



MINUTES
Committee of the Whole
Monday, December 16, 2019 @ 5:30 p.m.
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
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
Eric Brewer, Council Internal Auditor
Andy Kilpatrick, Public Service Director
Judge Alderson
Judge Simmons
Judge Ward
Judge Buchanan
Nick Tate, City Labor Negotiator
Loretta Stanaway
Karl Dorshimer, LEAP
Kris Klein, LEAP

Minutes

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE MINUTES FROM DECEMBER 2, 2019 AS PRESENTED. MOTION CARRIED 8-0

Public Comment

Ms. Stanaway asked how the City Brownfields compared to other communities the size of Lansing.

Presentations

Mr. Kilpatrick presented the Committee with a detail sheet summarizing the 2019 Road Treatments in type, length in miles and cost. He noted the funding was not listed on the sheet but that could be added as well, and asked for any other suggestions before it is posted for the public. He then detailed what each type of treatment was.

Council Member Garza noted concerns he has heard about Mt. Hope with a seam in the middle. Mr. Kilpatrick explained that is a cold joint along the lane line and over the next year as it fluctuates it will be crack sealed, and this is a one year warranty. Council Member Garza then asked if the future projects on Forest Rd. will coordinate with McLaren Hospital construction. Mr. Kilpatrick noted that the City is still looking at the projects in that area and they are not currently in the 3 year plan. Council Member Spadafore asked if during reconstruction projects with CSO if the total cost of that is reflected in the costs listed on the sheet they have in front of them. Mr. Kilpatrick acknowledge that the sewer costs are not listed in the total cost. Council Member Spadafore asked if when doing reconstruction on a CSO project if they use the CSO funds for the curb and gutter. Mr. Kilpatrick confirmed that they use on anything influenced by the trench but anything outside of that is paid for out of the outside entity. The majority of the curb and gutter is paid by the CSO. Council President Wood asked out of the \$6,500,000 in the 19 reconstruction projects, if that is all road funds, and Mr. Kilpatrick acknowledged but stated he would confirm it did not include CSO funds. Council Member Spitzley inquired into the contractor and responsibility of the re-seeding during the projects. Mr. Kilpatrick stated if a contractor is doing the road, they are responsible, if the City is doing the project the City is responsible. Council President Wood asked if the City is using the policy established many years ago with the CSO projects for all restoration, and Mr. Kilpatrick confirmed they were and they are also utilizing door hangers or mailers to inform the residents of what their responsibilities are. Council Member Wood suggested the sheet in the future include the Ward where the projects are located, and Mr. Kilpatrick took note and stated they could also do it in conjunction with the map on the website. Council Member Hussain asked them to breakdown the miles column to reflect the number of miles in that Ward compared to the overall miles in that Ward. Mr. Kilpatrick made notes, and also stated they could look at the dollars invested vs miles invested, etc. Council Member Jackson asked them to add the street ratings to page 2 of the document next each street listed, then asked if Public Service has looked at unique treatment options such as plastic. Mr. Kilpatrick acknowledged they look at all options they are presented with. The presentation then moved into the list of 2020 Potential Major Street Projects, noting it will be looked at again after they are done televising all the sewers and after winter. A tentative list should be available for the spring by March, at which point they will be back before Council with it. Regarding the list of specific roads in 2019, Council Member Spadafore asked of the percentage completed, how many were CSO, and Mr. Kilpatrick noted 50-65%; half of the acres of combined sewers the City has. Council President Wood asked about why the new manholes on the recently completed streets sit lower than the street surface. Mr. Kilpatrick explained the structure adjustments, how they are designed and changes that occur during the construction project that could cause them not to site flush with the road. He asked for any list of locations to be provided to his office and they can check them out.

Council President Wood then inquired into the recent press release of the new smaller green bins for trash. Mr. Kilpatrick confirmed that with the phasing out of the blue bags by the end of December, they have institute the new 32 gallon bin for every other week service. Residents can begin signing up and the cost is half of what the weekly pick up charge is. If residents want to continue with bag pick up there is a private company they can contract with on their own to purchase a tag. The new carts are blue with black lids so the drivers can note it is a bi-weekly service, and will be picked up on the same cycle as recycling. The discussion was concluded with Mr. Kilpatrick noting the cost will be \$24 per quarter.

Discussion/Action

RESOLUTION – Agreement with 54-A Judicial District Court Judge; RE: Retirement Healthcare Benefits

Mr. Tate explained that in 2016 the District Court/Teamsters went to defined contribution for their healthcare, and so the City discussed and went into an agreement that Judges that took the bench after 2016 got defined contribution healthcare based on 4% of their wages. In addition those that were currently on the bench before 2016 and met the number of years, based on when took bench, was eligible, contingent with the agreement. Council Member Spitzley asked what it was retroactive back to 2016; if that was consistent with when it occurred with the District Court staff, and Mr. Tate confirmed that is when the staff went from retiree health care to defined contribution for that retiree health care. He added that per the Michigan Supreme Court order, judges “must” follow. Council Member Spitzley then asked why it took three (3) years, and Mr. Tate could not explain that, but he became aware of it when he was reviewing the City healthcare. He was then asked if the Supreme Court order supersedes the City. Mr. Tate stated that the Order states the bench must follow the benefits the bargaining unit offers. Council Member Spitzley asked how the judges reacted to this, and Mr. Tate could not speak for the judges, however stated the City wanted to make sure they were consistent with the Supreme Court Order. Council Member Spadafore asked if there was anything similar before Council in the past, and Council President Wood stated there was a resolution in 1984 where Council at that time started to provide healthcare to the judges, and that was approved unanimously. In her time on Council, she has not seen anything else since. Council Member Spadafore asked why there was a red-line version in the packet if this is the first time Council is seeing this proposal, and Council President Wood and Mr. Tate acknowledged that the Administration presented it on 12/12 to the office for the packet, and the next day made clarification changes, and those are the red line items. Council Member Spadafore asked how many of the sitting judges fall under the old, prior to 2016 plan, and was told by Mr. Tate it is only Judge Alderson. Council Member Spitzley voiced her concerns with getting the document for the first time in this packet and not having time to research, asked questions and get answers before a decision. Council President Wood asked Mr. Tate if the resolution needed immediate action tonight, and Mr. Tate left that to the discretion of Council. Mr. Smiertka noted for the Council that this was a negotiation exercise with the City and District Court judges; a standard basically similar to negotiations with the City and City employee units. It is the Chief Judge’s responsibility to review and sign with the local municipality. Council President Wood asked for clarification, that if it is similar to union negotiations where it has been ratified with the Mayor and the Union and the Council just “puts their stamp on it” and there is no other recourse. Mr. Smiertka clarified it was not, it was just similar in the process used. Council Member Jackson asked if the Supreme Court is telling the City what to do since they supersede the City, then he asked to be recused from the item due to a work conflict in the Courts. Council Member Spitzley asked if there was any penalty for not adopting it, and Mr. Tate confirmed he was not aware of a penalty at this time, and Mr. Smiertka added that the Supreme Court did not say to adopt, it says the Chief Judge gives to the local municipality to adopt and it must be similar to what the Court Staff union has.

Council Member Spitzley noted her concern with receiving the document for the first time with the packet and not having time to research, ask questions and get answers and suggested any action be taken in 2020. Council Member Spadafore noted it appeared to be vetted and negotiated in the Mayor’s office; however had a concern that it had been three (3) years (2016).

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION ON THE AGREEMENT WITH THE CITY AND THE 54-A DISTRICT COURT JUDGES ON RETIREMENT BENEFITS AS AMENDED.

MOTION TO RECUSE COUNCIL MEMBER JACKSON DUE TO HIS JOB OCCASTIONALLY REQUIRING DUTIES IN THE 54-A DISTRICT COURT. MOTION FAILED 1-6.

MOTION TO APPROVE THE RESOLUTION PASSED 5-3.

Discussion – LEAP Brownfield Spreadsheet

Council Member Garza stepped away from the meeting at 6:19 p.m.

Mr. Klein and Mr. Dorshimer went through the spreadsheet in the packet detailing what each color represented.

Council Member Garza returned to the meeting at 6:21 p.m.

Listed on the sheet were active plans, projects and plans that were complete, inactive or not approved plans, and projects underway awaiting approvals and a plan that is not yet active. Council President Wood reiterated the question from the public and asked if they could provide any information on it. Mr. Dorshimer noted that in the last 20 years, the City is at 70% compared to other municipalities, and over the last 5-10 years the City is closer to 90% complete. In comparison to other municipalities, Mr. Dorshimer stated the City is above average. Council President Wood asked Mr. Dorshimer how many of the Brownfields are active, and he stated they cannot all be looked at the same because some are real estate not projects, but he could check on it. She then asked what happens with the Brownfield, such as CAP LAB, #7 on the list noted as “Project and Plan Complete”, however CAP LAB is no longer there. Mr. Dorshimer stated that the building is still there in that case, so if a business leaves the building is still there for the next owner, and in some cases the plans are amended.

{Closed Session}

MOTION BY COUNCIL MEMBER SPADAFORÉ AT 6:25 P.M. TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (C) OF THE OPEN MEETINGS ACT, COMMITTEE HEREBY RECESSES INTO CLOSED SESSION FOR STRATEGY AND NEGOTIATION SESSIONS CONNECTED WITH THE NEGOTIATION OF A COLLECTIVE BARGAINING AGREEMENT AS REQUESTED BY THE CITY AND TO ADDRESS A RECENT WORKERS COMPENSATION CLAIM #2062876-011445. ROLL CALL VOTE 8-0.

- Collective Bargaining Agreement with UAW Local 2256
- WC Claim Settlement #2062876-01145

{Reconvene}

Committee of the Whole was called back to order by President Wood at 6:45 pm.

RESOLUTION- Ratification of the UAW Local 2256 Collective Bargaining Agreement

MOTION BY COUNCIL MEMBER SPADAFORÉ TO APPROVE THE RESOLUTION FOR THE RATIFICATION OF THE UAW LOCAL 2256 COLLECTIVE BARGAINING AGREEMENT. MOTION CARRIED 8-0.

RESOLUTION – WC Claim Settlement #2062876-01145

MOTION BY COUNCIL MEMBER SPADAFORÉ TO APPROVE THE RESOLUTION FOR WC CLAIM 2062876-01145. MOTION CARRIED 8-0.

Adjourn

The meeting adjourned at 6:47 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary, Lansing City Council

Approved by the Committee on January 6, 2020