

## CITY COUNCIL MEETING MINUTES FROM NOVEMBER 3, 2015

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

At the request of Mayor Strazdas, Pastor Joan Herbon of Lord of Life Lutheran Church 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 Hudson.

**APPROVAL OF MINUTES:** Councilmember Randall indicated she would like to set the record straight and objected to information provided by Councilmember Reid at the end of the October 20, 2015 City Council Meeting regarding an interview by *MLive* as she, Councilmember Randall, was not serving as a Councilmember during the referenced timeframe of 2000-2009 and that the comments totally lacked relevancy. Motion by Ansari, seconded by Ford, to approve the Committee of the Whole and Regular Meeting Minutes of October 20, 2015, as presented with the comments by Councilmember Randall. Upon a voice vote, motion carried 7 to 0.

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

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 3, 2015:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of November 3, 2015. Upon a roll call vote, motion carried 7 to 0.

### **PUBLIC HEARING:**

#### **REZONING APPLICATION #15/16-1 (710 AND 732 EAST CENTRE AVENUE):**

Mayor Strazdas introduced the item and City Manager Larry Shaffer deferred to Community Development Director Vicki Georgeau, who indicated that an application had been received from Donald Zeimke, who owns 710 and 732 East Centre Avenue, the subject of this public hearing, and Timothy Dockerty, a prospective buyer of the property. She said that the request is that the properties be rezoned from B-1, local business, to OS-1, office service, and that the applicants have indicated that the rezoning would facilitate construction of an approximate 32,000 square foot memory care assistant living facility. She noted that institutional uses, including a memory care facility, are not permitted in the B-1 zoning district, but are permitted in the OS-1, office service, zoning district as a special land use. She referred to the maps located in the agenda packet and described the property in question, the surrounding properties, the contiguous properties, the future land use patterns and the zoning patterns and explained that the rezoning request is not inconsistent with the Comprehensive Plan.

She explained that staff and the Planning Commission reviewed the request and recommends approval. Discussion followed and Mayor Strazdas recognized Timothy Dockerty, 10015 Pinecrest Path, Berrien Springs, thanked City Council for the opportunity to speak about this request and explained that this service is not currently provided in the community and described the proposed service.

In answer to Councilmember Reid, Mr. Dockerty indicated that no daytime care is planned at this time, maybe a later consideration, but is contemplated as a 24-hour facility. Discussion followed. Mayor Strazdas opened the public hearing to the audience.

There being no further comment, motion by Urban, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Urban, seconded by Randall, to approve Rezoning Application #15/16-1 and rezone 710 and 732 East Centre Avenue from B-1, local business, to OS-1, office service, with the exception of the west five feet of 710 East Centre Avenue, which is to remain zoned R-1A, one family residential, and at the suggestion of City Attorney Randy Brown, based on the information included in the staff report to City Council dated November 3, 2015, and contained in the Agenda Packet. Upon a roll call vote, motion carried 7 to 0. Discussion followed. Ordinance recorded on page 335 of City of Portage Ordinance Book No. 12.

**PETITIONS AND STATEMENTS OF CITIZENS:** Pat Flanagan, Civil Engineer with Ingersol, Watson and McMachen, Inc., spoke in favor of Item F.2, Final Condominium Approval for Copperleaf Phase I, indicated that he works with a lot of municipalities and site plans over the years and said that working with the City of Portage is really excellent. Mayor Strazdas thanked Mr. Flanagan and asked City Manager Shaffer to share his comments with staff.

Kristin Anderson, 6330 Canterwood, Richland, volunteer for the Pancreatic Cancer Action Network, indicated that November is Pancreatic Cancer Awareness Month, provided information on pancreatic cancer and explained. Discussion followed.

### **REPORTS FROM THE ADMINISTRATION:**

\* **CONTRACT RENEWAL WITH BLUE CARE NETWORK ADVANTAGE PLAN:** Motion by Urban, seconded by Reid, to approve a one-year contract renewal with Blue Care Network for the Blue Care Network Advantage Plan and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **FINAL CONDOMINIUM APPROVAL FOR COPPERLEAF PHASE I:** Motion by Urban, seconded by Reid, to grant final approval of the first phase of the Copperleaf single-family residential site condominium with completion of sidewalks and street trees by November 2017, approve installation of the Copperleaf residential subdivision sign in the Copperleaf Trail public right-of-way, and authorize the City Manager to execute all documents related to this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **2015 LDFA BOND REFUNDING RESOLUTIONS:** Motion by Urban, seconded by Reid, to adopt the Resolution Authorizing Limited Tax Pledge to Payment of 2015 Tax Increment Refunding Bonds of the Local Finance Development Authority (LDFA) of the City of Portage, and the Resolution approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the 2015 Tax Increment Refunding Bonds of the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 53 and 57 of City of Portage Resolution Book No. 46.

\* **NETWORK HARDWARE AND DATA STORAGE UPGRADE PROJECT:** Motion by Urban, seconded by Reid, to approve the purchase of network hardware from Digital Strategy, LLC, through the Western States Contracting Alliance cooperative purchasing program in the amount of \$171,353; installation professional services from Digital Strategy, LLC, in the amount of \$22,000, and three-year software licensing through preferred software reseller, PCM, Incorporated, in the amount of \$66,553 for a total project cost of \$259,906 to address network deficiencies 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.

\* **SOUTH 12TH STREET LIFT STATION FORCE MAIN REPLACEMENT PROJECT:** Motion by Urban, seconded by Reid, to approve a contract amendment to the existing design engineering services for the South 12th Street Lift Station Force Main Replacement Project contract

with Prein & Newhof, Incorporated, in the amount not to exceed \$8,000 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.

**BUDGET AMENDMENT TO THE GENERAL FUND:** Mayor Strazdas provided an outline of the item and deferred to City Manager Shaffer, who briefly explained that the \$2.9 million represents \$1.666 million going forward, \$1.295 million for local roads, \$100,000 to address the Romence / Westnedge intersection and the funds necessary to replace the Fire Pumper that was damaged severely in an accident in July 2015. He indicated that this was a part of the surplus funds over and above the 24% Fund Balance that the City Council determined as policy to hold in reserve, and indicated that it will go toward debt avoidance and the immediate needs of the citizens as mentioned above. Discussion followed.

In answer to Councilmember Reid, who indicated that she had a lot of people ask whether their street was going to be included, Mr. Shaffer answered that the local streets were the streets identified in the 2016-2017 Capital Improvement Program (CIP), and offered to upload the maps and information to the website. Discussion followed.

Motion by Pearson, seconded by Reid, to approve a budget transfer of \$2,961,755 from the General Fund to the Capital Improvement Fund to fund major and local street projects, the relocation of a Park trail, and the purchase of a fire pumper truck, and a budget transfer of \$427,227 from the Local Streets fund to the Capital Improvement Fund to fund local street projects. Councilmember Ford noted that the streets earmarked for improvement are in the November 3, 2015 City Council Packet, which is located online and in the Portage District Library. He also thanked Finance Director Bill Furry, and City Manager Larry Shaffer for their open, transparent presentation at the earlier Committee of the Whole Meeting and for an atmosphere that brought consensus. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

**ORDINANCE AMENDMENT TO ESTABLISH A BUDGET STABILIZATION FUND:** Mayor Strazdas introduced this item and deferred to City Manager Shaffer, who expressed his appreciation for the Committee of the Whole discussions regarding the Budget Stabilization Fund. He explained that a Budget Stabilization Fund is a restricted fund that allows the municipality to set aside up to 15% of the adopted budget. He noted that it is a restricted, emergency fund that can be accessed with two thirds vote of City Council for particular issues, including such things as catastrophic events, unanticipated deficits, reduction in services or reduction in the number of employees and has restricted access.

Motion by Ford, seconded by Ansari, to accept for first reading an amendment to the Codified Ordinances of the City of Portage to establish a Budget Stabilization Fund, and take final action on the amendment on November 17, 2015. Councilmember Reid explained that the Ordinance would be brought back for consideration and approval, which takes a super majority of City Council, at the November 17 City Council Meeting; and, if approved, Council would decide whether the funds would be committed or not this year and what that amount would be. She anticipated more good discussions about the fund and how it dovetails with the 24% Fund Balance targeted by City Council to have available for emergencies. She invited Portage citizens to participate with any questions or concerns they might have regarding this matter. Upon a roll call vote, motion carried 7 to 0.

\* **HARRIS DRIVE VACATION REQUEST:** Motion by Urban, seconded by Reid, to accept the resolution to vacate the south approximate 57 feet of Harris Drive, place the resolution on file with the City Clerk for 28 days and take final action on December 1, 2015. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 59 of City of Portage Resolution Book No. 46.

\* **EMPLOYEE SEPARATION AGREEMENT:** Motion by Urban, seconded by Reid, to authorize the City Manager to execute a separation agreement with Patricia Thompson. Upon a roll call vote, motion carried 7 to 0.

\* **LOCAL DEVELOPMENT FINANCE AUTHORITY FY 2013-2014 ANNUAL REPORT:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Local Development Finance Authority FY 2013-2014 Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

\* **ANNUAL TREE LIGHTING/TRADITIONAL HOLIDAY CELEBRATION:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Annual Tree Lighting/Traditional Holiday Celebration as information only. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATION:**

**PUBLIC MEDIA NETWORK (PMN) EXECUTIVE DIRECTOR HARRY HAASCH:** Mayor Strazdas introduced this item and deferred to City Manager Shaffer, who invited comment from City Council and indicated that PMN is making significant progress on a whole host of issues that are important to Portage citizens. Discussion followed.

Councilmember Reid pointed out that the new equipment that will be installed in Portage for broadcast purposes has been scheduled with IT Director Devin Mackinder, December 8 through December 11, 2015. She mentioned that the other municipalities are also scheduled, and the City of Kalamazoo already has equipment since their set up was the most challenging of all of the municipalities.

Motion by Urban, seconded by Ford, to receive the report from Public Media Network (PMN) Executive Director Harry Haasch regarding PMN's FY 2015-2016 1st Quarter activities. Upon a voice vote, motion carried 7 to 0.

\* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Zoning Board of Appeals of September 14, 2015, and the Planning Commission of September 17, 2015.

#### **COUNCIL COMMITTEE REPORT:**

**CENTRAL COUNTY TRANSIT AUTHORITY:** Mayor Pro Tem Pearson indicated that an Executive Director has been chosen for the Kalamazoo County Consolidated Dispatch Authority, negotiations are currently taking place and hopefully the Executive Director will be on board soon. Councilmember Reid indicated that the process went well and the individual was unanimously chosen.

Motion by Ansari, seconded by Urban, to receive the Kalamazoo County Consolidated Dispatch Authority update. Upon a voice vote, motion carried 7 to 0.

#### **BID TABULATIONS:**

**PURCHASE OF PIERCE FIRE PUMPER – BID TABULATION:** Mayor Strazdas introduced this item and deferred to City Manager Shaffer, who introduced Senior Deputy Fire Chief John Podgorski and Assistant Fire Chief Stacy French, and indicated that on July 3, 2015, the 2004 Sutphen Pumper was hit at the intersection of Romence and Portage Road. He said that the good news is that no City personnel were injured in the accident, but the bad news is that the Fire Pumper is now obsolete and old enough that it makes more sense to advance the purchase of a replacement of the Fire Pumper from the 2018-2019 Capital Improvement Program (CIP). He indicated that the purchase would be made possible by using the funding authorized in Item F.6, Budget Amendment to the General Fund, plus the \$84,000 insurance proceeds. He explained that it would take a year to manufacture and take delivery of the new pumper.

In answer to Mayor Strazdas, Chief Podgorski explained that this Fire Pumper allows the Department to incorporate the newest technology, incorporates some special services on the truck such as firefighting foam which encapsulates the steam and smolders the steam quicker making it safer for the firefighter and is better for property conservation. He said the truck has all of the airbags and restraints to keep a person safe and state of the art features that enhance safety and efficiency. He mentioned that it is a multi-purpose piece of equipment, and that it has the Jaws of Life on board for accident responses in addition to the fire suppression capabilities, for example.

For the next year, Chief Podgorski indicated that the City has a very aggressive fleet maintenance program, may have to use the aerial fire trucks more than usual on residential responses, and the use of the support of neighboring municipalities through the mutual aid agreements that have been formed over the years.

In answer to Councilmember Reid, Chief Podgorski indicated that the working life of a fire pumper is about a ten to twelve year replacement recommendation based upon the number of responses and activity.

In answer to Councilmember Urban, Chief Podgorski indicated that the request for bid included equipment rental or demo units as an option; however, none of the available equipment met the specifications necessary for Portage.

Mr. Shaffer related a recent experience with the Sutphen Aerial Fire Truck that was taken out of service because of a collapsing issue that was taking place across the country and brought to the manufacturer in Ohio to be retrofitted. He learned that the Portage Fire Department extended the life of Sutphen Aerial Fire Truck owing to the fact that the Department was maintaining the apparatus at its maximum, and indicated that this discipline is utilized for all of the Department equipment.

Motion by Urban, seconded by Ansari, to approve the purchase of a fire pumper truck from Pierce Manufacturing, Inc., for \$501,260 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.

## **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Councilmember Ansari expressed his appreciation to have the right to vote in the United States, and said he was looking forward to working with the new City Councilmembers. Mayor Strazdas concurred.

Councilmember Reid thanked all of the candidates for running for City Council. Mayor Strazdas concurred.

Councilmember Ford expressed his appreciation for the Administration for a job well done regarding the various agenda items for the meeting, and thanked all of those who voted in the election.

Councilmember Randall announced that Portage Northern High, Hackett Catholic and Portage Central High all performed outstanding in the Cross Country Meet at West Middle School. Also, Susan Yetter, 7354 Oak Shore Drive, thanked staff and City Council for private streets leaf and brush pick-up.

Mayor Pro Tem Pearson asked that all candidates for office remove their political signs as soon as they can.

In response to Mayor Strazdas, Councilmembers Urban, Reid and Ford agreed to assist Mayor Strazdas to help read the essays of the contest, "Why I like Portage?" to determine who gets to be a part of the tree lighting ceremony.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:26 p.m.

James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.