MINUTES
Committee of the Whole
Monday, February 27, 2017 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

Council President Spitzley called the meeting to order at 5:32 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton- arrived at 5:34 p.m.
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko-excused

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Heather Sumner, City Attorney Office
Eric Brewer, Council Internal Auditor
Angela Bennett, Finance Director
Susan Stachowiak, Planning & Neighborhood Development
Jeremy Behr
Seth Kalis
Sam Inglot
Reverend Jenn Tafel
Sara Bijani
Sue Eby
Ed Montemayor
Brandy Ellison
Megan Thompson
Frances Holt
Michael Mercer
Heidi Thornley
Zenon Wisniiewski
Dilhara Muthukuda
Maximo Anguiano
Oscar CasVaneda

Jenn Tafel
Tamyra Murray
Sydney Darling
Mikey Taylor
Dominic Bertucci
Robert King
Sherri Defere Conrad
Paul Klinkenberger
Monica Silva
Niki Schreiber
Chelsea Bridson

Council Member Brown Clarke referred two items from the Committee on Development and Planning because the Committee was unsuccessful in obtaining a quorum for two meetings. Those items were:

- RESOLUTION – Appointment of Christie Poitra to the Board of Review; At Large Member; Term to Expire June 30, 2020

- RESOLUTION – Set a Public Hearing; Z-1-2017; 4215 N Grand River Avenue "D-1" Professional Office to "F" Commercial District

Council Member Washington requested that the Resolution on Transparency for Bidding be removed from the agenda.

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM FEBRUARY 13, 2017 AS PRESENTED.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM FEBRUARY 20, 2017 AS PRESENTED.

Council Member Dunbar stated she had not had time to read them, and wanted the Committee to wait until later in the meeting or the next meeting. Both sets of minutes were moved to the next meeting.

Council Member Dunbar asked for clarification on why the Resolution on Transparency on Bidding was pulled from the agenda. Council Member Washington stated it was because she believed it was the best interest of the public, in addition she had spoken to the labor unions. Since she was the Member who chaired Development and Planning when it was drafted and the public hearing was held, she was asking for it to be pulled.

Council President Spitzley noted to the public that the "Welcoming City" resolution was not on the agenda, and however even though it was not on the agenda, things are still being discussed and fluent with continued research with discussions at the State level. She reiterated it was not "buried", not pulled to let it die, but pulled to give it thoughtful consideration and give it discussions. Council President then directed the public that public comment on that item can be taken at the Council meeting at 7:00 p.m., and anyone interested should sign the yellow sheet at the back of the chambers.

Public Comment on Agenda Items (limited to 3 minutes)

Council President Spitzley asked for any public comment on the remaining agenda items. There were no public comments.

Presentation/Introduction

Tri County Regional Planning Commission Annual Report

Council Member Brown Clarke referenced the annual report in the packet, and noted it does not speak to the grants this year and new initiatives, so asked Council President Spitzley to direct Council staff reach out to Ms. Pigg with Tri County Planning to attend the next meeting. Council Member Wood asked that Ms. Pigg address the areas, the new administration, the idea on transportation dollars and the BRT discussion. In addition, if Ms. Pigg can address if the Commission dues will be raised from previous years. Council Member Brown Clarke noted that from the last calendar year, there has been no discussion on increases, but with new positions there might be. She then noted it would be a good idea to also invite the new Deputy Director at CATA who is spearheading the BRT process out to the community and businesses.

FY2017 2nd Quarter General Fund Status Report & Vacancy Report (Angie Bennett)

Ms. Bennett outlined her report looking at the revenues and expenditures, noting the benchmarking is where it should be, along with comparison to year end. With a 3 year average, the City is up a 56.6% along with the property taxes being up. She admitted they have been conservative in their projections since they are not sure where will be going with the State. The revenue sharing is on track.

Public Comment

Mr. Montemayor asked to speak on the resolution for a welcoming city, and that Council should suspend their Rules to allow public comment on legislative matters as Rule 27 of the Council Rules states they should. That being the Committee of the Whole follow the same process as Council meetings.

Mr. Kalis spoke in support of discussing the transparency on bidding ordinance and need for affordable housing. Mr. Kalis was opposed to removing the discussion off the agenda.

Ms. Bennett distributed the vacancy factor report and continued her presentation.

Council Member Brown Clarke asked if allocated unspent dollars go to the general fund or carry forward to next fiscal year. Currently there is $800,000 for FY2017 for vacancy factor, what happens if the vacancies exceed that amount.
Judi – in some cases, is there a plan to fill some or doing desk audits to see if still necessary

Council President Spitzley passed the gavel and stepped away from the meeting at 5:59 p.m.

Ms. Bennett detailed the steps that are taken to fill every position.

Council Member Wood noted the report was a 6-month report and the budget has these positions in them, so the question would now be what has changed after 6 months. Ms. Bennett replied that these positions might have become vacant in that time, some might be restructured, and some might be on hold for higher positions to be filled. Council Member Dunbar noted to Ms. Bennett that if there are so many vacancies someone must be doing the job, so where are those funds going. Ms. Bennett replied that some maybe on hold, some have contract employees doing the work.

Council Member Spitzley returned to the meeting, and Council Member Wood passed the gavel.

Council Member Wood asked Ms. Bennett where the general fund dollars come from because the report reflects only 3 positions with dollars not being dealt with that does not have contract employee. Council Member Wood also reminded Ms. Bennett that the Committee on Ways and Means added more information to this report, however it was missing and asked when that would be provided. Ms. Bennett did not provide a timeline, but stated her belief that the relevant information is listed. Council Member Wood reminded Ms. Bennett that the report was because Council put it together to provide them relevant information in making their determinations. Ms. Bennett stated again her opinion that the report was created by the Administration as a budget monitoring tool. Council Member Wood asked again for the report that was requested of Finance and HR at the Committee on Ways and Means in 2016. Mr. Hannan stated the Administration will not spend additional staff time to do the request, so Council staff can perform the work that Council is asking for. Council Member Wood pointed out to Ms. Bennett and Mr. Hannan that Council staff does not have access to the different platforms to pull that information and therefore that is why Council continues to ask the administration for the work. Ms. Bennett was asked when Mr. Brewer would get access. Mr. Hannan advised Ms. Bennett, and Ms. Bennett's response was that she would take that under advisement. Council Member Wood noted that the Administrations' response will be taken under advisement.

Council Member Dunbar asked if the raw data could be provided to Mr. Brewer the Council Internal Auditor to evaluate. Ms. Bennett stated it would be administrative burdensome to track the length in the vacancies, and she believes the report shows how positions are vacant.

Council Member Brown Clarke reminded Ms. Bennett and Mr. Hannan that Ms. Black from HR attended a meeting Ms. Bennett attended where Ms. Black stated HR could provide that information that Council is asking for. Ms. Black stated her department did have the ability to determine how each position is captured in HR with positions numbers and cross referencing. Council Member Brown Clarke suggested that maybe Mr. Brewer could determine its difficulty if he had access to the system. Ms. Bennett's response to the suggestion was that Ms. Black in 2016 was new to the process, and there is no way to tie a person to a position. Council Member Brown Clarke again reiterated that Mr. Brewer needs access to the information to create his data report. He will not need access to manipulate the information. Council President Spitzley asked Ms. Bennett if it would be possible for her to sit with Mr. Brewer to discuss the issues and nuance while under advisement. Ms. Bennett stated she has been speaking to Mr. Brewer about the challenge, the administrative burden on producing the report.

Council Member Wood asked the Administration about the recent for sale signs at the Waverly Golf Course. Mr. Hannan stated the agreement with the potential buyer as withdraw and did not renew their option.

Mr. Brewer had no comments further than his report in the packet. He did note that he does need access to make determinations and if he can create the report, but that is not possible if he does not have access. Council President Spitzley encourage Ms. Bennett to continue her discussions with Mr. Brewer.

Council President Spitzley then acknowledged a conversation with the City Attorney office, and based on their advice, under Council Rule 40 will move to suspend Council Rule 9 to discuss and add public comment on City matter to the end of this meeting. The public comment will be limited to two (2) minutes.

Council Member Dunbar asked for the specific Rule number. Ms. Sumner stated is was pointed about by a resident it was Rule 27, which states Committee of the Whole uses the same rules as Council, and Rule 40 suspends the rules to change, and Rule 9 allows the protocol to be changed to add an item to the agenda.

Council Member Washington asked Law if this would be the practice at all Committee of the Whole meetings from this point on. Ms. Sumner stated the determination was made on a quick review and rule 27 shall be observed. Rule 15 lays out the order of the meeting, and based on Rule 27 Committee of the Whole should be allowing public comments on bother matters. Council President Spitzley replied to Council Member Washington that until Law can tell for sure what will occur in the future, she will error on the side of caution. After the Closed Session, City Council will hold the public comment, and the residents can speak then or at the scheduled time on the Council agenda. Because there is a large number of public present, they will be limited to 2 minutes so everyone can be to be heard. Council Member Dunbar asked if this would be a practice moving forward or something Council can choose to do. Council President Spitzley again stated until Law makes their determination, she will error on the side of best judgement.

RESOLUTION – Set a Public Hearing; Z-1-2017; 4215 N Grand River Avenue "D-1" Professional Office to "F" Commercial District
Ms. Stachowiak informed the Committee that this rezoning will join the commercial zoning to the East, and currently the applicant occupies the building but has no room for expansion.

Council Member Washington asked Ms. Stachowiak what the purpose of the rezoning would be. Ms. Stachowiak stated the applicant has not specified. Council Member Wood asked if there were any conversations on contract or conditional zoning. Ms. Stachowiak acknowledged they had not had those discussions with the applicant, but could reach out to them, however under the Statue for conditional zoning the applicant has to approach the City. Council Member Washington noted it is difficult to approve without knowing the proposed use. Ms. Stachowiak stated with rezoning it is common not to have a specific use determined when applying for rezoning, but to look at what all uses could go there.

Council Member Brown Clarke stated it did not appear to be a sense of urgency, so asked that Council President Spitzley refer the request back to the Committee on Development and Planning.

Council President Spitzley referred the resolution back to the Committee on Development & Planning.

RESOLUTION – Appointment of Christie Poitra to the Board of Review; At Large Member; Term to Expire June 30, 2020
Council Member Brown Clarke spoke briefly on Ms. Poitra experience and confirmed some of the Committee on Development and Planning members had spoken to Ms. Poitra informally.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION FOR APPOINTMENT OF CHRISTIE POIRTRA TO THE BOARD OF REVIEW. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER WOOD TO GO INTO CLOSED SESSION AT 6:40 PM FOR THE WORKERS COMPENSTATION REDEMPTION SETTLEMENT FOR #WC2062876-00997. ROLL CALL VOTE, CARRIED 7-0.

{CLOSED SESSION}

{RECONVENE}
Council President Spitzley reconvened the Committee of the Whole at 6:50 p.m.
Council Member Spitzley called for a recess at 6:51 p.m.
The Committee of the Whole reconvened at 7:02 p.m.

Discussion/Action

RESOLUTION – Workers Compensation Redemption (Settlement); Claim # WC-2062876-00997

Council Member Wood informed the public that the resolution was for a redemption of a Workers Compensation Claim that was confirmed by Law Department.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR WORKERS COMPENSATION CLAIM WC2062876-00997. MOTION CARRIED 7-0.

DISCUSSION - City Council Performance Measures for FY2017 Budget

Council President Spitzley to consider 2-3 goals to achieve for the next fiscal year and incorporate those into a measureable phase.

Council Member Brown Clarke asked that when the Departments present their budget they present specific finance information and 1-2 performance measures. Council President Spitzley stated she will also request they submit their information prior to the meetings. Council Member Houghton referenced the Fire Department presentations in the past which focused on the performance based budget. Council Member Dunbar asked that when the Departments present, they speak only on their performance goals, and not provide a history of the highlights of their department. Council President Spitzley stated she will work with Council Staff on a template for the departments to follow in their presentation, and also asked the Council Members to provide any questions for the departments to the Council staff before March 13th. Council Member Washington asked that the departments be asked to present their budget with a focus on the funds, because the Council is aware of the great job they are already doing. Council Member Brown Clarke asked that Council staff also research the specific questions from the previous year budget session be provided ahead of time to Council also. Council President Spitzley stated she would work over the next weeks with the Council Member Wood on a listing, format and questions for the departments. Council Member Houghton asked if the departments were invited to earlier Committee of the Whole meetings to provide their overviews before budget season. Council President Spitzley acknowledged the invitations had been extended, however there had been issues with making them happen.

ORDINANCE – Transparency in Bidding and Opening of Bids for Projects that Receive Certain Economic Incentives Approved by the Lansing City Council

This item was pulled earlier in the agenda.

Council President Spitzley suspended the Council Rules to add an agenda item to include an additional public comment.

Public Comment

Mr. Behr spoke on the vacancy report and supported the frustration of Council on lack of information. Mr. Behr then spoke in support of passing a sanctuary city resolution, and asked the discussion be placed back on the agenda.

Mr. Kahlis spoke in opposition to Council Members Washington, Spitzley, Brown Clarke, Wood and Hussain because of his belief they are obstructing the sanctuary city.

Reverend Tafal spoke in support of a sanctuary city.

Mr. Montemayor spoke in support of sanctuary cities

Ms. Bijani spoke on opposition for no action on the resolution for a sanctuary city.
Mr. Holt spoke in support of sanctuary city

Ms. Mithikuda asked that the LPD not assist ICE unless they are legally required to do so, and asked Council to work with the Mayor on anti-discrimination.

Mr. Anguiano spoke in support of a sanctuary city.

Mr. CasVaneda spoke in support of a sanctuary city.

Ms. Murray, on behalf of the Michigan for Immigration Enforcement, wants to ask Council to consult with both sides of the issue, and asked how Law feels about having their hand tied. Ms. Murray also spoke briefly on ICE and border patrol suing the Federal government.
Spoke in support of trump executive order.

Ms. Darling spoke in support of a sanctuary city.

Mr. Bertucci spoke in support of a sanctuary city.

Mr. Kerr asked for Law to provide an opinion on if it is a felony for someone to conceal their status.

Council Member Wood stepped away from the meeting at 7:38 p.m.

Mr. Kerr also asked for enforcement of adding and abetting.

Council Member Wood returned to the meeting at 7:39 p.m.

Ms. Defere-Conrad spoke in support of keeping families together and in opposition to coming into America illegally.

Mr. Klinkenberger spoke in opposition of refugees, immigrants, and what he called illegals. His opinion was that America is based on rule by Law, and not on emotions and feelings. Mr. Klinkenberger asked Council to up hold the law.

Ms. Silva spoke in support of the sanctuary city, and asked for urgency.

Ms. Schreiber urged Council for a safe place and encouraged diversity which makes the situation stronger.

Ms. Bridson spoke in support of a sanctuary city and for Council to oversee the LPD.

Mr. Taylor asked for a time to speak because his name was on the list. Council President Spitzley stated she had read the list and did not believe the name was on the list.

Council President Spitzley adjourned the meeting at 7:50 p.m.

Council President Spitzley opened the meeting at 7:51 p.m.

Council President Spitzley apologized to Mikey Taylor.

Mr. Taylor spoke in support of sanctuary city, and against the intimidation of the militia at the entrance to City Hall.

Adjourn
Adjourned at 7:54 p.m.
Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by Committee on March 13, 2017