



## **MINUTES**

### **Committee on General Services**

**Tuesday, October 27, 2020 @ 3:30 p.m.**

Access the meeting via: <https://us02web.zoom.us/j/86132980712>; ID: 861 3298 0712; Dial In: (312)626-6799

Email comments prior to the meeting to [renee.richmond@lansingmi.gov](mailto:renee.richmond@lansingmi.gov)

All Councilmembers will participate virtually & may be contacted prior to the meeting at [city.council@lansingmi.gov](mailto:city.council@lansingmi.gov) or 484-4177

### **CALL TO ORDER**

The meeting called to order at 3:32 p.m. via zoom.

### **PRESENT – via audio/video**

Council Member Hussain remotely from Lansing, Michigan

Council Member Wood remotely from Lansing, Michigan

Council Member Garza remotely from Lansing, Michigan

### **OTHERS PRESENT via ZOOM**

Renee Richmond, Council Administrative Asst.

Jim Smiertka, OCA

Heather Sumner, OCA

Kim Coleman, HRCS

Katrina Urista, HRCS

Scott Sanford, Code Compliance

Jaza Saeid

Katelyn Stralkowski

### **Minutes**

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM SEPTEMBER 22, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 3-0.

### **Public Comment on Agenda Items**

No public comment at this time.

### **Discussion/Action:**

#### **ORDINANCE – Introduction and Setting of Public Hearing; Ordinance Amendments Chapter 240; Grant Award Process**

Council Member Wood asked if anyone from Code Compliance was on hand. Council Member Hussain asked for Ms. Richmond to reach out to see if he is coming. Ms. Richmond stated Mr. Smiertka would be approximately 10 minutes late. Council Member Wood stated if nobody from OCA is going to be present we would be at a standstill. Council Member Hussain asked Ms. Sumner if she would be able to speak on Draft 4. Ms. Sumner stated yes and that she was made aware that there is a will for some additional changes and may be some changes out of Committee. Council Member Hussain asked Ms. Sumner and Director Coleman, HRCS Director if they all could speak on making the changes. All stated yes.

Council Member Wood asked Ms. Sumner about an issue regarding herself receiving funding through her other job as part of the 1.25, is it appropriate for her to participate in the discussion and vote on the Ordinance? Ms. Sumner stated she tends to go in an overabundance of caution in her advice with the ethics ordinance. Council Member Hussain asked Council Member Wood to repeat the question for Mr. Smiertka who just

arrived. Mr. Smiertka stated that if she puts a disclosure in then when it goes to Council it can be put to a vote. Council Member Wood asked about for right now with the Committee and her input in regards to her particular agency and the funding. Mr. Smiertka stated she should do a disclosure and we have it on record. We follow up with a conflict motion at Council meeting and it just absolves her of all that. You are not a decision maker you are a recommending body. Council Member Wood then asked we received the ordinance from the administration and since receiving it we were told that HRCS were looking at making changes. We are now told that there are additional changes that HRCS would like to take a look at. So my question is has these changes been vetted through the Administration. We have been down this route before and I go back to some work that we have gone through and that the Administration was seeing it for the first time. I just don't want to go through these things and then have the Administration come back and say they have some things they want to see. Mr. Smiertka stated that the Ordinance changes started as the result of an investigation in the referral that involved the department a few years ago and the focus of that. He worked with the Administration on building a competitive process to focus on the original Amendment in 2019. I don't know if Director Coleman had anymore involvement. I would like to recommend that we now add an ethics component, Council Member Wood does that answer your question. Council Member Wood stated my question is has this met the muster with the administration. We have gone through and when both of you gentlemen were on Public Safety when we went through putting an ordinance together and I met with the Mayor afterwards. We were ready to hold the public hearing and the Mayor indicated this was the first he had heard of it and none of his Department Heads had come and talked to him. We had to go back and virtual start the process over again and I don't want to be in that place again. Ms. Sumner stated that the current Draft 4 was approved by the Mayor as of September. We do have additional information that has come forward since the September date that was seen and approved. Mr. Smiertka stated he just had the ethics component he wanted to add. Council Member Hussain Kim can you shed light on whether there are additional changes from the Administration other than the ethics piece. Director Coleman state no additional changes. Council Member Hussain asked Council Member Wood if that answered her questions and she stated yes.

Council Member Hussain then stated he would like to go through section by section and have Director Coleman and/or Mr. Smiertka to discuss changes and then deliberate as a Committee. Council Member Hussain asked Mr. Smiertka if we can we start with you with Section 240.01 it looks as if we have minor changes with the Statement of Purpose.

Page 1 line 10; "through its City Council" has been removed

Page 1 line 15; add: CITY OF LANSING (as interested party)

Page 1 line 20; repeat: THE CITY

Page 1 line 21; add: SERVE CITY OF LANSING RESIDENTS and HUMAN

Council Member Wood stated she is concerned with lines 20 & 21 asking is this then saying that Public Service can apply for a grant? Mr. Smiertka said we could use "through" agencies. Council Member Wood said her question is does "THE CITY" mean any department can apply for the 1.25 dollars or a grant if they meet the requirements. If so, to her this is not the essence of the Ordinance when it was adopted it was for outside agencies not the City as it has budget lots. Council Member Hussain said he thinks that we should address this now, is there language later that speaks to the allocation of these dollars to other departments, he believes so. Mr. Smiertka stated he thinks we should hold off because it state it later in the Ordinance. Council Member Wood asked Director Coleman can you tell me what is your intent is. Director Coleman believes basically giving us a definition of basic Human Service needs over on page 3 is where you'll find the area to allocate other dollars. Council Member Wood, my questions is "you as a department are you looking to give money to other department's rather than outside agencies. Director Coleman answered no that is not my intent, however there are other departments/agencies that provide basic Human needs that have requested funds that we have granted support to.

Council Member Wood is that out of the 1.25 or is that your discretionary grant account to allocate. Director Coleman stated is was part of the 1.25. Mr. Smiertka suggested a change on page 3 line 6 from "to" to "through". Council Member Wood mentioned she had a concern that you can start with the best intent that other outside agencies get the majority of the 1.25. This doesn't with the way it's written does not forbid the HRCS in recommending all 1.25 be disbursed through varies departments. This is not the intent, the intent

was to help outside agencies to provide services that the City wasn't able to provide and allow them to do that. It's a huge concern of mine.

Council Member Hussain mentioned that he understands Director Coleman's intent and she understands the spirit of this Ordinance. We are challenged with creating legislation that would work in perpetuity. Mr. Smiertka suggest changing wording to "allocate dollars to Council supported agencies through other departments. Director Coleman disagreed stating that she doesn't believe that's a different definition and budget line item. Council Member Hussain specifically asked what language do we need in there. Council Member Wood stated, we have supported agencies and the 1.25. Mr. Smiertka stated that when the budget comes through we have to move dollars around. We have done that, you bring us recommendations and we appreciate that. Having that in there would give us the ability to make those changes.

Director Coleman asked Ms. Urista to speak. Ms. Urista stated when looking at the Ordinance we are looking at the funding 240.03 of the 1.25 of general funds for human services. It is separate in the accounting from City Council agencies, they are two separate accounts. Council Member Wood said she understands but we as Council vote on each and every one of those. Ms. Urista said but if the budget for the 1.25 is taken out of Human Services and put into Council then the Ordinance wouldn't be followed. Mr. Smiertka again suggested his previous change when Ms. Urista gave an example of the basic needs that is applicable to the ordinance (police explorer program supporting camps and also helping parks with a lunch program). Council Member Hussain asked Director Coleman if we included Mr. Smiertka's language would that satisfy the concern? Then Council Member Hussain asked Mr. Smiertka to state the change again. Page 3 line 5-6 change to "allocate dollars to fund basic human services through other departments". Council Member Wood what if you added that are approved through Council? Director Coleman stated it already does get approved through council so it wouldn't need additional language to say so. Council Member Wood's concern is we wouldn't want an HRCS Director to look at it and say it gives me the authority to do this. Down the line once dollars are transferred. Then we are looking at it saying where is something and we're told "we had the authority". If we put it in as above it is black and white, you know, I know and we know we have to do it doesn't mean either one of us will be here in five years someone else could interrupt this differently. Director Coleman stated if it goes through the same process and all other agencies go through I couldn't see why it wouldn't be any different. It meets the same criteria and same process as a whole. Mr. Smiertka asked Ms. Sumner to speak as she brought up a point. Ms. Sumner stated I'm not sure this change would accomplish what Council Member Wood wants as the statement that was suggested to add doesn't actually change anything. Council Member Hussain spoke to Council Member Wood and stated he knows she read the Ordinance but wondered if we don't move through this and come back they may not get through it. CM Wood approved.

Council Member Hussain asked if there were any questions on the definition. Mr. Smiertka stated he wanted to go back and said he thinks the wording works. He then asked to go to page 2 (16) and said it looks good; pg. 3 (B) already discussed; pg. 3 line 7 add "all" at the beginning of the sentence. Council Member Hussain asked Mr. Smiertka to restate word for word the change for pg. 3 line 5 – "allocate dollars through other city departments to fund basic human services as approved by City Council". Director Coleman says that opens it up for 1.25 being split among other departments as long as they can justify basic needs and not taking it through the HRCS department. I can see Council Member Wood having a concern with that. Council Member Hussain that is the safe guard so that doesn't happen. Director Coleman would that prohibit us from supporting the two programs we mentions in the example. Mr. Smiertka asked if that is when you go back to the definition. Ms. Urista said the only concern with using the wording when using "through other departments" are you creating another human service dept. somewhere else in the City. Mr. Smiertka said no what is being structured is any department can provide a competitive bid to any human services. Ms. Urista then stated that wouldn't be "through" it would be "to". Council Member Hussain and Mr. Smiertka agreed.

Mr. Smiertka stated he doesn't like line 10 on page 3, can someone explain what "to the extent possible" means, that is a wide open statement. Director Coleman said it is not cut and dry. When we do our assessment within the community and identify the issues, you wouldn't want to do a competitive bid to reach area to fund. Ms. Urista said having to put out for every RFP which could be 80 is difficult and a lot of work to fund that many at one time. Mr. Smiertka said if you look at the Purchasing Ordinance not everything is required to be a competitive bid (i.e. Sole Source, Procurement or Direct Payment). Ms. Urista said this is why

we said “to the extent”. Council Member Wood asked what if we added that a report is necessary for why you didn’t follow the ordinance. Council Member Hussain asked Council Member Garza and Director Coleman if they were satisfied with that both agreed. Mr. Smiertka asked so we could take out “to the extent possible” and put in a comma and say “including the sole source procurement requirements. Ms. Urista asked would Sole Source cover an emergency grant and Mr. Smiertka said yes we are covered under 206.02.

Page 3 line 12; Consensus of the Committee to keep as is.

Page 3 line 21; Consensus of the Committee to keep as is.

Director Coleman can we go back to Pg. 3 line 12 – those two lines should be deleted, they don’t fit there from 12-14 (end at City). Line 13 should be amended removing “council-supported). All were in agreement.

Page 4 line 3; Consensus of the Committee to keep as is.

Page 4 lines 7-10; Consensus of the Committee to keep as is.

Page 4, lines 11-14; Mr. Smiertka asked if we should add “for Lansing Residents” at the end of the sentence. Ms. Urista asked if we should change the wording do they could enter into contracts with other departments if applicable. Director Coleman stated she believes it is included under non-profit even though it’s not a charitable organization. Then proceeded to ask if Council has a list of approved agencies. Then again stated that this is already stated on Page 3 Section B so we don’t need it.

Page 4 line 13; Mr. Smiertka recommended to remove “community-based, non-profit, charitable” and on line 10: add “for approval” at the end of the sentence.

Page 4 line 14; Council Member Garza stated he was going to suggest to add after Organizations “as well as other City of Lansing departments”. Director Coleman agrees but change “as well as” to “or”. All in agreement.

Page 4 line 17; add “for city departments”

Page 5 line 2; Council Member Wood said she would like to clarify the document that we received as part of our budget. City Council programs 1014100 funding included Ingham County City of Lansing CCAB for 15,000 and the Lansing Area Safety Council. Both of those programs are one that based on their bylaws are why we give to those not because Council made a decision to fund those groups. We agreed to be participants with these groups. Not sure if we want to keep the phrase “council supported agencies”. Director Coleman stated they had it noted that it was going to be “city supported” not “council supported”.

Council Member Wood recommended that Council Member Hussain take a look at a message from Sherrie. Council Member Hussain stated that it looks like have to reschedule our claim appeals we have lost one of our claimants. So our office is trying to reach out to the claimants for the 10<sup>th</sup>.

Page 6 add (7) for conflict of interest disclosure

Mr. Smiertka suggested to add a point seven for disclosure of conflict and have it read “prior to funding each agency and principle officers and member of its board of directors if any shall file a disclosure or statement prepared by the City Attorney regarding any actual or potential conflict of interest pertaining to the funding approval here in and any ensuing contract”.

Council Member Wood, said Mr. Smiertka my question to you is this is the end of the process. Does it make sense that a Conflict of Interest statement be required while they are making their determination versus the fact that they’ve allocated the money and then suddenly there’s a conflict. Director Coleman inquired about the HRSC Board and if they would be included. Mr. Smiertka stated that they could add that on Page 4 paragraph 3 at the end.

Page 6 line 7; Ms. Urista suggested that “conflict of interest” to the applicant so the Advisory Board can verify no conflict.

Council Member Hussain stated the next meeting is November 10<sup>th</sup> and we will review the next draft at that time.

**Other:**

- a. Michigan Liquor Control Commission; Transfer License with Sunday Sales, Outdoor Service, Catering Bars and Dance-Entertainment from 7786 E. US 10, Walhalla to 419 Spring Street, Lansing. Transfer Governmental Unit from Branch Twp., Mason County to Lansing City, Ingham County (**Pending Application**)
- b. Michigan Liquor Control Commission; RID#RZ-1908-14021; Board of Trustees, Michigan State University, request to transfer of ownership of Escrowed 2019 Class C Licensed Business with Sunday Sales Permit (P.M.), Entertainment Permit and Sunday Sales Permit (A.M.) from HOA Restaurant Holder; transfer location from 172 E Edgewood Blvd., new Additional Bar Permit for a total of 2 bars, new outdoor service area; new specific purpose permit (golf), transfer classification from Class C License issued under MCL 436.1531 to Class C License issued under MCL436.1513(4) (non-transferable) at 3535 Forest Road, Suite C88A (**Pending Application**)
- c. RID #RQ-2007-09450; New SDM License Issued under MCL 436.1533(5) at 621 E Michigan Avenue, Batter Up LLC (**Pending Application**)
- d. RID #RQ-1907-10458; New SDM License Issued under MCL 436.1533(5)(b)(ii); New Sunday Sales Permit (AM) at 1004 E. Michigan (**Pending Application**)

**Adjourned**

Adjourned at 5:03 p.m.

Submitted by Renee Richmond,

Administrative Assistant, Lansing City Council

Approved by the Committee on November 10, 2020