

CITY COUNCIL

(1) ADOPTED MEETING
MINUTES

and

(2) APPROVED AGENDA
ITEMS

Regular City Council Meeting
Monday, Sep. 25, 2023

ADOPTED MEETING MINUTES

REGULAR CITY COUNCIL MEETING MONDAY, September 25, 2023

Presented: 5/28/2024
Adopted: 5/28/2024

Item No. 240202



City of Flint, Michigan Meeting Minutes - Draft CITY COUNCIL

240202
Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com

Ladel Lewis, Vice President, Ward 2

*Eric Mays, Ward 1
Judy Priestley, Ward 4
Tonya Burns, Ward 6
Dennis Pfeiffer, Ward 8*

*Quincy Murphy, Ward 3
Jerri Winfrey-Carter, Ward 5
Candice Mushatt, Ward 7
Eva Worthing, Ward 9*

Davina Donahue, City Clerk

Monday, September 25, 2023

10:22 PM

CITY COUNCIL CHAMBERS

CALL TO ORDER

The meeting started at 10:22 p.m.

ROLL CALL

Present: Councilperson: Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: Councilperson: Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

PRESENTATION OF MINUTES

230327 DRAFT Summary Minutes/Flint City Council/Special Meeting/September 18, 2023

DRAFT Summary Minutes of the Flint City Council Special Meeting held Monday, September 18, 2023, at 5:44 p.m., in City Council Chambers, 3rd Floor, City Hall.

Approved with any corrections.

A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be Placed on File. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

PUBLIC HEARINGS

230276.6 Public Hearing/Ordinance No. 230276

A Public Hearing for Ordinance No. 230276, an ordinance to amend the Flint

City Code of Ordinances by amending Chapter 6 (Alcoholic Liquor Sales), Article I (In General), Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception).

230277.6 Public Hearing/Ordinance No. 230277

A Public Hearing for Ordinance No. 230277, an ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article I (In General), Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle).

230278.6 Public Hearing/Ordinance No. 230278

A Public Hearing for Ordinance No. 230278, an ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles).

CONSENT AGENDA

OFFICIAL COMMUNICATIONS (From the Mayor and Other City Officials)

230326 Traffic Engineering/Closure Permits

Sidewalk, Lane and Street Closure permits (10) dated August 2023, for requested activities/events, with noted responsibility for the placement of the required traffic control devices, and/or personnel, for the protection of traffic and event participants.

This Matter was Placed on File on the Consent Agenda.

RESOLUTIONS (POSTPONED)

230301 CO#4/Contract/Shelter of Flint/Contract No. 21-088

Resolution resolving that the appropriate City officials are authorized to process any necessary budget adjustments and to enter into Change Order #4 to Contract 21-088 with Shelter of Flint in the amount of \$25,000.00 for a new total contract amount of \$618,290.00.

SEPARATED FROM MASTER RESOLUTION

230306 J.F. Cavanaugh Company/WPC Influent Chamber/Emergency Repair

Resolution resolving that the Proper City Officials are authorized to do all things necessary to approve this emergency procurement with J. F. Cavanaugh Company for the WPC Influent Chamber repair and restoration, in the not to exceed amount of \$135,908.00 using available FY 2024 sewer funding.

SEPARATED FROM MASTER RESOLUTION

230308 Lake Star Construction Services, Inc./Lead Remediation/Lead Based Paint Hazard Program

Resolution resolving that Division of Purchases & Supplies is hereby authorized to issue a Purchase Order for FY24 to Lake Star Construction for the lead remediation project for the Lead Based Paint Hazard Program in an amount not to exceed \$378,000.00 for FY24(07/01/2023 to 10/31/2023).

SEPARATED FROM MASTER RESOLUTION

RESOLUTIONS

230302 CO#3/Contract/Sorensen Gross/Dort Pump Station Rehabilitation

Resolution resolving that the appropriate City Officials are hereby authorized to enter into Change Order #3 of the contract with Sorensen Gross for the Dort Pump Rehabilitation Project, in an amount not to exceed \$30,222.00 for FY24(07/01/23-06/30/24) for an aggregate grand total amount not to exceed \$4,399,391.47.

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

230321 PSA/City of Flint/F&V Operations and Resource Management, Inc./Back-up Laboratory Services Operator

Resolution resolving that the Flint City Council approves the Professional Services Agreement between the City of Flint and F&V Operations and Resource Management, Inc., for back-up operator in charge and laboratory services.

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

230322 LaFontaine Automotive/Six (6) 2024 Pickup Trucks

Resolution resolving that the proper City Officials are authorized to approve this purchase in the amount of \$315,308.00. [NOTE: The City of Flint Water and Sewer Departments (WSC) is requesting the purchase of six (6) 2024 pickup trucks.]

SEPARATED FROM MASTER RESOLUTION

230324 DLZ/Engineering Services/Cedar Street Reservoir and Pump Station Rehabilitation

Resolution resolving that the appropriate City Officials do all things necessary to authorize a purchase order to DLZ for engineering services to Cedar Street reservoir and pump station rehabilitation in an amount not to exceed 835,700.00 (EGLE American Rescue Plant- State Revolving Fund Grant) Funds from account 496-536.702-802.058.

SEPARATED FROM MASTER RESOLUTION**RESOLUTIONS (May Be Referred from Special Affairs)****230330** Recognition/Sickle Cell Awareness Month

Resolution resolving that Mayor Sheldon A, Neeley and the Flint City Council recognize September as Sickle Cell Awareness Month and urge everyone to learn more about this disease, AND, resolving that the Flint community is encouraged to donate blood to help sickle cell patients who need blood transfusions to alleviate this disease's devastating symptoms.

This Matter was ADOPTED BY THE MASTER RESOLUTION on the Consent Agenda.

SECOND READING AND ENACTMENT OF ORDINANCES**230276** Amendment/Ordinance/Chapter 6 (Alcoholic Liquor Sales)/Article I (In General)/Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 6 (Alcoholic Liquor Sales), Article I (In General), Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception).

SEPARATED FROM MASTER RESOLUTION

230277 Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article I (In General)/Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article I (In General), Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle).

SEPARATED FROM MASTER RESOLUTION

230278 Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles).

SEPARATED FROM MASTER RESOLUTION

Passed The Consent Agenda

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Burns, including all the preceding items marked as having been adopted on a Consent Agenda. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

SEPARATED FROM THE MASTER RESOLUTION

230301 CO#4/Contract/Shelter of Flint/Contract No. 21-088

Resolution resolving that the appropriate City officials are authorized to process any necessary budget adjustments and to enter into Change Order #4 to Contract 21-088 with Shelter of Flint in the amount of \$25,000.00 for a new total contract amount of \$618,290.00.

Adopted

Substituted

Adopted

Substituted

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Burns, that this matter be DROPPED. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

230306 J.F. Cavanaugh Company/WPC Influent Chamber/Emergency Repair

Resolution resolving that the Proper City Officials are authorized to do all things necessary to approve this emergency procurement with J. F. Cavanaugh Company for the WPC Influent Chamber repair and restoration, in the not to exceed amount of \$135,908.00 using available FY 2024 sewer funding.

Adopted

Substituted

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Burns, that this matter be DROPPED. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

230308 Lake Star Construction Services, Inc./Lead Remediation/Lead Based Paint Hazard Program

Resolution resolving that Division of Purchases & Supplies is hereby authorized to issue a Purchase Order for FY24 to Lake Star Construction for the lead remediation project for the Lead Based Paint Hazard Program in an amount not to exceed \$378,000.00 for FY24(07/01/2023 to 10/31/2023).

Adopted

Substituted

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Burns, that this matter be DROPPED. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

230322 LaFontaine Automotive/Six (6) 2024 Pickup Trucks

Resolution resolving that the proper City Officials are authorized to approve this purchase in the amount of \$315,308.00. [NOTE: The City of Flint Water and Sewer Departments (WSC) is requesting the purchase of six (6) 2024 pickup trucks.]

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Winfrey-Carter, that this matter be Adopted. The motion failed by the following vote:

Aye: 3 - Councilperson Priestley, Councilperson Burns and Councilperson Pfeiffer

No: 1 - Councilperson Winfrey-Carter

Abstain: 1 - Councilperson Mays

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

Tabled until the next City Council meeting, where it will be reconsidered.

A motion was made by Councilperson Mays, seconded by Councilperson Pfeiffer, that this matter be TABLED. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

230324 DLZ/Engineering Services/Cedar Street Reservoir and Pump Station Rehabilitation

Resolution resolving that the appropriate City Officials do all things necessary to authorize a purchase order to DLZ for engineering services to Cedar Street reservoir and pump station rehabilitation in an amount not to exceed 835,700.00 (EGLE American Rescue Plant- State Revolving Fund Grant) Funds from account 496-536.702-802.058.

Adopted**Substituted**

A motion was made by Councilperson Pfeiffer, seconded by Councilperson Burns, that this matter be REFERRED TO COMMITTEE to the FINANCE DEPARTMENT, due back on October 4, 2023. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

230276

Amendment/Ordinance/Chapter 6 (Alcoholic Liquor Sales)/Article I (In General)/Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 6 (Alcoholic Liquor Sales), Article I (In General), Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception).

A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be PASSED. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

230277

Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article I (In General)/Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article I (In General), Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle).

A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be PASSED. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

230278

Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles).

A motion was made by Councilperson Mays, seconded by Councilperson Burns, that this matter be PASSED. The motion carried by the following vote:

Aye: 5 - Councilperson Mays, Councilperson Priestley, Councilperson Winfrey-Carter, Councilperson Burns and Councilperson Pfeiffer

Absent: 4 - Councilperson Lewis, Councilperson Murphy, Councilperson Mushatt and Councilperson Worthing

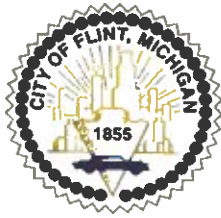
ADJOURNMENT

The meeting adjourned at 11:59 p.m. with all five members present voting "yes."

APPROVED AGENDA ITEMS

REGULAR CITY COUNCIL MEETING
MONDAY, SEPTEMBER 25, 2023

OFFICE OF THE CITY COUNCIL



MEMORANDUM

TO: Whom It May Concern
FROM: Davina Donahue – City Clerk
DATE: October 5, 2023
RE: CITY COUNCIL APPROVED RESOLUTIONS/ORDINANCES (September 25, 2023)

The attached copies of City Council APPROVED resolutions (listed below) are being distributed to you as a matter of record. If applicable, ordinances as approved by council are also detailed below.

Agenda items that were FAILED and/or DROPPED by council are noted here as well. Thank you.

RESOLUTIONS (as ADOPTED by City Council – September 25, 2023)

230302 230321 230330

NOTE:

ORDINANCES (as ADOPTED by City Council – September 25, 2023)

Ord. No. 230276 – An ordinance to amend the Flint City Code of Ordinances by amending Chapter 6 (Alcoholic Liquor Sales), Article I (In General), Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception).

Ord. No. 230277 – An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article I (In General), Section 28-28.6 (Adoption of State Law Covering Possession of Alcohol in Passenger Compartment of a Motor Vehicle).

Ord. No. 230278 – An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles).

NOTE: Ordinance abstracts only outline what was approved by the City Council during this meeting, as every adopted ordinance is subject to veto by the Mayor.

MISC AGENDA ITEMS (as FAILED/DROPPED by City Council – September 25, 2023)

FAILED –

POSTPONED INDEFINITELY –

- Reso No. 230301 [CO#4 to the Contract with the Shelter of Flint (Budget Adjustments)]
Reso No. 230306 [J.F. Cavanaugh Co. (WPC Influent Chamber/Emergency)]
Reso No. 230308 [Lake Star Construction Services (Lead Based Paint Hazard Program)]

MUNICIPAL CENTER

1101 S. SAGINAW STREET FLINT, MICHIGAN 48502 (810) 766-7418 FAX (810) 766-7032

230302



RESOLUTION NO.: _____

PRESENTED: SEP - 6 2023

ADOPTED: SEP 25 2023

BY THE CITY ADMINISTRATOR:

RESOLUTION TO SORENSEN GROSS FOR CHANGE ORDER #3 FOR DORT PUMP STATION REHABILITATION

WHEREAS, The Division of Purchases and Supplies solicited proposals for the rehabilitation of the Dort Pump Station, a project for the Water System Infrastructure Improvements for the Nation (WIIN) and Sorensen Gross, 3407 Torrey Road, Flint, MI, was the lowest bidder from twenty (20) solicitations for said requirements.

WHEREAS, Flint City Council approved Resolution #210103 to enter into a contract with Sorensen Gross on March 25, 2021, in an amount not to exceed \$3,649,397.00.

WHEREAS, Flint City Council approved Resolution #210580 Change Order #1 on January 10, 2022, in the amount of \$420,547.47 for a total contract amount not to exceed \$4,069,944.47.

WHEREAS, Flint City Council approved Resolution #220346 Change Order #2 on August 22, 2022, in the amount of \$299,225.00 for a total contract amount not to exceed \$4,369,169.47.

WHEREAS, The Water Plant is requesting additional funding for Change Order #3, as it was discovered during inspection, vibration coming from the flow meter. The following services are required to complete the project: disconnect and reconnect electrical to roof exhaust fans, sandblast and paint existing steel lids, yellow striping at the motor base, an ultrasonic clamp on the flow meter, and survey for the flow meter. The total cost of Change Order #3 is not to exceed \$30,222.00, for a total contract price not to exceed \$4,399,391.47.

GL/ACCOUNT #	ACCOUNT NAME /GRANT CODE	AMOUNT REQUESTED
496-536.802-802.076	Dort Pump Station/FEPA18WIIN-1	\$30,222.00
	FY2024 TOTAL	\$30,222.00

IT IS RESOLVED that the Appropriate City Officials are hereby authorized to enter into Change Order #3 of the contract with Sorensen Gross for the Dort Pump Rehabilitation Project, in an amount not to exceed \$30,222.00 for FY24(07/01/23-06/30/24) for an aggregate grand total amount not to exceed \$4,399,391.47.

APPROVED AS TO FORM:


William Kim (Aug 23, 2023 12:14 EDT)

William Kim, City Attorney

APPROVED AS TO FINANCE:


Jane Mager (Aug 23, 2023 14:36 EDT)

Jane Mager, Acting Chief Financial Officer

FOR THE CITY OF FLINT:


CLYDE D EDWARDS (Aug 23, 2023 22:25 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL:





CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: August 22, 2023

BID/PROPOSAL# 21000572

AGENDA ITEM TITLE: Resolution Authorizing Appropriate City Officials to Enter into a Change Order#3 Contract with Sorensen Gross for the Dort Pump Station Rehabilitation

PREPARED BY: Yolanda Gray, Department of Public Works Utilities

VENDOR NAME: Sorensen Gross

BACKGROUND/SUMMARY OF PROPOSED ACTION: Flint City Council approved Resolution #210103 to enter into a contract with Sorensen Gross the lowest bidder from twenty (20) solicitations, on March 25, 2021, in an amount not to exceed \$3,649,397.00 for the Dort Pump Station Rehabilitation project with funding coming from the Water System Infrastructure Improvements for the Nation (WIIN). Flint City Council approved Resolution #210580 Change Order #1 on January 10, 2022, in the amount of \$420,547.47 for a total contract amount not to exceed \$4,069,944.47. Flint City Council approved Resolution #220346 Change Order #2 on August 22, 2022, in the amount of \$299,225.00 for a total contract amount not to exceed \$4,369,169.47. The Water Plant is requesting additional funding for Change Order #3, as it was discovered during inspection, vibration coming from the flow meter. The following services are required to complete the project: disconnect and reconnect electrical to roof exhaust fans, sandblast and paint existing steel lids, yellow striping at the motor base, an ultrasonic clamp on the flow meter, and survey for the flow meter. The total cost of Change Order #3 is not to exceed \$30,222.00, for a total contract price not to exceed \$4,399,391.47.

BUDGETED EXPENDITURE? YES NO IF NO, PLEASE EXPLAIN:

Table with 5 columns: Dept., Name of Account, Account Number, Grant Code, Amount. Row 1: 496, Dort Pump Station, 496-536.802-802.076, FEPA18WIIN-1, \$30,222.00. Row 2: FY24 GRAND TOTAL, \$30,222.00.

PRE-ENCUMBERED? YES NO REQUISITION NO:

ACCOUNTING APPROVAL: Yolanda Gray Date: 8-22-23

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO Existing contract

STAFF RECOMMENDATION: (PLEASE SELECT): APPROVED NOT APPROVED

DEPARTMENT HEAD SIGNATURE: Scott Duengel 8/22/2023 (PLEASE TYPE NAME, TITLE)

CHANGE ORDER NO.: 3

Owner:	City of Flint	Owner's Project No.:	21000572
Engineer:	DLZ	Engineer's Project No.:	1949-018800
Contractor:	Sorensen Gross	Contractor's Project No.:	88101
Project:	Dort Pump Station Rehabilitation		
Contract Name:	Dort Pump Station Rehabilitation		
Date Issued:	5/4/2023	Effective Date of Directive:	

The Contract is modified as follows upon execution of this Change Order:

Description:

This Change Order includes cost for the following:

1. CE 12 – Disconnect and reconnect electrical to (3) roof exhaust fans due to roof replacement for \$2,089.00.
2. CE 17 – Sandblast and paint two (2) existing steel lids above the suction manifold chamber for \$2,619.00.
3. CE 19 - Yellow striping at the motor base and miscellaneous handrail for \$729.00.
4. CE 20 - An ultrasonic clamp on flow meter from Flexim with associated installation and commissioning for \$23,194.00.
5. CE 21 – Survey for flow meters utilizing HI Controls, LLC for \$1,591.00.

* The total cost increase via this Change Order is **\$30,222.00**.

Attachments:

CE 12.pdf, CE 17.pdf, CE 19 yellow stripes.pdf, CE 20 flow meters.pdf, CE 21.pdf

Change in Contract Price	Change in Contract Times [State Contract Times as either a specific date or a number of days]
Original Contract Price: \$ <u>3,649,397.00</u>	Original Contract Times: Phase I Substantial Completion: <u>11/9/2021</u> Phase II Substantial Completion: <u>3/6/2022</u> Ready for final payment: <u>4/6/2022</u>
Contract Price Increase from previously approved Change Orders: \$ <u>719,772.47</u>	Increase/Decrease from previously approved Directives: Phase I Substantial Completion: <u>31 Working Days</u> Phase II Substantial Completion: <u>4 Months</u> Ready for final payment: <u>4 Months</u>
Contract Price prior to this Directive: \$ <u>4,369,169.47</u>	Contract Times prior to this Directive: Phase I Substantial Completion: <u>12/28/2021</u> Phase II Substantial Completion: <u>7/19/2022</u> Ready for final payment: <u>8/17/2022</u>
Increase this Directive: \$ <u>30,222.00</u>	Increase/Decrease this Directive: Phase I Substantial Completion: <u>0</u> Phase II Substantial Completion: <u>0</u> Ready for final payment: <u>3 Months</u>
Contract Price incorporating this Directive: \$ <u>4,399,391.47</u>	Contract Times with all approved Directive: Phase I Substantial Completion: <u>12/28/2021</u> Phase II Substantial Completion: <u>7/19/2022</u> Ready for final payment: <u>8/17/2022</u>

EJCDC® C-941, Change Order.

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Recommended by Engineer (if required)

Authorized by Owner

By: Brian Bachler, PE Brian Bachler
PE License # 10100
Exp. 12/31/2023
Issued 12/31/2023

Title: Project Construction Manager

Date: 5/4/2023

Authorized by Owner

Approved by Funding Agency (if applicable)

By: Clyde D. EDWARDS

Title: CITY ADMINISTRATOR

Date: July 18, 23

230321



RESOLUTION NO.: _____

PRESENTED: SEP 20 2023

ADOPTED: SEP 25 2023

RESOLUTION APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FLINT AND F&V OPERATIONS AND RESOURCE MANAGEMENT, INC.

BY THE CITY ADMINSITRATOR:

WHEREAS, on September 24, 2018, the Flint City Council approved resolution 180496.2 to F&V Operations and Resource Management (FVOP) to provide the City of Flint water treatment plant operator in charge and laboratory services for a five (5) year term expiring September 30, 2023 and,

WHEREAS, Scott Dungee, water plant supervisor, has attained certifications required to operate the facility, FVOP will serve as the back-up operator in charge. The back-up operator in charge is required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and United States Environmental Protection Agency (USEPA) for systems the size of the City of Flint water treatment plant and,

WHEREAS, Laboratory technicians were recently hired who are inexperienced and will need assistance to maintain compliance and retain the laboratory certification. FVOP will assume previous laboratory responsibilities while the staff develops with anticipation of a reduction in the scope of services when a qualified laboratory supervisor is hired and,

WHEREAS, Operations services will be provided on a lump sum basis at a proposed monthly fee of \$22,905.00 and will be prorated for any partial month with funding available from account 591-545.200-801.000 and,

BE IT RESOLVED, that the Flint City Council approves the Professional Services Agreement between the City of Flint and F&V Operations and Resource Management, Inc., for back-up operator in charge and laboratory services.

APPROVED AS TO FORM:


William Kim (Sep 18, 2023 12:35 EDT)

William Kim, Chief Legal Officer

APPROVED AS TO FINANCE:


Phillip Moore (Sep 18, 2023 12:44 EDT)

Phillip Moore, Chief Financial Officer

FOR THE CITY OF FLINT:


CLYDE D. EDWARDS (Sep 18, 2023 12:46 EDT)

Clyde Edwards, City Administrator

APPROVED BY CITY COUNCIL





CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: September 18, 2023

AGENDA ITEM TITLE: Resolution Approving the Professional Services Agreement Between the City of Flint and F&V Operations and Resource Management , Inc.

PREPARED BY: Yolanda Gray, Department of Public Works & Utilities

VENDOR NAME: F&V Operations

BACKGROUND/SUMMARY OF PROPOSED ACTION:

F&V Operations Resource Management Inc (FVOP), and the City of Flint water plant entered into a five (5) year agreement to provide operator in charge and staff for the laboratory with services expiring September 30, 2023. The water plant has a certified operator in charge and no longer needs FVOP to render services as the operator in charge. Due to the size of the water plant a back-up operator in charge is required. The water plant recently hired laboratory technicians who are inexperienced and will need assistance to maintain compliance. F&V will assume previous responsibility while the city staff develops and will reduce the scope of services when a qualified supervisor is hired. The total operations services as the back-up operator in charge and laboratory services will be provided on a lump sum basis of \$22,905.00 and will be prorated for any partial month. Funding will be available from account 591-545.200-801.000.

FINANCIAL IMPLICATIONS:

BUDGETED EXPENDITURE? YES x NO [] IF NO, PLEASE EXPLAIN:

Table with 5 columns: Dept., Name of Account, Account Number, Grant Code, Amount. Row 1: 591, Professional Services, 591-545.200-801.000, (blank), \$274,860.00. Row 2: (blank), (blank), (blank), FY24 GRAND TOTAL, \$274.860.00

PRE-ENCUMBERED? YES NO [x] REQUISITION NO:

ACCOUNTING APPROVAL: [Signature] Date: 9-18-23

WILL YOUR DEPARTMENT NEED A CONTRACT? YES [x] NO [] (If yes, please indicate how many years for the contract) YEARS

STAFF RECOMMENDATION: (PLEASE SELECT): [x] APPROVED [] NOT APPROVED

DEPARTMENT HEAD SIGNATURE: [Signature] 9-18-23 (PLEASE TYPE NAME, TITLE)



August 31, 2023

Mr. Clyde Edwards, City Administrator
City of Flint
1101 S. Saginaw Street
Flint, MI 48502

RE: Laboratory Staff and Backup Operator In Charge Support Services, Flint, MI

Dear Mr. Edwards:

F&V Operations and Resource Management, Inc. (FVOP), appreciates the opportunity and the successes we enjoyed over the last few years assisting the city in the recovery of the Flint water system. Our current agreement is expiring, we are providing this proposal to get the city to the finish line and achieve a smooth transition to in-house water system operations, providing safe, clean, drinking water to the residents of the City of Flint.

Your staff has developed significantly since we began working with the city. Your staff has achieved certifications required to operate the facility; however, FVOP is currently serving as the Operator In Charge (O.I.C.). We feel the city staff is ready to take on this responsibility at this time and are proposing a shift in the operations structure with the city staff taking the O.I.C. and FVOP serving as the backup O.I.C. The backup O.I.C. is required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and United States Environmental Protection Agency (USEPA) for systems of your size. This change will reduce our scope and responsibility.

The city water plant laboratory staff is currently very inexperienced and will need assistance to maintain compliance and retain the laboratory certification. As your staff develop and assume our previous responsibilities, we anticipate a further reduction in our scope in the future, however with the volatility of today's labor market, finding qualified staff has proven challenging.

The proposed scope and budget are based on our understanding of your facility, the staff, and the city's current operational needs.

SCOPE OF SERVICES

We know the water system laboratory operations and current labor requirements. We propose to continue to provide up to two operations specialists to provide the following services at the City of Flint Water Treatment Plant and Water Distribution System. To provide a comfortable level of back up and redundancy, it is likely we will continue to utilize up to four different operations specialists throughout this project:

2960 Lucerne Drive SE, Suite 100
Grand Rapids, MI 49546
P: 616.588.2900
F: 616.977.1005
www.fv-operations.com

BASE SCOPE OF SERVICES

- Provide EGLE-required backup O.I.C. services.
- Sample the required distribution sites daily five days per week; city staff will work shadow and receive training in proper sampling and validation of samples for reporting purposes.
- Provide a marked FVOP vehicle for transportation to the various distribution system sites to perform sampling.
- Operate the city water plant lab within the technical capabilities of the laboratory and train city staff in the laboratory techniques associated with your lab equipment and regulatory requirements.
- Train and provide documents, such as bench sheets, chains of custody, and weekly summary reports for internal use and submittal to various government agencies such as USEPA and EGLE.
- Provide inspection and training regarding laboratory equipment; supervise maintenance, calibrations, and other repair/maintenance tasks.
- Perform and train city staff in the requirements for the collection of data to prepare state reports.
- Perform and train city staff regarding the collection of water samples and performance of laboratory analysis, and participate in plant operations as required.
- Assist in the review of water system projects from a laboratory perspective.
- Provide the city staff with minor consultation regarding water plant operations and reporting requirements.

ADDITIONAL (NON-BASE) SERVICES:

- Respond to utility system emergencies at all hours.
- Emergency service to assist on-site staff when requested.
- Other requested services.

RESPONSIBILITIES OF THE CITY:

- Laboratory equipment and reagents.
- Postage associated with mailing samples to off-site laboratories.
- Provide and pay for all operations items (this is not included in FVOP base services).
- Electricity and Chemicals
- Laboratory testing by outside labs.
- Daily O&M checks
- Generator fuel
- Equipment maintenance
- Equipment repair
- Residuals disposal
- Additional engineering

PROPOSED STAFFING

FVOP proposes to staff this project with two operation specialists overseen by Robert Jones. The following key staff will be assisting the team.

Robert Jones: Rob will be providing overall project management and certified operator services. He is currently serving as your certified Operator in Charge (OIC), his new role will be the backup O.I.C. Rob is familiar with your staff and reducing his role in your facility will provide cost savings to the city.

Corina Privett: Corina will lead the laboratory, reporting, and training efforts in addition to some of the sampling efforts on this project. Corina has many years of water plant laboratory and sampling experience at the City of Flint in addition to her Chemistry degree from the University of Michigan and her Michigan Drinking Water certification. Corina is an expert with the city's laboratory, sampling requirements, sample plans and collection points, and reporting requirements.

Ben Pank: Ben will lead distribution system sampling and training efforts in addition to some of the laboratory efforts on this project. Ben has many years of water plant laboratory and sampling experience in addition to his Michigan Drinking Water certifications. Ben is an expert with the city's water system laboratory, sampling requirements, sample plans, and collection points.

H. Blair Selover: Blair oversees all FVOP projects and has more than 40 years' experience in wastewater and water operations. Blair holds a Municipal F2, S1 Drinking Water certification. Blair is the point of contact for planning administrative project concerns.

All FVOP operations staff are highly trained individuals — FVOP emphasizes excellence and certification. We provide all staff with room to grow to reach their full potential. All staff serving your project will have the experience and the technical training for the task assigned. FVOP has more than 80 operations personnel available

SCHEDULE

We are prepared to begin this transition of scope and work immediately upon your written approval of our proposal.

BUDGET

These operations services will be provided on a lump sum basis. Our proposed monthly fee is \$22,905 for the services outlined within this proposal and will be prorated for any partial month. This represents a savings of nearly \$90,000 annually.

These proposal rates are valid until September 30, 2024, at which time FVOP reserves the right to adjust the lump sum rate based on the United States Department of Labor, Bureau of Labor Statistics, Employment Cost Index, Total compensation for All Civilian workers in All industries and occupations, 12-month percent change. These services will automatically renew each calendar year. Either party may terminate with or without cause with a 14-day written notice.

If you concur with our Scope of Services and budget, we will amend the current Professional Services Agreement to add these services.

We thank you for this opportunity and we look forward to working with you. If you have any questions regarding this proposal or any FVOP services, please contact me at 810.252.8884 or bselover@fv-operations.com.

Sincerely,

F&V OPERATIONS AND RESOURCE MANAGEMENT, Inc.



H. Blair Selover
Group Manager | Principal



230330

PRESENTED: SEP 25 2023

ADOPTED: SEP 25 2023

BY THE MAYOR AND CITY COUNCIL:

RESOLUTION RECOGNIZING SEPTEMBER AS SICKLE CELL AWARENESS MONTH

September is Sickle Cell Awareness Month. Sickle Cell Disease is a chronic condition that causes the red blood cells to harden and form a sickle shape. This condition causes severe and unpredictable pain, intense fatigue, frequent infections and other ailments.

According to the Sickle Cell Disease Association of America (“SCDAA”), approximately 100,000 Americans live with this disease. 2,800 of those reside here in Michigan. While African Americans account for 98% of those of cases, sickle cell also affects those of Latino descent.


The Mayor and City Council support the SCDAA-Flint Chapter as it held its annual “Sickle Cell Walk ”on September 16, 2023 in Max Brandon Park, with proceeds benefiting the Hurley Foundation’s Sickle Cell Fund. This event raises funding for better treatments, education and outcomes for sickle cell warriors.

Although sickle cell disease is often a life-long condition without a cure, blood transfusions are one of the most critical treatments for sickle cell patients. Those individuals who suffer from sickle cell benefit most from blood transfusions from people of the same race or similar ethnicity. However only 5% of blood donors are of African ancestry. Increasing blood donations among African-Americans will have a major impact in fighting the crippling symptoms of sickle cell disease.

BE IT RESOLVED that Mayor Sheldon A. Neeley and the Flint City Council recognizes September as Sickle Cell Awareness Month and urges everyone to learn more about this disease.

BE IT FURTHER RESOLVED that the Flint community is encouraged to donate blood to help sickle cell patients who need blood transfusions to alleviate this disease’s devastating symptoms.

FOR THE CITY OF FLINT:


Sheldon A. Neeley, Mayor

FOR THE CITY COUNCIL:


Flint City Council

APPROVED AS TO FORM:


William Y. Kim, City Attorney

230276

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 6, ALCOHOLIC LIQUOR SALES.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 6, ALCOHOLIC LIQUOR SALES, Article 1, IN GENERAL, Section 6-6, CONSUMPTION IN PUBLIC PROHIBITED; POSSESSION OR CONSUMPTION IN PUBLIC PARK OR PARKWAY PROHIBITED; EXCEPTION, by providing numbering for paragraphs 6-6(1) and 6-6(2) and adding paragraph 6-6(3). which shall read in its entirety as follows:

§ 6-6 CONSUMPTION IN PUBLIC PROHIBITED; POSSESSION OR CONSUMPTION IN PUBLIC PARK OR PARKWAY PROHIBITED; EXCEPTION.

(1) No alcoholic liquors or beer shall be consumed on the public streets, parks or in any other public places, including any store or establishment doing business with the public not licensed to sell alcoholic liquor or beer therein.

(2) No person shall have in his possession or under his or her control, any alcoholic liquor or beer upon or within any public park or parkway; provided, that such possession and consumption of alcoholic liquor or beer may be permitted within buildings or structures under the jurisdiction of the Department of Parks and Recreation where not otherwise prohibited by law, upon the securing of permission from the Director of the Department of Parks and Recreation.

(3) The provisions of this section shall not apply to the operation of a commercial quadricycle and/or a passenger travelling thereon, as permitted under sections 28-164 to 28-175 of the Flint City Code of Ordinances.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2023, A.D.


Adopted this _____ day of _____, 2023, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Approved by City Council

APPROVED AS TO FORM:



William Kim (Feb 21, 2023 15:42 EST)

William Kim, City Attorney

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC, Article 1, IN GENERAL, Section 28-28.6, ADOPTION OF STATE LAW COVERING POSSESSION OF ALCOHOL IN PASSENGER VEHICLE, by the addition of paragraph 28-28.6(b)(5), which shall read in its entirety as follows:

§ 28-28.6 ADOPTION OF STATE LAW COVERING POSSESSION OF ALCOHOL IN PASSENGER COMPARTMENT OF A MOTOR VEHICLE.

(a) Section 624a of the Michigan Vehicle Code, covering possession of open alcohol in a passenger compartment, as adopted and promulgated by the State of Michigan as Public Act 98 of the Michigan Public Acts of 1991, and as from time to time amended by the State of Michigan (being MCLA §§ 257.624a et seq.; MSA §§ 9.2324(1) et seq.), is hereby adopted by reference by the Flint City Council and placed on file with the City Clerk.

(b) This section shall read as follows:

(1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this State.

(2) Exceptions. A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this State, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(3) Violation as misdemeanor. A person who violates this section is guilty of a misdemeanor.

(4) Chartered vehicle exception. This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation.

(5) Commercial Quadricycle exception. This section does not apply to the operation of a commercial quadricycle and/or a passenger travelling thereon, as permitted under sections 28-164 to 28-175 of the Flint City Code of Ordinances.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2023, A.D.


Adopted this _____ day of _____, 2023, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Approved by City Council

APPROVED AS TO FORM:



William Kim (Feb 21, 2023 15:42 EST)

William Kim, City Attorney

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC, Article XIV, MOTORCYCLES, BICYCLES AND THE LIKE, Division 1, BICYCLES, by amending and renaming sections 28-164 through 28-174, which shall read in their entirety as follows:

~~DIVISION 1. BICYCLES~~

~~§ 28-164 "BICYCLE" DEFINED.~~

~~BICYCLE. A device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter.~~

~~§ 28-165 COMPLIANCE.~~

~~All person using bicyeles shall conform to the general rules as set forth in this ordinance.~~

~~§ 28-166 REGISTRATION; TRANSFER OF OWNERSHIP.~~

~~(a) No person shall operate a bicycle upon any street, alley, or public place of this City unless such bicyele is registered as hereinafter provided and properly displays a decalcomania print; provided, however, that a nonresident temporarily in the City may secure from the Chief of Police a permit to use a bicycle for a period not exceeding seven (7) days.~~

~~(b) Bicyele registration certificates shall be issued by the Chief of Police but only after ascertaining that the bicycle desired to be registered is in good mechanical condition and carries the equipment required under this ordinance. The fee for such registration shall be as specified in Chapter 26 of this Code.~~

~~(c) The application of registration hereunder shall be on a form furnished by the Chief of Police. Said application shall be in triplicate and when signed by the Chief of Police shall constitute a certificate of registration, one copy of which shall be given to and retained by the applicant. The Chief of Police shall also furnish a decalcomania print which shall be securely attached to the bicycle to a conspicuous place on the frame. The decalcomania must be displayed on the registered bicyele at all times, and shall not be used on, or transferred to any other bicyele than that for which it was issued.~~

~~(d) Any person who sells or transfers ownership to any bicycle shall report such sale or transfer by returning to the Chief of Police the registration card issued therefor, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made~~

~~within five days from the date of the sale or transfer. It shall be the duty of the purchaser or transferee to apply for transfer or registration thereof within seven (7) days after the sale or transfer. The transfer of registration shall bear a fee as specified in Chapter 26 of this Code and be upon the condition that the bicycle is in good mechanical condition and carries equipment required under this ordinance.~~

~~(e) No person shall willfully or maliciously remove, destroy, mutilate or alter the frame number or manufacturer's serial number, or the decalcomania print issued under this article.~~

~~(f) Duplicate decalcomania print shall be issued by the Chief of Police in event the decalcomania print is lost, defaced or destroyed, upon the payment of the sum of \$0.25.~~

~~(g) In event any bicycle does not possess a trade number or manufacturer's serial number, the Chief of Police may stamp an identifying frame number thereon.~~

~~§ 28-166.1 BICYCLES TO BE PERMANENTLY IDENTIFIED UPON SALE.~~

~~Retail merchants of bicycles are hereby required to affix to each such bicycle sold, the driver's license number, social security number, or other proper identification number of the purchaser of such bicycle with a permanent stencil, stamp, or other method approved by the Chief of Police.~~

~~§ 28-167 LIGHTS AND REFLECTORS REQUIRED.~~

~~Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which will emit a white light visible from a distance of 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.~~

~~§ 28-168 WARNING DEVICES REQUIRED; USE OF SIRENS OR WHISTLES PROHIBITED.~~

~~No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except that such vehicle shall not be equipped with nor shall any person use upon such vehicles any sirens or whistle.~~

~~§ 28-169 BRAKES REQUIRED.~~

~~Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.~~

~~§ 28-170 CARRYING PACKAGES.~~

~~No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping both hands upon the handlebars of the vehicle.~~

~~§ 28-171 RIDING ON SIDEWALKS PROHIBITED; EXCEPTION.~~

~~No person shall ride any bicycle upon any sidewalks in the City of Flint, except on sidewalks located in residential districts of the said City of Flint; provided that no person shall ride upon any sidewalk or be permitted to do so at a rate of speed exceeding ten miles per hour; further, that such vehicle shall be operated along the right side of the street or sidewalk.~~

~~§ 28-172 TO BE RIDDEN WITH HANDS ON HANDLEBARS; MORE THAN ONE PERSON RIDING PROHIBITED; EXCEPTION.~~

~~It shall be unlawful for persons to ride bicycles in the streets, highways, public places or on sidewalks without having their hands on the handlebars, or for two or more persons to ride on any such vehicles; provided, that two or more persons may ride on a tandem bicycle which is hereby defined to be a bicycle originally manufactured for the purpose of being ridden or operated by two or more persons.~~

~~§ 28-173 IMPOUNDMENT OF ABANDONED OR STOLEN BICYCLES.~~

~~Any unregistered bicycle which appears to be abandoned by the owner or is recovered by the police after being stolen, shall be removed by any member of the Police Department to a place in the City to be designated by the Chief of Police. Any person owning or entitled to possession of such bicycle so removed may thereafter obtain possession thereof by paying the Police Department a fee which shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code, and registering the bicycle as provided in this division. It shall be the duty of any Police Department member collecting any such fee to issue a receipt therefor in duplicate, stating the make and serial number, if any, of the bicycle, together with the name of the owner or person entitled to possession thereof, one of which shall be handed to the person paying the same, and the other shall be filed in the office of the Chief of Police, and within 48 hours thereafter, the Chief of Police shall pay to the City Treasurer the amount so collected, taking the Treasurer's receipt therefor and filing the same in the office of the Chief of Police.~~

~~§ 28-174 RIDING ON PERMANENT SEATS.~~

~~A person propelling a bicycle or operating a motorcycle or motor driven cycle shall not ride other than upon and astride a permanent and regular seat attached thereto.~~

DIVISION 1. COMMERCIAL QUADRICYCLES

§ 28-164 DEFINITIONS

For purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

***Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented or any other designation, which contains one-half of one percent or more of alcohol by volume, are fit for use as a beverage, and are defined and classified by the Michigan Liquor Control Commission according to**

alcoholic content as being beer, wine, spirits, alcohol, sacramental wine, brandy, mixed wine drink, or mixed spirit drink.

***Chief of Police* means the Chief of the Flint Police Department.**

***City* means the City of Flint, Michigan.**

***Commercial quadricycle* means a vehicle as defined in Section 7b of the Michigan Vehicle Code, being MCL 257.7b, and which satisfies all of the following:**

- (a) The vehicle that has fully operative pedals for propulsion entirely by human power;**
- (b) The vehicle that has at least four wheels and is operated in a manner similar to a bicycle;**
- (c) The vehicle that has at least six seats for passengers;**
- (d) The vehicle is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power;**
- (e) The vehicle is used for commercial purposes; and**
- (f) The vehicle is operated by the owner of the vehicle or an employee of the owner of the vehicle.**

***Controlled substance* means any drug, immediate precursor or substance, by whatever official, common, usual, chemical, or trade name known, that is delineated in Schedules 1 through 5 of Part 72 of the Michigan Public Health Code, Public Act 368 of 1978, being MCL 333.7201 through MCL 333.7231.**

***Director* means the Department Director assigned to implement this ordinance by the City Administrator.**

***Drug* means:**

- (a) A substance that is recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or**
- (b) A substance that is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals; or**
- (c) A substance, other than food, that is intended to affect the structure or function of the body of human beings or animals; or**

(d) A substance that is intended for use as a component of any substance specified within this definition.

***Operator* means an individual who actually physically controls, or is responsible for the actual physical control of, any vehicle regulated by this article.**

***Owner* means an individual, person, partnership, corporation, association, sole proprietorship, limited-liability company, joint venture, estate, trust, organization, or any other legal entity engaged in the business of transporting passengers for hire by means of one or more vehicles regulated by this article.**

§ 28-165 AUTHORITY TO OPERATE

The operation of commercial quadricycles in the City is permitted in accordance with the provisions of this division. The provisions of this division are authorized by and adopted pursuant to Sections 7b, 33, 518a, 624a, 625p, 657, 660 662, 901 and 907 of the Michigan Vehicle Code, being MCL 257.7b, 257.33, 257.518a, 257.624a, 257.625p, 257.657, 257.660, 257.662, 257.901 and 257.907.

§ 28-166 LOCATION OF OPERATIONS

(1) The Director and the Chief of Police shall, by rule, jointly designate and approve the geographic locations and/or public right-of-ways in the City where licensed commercial quadricycles may operate. The geographic locations and/or public right-of-ways may be altered from time as determined by the Director and the Chief of Police. No Owner and/or Operator shall acquire any right to operate a commercial quadricycle in a particular geographic location and/or public right-of-way in the City.

(2) It shall be unlawful for any person to operate a commercial quadricycle at a location or on a public right-of-way in the City which location or public right-of-way has not been designated and approved in accordance with this section. Any person who violates this section shall be a guilty of a misdemeanor punishable by not more than 90 days in jail or a \$500.00 fine, or both.

§ 28-167 HOURS OF OPERATION

Licensed commercial quadricycles shall only be operated in the City between the hours of 9:00 a.m. and 11:00 p.m.

Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-168 SUSPENSION OF OPERATIONS

The Chief of Police shall have the authority to temporarily suspend the operation of any and all commercial quadricycles in the City whenever he or she determines that the conditions for the operation of a commercial quadricycle are unsuitable or unsafe. Any person who violates this

section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-169 COMPLIANCE WITH TRAFFIC LAWS AND SAFETY REQUIREMENTS

(1) The operation of a commercial quadricycle in the City shall comply with all traffic laws of the State of Michigan and the Flint City Code of Ordinances. In addition:

(A) No commercial quadricycle shall be operated at a speed more than 25 miles per hour;

(B) No commercial quadricycle shall be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street;

(C) No commercial quadricycle shall be operated on a sidewalk constructed for the use of pedestrians;

(D) All commercial quadricycles shall be capable of coming to a complete and controlled stop;

(E) All commercial quadricycles shall be equipped with a front lamp that emits a white light visible from a distance of at least 500 feet to the front and a rear lamp that emits a red light visible from distance of 500 feet to the rear; and

(F) All commercial quadricycles shall be maintained in a good state of repair, free from defects, both inside and outside, so as to not to injure any passengers or damage their clothing or possessions. The exterior of a commercial quadricycle shall be reasonably clean and free from cracks, breaks, and major dents.

(2) Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-170 OPERATORS

(1) The Operator of a commercial quadricycle shall:

(A) Possess a valid Michigan Driver's License;

(B) Operate the commercial quadricycle in a safe and prudent manner;

(C) Keep the interior of the commercial quadricycle clean;

(D) Report all accidents involving the commercial quadricycle as required by the traffic laws of the State of Michigan and the Flint City Code of Ordinances;

(E) Conspicuously post his or her current Quadricycle License in a protective frame attached to the commercial quadricycle;

(F) Be properly attired with a shirt, pants, skirt or shorts, and secure footwear.

(2) The Operator of a commercial quadricycle shall not:

(A) Transport passengers without a reservation arranged by phone or online;

(B) Promote or recommend transportation to any person or entity operating in violation of law;

(C) Sell, or offer for sale, articles of merchandise or literature to passengers while the quadricycle is in motion;

(D) After leaving the starting point, receive additional passengers;

(E) Except in an emergency, abandon the commercial quadricycle;

(F) Operate the commercial quadricycle while under the influence of alcoholic liquor, a controlled substance, and/or an illegal drug, or while his or her ability to operate the commercial quadricycle has been impaired by alcoholic liquor, a controlled substance, and/or an illegal drug;

(G) Stop to load or unload passengers in the intersections of any street or crosswalk, or in any unsafe location;

(H) Load or unload passengers in any manner that will impede or interfere with the orderly flow of traffic on the streets;

(I) Permit a passenger to possess or transport alcoholic liquor other than beer, wine, spirits or a mixed spirits drink;

(J) Permit a passenger to possess or transport alcoholic liquor that was purchased from a commercial establishment after the start of the trip; and/or

(K) Permit a passenger to engage in disorderly conduct.

(3) Any person who violates (2)(F) of this section shall be a guilty of a misdemeanor punishable by not more than 93 days in jail or a \$500.00 fine, or both, and licensing sanctions as provided by MCL 257.625.

(3) Any person who violates any other provision of this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-171 PASSENGERS

(1) A passenger on a commercial quadricycle shall not:

(A) Possess or transport alcoholic liquor on a commercial quadricycle other than beer, wine, spirits, or a mixed spirits drink;

(B) Possess or transport alcoholic liquor on a commercial quadricycle that was purchased from a commercial establishment after the start of the trip; and/or

(C) Engage in disorderly conduct.

(2) Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-172 LICENSE REQUIRED

(1) A Quadricycle License shall be required to operate a commercial quadricycle in the City.

(2) One Quadricycle License shall be required for each commercial quadricycle.

(3) The Director shall promulgate rules and regulations to obtain a license and enforce the licensing requirement in accordance with the Charter of the City of Flint, and shall administer all licensing activity.

(2) The fees for licensure or other activity under this Division of the Code shall be set from time to time by Council resolution. The fee shall be non-refundable and must be paid in full prior to issuance of the license.

(3) The Quadricycle License shall specify the total number of passengers that may be transported on the commercial quadricycle.

(4) A Quadricycle License issued under this Division may be suspended or revoked at any time by the Director, and the Director shall not issue a Quadricycle License under this section, for any 1 or more of the following reasons:

(a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.

(b) Failing to meet the minimum requirements for licensure under this Division of the Code or any regulations promulgated under this Division of the Code.

(c) Multiple violations of any provision of this Division of the Code or any regulation promulgated under this Division of the Code.

(d) Any condition which, had it been known or had it occurred prior to licensure, would have justified denial of licensure.

(e) Failing to pay any fee or monies due to the City of Flint.

(5) It shall be unlawful to operate or permit another person to operate a commercial quadricycle in the City unless the Owner of the commercial quadricycle has obtained a license to operate the commercial quadricycle from the Director. Any who person who violates this section shall be a guilty of a misdemeanor punishable by not more than 90 days in jail or a \$500.00 fine, or both.

(6) A Quadricycle License shall expire one year after issuance. The Director shall, by rule, create procedures for renewal of licensure. A Quadricycle License may not be transferred.

(7) The Director shall have the authority to promulgate rules and regulations to effectuate the provisions of this section. The Director may, by rule, establish a reasonable limit on the total number of licenses to operate a commercial quadricycle that may be issued in the City.

§ 28-172 MINIMUM REQUIREMENTS

(1) The requirements for obtaining a license to operate a commercial quadricycle in the City shall be promulgated by the Director, and shall include, at a minimum:

(A) The name and business address of the applicant;

(B) Written proof that the applicant is the owner of the commercial quadricycle;

(C) If the applicant is a corporation or other business entity, a certificate of the entity's good corporate standing;

(D) If the applicant is a corporation or other business entity, the name and address of the entity's registered agent;

(E) The names and addresses of all persons who will operate the commercial quadricycle;

(H) Written proof that all persons who will operate the commercial quadricycle have received commercial training in identifying the signs of intoxication and alcohol management; and

(I) Written proof that the applicant meets the insurance requirements for operating a commercial quadricycle as established under §28-173 of this ordinance, and that the required insurance is in full force and effect as of the time the license to operate the quadricycle will be issued.

(2) The Director shall have the authority to promulgate rules and regulations creating additional minimum requirements or otherwise effectuating this section, as may be necessary to ensure the health, welfare, and safety of the quadricycle licensees, operators, passengers, and the general public.

§ 28-173 INSURANCE AND INSPECTIONS

(1) The Owner of a commercial quadricycle shall maintain liability insurance for the operation of a commercial quadricycle in the amount of two-million and 00/100 (\$2,000,0000.00), combined single limit, for all bodily injuries and property damages arising from the operation of the commercial quadricycle.

(2) The Owner of a commercial quadricycle shall provide the Director with proof of insurance at any time upon request.

(3) A commercial quadricycle licensed under this Division of the Code shall be subject to inspection and search, by the Department or any Flint police officer, at any time while operating in the City of Flint.

(4) The Director shall have the authority to promulgate rules and regulations to conduct inspections of and regulate the operation of a commercial quadricycle, as may be deemed necessary to ensure the health, welfare, and safety of the quadricycle licensee, operators, passengers, and the general public.

§ 28-174 DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE

(1) If the Director denies, suspends, or revokes a Quadricycle License, the Director shall send written notice of the denial, suspension, or revocation to the applicant or licensee.

(2) The applicant or licensee may, within 14 days, request a hearing from the Director or their designee to contest the denial, suspension, or revocation of a Quadricycle license. A request for hearing must be in writing and specify the grounds on which the applicant or licensee is contesting the denial, suspension, or revocation. After reviewing the request for hearing, the Director may conduct a hearing at his or her discretion, or may issue a written determination based on the request for hearing.

(3) If the Director's written determination does not reverse the denial, suspension or revocation, or if the Director does not act on a request for hearing within 30 days, the applicant or licensee may, within 14 days of the Director's written determination or failure to act on the request for hearing, petition the Flint City Council to review the action of the Director.

(4) If the Flint City Council does not reverse the denial, suspension, or revocation, or if the Flint City Council does not act on a request for hearing within 60 days, the applicant or licensee may appeal to the Circuit Court.

(5) The Director shall have the authority to promulgate rules and regulations to effectuate this section, as may be deemed necessary to ensure the health, welfare, and safety of the quadricycle licensese, operators, passengers, and the general public.

§ 28-175 SEVERABILITY

Should any section, clause or phrase of this ordinance be declared invalid, the same shall not affect the validity of the ordinance as a whole.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2023, A.D.


Adopted this _____ day of _____, 2023, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Approved by City Council

APPROVED AS TO FORM:



William Kim (Feb 21, 2023 15:42 EST)

William Kim, City Attorney