

# **City of Flint, Michigan**

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



## **Meeting Minutes 2 - Final**

**Monday, September 11, 2017**

**6:39 PM**

**WEBSITE**

**Council Chambers**

**CITY COUNCIL**

*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*

## ROLL CALL

**Present:** Councilperson: Councilperson Mays, Councilperson Poplar, Nelson, Councilperson Fields, Councilperson Davis, Councilperson Winfrey, Councilperson Galloway, VanBuren and Councilperson Kincaid

## APPOINTMENTS

*None*

## LICENSES

*None*

## RESOLUTIONS

**170467** Consumers Energy Company/Amendment/Generator Interconnection and Operating Agreement

Resolution resolving that City Officials are authorized to amend the Interconnection and Operating Agreement between Consumers Energy Company, Bioworks Energy LLC, and the City of Flint, to interconnect their respective equipment and electrical gear, and allow the City to draw power from both the Bioworks Energy generator and the normal Consumers equipment, with each of the three entities responsible for their equipment - except as delineated in the Interconnection Agreement - with the generators' combined design capacity nameplate rating not-to-exceed 550 kilowatts, unless the Agreement is further modified, as requested by Utilities. [NOTE: On May 19, 2015, the City of Flint entered into a contract with Bioworks Energy LLC (formerly known as SBI International) and Consumers Energy Company to allow Bioworks to operate an electrical generator at the City Water Pollution Control (WPC) plant. Consumers Energy owns and operates the electrical facilities and appurtenances in the State of Michigan, which supply power to the WPC plant.] [Administration Submission No. CA5092017]

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

**170468** CO#2/Contract/Standard Life Insurance Company/Employee Life Insurance Coverage

Resolution resolving that the proper City Officials are authorized to enter into change order no. 2 to the contract with Standard Life Insurances Company for employee life and short-term disability insurance, in an amount NOT-TO-EXCEED \$154,830.00 during FY2018, as requested by Human Resources [Fringe Benefit Fund Acct. No. 627-853.300-717.000]. [NOTE: On January 23, 2017, City Officials were authorized to enter into change order no. 1 with Standard for additional funding of life and short-term disability insurance as a result of an increase in the City's staffing levels (in an amount of \$41,400.00 and a total contractual amount of \$454,320.00). The original resolution that precipitated the aforementioned change order was formally

adopted on February 8, 2016, but did not provide the appropriate funding language that would allow payments in an amount NOT-TO-EXCEED \$154,830.00 during FY18 on the contract that expires March 18, 2018.] [Administration Submission No. CA5102017]

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

170469

First Supplement/Karegnondi Water Authority Financing Contract

Resolution resolving that: (1) the First Supplement [to the Karegnondi Water Authority Financing Contract] is hereby approved in substantially the form attached as Exhibit A. The Mayor and the City Clerk are authorized and directed to execute and deliver the First Supplement on behalf of the City. The First Supplement shall become effective immediately upon execution and delivery thereof by the City, the County and the Authority, AND, (2) the City hereby approves of the issuance of the Series 2017 Bonds by the Authority, under and pursuant to the terms of the Financing Contract, as supplemented by the First Supplement, in one or more series, in the aggregate principal amount of NOT-TO-EXCEED \$79,000,000.00, for the purposes of paying the costs of completing the acquisition, construction and equipping of the System, refunding the outstanding Series 2016 Bonds, and paying the costs of issuing and securing the Series 2017 Bonds, all as set forth in the First Supplement and, unless otherwise determined by the Mayor to be in the best interest of the City, bearing interest at a rate not exceeding eight percent (8%) per annum, having a final maturity date of not later than November 1, 2045, the principal of which is not subject to acceleration prior to the maturity, and having approximately level annual debt service with a deviation of not more than \$250,000 per year with the Mayor's determination being evidenced by the Mayor's execution and delivery of the First Supplement. The Series 2017 Bonds shall be issued in anticipation of; and shall be secured by, the contractual obligations of the City and the County as set forth in the Financing Contract. Pursuant to the Financing Contract, the City has pledged its limited tax full faith and credit for the prompt and timely payment of its obligations under the Financing Contract, AND, (3) the City hereby authorizes the Authority to prepare and circulate a Preliminary Official Statement and a final Official Statement in connection with the sale of the Series 2017 Bonds. The Mayor and the City Administrator (each an "Authorized Officer") are each hereby authorized to prepare, approve and distribute information describing the City to be used by the Authority in connection with the preparation and distribution by the Authority of the Preliminary Official Statement and the Official Statement, and to deem such information final for the purpose of enabling the purchaser of the Series 2017 Bonds to comply with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission. Each Authorized Officer is authorized, if applicable, to execute the final Official Statement on behalf of the City, AND, (4) if required in connection with the sale and delivery of the Series 2017 Bonds, the City agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Series 2017 Bonds in accordance with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, and each Authorized Officer is hereby authorized to execute such undertaking on behalf of the City prior to delivery of the Series 2017 Bonds, AND, (5) the City shall, to the extent permitted by law,

take all actions within its control necessary to maintain the exclusion of interest on the Series 2017 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, AND, (6) the Mayor, City Administrator and City Clerk are each individually authorized to complete, execute and file any and all applications or requests for waivers with the Michigan Department of Treasury necessary to effectuate the sale and delivery of the Series 2017 Bonds as contemplated by this resolution and the First Supplement, including, if necessary, an Application for State Treasurer's Approval to Issue Long-Term Securities, in such form as shall be approved by any of such officers, and to pay any and all necessary application or filing fees in connection therewith. The Mayor, City Administrator and City Clerk are each individually authorized to take all other actions, and to execute and deliver such other documents and certificates on behalf of the City, as may be necessary in connection with issuance, sale and delivery of the Series 2017 Bonds, AND, (7) the City has been advised that the Authority has retained Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") as its bond counsel in connection with the issuance of the Series 2017 Bonds and the City hereby consents to the representation of the Authority by Miller Canfield. [NOTE: In accordance with the provisions of Act 233, the Karegnondi Water Authority, the City of Flint and the County of Genesee entered a Karegnondi Water Authority Financing Contract, dated as of August 1, 2013, whereby the Authority agreed to acquire, construct and equip a water supply system to provide untreated water to the City and the County. Pursuant to the Financing Contract, the Authority has previously issued its Water Supply System Bonds (Karegnondi Water Pipeline), Series 2014A, dated April 16, 2014, in the aggregate principal amount of \$220,500,000.00, and its Water Supply System Bonds (Karegnondi Water Pipeline), Series 2016, dated June 10, 2016, in the aggregate principal amount of \$74,370,000.00 (the "Series 2016 Bonds"), for the purpose of financing the costs of the acquisition, construction and equipping of the System. The Series 2016 Bonds have a stated maturity date of May 1, 2018, and the Authority, the City and the County have determined that it is necessary that the Authority refund all of the outstanding Series 2016 Bonds in order to establish permanent long-term financing for the capital costs of the System. The Authority, the City and the County have further determined that it is necessary for the Authority to issue additional bonds under and pursuant to the terms of the Financing Contract, in the aggregate principal amount of NOT-TO-EXCEED \$4,200,000.00, to pay or to reimburse the Authority for the costs of completing the acquisition, construction and equipping of the System. In order to finance these costs, and to pay the costs of refunding the Series 2016 Bonds, the Authority, the City and the County have determined that it is necessary for the Authority to issue additional bonds under and pursuant to the terms of the Financing Contract, in one or more series, in the aggregate principal amount of not to exceed \$79,000,000.00 (the "Series 2017 Bonds").]

**SEPARATED FROM MASTER RESOLUTION**

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

**170466**

Genesee Conservation District (GCD)/Hazardous Tree Removals/Management of City's Street Tree Activities

Resolution resolving that the proper City Officials are authorized to do all things necessary to allocate \$300,000.00 to Genesee Conservation District (GDC) to provide supplemental funding to contract hazardous tree removals in the city of Flint and manage of City's street tree activities through June 30, 2018, with funding made available from Acct. No. 202-449.215-801.000 (\$158,000.00) and Acct. No. 203-449.215-801.000 (\$142,000.00), as requested by Street Maintenance. [NOTE: On July 9, 2012, the City of Flint entered into a partnership with GDC via a Memorandum of Understanding (MOU), which authorized GDC to manage contracts for annual hazardous tree removals, maintain a wood utilization effort, and perform community plantings throughout the city. The MOU has no expiration date, but must be reviewed and amended as deemed necessary and agreed to by the parties.] [Administration Submission No. CA5072017]

#### **SEPARATED FROM MASTER RESOLUTION**

**170495**

Land Lease Agreement/City of Flint/Verizon Wireless

Resolution resolving that the Flint City Council approves the Land Lease Agreement between the City of Flint (COF) and Verizon Wireless. [NOTE: Verizon Wireless seeks to enter into a long-term lease of property from the COF, specifically approx. 250 sq. ft. located at an estimated address of 935 Stevens Street, for the purposes of constructing and operating a cellular communications tower at that location. Verizon Wireless and the COF have agreed that the City shall be paid \$18,000.00/year, with that amount increasing by 1% each year that the agreement remains in effect.] [Administration Submission No. CA5142017]

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

#### **Passed The Consent Agenda**

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

**Aye:** 9 - Councilperson Mays, Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Davis, Councilperson Winfrey, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

#### **SEPARATED FROM MASTER RESOLUTION**

**170469**

First Supplement/Karegnondi Water Authority Financing Contract

Resolution resolving that: (1) the First Supplement [to the Karegnondi Water Authority Financing Contract] is hereby approved in substantially the form attached as Exhibit A. The Mayor and the City Clerk are authorized and directed to execute and deliver the First Supplement on behalf of the City. The First Supplement shall become effective immediately upon execution and delivery thereof by the City, the County and the Authority, AND, (2) the City hereby approves of the issuance of the Series 2017 Bonds by the Authority,

under and pursuant to the terms of the Financing Contract, as supplemented by the First Supplement, in one or more series, in the aggregate principal amount of NOT-TO-EXCEED \$79,000,000.00, for the purposes of paying the costs of completing the acquisition, construction and equipping of the System, refunding the outstanding Series 2016 Bonds, and paying the costs of issuing and securing the Series 2017 Bonds, all as set forth in the First Supplement and, unless otherwise determined by the Mayor to be in the best interest of the City, bearing interest at a rate not exceeding eight percent (8%) per annum, having a final maturity date of not later than November 1, 2045, the principal of which is not subject to acceleration prior to the maturity, and having approximately level annual debt service with a deviation of not more than \$250,000 per year with the Mayor's determination being evidenced by the Mayor's execution and delivery of the First Supplement. The Series 2017 Bonds shall be issued in anticipation of; and shall be secured by, the contractual obligations of the City and the County as set forth in the Financing Contract. Pursuant to the Financing Contract, the City has pledged its limited tax full faith and credit for the prompt and timely payment of its obligations under the Financing Contract, AND, (3) the City hereby authorizes the Authority to prepare and circulate a Preliminary Official Statement and a final Official Statement in connection with the sale of the Series 2017 Bonds. The Mayor and the City Administrator (each an "Authorized Officer") are each hereby authorized to prepare, approve and distribute information describing the City to be used by the Authority in connection with the preparation and distribution by the Authority of the Preliminary Official Statement and the Official Statement, and to deem such information final for the purpose of enabling the purchaser of the Series 2017 Bonds to comply with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission. Each Authorized Officer is authorized, if applicable, to execute the final Official Statement on behalf of the City, AND, (4) if required in connection with the sale and delivery of the Series 2017 Bonds, the City agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Series 2017 Bonds in accordance with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, and each Authorized Officer is hereby authorized to execute such undertaking on behalf of the City prior to delivery of the Series 2017 Bonds, AND, (5) the City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of interest on the Series 2017 Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, AND, (6) the Mayor, City Administrator and City Clerk are each individually authorized to complete, execute and file any and all applications or requests for waivers with the Michigan Department of Treasury necessary to effectuate the sale and delivery of the Series 2017 Bonds as contemplated by this resolution and the First Supplement, including, if necessary, an Application for State Treasurer's Approval to Issue Long-Term Securities, in such form as shall be approved by any of such officers, and to pay any and all necessary application or filing fees in connection therewith. The Mayor, City Administrator and City Clerk are each individually authorized to take all other actions, and to execute and deliver such other documents and certificates on behalf of the City, as may be necessary in connection with issuance, sale and delivery of the Series 2017 Bonds, AND, (7) the City has been advised that the Authority has retained Miller, Canfield,

Paddock and Stone, P.L.C. ("Miller Canfield") as its bond counsel in connection with the issuance of the Series 2017 Bonds and the City hereby consents to the representation of the Authority by Miller Canfield. [NOTE: In accordance with the provisions of Act 233, the Karegnondi Water Authority, the City of Flint and the County of Genesee entered a Karegnondi Water Authority Financing Contract, dated as of August 1, 2013, whereby the Authority agreed to acquire, construct and equip a water supply system to provide untreated water to the City and the County. Pursuant to the Financing Contract, the Authority has previously issued its Water Supply System Bonds (Karegnondi Water Pipeline), Series 2014A, dated April 16, 2014, in the aggregate principal amount of \$220,500,000.00, and its Water Supply System Bonds (Karegnondi Water Pipeline), Series 2016, dated June 10, 2016, in the aggregate principal amount of \$74,370,000.00 (the "Series 2016 Bonds"), for the purpose of financing the costs of the acquisition, construction and equipping of the System. The Series 2016 Bonds have a stated maturity date of May 1, 2018, and the Authority, the City and the County have determined that it is necessary that the Authority refund all of the outstanding Series 2016 Bonds in order to establish permanent long-term financing for the capital costs of the System. The Authority, the City and the County have further determined that it is necessary for the Authority to issue additional bonds under and pursuant to the terms of the Financing Contract, in the aggregate principal amount of NOT-TO-EXCEED \$4,200,000.00, to pay or to reimburse the Authority for the costs of completing the acquisition, construction and equipping of the System. In order to finance these costs, and to pay the costs of refunding the Series 2016 Bonds, the Authority, the City and the County have determined that it is necessary for the Authority to issue additional bonds under and pursuant to the terms of the Financing Contract, in one or more series, in the aggregate principal amount of not to exceed \$79,000,000.00 (the "Series 2017 Bonds").]

**Adopted**

**Substituted**

**A motion was made by Councilperson Mays, seconded by Councilperson Galloway, that this matter be POSTPONED for September 20, 2017. The motion failed by the following vote:**

**Aye:** 1 - Councilperson Mays

**No:** 8 - Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Davis, Councilperson Winfrey, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

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

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

**Abstain:** 1 - Councilperson Mays

170466

Genesee Conservation District (GCD)/Hazardous Tree Removals/Management of City's Street Tree Activities

Resolution resolving that the proper City Officials are authorized to do all things necessary to allocate \$300,000.00 to Genesee Conservation District (GDC) to provide supplemental funding to contract hazardous tree removals in the city of Flint and manage of City's street tree activities through June 30, 2018, with funding made available from Acct. No. 202-449.215-801.000 (\$158,000.00) and Acct. No. 203-449.215-801.000 (\$142,000.00), as requested by Street Maintenance. [NOTE: On July 9, 2012, the City of Flint entered into a partnership with GDC via a Memorandum of Understanding (MOU), which authorized GDC to manage contracts for annual hazardous tree removals, maintain a wood utilization effort, and perform community plantings throughout the city. The MOU has no expiration date, but must be reviewed and amended as deemed necessary and agreed to by the parties.] [Administration Submission No. CA5072017]

**Adopted**

**Substituted**

*Councilperson Fields made a motion to amend Resolution No. 170466 to provide \$150,000.00 to GCD for tree removals, with the other \$150,000.00 to be submitted by the Purchasing Department for bids. Councilperson Kincaid added that residents be required to provide an "acknowledgement" of pending tree trimmings/removals, as opposed to having them "approve" any proposed tree plans.*

*There was no formal second or support for this motion, and no vote was taken.*

**Amended**

**Substituted**

*Councilperson Fields, seconded by Councilperson Poplar, made a motion to amend the resolution to provide \$150,000.00 to GCD by way of a Memorandum of Understanding for a Citizen Request Program, whereby citizens can call and make requests for tree services, as well as provide a written permission slip for said services.*

*No vote was taken on the motion.*

**Amended**

**Substituted**

*Councilperson Fields, seconded by Councilperson Winfrey, made a motion that the resolution be amended to give GCD \$150,000.00 for tree services, with a homeowner acknowledgement of notification of pending removals/trimming, with the remaining \$150,000.00 to be submitted by the Purchasing Department for bids.*

**A motion was made by Councilperson Fields, seconded by Councilperson Winfrey, that this matter be Amended. The motion failed by the following vote:**

**Aye:** 4 - Councilperson Mays, President Nelson, Councilperson Davis and Councilperson Winfrey

**No:** 5 - Councilperson Poplar, Councilperson Fields, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

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

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



**No:** 1 - Councilperson Fields

*Councilperson Kincaid, seconded by Councilperson VanBuren, made a motion to amend the resolution by awarding \$150,000.00 to GCD to remove dead and diseased trees as requested by property owners, with an acknowledgement slip signed that they have been notified that a tree will be trimmed or removed. The remaining \$150,000.00 can be brought back to Council under a new resolution in 3 - 4 months.*

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

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

**No:** 1 - Councilperson Mays

**170466.1**

Amended Resolution/Genesee Conservation District (GCD)/Hazardous Tree Removals/Management of City's Street Tree Activities

Resolution resolving that the proper City Officials are authorized to do all things necessary to allocate \$150,000.00 to Genesee Conservation District (GDC) to provide supplemental funding to contract hazardous tree removals in the city of Flint and manage of City's street tree activities through June 30, 2018, with funding made available from Acct. No. 202-449.215-801.000 (\$79,000.00) and Acct. No. 203-449.215-801.000 (\$71,000.00), as requested by Street Maintenance. [NOTE: On July 9, 2012, the City of Flint entered into a partnership with GDC via a Memorandum of Understanding (MOU), which authorized GDC to manage contracts for annual hazardous tree removals, maintain a wood utilization effort, and perform community plantings throughout the city. The MOU has no expiration date, but must be reviewed and amended as deemed necessary and agreed to by the parties.] [NOTE: Resolution amended to change the dollar amount from \$300,000.00 to \$150,000.00.]

**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:** 8 - Councilperson Poplar, President Nelson, Councilperson Fields, Councilperson Davis, Councilperson Winfrey, Councilperson Galloway, Vice President VanBuren and Councilperson Kincaid

**No:** 1 - Councilperson Mays

## LIQUOR LICENSES

*None*

## INTRODUCTION AND FIRST READING OF ORDINANCES

*None*

## SECOND READING AND ENACTMENT OF ORDINANCES

*None*

## ADJOURNMENT

*This regular City Council meeting was adjourned at 9:24 p.m.*