



City of Flint, Michigan

Summary Meeting Minutes For CITY COUNCIL

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

Kerry L. Nelson, President, Ward 3
Vicki VanBuren, Vice President, Ward 8

Eric Mays, Ward 1 *Jacqueline Poplar, Ward 2*
Kate Fields, Ward 4 *Wantwaz D. Davis, Ward 5*
Herbert J. Winfrey, Ward 6 *Monica Galloway, Ward 7*
Scott Kincaid, Ward 9

Inez M. Brown, City Clerk

Monday, March 13, 2017

6:00 PM

Council Chambers

WEBSITE SUMMARY

170141 Summary Minutes/Flint City Council/Regular Meeting/February 27, 2017

Summary Minutes of the Flint City Council regular meeting held Monday, February 27, 2017, at 6:01 p.m., in the City Council Chambers, 3rd Floor, City Hall.

A motion was made by Councilperson Mays, seconded by Councilperson Kincaid, that this matter be Placed on File. The motion carried by the following vote:

Aye: 7 - Councilperson Mays, Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Absent: 2 - Councilperson Davis and Councilperson Winfrey

170142 Report/The Flint Water Crisis/Michigan Civil Rights Commission (MCRC)

A copy of the Michigan Civil Rights Commission Report, re: The Flint Water Crisis: Systematic Racism Through the Lens of Flint, dated February 17, 2017.

This Matter was Placed on File on the Consent Agenda.

170143 Proof of Service and Miscellaneous Documents/Michigan Tax Tribunal/VW Leasing, LLC v. City of Flint/MTT Docket No. 16-002441

Communication received January 23, 2017, re: Proof of Service (2), Notice of No Action Letter, Request for Time Extension, and Check Copy filed with the Michigan Tax Tribunal by VW Leasing, LLC regarding Parcels No. 30-00-100-009 and 20-00-189-214.

This Matter was Placed on File on the Consent Agenda.

170144 Public Notice/Permit Application/Michigan Department of Environmental Quality (MDEQ)

Communication received February 3, 2017, re: A Public Notice of a permit application by the Genesee County Parks and Recreation Commission concerning the 25-5161 Branch Road, Flint, Steppingstone Falls Bank Stabilization Project.

This Matter was Placed on File on the Consent Agenda.

170145 Public Notice/Karegnondi Water Authority (KWA)

Public Notice received March 10, 2017, re: A Notice of Cancellation for the March 15, 2017 Karegnondi Water Authority (KWA) meeting.

This Matter was Placed on File on the Consent Agenda.

170146 Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closures (5) dated January/February/March 2017, re: (1) W. Boulevard Drive (groundwater/stormwater monitoring and oil sheen removal-Feb. 6th); (2) SB Chavez Drive (building demolition-Feb. 14th); (3) E. Boulevard Drive and James P. Cole Blvd (tree removal-March 13th); (4) Saginaw Street (water pipe replacement-March 10th); and (5) Court Street (gas line replacement-March 13th).

This Matter was Placed on File on the Consent Agenda.

170147 Emergency Purchase/ServPro/William E. Walter/Emergency Cleanup

Communication dated February 24, 2017 (received February 27, 2017), from Derrick F. Jones, Purchasing Manager, to Flint City Council, re: Pursuant to Section 18-21.10 of the Flint City Code, the Purchasing Department is issuing notice to do all things necessary to have ServPro [no address noted] perform emergency cleanup of several City Hall offices, in an amount NOT-TO-EXCEED \$80,502.01, and to have William E. Walter [no address noted] repair a broken water line in City Hall, in an amount NOT-TO-EXCEED \$6,691.58 [Acct. No. 677-174.851-955.000], because the City Administration has declared an emergency due to damages caused by a broken hot water line within City Hall over a weekend, damaging several offices on multiple floors, with the damages sustained by this flooding posing a threat to the health and safety of the general public and City employees.

This Matter was Placed on File on the Consent Agenda.

- 170117 Settlement Agreement/City of Flint/Damage Claim/Kimberly Hicks
- Resolution resolving that the City Administrator hereby authorizes settlement in the damage claim matter of Kimberly Hicks, in the amount of \$12,000.00, in satisfaction of any and all claims arising out of this matter, with payment drawn from appropriated funds in the Damage Claims Acct. No. 677-174.201-956.300. [Administration Submission No. CA3562017.]
- This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.**
- 170118 Settlement Agreement/City of Flint/Damage Claim/Enterprise Holdings/Claim No. 08477638
- Resolution resolving that the City Administrator hereby authorizes settlement in the damage claim matter of Enterprise Holdings, Claim No. 08477638, in the amount of \$15,289.14, in satisfaction of any and all claims arising out of this matter, with payment drawn from appropriated funds in the Damage Claims Acct. No. 677-174.201-956.300. [Administration Submission No. CA3572017.]
- This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.**
- 170119 Settlement Agreement/William Mitchell v City of Flint/Genesee County Circuit Court Case No. 16-106899
- Resolution resolving that the City Administrator hereby authorizes settlement in the litigation matter of William Mitchell v City of Flint, Genesee County Circuit Court Case No. 16-106899, in the amount of \$27,500.00, in satisfaction of any and all claims arising out of said matter, with payment drawn from appropriated funds in Suits & Settlement Acct. No. 677-174.201-956.300. [Administration Submission No. CA3582017.]
- This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.**
- 170121 Contract/Wade Trim, Inc./Design Re-engineering/Battery A Grit Chamber
- Resolution resolving that the proper city officials are hereby authorized to enter into a contract with Wade Trim, Inc. for the design re-engineering of the Battery A Grit Chamber, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$242,000.00 [Sewer Fund Acct. No. 590-550.300-801.000]. [Administration Submission No. CA3602017.]
- This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.**

170131 Contract/Johnson & Anderson/Storm/Wastewater Asset Management Plan

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Johnson & Anderson for a storm/wastewater asset management plan, as requested by Utilities/Water Service Center, in an amount NOT-TO-EXCEED \$1,650,000.00 [Sewer Fund Acct. No. 590-545.300-801.000 SDEQ-13-SAW.] [NOTE: According to the Staff Review, the Michigan Department of Environmental Quality (MDEQ) has awarded the city a Stormwater, Asset Management and Wastewater (SAW) grant in the amount of \$2,000,000.00, of which \$1,650,000.00 is to be used for an asset management plan for the sanitary and storm water collection systems.] [Administration Submission No. CA3612017.]

SEPARATED FROM MASTER RESOLUTION**170132** Contract/Hubbell, Roth & Clark, Inc./Storm/Wastewater Asset Management Plan Development Services

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Hubbell, Roth & Clark, Inc. for storm/wastewater asset management plan development services, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$880,000.00 [Sewer Fund Acct. No. 590-550.300-801.000 SDEQ-13-SAW.] [NOTE: \$350,000.00 will be funded through a grant; the remaining \$130,000.00 and \$400,000.00 will be paid from the city's FY2017 and FY2018 budgets, respectively.] [Administration Submission No. CA3622017.]

SEPARATED FROM MASTER RESOLUTION**170133** Contract/Great Lakes Elevator/East Pump Station Elevator Refurbishment

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Great Lakes Elevator for the refurbishment of the East Pump Station Elevator, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$168,500.00 [Sewer Fund Acct. No. 590-550.300-930.000.] [NOTE: The elevator no longer meets the current code regulations with the State of Michigan and must be fully refurbished before it is considered safe to use. Otherwise it will have to be removed.] [Administration Submission No. CA3632017.]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

170134 Contract/PCS Construction/Painting/South Storage Tank & Lid

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with PCS Construction for painting of the South Storage Tank and Lid, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$97,490.00 [Sewer Fund Acct. No. 590-550.300-930.000 = \$90,900.00 and Acct. No. Acct. No. 590-550.300-977.000 = \$7,000.00.] [Administration Submission No. CA3642017.]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

170135 Contract/LJ Electric, LLC/Installation/South Anaerobic Digesting Sludge Storage Tank Mechanical Equipment

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with LJ Electric, LLC for the installation of the South Anaerobic Digesting Sludge Storage Tank Mechanical Equipment, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$158,000.00 [Sewer Fund Acct. No. 590-550.300-930.000.] [Administration Submission No. CA3652017.]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

170136.1 Amended Resolution/Reallocation Request/Michigan Employee Retirement System/Employer Pension Reserve Assets

Amended resolution resolving that the governing body of the City of Flint, a participating municipality as defined in the Municipal Employees' Retirement Act as recodified by Act No. 427 of the Public Acts of 1984, as amended, and as the employer, hereby requests the Michigan Employee Retirement System (MERS) to reallocate the total market value of assets as of October 1, 2016, as listed in the below chart, AND, be it further resolved that the City acknowledges that the estimated, employer defined benefit contributions at 1/23/17 for FY2017/FY2018, and future funding years are listed in the chart below and are subject to annual actuarial review, valuation and employer contribution change, AND, in the near future (12/31/16) the actuary may issue a qualified annual valuation report if contributions in the near term don't come closer to actual payments being made to retirees, AND, resolving that the City Clerk is hereby directed to send a certified copy of this resolution to MERS-Finance, ATTN: Reallocations, 1134 Municipal Way, Lansing, MI 48917. [NOTE: The City of Flint is a member of MERS. The MERS funding scenario chosen calls for a smoothing of employer contributions among all defined benefit retiree divisions with the exception of the Hybrid pension plan. This action could bring down proposed first-year employer contributions from \$33.7 mill to \$20.6 million. The reallocation involves increasing employer reserve assets in two AFSCME 1600 union groups, one AFSCME 1799 union group, exempt employees and fire. Decreases in employer reserve assets will come from one AFSCME 1600 union group, one AFSCME 1799 union group, two police union groups, two lieutenants & captains union groups and three sergeants union groups.] [NOTE: Resolution amended to say that "the city acknowledges" not "the City Council acknowledges."] [Administration Submission No. CA3662017.]

SEPARATED FROM MASTER RESOLUTION**170148** Amendment/2016-2017 Adopted Budget/Water and Flushing Credit Refund Program

Resolution resolving that the appropriate City Officials are authorized to do all things necessary to amend the 2016-17 adopted budget to include revenue and appropriations for reimbursement from the State of Michigan for expenses paid to Yeo & Yeo for their services in auditing the Water and Flushing Credit Refund Program, in the amount of \$46,982.00 [State Grants-Charges of Services Rendered Acct. No. 101-191.100-539.100 and Professional Services Acct. No. 101-191.100-801.000]. [Administration Submission No. CA3692017]

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

170150 Settlement/Kimberly Telegenhof v. City of Flint/Genesee County Circuit Court Case No. 14-103442

Resolution resolving that the City Administrator authorizes, in the amount of \$75,000.00, in satisfaction of any and all claims arising out of the litigation matter of Kimberly Telegenhof v. City of Flint, et al, Case No. 14-103442, with payment drawn from appropriated funds in Litigation and Suits Line Item No. 677-266.200-956.300. [NOTE: An Executive Session was requested regarding this matter on February 13, 2017.]

A motion was made by Councilperson Mays, seconded by Councilperson Galloway, that this matter be ADOPTED BY THE MASTER RESOLUTION. The motion carried by the following vote:

Aye: 8 - Councilperson Mays, Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Davis, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Absent: 1 - Councilperson Winfrey

170131 Contract/Johnson & Anderson/Storm/Wastewater Asset Management Plan

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Johnson & Anderson for a storm/wastewater asset management plan, as requested by Utilities/Water Service Center, in an amount NOT-TO-EXCEED \$1,650,000.00 [Sewer Fund Acct. No. 590-545.300-801.000 SDEQ-13-SAW.] [NOTE: According to the Staff Review, the Michigan Department of Environmental Quality (MDEQ) has awarded the city a Stormwater, Asset Management and Wastewater (SAW) grant in the amount of \$2,000,000.00, of which \$1,650,000.00 is to be used for an asset management plan for the sanitary and storm water collection systems.] [Administration Submission No. CA3612017.]

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

Aye: 8 - Councilperson Mays, Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Davis, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Absent: 1 - Councilperson Winfrey

170132

Contract/Hubbell, Roth & Clark, Inc./Storm/Wastewater Asset Management Plan Development Services

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Hubbell, Roth & Clark, Inc. for storm/wastewater asset management plan development services, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$880,000.00 [Sewer Fund Acct. No. 590-550.300-801.000 SDEQ-13-SAW.] [NOTE: \$350,000.00 will be funded through a grant; the remaining \$130,000.00 and \$400,000.00 will be paid from the city's FY2017 and FY2018 budgets, respectively.] [Administration Submission No. CA3622017.]

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

Aye: 8 - Councilperson Mays, Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Davis, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Absent: 1 - Councilperson Winfrey

170136.1 Amended Resolution/Reallocation Request/Michigan Employee Retirement System/Employer Pension Reserve Assets

Amended resolution resolving that the governing body of the City of Flint, a participating municipality as defined in the Municipal Employees' Retirement Act as recodified by Act No. 427 of the Public Acts of 1984, as amended, and as the employer, hereby requests the Michigan Employee Retirement System (MERS) to reallocate the total market value of assets as of October 1, 2016, as listed in the below chart, AND, be it further resolved that the City acknowledges that the estimated, employer defined benefit contributions at 1/23/17 for FY2017/FY2018, and future funding years are listed in the chart below and are subject to annual actuarial review, valuation and employer contribution change, AND, in the near future (12/31/16) the actuary may issue a qualified annual valuation report if contributions in the near term don't come closer to actual payments being made to retirees, AND, resolving that the City Clerk is hereby directed to send a certified copy of this resolution to MERS-Finance, ATTN: Reallocations, 1134 Municipal Way, Lansing, MI 48917. [NOTE: The City of Flint is a member of MERS. The MERS funding scenario chosen calls for a smoothing of employer contributions among all defined benefit retiree divisions with the exception of the Hybrid pension plan. This action could bring down proposed first-year employer contributions from \$33.7 mill to \$20.6 million. The reallocation involves increasing employer reserve assets in two AFSCME 1600 union groups, one AFSCME 1799 union group, exempt employees and fire. Decreases in employer reserve assets will come from one AFSCME 1600 union group, one AFSCME 1799 union group, two police union groups, two lieutenants & captains union groups and three sergeants union groups.] [NOTE: Resolution amended to say that "the city acknowledges" not "the City Council acknowledges."] [Administration Submission No. CA3662017.]

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

Aye: 8 - Councilperson Mays, Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Davis, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Absent: 1 - Councilperson Winfrey

170131 Contract/Johnson & Anderson/Storm/Wastewater Asset Management Plan

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Johnson & Anderson for a storm/wastewater asset management plan, as requested by Utilities/Water Service Center, in an amount NOT-TO-EXCEED \$1,650,000.00 [Sewer Fund Acct. No. 590-545.300-801.000 SDEQ-13-SAW.] [NOTE: According to the Staff Review, the Michigan Department of Environmental Quality (MDEQ) has awarded the city a Stormwater, Asset Management and Wastewater (SAW) grant in the amount of \$2,000,000.00, of which \$1,650,000.00 is to be used for an asset management plan for the sanitary and storm water collection systems.] [Administration Submission No. CA3612017.]

Amended

170132 Contract/Hubbell, Roth & Clark, Inc./Storm/Wastewater Asset Management Plan Development Services

Resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Hubbell, Roth & Clark, Inc. for storm/wastewater asset management plan development services, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$880,000.00 [Sewer Fund Acct. No. 590-550.300-801.000 SDEQ-13-SAW.] [NOTE: \$350,000.00 will be funded through a grant; the remaining \$130,000.00 and \$400,000.00 will be paid from the city's FY2017 and FY2018 budgets, respectively.] [Administration Submission No. CA3622017.]

Amended

170131.1 Amended Resolution/Contract/Johnson & Anderson/Storm/Wastewater Asset Management Plan

Amended resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Johnson & Anderson for a storm/wastewater asset management plan, as requested by Utilities/Water Service Center, in an amount NOT-TO-EXCEED \$1,650,000.00 [Sewer Fund Acct. No. 590-545.300-801.000 SDEQ-13-SAW.] [NOTE: The Michigan Department of Environmental Quality (MDEQ) has awarded the city a Stormwater, Asset Management and Wastewater (SAW) grant in the amount of \$2,000,000.00, of which \$1,650,000.00 is to be used for an asset management plan for the sanitary and storm water collection systems.] [NOTE: Resolution amended to add grant information.] [Enter body here.]

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

Aye: 6 - Councilperson Poplar, President Nelson, Councilperson Davis, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Abstain: 1 - Councilperson Mays

Absent: 2 - Councilperson Fields and Councilperson Winfrey

170132.1 Amended Resolution/Contract/Hubbell, Roth & Clark, Inc./Storm/Wastewater Asset Management Plan Development Services

Amended resolution resolving that the proper city officials, upon City Council's approval, are hereby authorized to enter into a contract with Hubbell, Roth & Clark, Inc. for storm/wastewater asset management plan development services, as requested by Utilities/Water Pollution Control, in an amount NOT-TO-EXCEED \$880,000.00 [Sewer Fund Acct. No. 590-550.300-801.000 SDEQ-13-SAW.] [NOTE: \$350,000.00 will be funded through a Stormwater, Asset Management and Wastewater (SAW) grant; the remaining \$130,000.00 and \$400,000.00 will be paid from the city's FY2017 and FY2018 budgets, respectively.] [NOTE: Resolution was amended to include grant information.] [Administration Submission No. CA3622017.]

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

Aye: 6 - Councilperson Poplar, President Nelson, Councilperson Davis, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Abstain: 1 - Councilperson Mays

Absent: 2 - Councilperson Fields and Councilperson Winfrey

170136.1 Amended Resolution/Reallocation Request/Michigan Employee Retirement System/Employer Pension Reserve Assets

Amended resolution resolving that the governing body of the City of Flint, a participating municipality as defined in the Municipal Employees' Retirement Act as recodified by Act No. 427 of the Public Acts of 1984, as amended, and as the employer, hereby requests the Michigan Employee Retirement System (MERS) to reallocate the total market value of assets as of October 1, 2016, as listed in the below chart, AND, be it further resolved that the City acknowledges that the estimated, employer defined benefit contributions at 1/23/17 for FY2017/FY2018, and future funding years are listed in the chart below and are subject to annual actuarial review, valuation and employer contribution change, AND, in the near future (12/31/16) the actuary may issue a qualified annual valuation report if contributions in the near term don't come closer to actual payments being made to retirees, AND, resolving that the City Clerk is hereby directed to send a certified copy of this resolution to MERS-Finance, ATTN: Reallocations, 1134 Municipal Way, Lansing, MI 48917. [NOTE: The City of Flint is a member of MERS. The MERS funding scenario chosen calls for a smoothing of employer contributions among all defined benefit retiree divisions with the exception of the Hybrid pension plan. This action could bring down proposed first-year employer contributions from \$33.7 mill to \$20.6 million. The reallocation involves increasing employer reserve assets in two AFSCME 1600 union groups, one AFSCME 1799 union group, exempt employees and fire. Decreases in employer reserve assets will come from one AFSCME 1600 union group, one AFSCME 1799 union group, two police union groups, two lieutenants & captains union groups and three sergeants union groups.] [NOTE: Resolution amended to say that "the city acknowledges" not "the City Council acknowledges."] [Administration Submission No. CA3662017.]

A motion was made by Councilperson Kincaid, seconded by Vice President VanBuren, that this matter be Adopted. The motion carried by the following vote:

Aye: 7 - Councilperson Mays, Councilperson Poplar, President Nelson, Councilperson Davis, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

Absent: 2 - Councilperson Fields and Councilperson Winfrey