equipment fees for inspection and survey are included in this proposal.
- The construction contract for the reservoir will run from late August 2023 through March 18, 2024 and the pump station contract will run from late August 2023 through August 15, 2024. Extensions beyond these contractual dates may require a contract amendment to extend construction engineering services.
- DLZ's proposal includes the following professional services:
  - A. Inspection
  - B. Professional Civil Engineering

4494 Elizabeth Lake Rd, Waterford Township, MI 48328 | OFFICE 248.681.7800 | ONLINE WWW.DLZ.COM

Alton Bellefontaine Bridgeville Burns Harbor Chicago Cincinnati Cleveland Columbus Detroit Fort Wayne Grand Rapids Indianapolis  
Jacksonville Jobst Kalamazoo Knoxville Lansing Lexington Logan Madison Muncie Natick Norwalk Norwalk Munster Muskegon Port Huron  
Saint Joseph San Jose South Bend Waterford

230276

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

**An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 6, ALCOHOLIC LIQUOR SALES.**

**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 6, ALCOHOLIC LIQUOR SALES, Article 1, IN GENERAL, Section 6-6, CONSUMPTION IN PUBLIC PROHIBITED; POSSESSION OR CONSUMPTION IN PUBLIC PARK OR PARKWAY PROHIBITED; EXCEPTION, by providing numbering for paragraphs 6-6(1) and 6-6(2) and adding paragraph 6-6(3). which shall read in its entirety as follows:**

**§ 6-6 CONSUMPTION IN PUBLIC PROHIBITED; POSSESSION OR CONSUMPTION IN PUBLIC PARK OR PARKWAY PROHIBITED; EXCEPTION.**

**(1) No alcoholic liquors or beer shall be consumed on the public streets, parks or in any other public places, including any store or establishment doing business with the public not licensed to sell alcoholic liquor or beer therein.**

**(2) No person shall have in his possession or under his or her control, any alcoholic liquor or beer upon or within any public park or parkway; provided, that such possession and consumption of alcoholic liquor or beer may be permitted within buildings or structures under the jurisdiction of the Department of Parks and Recreation where not otherwise prohibited by law, upon the securing of permission from the Director of the Department of Parks and Recreation.**

**(3) The provisions of this section shall not apply to the operation of a commercial quadricycle and/or a passenger travelling thereon, as permitted under sections 28-164 to 28-175 of the Flint City Code of Ordinances.**

**Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2023, A.D.**

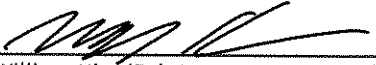
**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023, A.D.**

**FOR THE CITY:**

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

\_\_\_\_\_  
**Approved by City Council**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William Kim (Feb 21, 2023 15:42 EST)

**William Kim, City Attorney**

**ORDINANCE NO. \_\_\_\_\_****An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC****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 28, MOTOR VEHICLES AND TRAFFIC, Article 1, IN GENERAL, Section 28-28.6, ADOPTION OF STATE LAW COVERING POSSESSION OF ALCOHOL IN PASSENGER VEHICLE, by the addition of paragraph 28-28.6(b)(5), which shall read in its entirety as follows:**

**§ 28-28.6 ADOPTION OF STATE LAW COVERING POSSESSION OF ALCOHOL IN PASSENGER COMPARTMENT OF A MOTOR VEHICLE.**

(a) Section 624a of the Michigan Vehicle Code, covering possession of open alcohol in a passenger compartment, as adopted and promulgated by the State of Michigan as Public Act 98 of the Michigan Public Acts of 1991, and as from time to time amended by the State of Michigan (being MCLA §§ 257.624a et seq.; MSA §§ 9.2324(1) et seq.), is hereby adopted by reference by the Flint City Council and placed on file with the City Clerk.

(b) This section shall read as follows:

(1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this State.

(2) Exceptions. A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this State, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(3) Violation as misdemeanor. A person who violates this section is guilty of a misdemeanor.

(4) Chartered vehicle exception. This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation.

**(5) Commercial Quadricycle exception. This section does not apply to the operation of a commercial quadricycle and/or a passenger travelling thereon, as permitted under sections 28-164 to 28-175 of the Flint City Code of Ordinances.**

Sec. 2. This Ordinance shall become effective this \_\_\_\_ day of \_\_\_\_, 2023, A.D.


Adopted this \_\_\_\_ day of \_\_\_\_, 2023, A.D.

FOR THE CITY:

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

\_\_\_\_\_  
Approved by City Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William Kim (Feb 21, 2023 15:42 EST)

\_\_\_\_\_  
William Kim, City Attorney

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

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC.

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 28, MOTOR VEHICLES AND TRAFFIC, Article XIV, MOTORCYCLES, BICYCLES AND THE LIKE, Division 1, BICYCLES, by amending and renaming sections 28-164 through 28-174, which shall read in their entirety as follows:

## DIVISION 1. BICYCLES

~~§ 28-164 "BICYCLE" DEFINED.~~

~~BICYCLE. A device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter.~~

~~§ 28-165 COMPLIANCE.~~

~~All person using bicycles shall conform to the general rules as set forth in this ordinance.~~

~~§ 28-166 REGISTRATION; TRANSFER OF OWNERSHIP.~~

~~(a) No person shall operate a bicycle upon any street, alley, or public place of this City unless such bicycle is registered as hereinafter provided and properly displays a decalcomania print; provided, however, that a nonresident temporarily in the City may secure from the Chief of Police a permit to use a bicycle for a period not exceeding seven (7) days.~~

~~(b) Bicycle registration certificates shall be issued by the Chief of Police but only after ascertaining that the bicycle desired to be registered is in good mechanical condition and carries the equipment required under this ordinance. The fee for such registration shall be as specified in Chapter 26 of this Code.~~

~~(c) The application of registration hereunder shall be on a form furnished by the Chief of Police. Said application shall be in triplicate and when signed by the Chief of Police shall constitute a certificate of registration, one copy of which shall be given to and retained by the applicant. The Chief of Police shall also furnish a decalcomania print which shall be securely attached to the bicycle to a conspicuous place on the frame. The decalcomania must be displayed on the registered bicycle at all times, and shall not be used on, or transferred to any other bicycle than that for which it was issued.~~

~~(d) Any person who sells or transfers ownership to any bicycle shall report such sale or transfer by returning to the Chief of Police the registration card issued therefor, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made~~

~~within five days from the date of the sale or transfer. It shall be the duty of the purchaser or transferee to apply for transfer or registration thereof within seven (7) days after the sale or transfer. The transfer of registration shall bear a fee as specified in Chapter 26 of this Code and be upon the condition that the bicycle is in good mechanical condition and carries equipment required under this ordinance.~~

~~(e) No person shall willfully or maliciously remove, destroy, mutilate or alter the frame number or manufacturer's serial number, or the decalcomania print issued under this article.~~

~~(f) Duplicate decalcomania print shall be issued by the Chief of Police in event the decalcomania print is lost, defaced or destroyed, upon the payment of the sum of \$0.25.~~

~~(g) In event any bicycle does not possess a trade number of manufacturer's serial number, the Chief of Police may stamp an identifying frame number thereon.~~

#### ~~§ 28-166.1 BICYCLES TO BE PERMANENTLY IDENTIFIED UPON SALE.~~

~~Retail merchants of bicycles are hereby required to affix to each such bicycle sold, the driver's license number, social security number, or other proper identification number of the purchaser of such bicycle with a permanent stencil, stamp, or other method approved by the Chief of Police.~~

#### ~~§ 28-167 LIGHTS AND REFLECTORS REQUIRED.~~

~~Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which will emit a white light visible from a distance of 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.~~

#### ~~§ 28-168 WARNING DEVICES REQUIRED; USE OF SIRENS OR WHISTLES PROHIBITED.~~

~~No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except that such vehicle shall not be equipped with nor shall any person use upon such vehicles any sirens or whistle.~~

#### ~~§ 28-169 BRAKES REQUIRED.~~

~~Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.~~

#### ~~§ 28-170 CARRYING PACKAGES.~~

~~No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping both hands upon the handlebars of the vehicle.~~

#### ~~§ 28-171 RIDING ON SIDEWALKS PROHIBITED; EXCEPTION.~~

~~No person shall ride any bicycle upon any sidewalks in the City of Flint, except on sidewalks located in residential districts of the said City of Flint; provided that no person shall ride upon any sidewalk or be permitted to do so at a rate of speed exceeding ten miles per hour; further, that such vehicle shall be operated along the right side of the street or sidewalk.~~

~~§ 28-172 TO BE RIDDEN WITH HANDS ON HANDLEBARS; MORE THAN ONE PERSON RIDING PROHIBITED; EXCEPTION.~~

~~It shall be unlawful for persons to ride bicycles in the streets, highways, public places or on sidewalks without having their hands on the handlebars, or for two or more persons to ride on any such vehicles; provided, that two or more persons may ride on a tandem bicycle which is hereby defined to be a bicycle originally manufactured for the purpose of being ridden or operated by two or more persons.~~

~~§ 28-173 IMPOUNDMENT OF ABANDONED OR STOLEN BICYCLES.~~

~~Any unregistered bicycle which appears to be abandoned by the owner or is recovered by the police after being stolen, shall be removed by any member of the Police Department to a place in the City to be designated by the Chief of Police. Any person owning or entitled to possession of such bicycle so removed may thereafter obtain possession thereof by paying the Police Department a fee which shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code, and registering the bicycle as provided in this division. It shall be the duty of any Police Department member collecting any such fee to issue a receipt therefor in duplicate, stating the make and serial number, if any, of the bicycle, together with the name of the owner or person entitled to possession thereof, one of which shall be handed to the person paying the same, and the other shall be filed in the office of the Chief of Police, and within 48 hours thereafter, the Chief of Police shall pay to the City Treasurer the amount so collected, taking the Treasurer's receipt therefor and filing the same in the office of the Chief of Police.~~

~~§ 28-174 RIDING ON PERMANENT SEATS.~~

~~A person propelling a bicycle or operating a motorcycle or motor-driven cycle shall not ride other than upon and astride a permanent and regular seat attached thereto.~~

**DIVISION 1. COMMERCIAL QUADRICYCLES**

**§ 28-164 DEFINITIONS**

**For purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:**

***Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented or any other designation, which contains one-half of one percent or more of alcohol by volume, are fit for use as a beverage, and are defined and classified by the Michigan Liquor Control Commission according to**

alcoholic content as being beer, wine, spirits, alcohol, sacramental wine, brandy, mixed wine drink, or mixed spirit drink.

***Chief of Police*** means the Chief of the Flint Police Department.

***City*** means the City of Flint, Michigan.

***Commercial quadricycle*** means a vehicle as defined in Section 7b of the Michigan Vehicle Code, being MCL 257.7b, and which satisfies all of the following:

- (a) The vehicle that has fully operative pedals for propulsion entirely by human power;
- (b) The vehicle that has at least four wheels and is operated in a manner similar to a bicycle;
- (c) The vehicle that has at least six seats for passengers;
- (d) The vehicle is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power;
- (e) The vehicle is used for commercial purposes; and
- (f) The vehicle is operated by the owner of the vehicle or an employee of the owner of the vehicle.

***Controlled substance*** means any drug, immediate precursor or substance, by whatever official, common, usual, chemical, or trade name known, that is delineated in Schedules 1 through 5 of Part 72 of the Michigan Public Health Code, Public Act 368 of 1978, being MCL 333.7201 through MCL 333.7231.

***Director*** means the Department Director assigned to implement this ordinance by the City Administrator.

***Drug*** means:

- (a) A substance that is recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or
- (b) A substance that is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals; or
- (c) A substance, other than food, that is intended to affect the structure or function of the body of human beings or animals; or



(d) A substance that is intended for use as a component of any substance specified within this definition.

***Operator*** means an individual who actually physically controls, or is responsible for the actual physical control of, any vehicle regulated by this article.

***Owner*** means an individual, person, partnership, corporation, association, sole proprietorship, limited-liability company, joint venture, estate, trust, organization, or any other legal entity engaged in the business of transporting passengers for hire by means of one or more vehicles regulated by this article.

#### **§ 28-165 AUTHORITY TO OPERATE**

The operation of commercial quadricycles in the City is permitted in accordance with the provisions of this division. The provisions of this division are authorized by and adopted pursuant to Sections 7b, 33, 518a, 624a, 625p, 657, 660 662, 901 and 907 of the Michigan Vehicle Code, being MCL 257.7b, 257.33, 257.518a, 257.624a, 257.625p, 257.657, 257.660, 257.662, 257.901 and 257.907.

#### **§ 28-166 LOCATION OF OPERATIONS**

(1) The Director and the Chief of Police shall, by rule, jointly designate and approve the geographic locations and/or public right-of-ways in the City where licensed commercial quadricycles may operate. The geographic locations and/or public right-of-ways may be altered from time as determined by the Director and the Chief of Police. No Owner and/or Operator shall acquire any right to operate a commercial quadricycle in a particular geographic location and/or public right-of-way in the City.

(2) It shall be unlawful for any person to operate a commercial quadricycle at a location or on a public right-of-way in the City which location or public right-of-way has not been designated and approved in accordance with this section. Any person who violates this section shall be a guilty of a misdemeanor punishable by not more than 90 days in jail or a \$500.00 fine, or both.

#### **§ 28-167 HOURS OF OPERATION**

Licensed commercial quadricycles shall only be operated in the City between the hours of 9:00 a.m. and 11:00 p.m.

Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

#### **§ 28-168 SUSPENSION OF OPERATIONS**

The Chief of Police shall have the authority to temporarily suspend the operation of any and all commercial quadricycles in the City whenever he or she determines that the conditions for the operation of a commercial quadricycle are unsuitable or unsafe. Any person who violates this

section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

#### **§ 28-169 COMPLIANCE WITH TRAFFIC LAWS AND SAFETY REQUIREMENTS**

**(1) The operation of a commercial quadricycle in the City shall comply with all traffic laws of the State of Michigan and the Flint City Code of Ordinances. In addition:**

**(A) No commercial quadricycle shall be operated at a speed more than 25 miles per hour;**

**(B) No commercial quadricycle shall be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street;**

**(C) No commercial quadricycle shall be operated on a sidewalk constructed for the use of pedestrians;**

**(D) All commercial quadricycles shall be capable of coming to a complete and controlled stop;**

**(E) All commercial quadricycles shall be equipped with a front lamp that emits a white light visible from a distance of at least 500 feet to the front and a rear lamp that emits a red light visible from distance of 500 feet to the rear; and**

**(F) All commercial quadricycles shall be maintained in a good state of repair, free from defects, both inside and outside, so as to not to injure any passengers or damage their clothing or possessions. The exterior of a commercial quadricycle shall be reasonably clean and free from cracks, breaks, and major dents.**

**(2) Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.**

#### **§ 28-170 OPERATORS**

**(1) The Operator of a commercial quadricycle shall:**

**(A) Possess a valid Michigan Driver's License;**

**(B) Operate the commercial quadricycle in a safe and prudent manner;**

**(C) Keep the interior of the commercial quadricycle clean;**

**(D) Report all accidents involving the commercial quadricycle as required by the traffic laws of the State of Michigan and the Flint City Code of Ordinances;**

**(E) Conspicuously post his or her current Quadricycle License in a protective frame attached to the commercial quadricycle;**

**(F) Be properly attired with a shirt, pants, skirt or shorts, and secure footwear.**

**(2) The Operator of a commercial quadricycle shall not:**

**(A) Transport passengers without a reservation arranged by phone or online;**

**(B) Promote or recommend transportation to any person or entity operating in violation of law;**

**(C) Sell, or offer for sale, articles of merchandise or literature to passengers while the quadricycle is in motion;**

**(D) After leaving the starting point, receive additional passengers;**

**(E) Except in an emergency, abandon the commercial quadricycle;**

**(F) Operate the commercial quadricycle while under the influence of alcoholic liquor, a controlled substance, and/or an illegal drug, or while his or her ability to operate the commercial quadricycle has been impaired by alcoholic liquor, a controlled substance, and/or an illegal drug;**

**(G) Stop to load or unload passengers in the intersections of any street or crosswalk, or in any unsafe location;**

**(H) Load or unload passengers in any manner that will impede or interfere with the orderly flow of traffic on the streets;**

**(I) Permit a passenger to possess or transport alcoholic liquor other than beer, wine, spirits or a mixed spirits drink;**

**(J) Permit a passenger to possess or transport alcoholic liquor that was purchased from a commercial establishment after the start of the trip; and/or**

**(K) Permit a passenger to engage in disorderly conduct.**

**(3) Any person who violates (2)(F) of this section shall be a guilty of a misdemeanor punishable by not more than 93 days in jail or a \$500.00 fine, or both, and licensing sanctions as provided by MCL 257.625.**

**(3) Any person who violates any other provision of this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.**

## **§ 28-171 PASSENGERS**

**(1) A passenger on a commercial quadricycle shall not:**

**(A) Possess or transport alcoholic liquor on a commercial quadricycle other than beer, wine, spirits, or a mixed spirits drink;**

**(B) Possess or transport alcoholic liquor on a commercial quadricycle that was purchased from a commercial establishment after the start of the trip; and/or**

**(C) Engage in disorderly conduct.**

**(2) Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.**

## **§ 28-172 LICENSE REQUIRED**

**(1) A Quadricycle License shall be required to operate a commercial quadricycle in the City.**

**(2) One Quadricycle License shall be required for each commercial quadricycle.**

**(3) The Director shall promulgate rules and regulations to obtain a license and enforce the licensing requirement in accordance with the Charter of the City of Flint, and shall administer all licensing activity.**

**(2) The fees for licensure or other activity under this Division of the Code shall be set from time to time by Council resolution. The fee shall be non-refundable and must be paid in full prior to issuance of the license.**

**(3) The Quadricycle License shall specify the total number of passengers that may be transported on the commercial quadricycle.**

**(4) A Quadricycle License issued under this Division may be suspended or revoked at any time by the Director, and the Director shall not issue a Quadricycle License under this section, for any 1 or more of the following reasons:**

**(a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.**

**(b) Failing to meet the minimum requirements for licensure under this Division of the Code or any regulations promulgated under this Division of the Code.**

**(c) Multiple violations of any provision of this Division of the Code or any regulation promulgated under this Division of the Code.**

**(d) Any condition which, had it been known or had it occurred prior to licensure, would have justified denial of licensure.**

**(e) Failing to pay any fee or monies due to the City of Flint.**

**(5) It shall be unlawful to operate or permit another person to operate a commercial quadricycle in the City unless the Owner of the commercial quadricycle has obtained a license to operate the commercial quadricycle from the Director. Any who person who violates this section shall be a guilty of a misdemeanor punishable by not more than 90 days in jail or a \$500.00 fine, or both.**

**(6) A Quadricycle License shall expire one year after issuance. The Director shall, by rule, create procedures for renewal of licensure. A Quadricycle License may not be transferred.**

**(7) The Director shall have the authority to promulgate rules and regulations to effectuate the provisions of this section. The Director may, by rule, establish a reasonable limit on the total number of licenses to operate a commercial quadricycle that may be issued in the City.**

#### **§ 28-172 MINIMUM REQUIREMENTS**

**(1) The requirements for obtaining a license to operate a commercial quadricycle in the City shall be promulgated by the Director, and shall include, at a minimum:**

**(A) The name and business address of the applicant;**

**(B) Written proof that the applicant is the owner of the commercial quadricycle;**

**(C) If the applicant is a corporation or other business entity, a certificate of the entity's good corporate standing;**

**(D) If the applicant is a corporation or other business entity, the name and address of the entity's registered agent;**

**(E) The names and addresses of all persons who will operate the commercial quadricycle;**

**(H) Written proof that all persons who will operate the commercial quadricycle have received commercial training in identifying the signs of intoxication and alcohol management; and**

**(I) Written proof that the applicant meets the insurance requirements for operating a commercial quadricycle as established under §28-173 of this ordinance, and that the required insurance is in full force and effect as of the time the license to operate the quadricycle will be issued.**

**(2) The Director shall have the authority to promulgate rules and regulations creating additional minimum requirements or otherwise effectuating this section, as may be necessary to ensure the health, welfare, and safety of the quadricycle licensees, operators, passengers, and the general public.**

#### **§ 28-173 INSURANCE AND INSPECTIONS**

**(1) The Owner of a commercial quadricycle shall maintain liability insurance for the operation of a commercial quadricycle in the amount of two-million and 00/100 (\$2,000,0000.00), combined single limit, for all bodily injuries and property damages arising from the operation of the commercial quadricycle.**

**(2) The Owner of a commercial quadricycle shall provide the Director with proof of insurance at any time upon request.**

**(3) A commercial quadricycle licensed under this Division of the Code shall be subject to inspection and search, by the Department or any Flint police officer, at any time while operating in the City of Flint.**

**(4) The Director shall have the authority to promulgate rules and regulations to conduct inspections of and regulate the operation of a commercial quadricycle, as may be deemed necessary to ensure the health, welfare, and safety of the quadricycle licensee, operators, passengers, and the general public.**

#### **§ 28-174 DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE**

**(1) If the Director denies, suspends, or revokes a Quadricycle License, the Director shall send written notice of the denial, suspension, or revocation to the applicant or licensee.**

**(2) The applicant or licensee may, within 14 days, request a hearing from the Director or their designee to contest the denial, suspension, or revocation of a Quadricycle license. A request for hearing must be in writing and specify the grounds on which the applicant or licensee is contesting the denial, suspension, or revocation. After reviewing the request for hearing, the Director may conduct a hearing at his or her discretion, or may issue a written determination based on the request for hearing.**

**(3) If the Director's written determination does not reverse the denial, suspension or revocation, or if the Director does not act on a request for hearing within 30 days, the applicant or licensee may, within 14 days of the Director's written determination or failure to act on the request for hearing, petition the Flint City Council to review the action of the Director.**

**(4) If the Flint City Council does not reverse the denial, suspension, or revocation, or if the Flint City Council does not act on a request for hearing within 60 days, the applicant or licensee may appeal to the Circuit Court.**

(5) The Director shall have the authority to promulgate rules and regulations to effectuate this section, as may be deemed necessary to ensure the health, welfare, and safety of the quadricycle licensese, operators, passengers, and the general public.

**§ 28-175 SEVERABILITY**

Should any section, clause or phrase of this ordinance be declared invalid, the same shall not affect the validity of the ordinance as a whole.

Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2023, A.D.

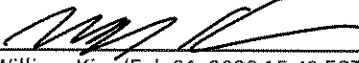
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023, A.D.

**FOR THE CITY:**

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

\_\_\_\_\_  
Approved by City Council

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William Kim (Feb 21, 2023 15:42 EST)

**William Kim, City Attorney**