



MINUTES
Committee of the Whole
Monday, November 4, 2019
Tony Benavides Lansing City Council Chambers

CALL TO ORDER

Council Member Wood called the meeting called to order at 5:30 p.m.

PRESENT

Councilmember Kathie Dunbar- excused
Councilmember Jeremy A. Garza
Councilmember Adam Hussain
Council Member Brian T. Jackson
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Samantha Harkins, Deputy Mayor
Lisa Hagen, Assistant City Attorney/Council Research Assistant
Heather Sumner, Deputy City Attorney
Eric Brewer, Council Internal Auditor
Deshon Leek

Minutes

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE MINUTES FROM OCTOBER 28, 2019 AS PRESENTED. MOTION CARRIED 7-0.

Discussion/Action:

RESOLUTION – Appointment of Deshon L. Leek; BWL Commissioner; 3rd Ward Member; Term to Expire June 30, 2023

Council President Wood noted to the Committee that Mr. Leek was being referred to replace the recent resignation of Mr. Graves from the BWL for the 3rd Ward.

Mr. Leek introduced himself and detailed his residency in Lansing, education at Lansing Community College, his role with the Plumbers and Pipefitters Union. He also confirmed his resignation from the City Plumbing Board of Appeals.

Council Member Jackson acknowledged his brief discussion with Mr. Leek before the meeting and asked him his opinion on energy and “going green”. Mr. Leek stated he supported clean energy, and in his opinion, natural gas is a positive step in the right direction. Council Member Jackson asked if being in the Union and as a BWL Commissioner would be a conflict of interest. Mr. Leek stated it would not. Council Member Jackson then noted that he was not approached by the Administration on the vacancy, and he is interested in representation on the Commission of members with an interest in climate action. Mr. Leek stated he would have to read the Climate Action Study before he could comment on what his opinion would be. Council Member Jackson referenced his application and noted there is no experience or education in the energy or utility field, or training in the field, so it would be hard for him to support this appointment.

Council Member Hussain supported the appointment and acknowledge Mr. Leek’s honesty in admitting he did not know all the answers but is willing to research. Council Member Spitzley asked Mr. Leek to commit to continuing to learn and be prepared at the Commission meetings with his input. Council Member Washington supported what the BWL has done with renewables by 2020, and encouraged that as technology becomes available for storage and the Commission will be cognizant of the cost.

Council President Wood asked if he would consider selling BWL while he was a Commissioner and Mr. Leek state no. Council President Wood invited Mr. Leek to attend the 3rd Ward meetings hosted by Council Member Hussain. She then provided him a quick history on tree removal, particularly in Colonial Village, and asked if he would be willing to assist with the issues in the future.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF DESHON L LEEK AS THE 3RD WARD BWL COMMISSIONER. MOTION CARRIED 6-1.

Council President Wood encouraged Mr. Leek to attend the upcoming BWL neighborhood energy meetings. Lastly, she stated his appointment would be before the full Council on 11/18/2019 and he was invited to attend to be sworn in that night.

Presentations

Council Internal Auditor – Stadium Soccer Lease Agreement

Mr. Brewer did a presentation based on information he obtained from LEPFA and the Administration, with a cross reference to the contract and City financial system. The slides began with the four (4) components of search, and moved into details on the sod equipment, which was confirmed at a \$50,000 City invoice that has not been paid back to LEPFA yet. Mr. Brewer was asked if the invoice would be required to be paid by, the City to LEPFA since Ignite is no longer in existence, and Mr. Smiertka stated OCA and the City is still in negotiations on the end of the contract so he could not discuss. Mr. Brewer added the equipment was already purchased so it would be a reimbursement to LEPFA. Council President Wood then asked if the equipment can be or would be sold since they no longer need it, and Mr. Brewer confirmed it was a topic of discussion at the recent LEPFA meeting. Mr. Brewer then moved into the rest of the presentation, which included marketing and the service credit. It was noted that the should was to get 6% of the revenue for any games over 4,500 tickets. Council Member Hussain inquired into the \$125,000 marketing expense which was to include marketing the stadium itself not just the soccer, and asked for deliverables on that \$125,000 effort. Council was told that LEPFA would have any marketing details. Mr. Smiertka added to an earlier statement on the service credit stated it was 5% of ticket sales above 4,500 per game. Council Member Spadafore asked Ms. Harkins if there would be a receipt or marketing plan that shows \$125,000 was spent and they can demonstrate the

marketing. Ms. Harkins stated “deliverables” were not listed as specific in the contract, but she could check into it. Mr. Brewer noted that since there were never 4,500 or above ticket sales, there was no service credit of 5%. Mr. Brewer continued with his presentation, which discussed utilities. Council Member Spitzley asked how they could distinguish between the utilities for the Lugnuts and for Ignite. Mr. Brewer stated they had Smart Meters and they were pro-rating based on expenditures and doing estimations. He offered to contact LEPFA for the calculations.

Council Member Spadafore referenced the last slide where it was noted \$203,819 as a total and asked if that was inclusive of the sod equipment, and Mr. Brewer confirmed, noting there is still the \$50,000 outstanding, \$125,000 for marketing, \$7,265 outstanding on sod conversion and they paid \$21,554. The revenue was not reflected in the spreadsheet. Council Member Jackson referenced the last page as well and asked if the CVB included other expenses, and Mr. Brewer stated the Lansing Soccer Club expenses in this report only reflect the contract and entities of LEPFA and City of Lansing, he was not asked for information on the soccer club itself. He noted he could reach out to LEPFA on some expenditures. Council President Wood stated to the Committee that the OCA is looking at this, and the concern is that contract was 5 year contract with certain things the City thought they would receive and after closing the team only after one year, the City and the Administration will look at a positive way to deal with this for the tax payer. Council Member Hussain again voiced his concern with the \$125,000 expenditure on marketing and the need for deliverables.

Discussion/Action

RESOLUTION – Reappointments:

Mitch Rice; Board of Zoning Appeals; At Large Member; Term Expires 6/30/2022

Carol Skillings; Historic Dist. Comm.; At Large Member; Term Expires 6/30/2022

Cynthia L Bowen; LEPFA; At Large Member; Term Expires 6/30/2022

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION FOR THE REAPPOINTMENTS OF MITCH RICE, CAROL SKILLINGS AND CYNTHIA BOWEN, ALL TERMS TO EXPIRE JUNE 30, 2022. MOTION CARRIED 7-0.

DISCUSSION – Human Rights Ordinance; Rules & Guidelines for Processing, Investigating, Mediating/Conciliating an Recommending Resolution of Complaints

Ms. Sumner noted that the Human Rights Ordinance is specific to the OCA creating the rules and guidelines, and the ordinance itself does lay out the specifics, which makes it easier to apply the ordinance. Highlighted in the rules were clarification on the “Hearing Officer” and the use of “their” instead of “he/she”. Council President Wood pointed out that all complaints go through HRCS and once they make sure the appropriate information is provided, it is turned over to the OCA. Ms. Sumner referred the Committee to items 5-7. Item 8- 10 speaks to it coming back to the City Council who determines the OCA as the “Hearing Officer”. Council Member Spitzley asked for clarification on the need for item 8 for “Council to designate the Hearing Officer” if item 9 says it will be the City Attorney. Ms. Sumner clarified that Item 8-10 could be combined together, but they were separated out for clarification purposes, and if there is a conflict of interest with the OCA being the “Hearing Officer” then Item 8 speaks to City Council designating. Council Member Jackson if there would be a continual conflict of interest with the OCA as it relates to the LPD, and what the point would be to appoint and outside counsel if it is still appointed by the City. Ms. Sumner noted that an issue with LPD is a good example to obtain an officer from one of the approved outside counsel. Council Member Jackson asked if someone does not go through all the steps, will they not have exhausted all steps of appeal and be barred from a suit in the future, which would limit people access. Council President Wood explained to Council Member Jackson that the ordinance was created for a person to use, if they choose not to utilize it and just start a lawsuit they can and Council Member Spadafore added it could be done parallel with a lawsuit. Mr. Smiertka

noted that this is a local ordinance with offering another remedy, and does not preclude the person going under the state or federal laws.

Council President Wood stated to Ms. Harkins that when referring someone to the website and searching it, the ordinance and brochure that the Council Ad Hoc did for the Ordinance and complaint process were not on the HRCS page. Ms. Harkins asked the Council staff forward the brochure she referenced and that the Administration is happy to put the information out. Council Member Spadafore asked Ms. Sumner how long the OCA was working on these guidelines and was informed since October. Council President Wood asked that all City employees be made aware of the ordinance.

RESOLUTION – City Council Meeting Schedule 2020

Council President Wood asked the Committee to review the resolution for the next meeting. Council Member Washington asked for confirmation there will be no conflict with the schools district spring break schedule, and Council Member Hussain confirmed there would be no conflict with the proposed dates.

Adjourn

The meeting adjourned at 6:50 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on November 18, 2019