

CITY COUNCIL MEETING MINUTES FROM MAY 12, 2009

The Regular Meeting was called to order by Mayor Peter J. Strazdas at 7:30 p.m.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Claudette S. Reid, Terry R. Urban and Ted W. Vliek, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a Saint Monica School Day Proclamation for 50 years of service to the community.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the April 28, 2009 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Vliek abstaining. Motion by Vliek, seconded by Reid, to approve the May 5, 2009 Budget Work Session Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Vliek to read the Consent Agenda. With the consent of City Council, Councilmember Vliek added Item K.1, Appointments to Various Boards and Commissions, to the Consent Agenda. John Crago, 9728 East Shore Drive, asked that Item G.1, Communication from Lynn Elliott, 9724 East Shore Drive, be removed from the Consent Agenda. Motion by O'Brien, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF MAY 12, 2009:** Motion by O'Brien, seconded by Reid, to approve the Check Register of May 12, 2009. Upon a roll call vote, motion carried 7 to 0.

Mayor Strazdas changed the order of business on the May 12, 2009 Agenda Outline by taking Item F.1 before Item E.1 and both items before Item D.1.

REPORTS FROM THE ADMINISTRATION:

PRESENTATION BY THE KALAMAZOO COUNTY SUBSTANCE ABUSE TASK FORCE: Deputy Director of Prevention Works Carla Winchester and Executive Director of Prevention Works, Inc., Danielle Sielatycki showed a video depicting the engagement and support of Mayor Strazdas, Police Chief Richard White and Portage Public Schools Superintendent Marsha Wells, thanked Portage City Council and Portage Public Schools for supporting their effort. Ms. Winchester highlighted the efforts of the Task Force and the resultant "Smart Summer Initiative." She also indicated that Prevention Works, Inc., had obtained a grant for a Drug Free Community for Kalamazoo County. Discussion followed.

PETITONS AND STATEMENTS OF CITIZENS: Linda Teeter, 902 Whites Road, Kalamazoo, accompanied by Charlotte Sumney, 4200 West U Avenue, Schoolcraft, representing the Kalamazoo County Transportation Authority, thanked City Council (especially Councilmember Reid) for their support for the Transportation Millage ballot issue on the Consolidated School Election, May 5, 2009, and announced that the Kalamazoo County Transportation Authority adopted a resolution to place 0.4 mills on the July 1, 2009 tax bill. Discussion followed.

John Musik, 1520 Egleston Avenue, Kalamazoo, Executive Director of Michigan Organizing Project and thanked City Council for their support of the voucher that can be given to Portage citizens who have become homeless and presented more homeless issues to City Council. Because of the current lack of employment issue in Kalamazoo County and the “case of impossibility for the homeless with no stable address and ex-offenders to find jobs,” he provided a set of seven proposals for revisions to the requirements of employers who receive tax abatements in Portage and asked that City Council consider conditioning tax abatements on the company setting goals of hiring applicants from this disadvantaged category. He indicated that he would be going to all of the municipalities in the County and concluded by asking for a dialogue and discussion.

Robert Maus, 628 South Westnedge Avenue, Kalamazoo, spoke in support of the request from Mr. Musik.

Margie Stimpson, 5212 Birchwood Drive, Texas Township, reviewed the set of seven proposals referred to by Mr. Musik and spoke in favor of encouraging and assisting business and industry to hire disadvantaged persons. Mayor Strazdas asked for a review and a report from the Administration regarding this matter.

PUBLIC HEARING:

PUBLIC HEARING REGARDING THE FISCAL YEAR 2009-2010 PROPOSED CITY BUDGET AND THE PROPOSED 2009 TAX LEVY: Mayor Strazdas opened the public hearing and City Manager Maurice Evans stated that the public hearing is for public comment, that the budget will not be adopted until the May 26, 2009 Regular City Council Meeting and that the budget is available on line at www.portagemi.gov. Mr. Evans indicated that the fiscal year 2009-2010 contains \$66.3 million in expenditures, including \$25.1 million in the General Fund, supports approximately \$11.7 million in infrastructure improvements in the Capital Improvement Program (CIP). He reviewed some of the developments with regards to the State of Michigan budget and indicated that less state revenue will be forthcoming to the city and addressed some of the consequences should the state issue further reductions.

Mr. Evans reviewed the goals of the budget in detail, some of the measures taken by the city to address shortfalls in the budget as a result of the economic slowdown and the various services provided by the General Fund. He indicated that meaningful projects and excellent services continue, the tax rate is the same and reasonable expenditures on Human Services continues. He indicated that investment in infrastructure continues but, because of the recession, measures have been taken to cut expenditures such as reduced staff, lower cost health insurance, less landscaping and landscaping maintenance, fewer tree plantings and flowers, fewer holiday decorations, a reduced city vehicle fleet and others. He then reviewed some of the major areas of expenditures within the General Fund.

For the upcoming year, Mr. Evans stated that the city CIP is \$11.7 million with \$200,000 to be spent on local street reconstruction and \$400,000 on major street reconstruction. He stated that \$2.4 million would be spent on the West Milham Avenue and Angling Road reconstruction. He mentioned that the anticipated American Recovery and Reinvestment Act funding (i.e., Stimulus II) will provide for the next phase of the I-94 reconstruction project (Oakland Drive to Portage Road), redevelopment of the South Westnedge / I-94 interchange, improvements to Kilgore Road (South Westnedge Avenue to the Norfolk Southern Railroad crossing) and Centre Avenue (South Westnedge Avenue to Portage Road).

Mr. Evans summed up by indicating that the fiscal year 2009-2010 proposed budget supports continuation of service delivery and capital investments necessary for the city to achieve the future envisioned by residents participating in the Portage 2025 Community Visioning Project, and that the city has been able to adjust to significant revenue reductions over the past several years with minimal impact on service levels. He did ask City Council to recognize that further revenue restrictions will impact upon service delivery as staffing levels are further reduced.

There being no further discussion, motion by Vliek, seconded by O'Brien, to close the public hearing. On a voice vote, motion carried 7 to 0. Discussion followed. Motion by O'Brien, seconded by Reid, to adopt the Resolution to establish a millage rate equal to the base tax rate as defined by the State of Michigan Public Act 5 of 1982. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 305 of City of Portage Resolution Book No. 43.

As requested by City Council, Mr. Evans discussed Scenario A and Scenario B from the communication from Community Development Director Jeffrey Erickson dated May 6, 2009, regarding Human Services funding. Discussion followed. Mr. Erickson referred to the letter and explained the nature of each of the Scenarios in more detail and cited Table 1 of the communication. Discussion followed.

Motion by O'Brien, seconded by Reid, to incorporate Scenario B as outlined in the communication from Community Development Director Jeffrey Erickson dated May 6, 2009. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Mayor Strazdas asked that the Administration work with the Human Service Board next year on the proposal to refine the process with the goal of having the proposals be closer in alignment before review by City Council. Discussion followed. Councilmember Vliek asked that Councilmember O'Brien's recommendation be provided ahead of time, also. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **PROPOSED AMENDMENT TO THE CODE OF ORDINANCES – MASSAGE BUSINESSES:** Motion by O'Brien, seconded by Reid, to accept for first reading the proposed amendment to the City of Portage Code of Ordinances, Chapter 14, Businesses, Section 14-72, and consider final adoption on May 26, 2009. Upon a roll call vote, motion carried 7 to 0.

* **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM RECOMMENDATION:** Motion by O'Brien, seconded by Reid, to approve the Community Development Block Grant (CDBG) Program FY 2009-10 Annual Action Plan element of the Consolidated Plan and authorize the Administration to submit the application to the Department of Housing and Urban Development. Upon a roll call vote, motion carried 7 to 0.

* **SALE OF EXCESS NEWPORT/GLADYS STREET RIGHT-OF-WAY:** Motion by O'Brien, seconded by Reid, to accept the offer from Mr. Scott Carter, owner of Cross Creek Self Storage, to purchase a 6,750 square foot area of the Newport/Gladys Street right-of-way for \$6,750; and place the purchase offer on file for 28 days and take final action on June 9, 2009. Upon a roll call vote, motion carried 7 to 0.

* **SUNGARD H.T.E. NAVILINE PRODUCT UPGRADE:** Motion by O'Brien, seconded by Reid, to approve the purchase of the SunGard H.T.E. NaviLine software application at a cost of \$43,419.50 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

SUSTAINABILITY COVENANT: Mayor Strazdas explained the Sustainability Covenant and indicated that it is countywide and that new language has been incorporated into the document to make it more regional. Discussion followed. Motion by O'Brien, seconded by Sackley, to approve the Southwest Michigan Regional Sustainability Covenant. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

LYNN ELLIOTT, 9724 EAST SHORE DRIVE: Lynn Elliott, 9724 East Shore Drive, addressed her concerns with City Council regarding projects being brought to a statutory governmental lake board, and the costs that may be incurred each time, and asked that City Council establish a standard operating procedure determining which Austin Lake improvement requests be directed to the statutory governmental lake board.

John Crago provided some history of the Austin Lake Governmental Board, the procedures the board should follow according to his reading of the law and his opposition because of expense. He proposed procedures that City Council should follow and asked that City Council adopt procedures to be followed by the Austin Lake Board. Discussion followed.

Councilmember Vlieg pointed out that the Austin Lake Governmental Board is a quasi legislative board, that City Council does not direct the Planning Commission or the Zoning Board of Appeals, so he asked for a legal opinion before proceeding further. Discussion followed.

Motion by Urban, seconded by Reid, to refer the request from Lynn Elliott, 9724 East Shore Drive, that City Council establish a standard operating procedure for determining which improvement requests should be directed to the Statutory Governmental Lake Board to the Administration and City Attorney for review and report. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:

Portage Senior Center Advisory Board of March 18, 2009.

Portage Park Board of April 1, 2009.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular of April 21, 2009.

Portage Local Development Finance Authority Draft of May 4, 2009.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by O'Brien, seconded by Reid, to appoint Diane Durian with the unfulfilled term ending October 1, 2009, to the Human Services Board; to waive the term limitation and reappoint Bill Miller and reappoint Thomas Wilkinson with terms ending June 1, 2010, to the Construction Board of Appeals; to reappoint James Pearson and appoint Wayne Stoffer and Rick Bosch with terms ending May 31, 2012, and appoint Bill Patterson with unfulfilled term ending May 31, 2011, to the Planning Commission; to appoint Marianna Singer to the unfulfilled term ending February 28, 2011, to appoint Tim Bunch as alternate with the unfulfilled term ending February 28, 2011, and to appoint Don Mordas as alternate with the unfulfilled term ending February 28, 2012, to the Zoning Board of Appeals; to appoint Ruth Michelhaugh as alternate with the unfulfilled term ending October 1, 2010, to the Senior Citizens Advisory Board; and to appoint Josh Hill with the unfulfilled term ending October 1, 2014, to the Local Officers Compensation Commission. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember O'Brien reminded citizens of the Susan G. Komen Race for the Cure (of Breast Cancer) that takes place Saturday morning, May 16, 2009, at the Arcadia Creek Festival Place in downtown Kalamazoo.

Councilmember Vliek expressed his appreciation to City Manager Evans, the City Administration and his fellow Councilmembers for their work on the budget.

City Manager Evans indicated that the Administration has worked very diligently on the Fiscal Year 2009-2010 Budget, that no cuts were needed, but if cuts become necessary, that the city is ready to make the hard decisions and make those cuts.

Mayor Pro Tem Sackley conveyed that the "Spray Park" concept had been revitalized owing to the efforts of Scott Grinder, who became a new Portage resident only two years ago, with construction planned for the Spring of 2010; he also thanked the Kalamazoo County Drug Task Force saying we should all have a "Smart Summer." Mayor Strazdas concurred.

Mayor Strazdas cited Kentwood, the State of Michigan and Muskegon Heights as having budget issues that are nonexistent in Portage because Portage listens to its citizens by conducting a survey of Portage citizens through the Kercher Center, plus an analysis and discussion of that survey every year.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:29 p.m.

James R. Hudson, City Clerk

***Indicates items included on the Consent Agenda.**