MINUTES
Committee of the Whole
Monday, July 12, 2021 @ 5:00 p.m.
Lansing City Hall, Tony Benavides Lansing City Council Chambers

CALL TO ORDER
Council President Spadafore called the meeting to order at 5:00 p.m.

PRESENT- via audio/video
Councilmember Peter Spadafore
Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Patricia Spitzley - excused
Councilmember Kathie Dunbar
Councilmember Brandon Betz
Councilmember Jeremy Garza
Councilmember Brian T. Jackson

OTHERS PRESENT
Sherrie Boak, Council Staff
Mark Lawrence, Mayor's Office
Jim Smiertka, City Attorney
Lisa Hagen, City Attorney
Joseph Abood, City Attorney
Eric Brewer, Council Internal Auditor
Jim DeLine
Heather Shawa, BWL
Dick Peffley,BWL
Scott Taylor, BWL
Calvin Jones, BWL
Elizabeth O'Leary, HR
Melissa Cole, CADL
Scott Dulmstra, CADL
Debora Bloomquist, CADL
Chris Swope, City Clerk

Minutes
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 21, 2021 AS PRESENTED. MOTION CARRIED 7-0.

Public Comment

Mr. DeLine spoke in support of the resolutions to have Charter Amendments to put language on the ballot for rank choice voting. He clarified that the discussion tonight is if there is reason to put on the November ballot a charter change to bring rank choice voting to the City of Lansing.

Presentations

LBWL FY Ending 6/30/2022 Budget & Capital Forecast for FY2022-2027

Mr. Peffley spoke briefly on the highlights, including a rate increase that was waived last year and this year, and still able to continue services. Over the next few years, there will be 8 miles of pipe replaced and address the long term program on quality water systems.

Ms. Shawa presented highlights on the FY 2022 operating budget and cash flow, along with the 6 year capital forecast. This include no rate increases, this does delay the multi-year strategy, and in prior forecast it would been met in 2024, so now will be met in 2026. With the rate increases deferred, they are working on their competiveness and looking efficiencies to help attract businesses to the area. This budget will support the strategic plan that was approved by the BWL Commission earlier in 2021. The presentation continued with an overview of the projections for FY 2022, the income statement in the packet, and the capital budget.

Council President Spadafore, asked about the 2017 CIP for the Eckert Plant listed in the report and Ms. Shawa it covers securing the property and the T & D location still needs to be deferred. Council Member Wood asked about the rate hike that was deferred for two (2) years, and if when they start it will it be gradual or a jump to cover the deferred two (2) years. Ms. Shawa stated the goal is to stay at or above inflation. Mr. Peffley added that they are working with customers on their delinquent bills, but they are currently at an unprecedence level of $11 million. Council Member Wood referred to the report and the project for water replacement, and asked how much is in the right of way compared to in the actual street. Mr. Peffley confirmed the majority is in the street, but they also work with public service and look at see what is effected in the street. The budget item listed is to determine the funding, they are still not sure on the details for the plan, layout, and will need to go to operations. Therefore there is a 3 year ramp up, and plan to get 8 miles a year FY 2026. Mr. Peffley and Mr. Lawrence confirmed they will be working together. Council Member Jackson acknowledged BWL for their work recently with lighting at Moores Park, and then asked about any renewable area projects in their budget and any work in the wind farm located in the thumb area. Mr. Peffley confirmed they alternate energy in the thumb area is BWL energy of 70 megawatts, and that company is Next Era. It was smaller than anticipate, but has been online 7 months. The other company, Pegasus, is not on the report, it is a purchase power agreement, so BWL does not own it, so they partner since the energy is BWL. Council Member Jackson asked if there is an expansion or new project in the next 6 years, would that appear on the budget report under “Other”. Ms. Shawa said that any feasibility study in micro-grids, and those would be in “other”, but also software implementation and development are in that line item also. Regarding alternative projects, Mr. Peffley noted they are looking into an RFP on battery uses, and looking at charging stations in the City. Council Member Spadafore asked if BWL was looking into off peak and peak rates for electric vehicle charging. Mr. Peffley confirmed they do have technology they are working on with the intent to save money, and recommend energy cost breaks to shave the peak uses. Ms. Shawa stated Council would see it reflected in their report next year as part of the next rate strategy. Lastly Mr. Peffley confirmed the charging stations will be both energy sources, depending on when it is being used.

Capital Area District Library Annual Report Presentation
Melissa Cole and Scott Dulmstra with CADL were present to provide an overview on CADL and 2020. Mr. Dulmstra spoke briefly on the annual update which was in the packet, and what they did to adjust for the 2020 to access the materials. Ms. Cole spoke briefly about the library and what they did in 2020. Council Member Wood asked if all branches were back open to the public and Mr. Dulmstra confirmed they were. She then asked about the CADL hot spots and if there is a time limit on those, and it was confirmed that it was 2 weeks, and they are working on getting some out just for students. Council Member Wood then asked if there are any new items CADL is loaning out, and Mr. Dulmstra confirmed they have new technology. Council Member Garza asked if the hot spots are only utilized in the City, at which Mr. Dulmstra noted they have worked with multiple providers in the areas to make sure those carriers have the best reception. Council Hussain asked about the library meeting spaces and how people would go about getting use of them. Mr. Dulstram acknowledged they were not available in 2020, but they are back in the fall of 2021 and all someone needs is a library card and to contact the library for the steps to make it happen. Council Member Dunbar acknowledged Mr. Dulmstra for the recent announcement they will forgiving all fines and fees.

Discussion/Action
RESOLUTION – Reappointments; 19 Individuals to various Boards and Commissions
Council President Spadafore read into the record the names and boards listed on the resolution.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE REAPPOINTMENTS.

Council Member Hussain spoke briefly on the practice of not having reappointments in person, and therefore wanted to recognize all them for their time so far on the Boards.
Council Member Dunbar referred to the resolution, and voiced a concern and potential conflict of interest with the reappointment of Mr. Purchase to the Fire Commissioner and pending litigation, then asked for a motion to separate action on that one appointment.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION WITHOUT THE REAPPOINTMENT OF STEPHEN PURCHASE. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER JACKSON TO TABLE FOR MORE INFORMATION ONAND ACTION AT A FUTURE MEETING.
COUNCIL MEMBER JACKSON ASKED TO TABLE UNTIL NEXT MEETING TO ALLOW COUNCIL MEMBERS TO GET MORE INVORMATION ON THE CONFLICT COUNCIL MEMBER DUNBAR WAS REFERENCING. MOTION TO TABLE ACTION ON MR. PURCHASE FAILED 3-4.

MOTION BY COUNCIL MEMBER HUSSAIN TO REAPPOINTMENT STEPHEN PURCHASE.

Council Member Wood confirmed for the Committee that Mr. Purchase was in the Committee on Public Safety when he was appointed, and he was also just at the Committee to talk about the Boards rules. She also noted that the Fire Commission does not have anything to do with lawsuits against the City.

MOTION CARRIED 6-1.

RESOLUTION – nunc pro tunc Action Based on COVID Impact in 2020
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE NUNC PRO TUNC ACTION BASED ON COVIDE IMPACT. MOTION CARRIED 7-0.

RESOLUTION – Charter Amendment - Article 2, Chapter 2, Sections 2-205 and 2-206; Method of Election; Rank Choice Voting

Ms. Hagen spoke on the latest drafts, dated 7/12/2021, and highlighted the changes which came from an informal discussion with the Attorney General and his helpful comments. One major change addressed 2-205 (2) which speaks to the election of At Large members of City Council. The other change was to specify the majority was greater than 50%, and the other change was in the ballot question itself, which is limited to 100 words. Language was eliminated to meet that 100 by striking out "implement this amendments". Ms. Hagen went on to explain the new 2nd resolution on ballot language, based on the discussion with the Attorney General, which addresses eliminating "primary election" which is mentioned multiple times in the Charter. Ms. Hagen concluded by making the Council aware that both ballot proposals have to pass by the voters, or neither are implemented. Council Member Garza asked if the action being requested at this meeting was to just place on the ballot, and Ms. Hagen confirmed. Council Member Jackson asked why they were proposing to eliminate the primary and not just have it in the intent. Ms. Hagen noted that there are numerous sections of the Charter that mention the "primary election", and after discussions with the Attorney General it was the recommendation, and elimination of the primary is not the main purpose. Mr. Smiertka made Council aware that this resolution for ballot language and the next one is a 5 person vote in support, and if it passes then it goes to the Governor then when it comes back will be a 6 person vote. Council Member Garza asked if they get approved, what would the plan be to get the information out to the public. Ms. Hagen stated that would be a question for the City Clerk on how ballot proposals are announced and maintained. Council President Spadafore reminded the Committee there is already another proposal on the ballot in August and that process that was used for that one will be used for these.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE BALLOT LANGUAGE FOR A CHARTER AMENDMENT TO ARTICLE 2, CHAPTER 2.

Council Member Hussain noted the number of discussions he has had, then read the 2nd -3rd WHEREAS. Council Member Hussain stated his belief is that the implications would be that Council thinks this voting method is superior, but he noted he is not suggesting that at this time. He then noted a recent election in NY where there were recent issues, and in Maine there were federal elections, and polls put out where voter satisfaction and understanding has gone down. He continued citing crowded forums where it is difficult for the public to distinguish one candidate from another, therefore could not support passing something that implies that this Council thinks this is the best option.

Mr. Smiertka noted that once Council adopts the language it will go to the Attorney General, then the Governor, and lastly if approved will be placed on the ballot.

Council Dunbar also referenced stories from New York, and questioned why Council Member Hussain that there are more lines at the polls, at which he stated in Maine it expanded the time in the polls, which made longer lines to get into the polls.

Council Member Jackson suggested amending the first WHEREAS, to "The current methods of election codified by Charter may contribute to insufficient choice and participation of residents;" and amending the second WHEREAS to "Other methods of election may be more efficient while providing citizens with a superior range of options;".

Council Member Hussain agreed to the amendments, with the change "WHEREAS, it has been argued that the current methods of election codified by the Charter may contribute to insufficient choice and participation for residents; and

WHEREAS, it has been argued that other methods of election may be more efficient while providing citizens with a superior range of options;"

Council Member Garza asked if the interested parties could still do a ballot initiative for the November ballot. Chris Swope confirmed the deadline for the ballot is August 9th, and any initiative would have to be submitted two weeks prior to that.

MOTION BY COUNCIL MEMBER HUSSAIN ON THE AMENDMENTS. TO THE RESOLUTION. MOTION CARRIED 6-1.

MOTION BY COUNCIL MEMBE HUSSAIN TO APPROVE THE AMENDED RESOLUTION. MOTION CARRIED 6-1.

RESOLUTION – Charter Amendment – Article 2, Chapter 2, Sections 2-201, 2-203, 2-204 and 2-406; Elimination of Primary Elections

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE AMENDMENTS TO THE RESOLUTION TO SET THE BALLOT LANGUAGE FOR A CHARTER AMENDMENT TO ARTICLE 2, CHAPTER 2, SECTIONS 2-201, 2-203, 2-204, 2-406, 2ND WHEREAS, REMOVE "DETERMINED" CHANGE TO "ARGUED", ADD IN "MAY" AFTER "CHARTER", IN 3RD WHEREAS, REMOVE "DETERMINED", CHANGE TO "ARGUED", REMOVE "CAN" CHANGE TO "MAY". MOTION ON THE AMENDMENTS CARRIED 6-1.

MOTION ON THE AMENDED RESOLUTION CARRIED 6-1.

CLOSED SESSION

MOTION BY COUNCIL MEMBER HUSSAIN AT 6:23 PM: Pursuant to MCL 15.268(c) and MCL 15.268(e) of the Open Meetings Act, I hereby move that we recess into closed session for strategy and negotiation sessions connected with the negotiation of the Memorandum of Understanding between City of Lansing and the Teamsters 243, as requested by the City and to discuss the active litigation City of Lansing, Michigan v. Purdue Pharma L.P., et al.

ROLL CALL VOTE. MOTION CARRIED 6-1.

RECONVENE

Council President Spadafore reconvened the meeting at 6:47 p.m.

OTHER

RESOLUTION – Teamster 243 Supervisory Memorandum of Understanding

Council Member Hussain detailed that the MOU was to reflect a 2% wage increase, effective 2/1//2021, and run through the CBA already approved earlier in 2021.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE TEAMSTERS 243 SUPERVISORY MEMORANDUM OF UNDERSTANDING. MOTION CARRIED 7-0.

RESOLUTION – Teamsters 243 Clerical, Technical, Professional Memorandum of Understanding

Council Member Hussain detailed that the MOU was to reflect a 2% wage increase, effective 2/1//2021, and run through the CBA already approved earlier in 2021.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE TEAMSTERS 243 CLERICAL, TECHNICAL, PROFESSIONAL MEMORANDUM OF UNDERSTANDING. MOTION CARRIED 7-0.

Adjourn
The meeting adjourned at 6:49 pm
Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by the Committee July 26, 2021