

CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 8, 2015

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

At the request of Mayor Strazdas, Pastor Chad Wells of the First Baptist Church of Portage gave the invocation and City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Ford, to approve the Regular Meeting Minutes of August 25, 2015, as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Motion by Reid, seconded by Pearson, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 8, 2015:** Motion by Reid, seconded by Pearson, to approve the Accounts Payable Register of September 8, 2015. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **ADOPTION OF BOND RESOLUTIONS:** Motion by Reid, seconded by Pearson, to adopt the Resolution Authorizing Refunding of the City of Portage Capital Improvement Refunding Bonds, Series 2007, and Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2015C. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 31 and 41.

* **ICE CONTROL SALT PURCHASE:** Motion by Reid, seconded by Pearson, to award a contract to Compass Minerals America, Inc. in the low bid amount of \$62.59 per ton for 2,800 tons of ice control salt at a total cost not to exceed \$175,252 for early delivery; Compass Minerals America, Inc., in the low bid amount of \$64.50 per ton for 1,500 tons of ice control salt at a total cost not to exceed \$96,750 for seasonal back up on an as-needed basis; and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **EXTENSION OF THE AT&T MASTER CONTRACT AGREEMENT:** Motion by Reid, seconded by Pearson, to approve the extension of the AT&T Master Contract Agreement for the continuation of telecommunication services through October 2017 in the annual amount of approximately \$59,000 and authorize the City Manager to execute all related documents. Upon a roll call vote, motion carried 7 to 0.

* **REQUEST FOR A NEW RESORT A-HOTEL LIQUOR LICENSE:** Motion by Reid, seconded by Pearson, to grant the request for a New Resort A-Hotel Liquor License from TMI Hospitality at 500 Trade Centre Way (Portage Homewood Suites). Upon a roll call vote, motion carried 7 to 0.

* **BOARD AND COMMISSION INTERVIEWS:** Motion by Reid, seconded by Pearson, to set a Special Meeting on Tuesday, October 6, 2015, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Portage Historic District Commission of August 5 and August 14, 2015.

COUNCIL COMMITTEE REPORTS:

CITY MANAGER SALARY REVIEW/EVALUATION COMMITTEE: Mayor Strazdas indicated that the Committee agreed to use the same performance instrument as in past years; that it will be distributed tomorrow; and, that it needs to be returned to the City Manager's Office by Tuesday, September 29, 2015. He said that the Committee will be working with the City Manager's Office by October 2, 2015, to receive compensation information from other municipalities and will review all results. Finally, a closed session will be held on October 6, 2015, to discuss the appraisal and make a public decision at the Regular Meeting. Motion by Pearson, seconded by Reid, to receive the City Manager Salary Review/Evaluation Committee report from Mayor Strazdas. Upon a roll call vote, motion carried 7 to 0.

NEW BUSINESS: Councilmember Urban requested that an amendment be prepared to address the recent amendments to the Firearms and Ammunition Act, MCL 123.1101 *et seq.*

BID TABULATIONS:

* **CONSTITUTION BOULEVARD, SOUTH WESTNEDGE AVENUE AND EAST CENTRE AVENUE – TABULATION OF PROPOSALS:** Motion by Reid, seconded by Pearson, to award an engineering services contract to Paradigm Design, Incorporated, for the reconstruction of Constitution Boulevard (Romence Road to West Milham Avenue), South Westnedge Avenue (Shaver Road to East Centre Avenue) and East Centre Avenue (Shaver Road to South Westnedge Avenue) in the amount not to exceed \$87,950 and authorize the City Manager to execute all documents related to the contract on behalf of the City. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Pat Buckley, 2805 Brahms Avenue, indicated that he was a 40-year resident, spent 37 years as a Portage Police Officer and, based upon the leadership of City Manager Larry Shaffer and the direction of City Council, indicated that morale has never been higher among the City employees.

Jan Sackley, 10314 Archwood Drive, took exception to what she termed inaccurate or incomplete representations by members of City Council that could leave incorrect impressions about City matters. She indicated that she has observed many instances over the past several years of partial truths and omissions in Councilmember statements that have resulted in misleading information in the official record of Council meetings that are really Councilmember opinions or uninformed comments not based on fact. She cited the August 25, 2015 Council Meeting and the comments by Councilmember Randall as lack of due diligence regarding the contract renewal of the City Attorney. She reviewed her employment background giving credence to her position and discussion on this matter, as she has held Vice President and CEO positions over the past thirty years, worked extensively with a variety of Attorneys and hired Attorneys as part of her duties. She said she has a lot of familiarity with the legal services that can be commoditized and those that cannot be and commended City Council, except Councilmember Randall because she voted "no" ostensibly on the basis of price, for the contract renewal for legal services provided by Randall Brown and Associates. She cited the extensive research compiled by then City Manager Evans and provided to City Councilmembers Randall, Reid and Urban

and Mayor Strazdas on March 19, 2010, to assess the fairness in Mr. Brown's pricing in the prior contract. She acknowledged that this research was not as formal as a Request for Proposal process, City Council was educated that soliciting bids for a replacement City Attorney would be highly unusual for any city absent a performance or pricing issue. She indicated that this research showed that Mr. Brown's law firm provides the City with comprehensive services at a cost lower than that of cities of similar size in the State of Michigan. She said that some citizens may have been left with the incorrect impression that no due diligence has been conducted by the Administration or City Council for decades when, in fact, substantial work had been conducted and provided to City Council. She indicated that from her own work experience, considering only price for professional services is short-sighted and somewhat foolish and akin to hiring a City Manager based on the lowest bid and suggesting such an approach to hiring a professional City Attorney is emblematic of inexperience and naïve purchasing. She surmised that a good experienced attorney saves time and aggravation for his or her client, unlike services that are rote in nature such as form filing or document reviews, and quality advice to a client cannot be commoditized since unnecessary legal time usually results in increased costs, not in the short term, but in the long term. She emphasized that City Council received extensive documentation on comparative fees for City Attorney at the time of the last contract renewal five years ago, and she commended the six Councilmembers who showed wisdom by voting "yes" on the renewal based on the quality of the legal services, and not voting based on price.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ansari asked for a moment of silence and a prayer for Portage Central High School graduate, Dahlia Yehia, who traveled to Nepal to help with earthquake victims, but was murdered. He asked that her friend be included, also.

In recognition of National Preparedness Month, Councilmember Reid indicated that the State of Michigan has a preparation plan for emergencies at michigan.gov/miready for information on what to do in case there is an emergency and michigan.gov/miprepared for a phone app. She and Mayor Strazdas had great conversations with representatives from two Indonesian countries who were interested in regionalization and how the governments in the U.S. and Michigan were broken down and how information and cooperation "moves up and down the line." Mayor Strazdas later concurred. She announced that the PCOC Strut would take place on Saturday September 12, 2015, with a 10K run, a 5K run/walk and a 1 Mile kids Fitness Caper event and details could be found at www.portgecommunitycenter.org/pcostrut. She also mentioned that the Kalamazoo Area Foot Chase, a 3.5 mile fun run which simulates a police foot pursuit of fleeing suspects, will take place on Saturday, 9 a.m. on September 12, 2015, at the Crossroads Mall, as a benefit run for MI-COPS a national non-profit group that aids the survivors of police officers who have lost their lives in the line of duty. She noted that registration is from 7 a.m. until 8:30 a.m. and more information can be obtained at kafc1.wordcraft.com.

Councilmember Ford announced a Public Open House for information on single-stream recycling on Wednesday, September 16, 2015, at 7:00 p.m. City Hall Council Chambers and bins can still be obtained through the city website at portagemi.gov/public_services/curbside_recycling. City Manager Shaffer indicated that everyone will be brought along in the program because it will result in close to a 40% increase in recycling, cost savings and less traffic on City roads. In answer to Councilmember Ford, Mr. Shaffer indicated that a tentative date for the discussion of the options for any surplus funds is the second meeting in October, but nothing has been confirmed and explained that the original \$2.4 million projected amount could be closer to \$3.3 million to \$3.4 million. He restated the suggestion that 50 % of the unappropriated Fund Balance above 24% would be used for debt avoidance, meaning that the City would pay cash for an item instead of the using the bonding option, and the other 50% would be utilized as an accelerator to fund items on the 2016-17 Capital Improvement Plan. He gave the reconstruction of roads as an example as well as the repair of the Pumper Fire Truck that was struck at the corner of Romence Road and Portage Road.

Councilmember Randall thanked Mr. Pat Buckley for coming forward with his comments and for his 37 years of service as a Portage Police Officer keeping the City safe, and mentioned that it is a

very unpopular time to be a Police Officer. She responded to the comments and discussion from Jan Sackley by referring to a conversation she had with Catherine Kaufman of the low bid law firm of Bauckham, Sparks, Lohrstorfer, Thall & Seeber, who said that they spent three days of attorney time compiling the bid and that she felt their bid did not receive fair diligence by City Council. She said that they (the firm) thought it was a very fair bid and pointed out that the firm specializes in municipal work and happens to be located in the City of Portage. She said that the last time that a Request for Proposal (RFP) was put out for this Professional Service was in 1997 when seven (7) local firms applied for this Contract and they did not receive it. She also said the past Administration compiled information, but was simply provided for what they “want to show.” She indicated that a true RFP process is what guarantees all contracts are fairly bid out and are competitive in nature as this is the only way we can judge accuracy of value. She pointed out that there was nothing personal (in her decision), but Randall L. Brown and Associates was 16% higher or \$153,640 more expensive over a five year contract which she expressed as considerable and worth the discussion. She expressed her hope that Ms. Kaufman would come back at a future meeting and explain the work they did to bring it forward, and she opined that she did not think there was a member of Council who thought that the process utilized was good. With that, she thanked Jan Sackley for coming. She indicated that she received a Portage Alert message that there would be a meeting on September 28, 2015, at 7 p.m. when the City of Portage will be launching the annual update of the Capital Improvement Program (CIP) and input from Portage residents, business owners and other interested persons is encouraged. She pointed out that it will not be staff-driven, but driven by the citizens and complimented the Administration for this as a welcomed change in the process. City Manager Shaffer indicated that in the past, the CIP Program has been initiated by staff, but Best Practices suggests that the way to initiate a CIP Program is to seek citizen input and ideas which percolate through staff and the Planning Commission giving the CIP extra legitimacy before it is presented to City Council for consideration. He then explained the importance of this approach.

Councilmember Urban explained that he was among those who did not sign up for streamline recycling and welcomed the opportunity to attend the upcoming meeting set for those who still need to know about the process at this juncture. He asked that citizens recognize that the children are back in school, so they will be walking to the bus in the morning and from the bus in the evening which may place them in different areas for motorists than in the summer; or, please be careful.

Mayor Pro Tem Pearson thanked Mr. Pat Buckley for coming and providing an update of the morale of employees, and recognized his son, Chris Buckley, who is the Executive Director of the Portage Community Center and a fellow Rotarian, and is doing a great job there. He said that the Rotary Club had its biggest fundraiser, a golf tournament on August 31st to provide many scholarships for high school students. He recognized the co-chairs who organize this tournament every year: Bonnie Granado, Dick Anderson and Randy Legman and expressed his appreciation to all participants.

Mayor Strazdas outlined the challenge with the City of Kalamazoo offered by Consumers Energy regarding the installation of smart electric meters and encouraging non-profit organization participation by going to consumersenergy.com on the smart meter page, signing up to receive a monetary incentive and a prize for the non-profit with the most web contacts.

Councilmember Reid announced the debate with all of the Council candidates at the Portage Senior Center, 7-8:30 p.m., tomorrow night.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:15 p.m.

James R. Hudson, City Clerk

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