

CITY COUNCIL MEETING MINUTES FROM MARCH 23, 2010

The Regular Meeting was called to order by Mayor 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, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and 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.

Mayor Strazdas introduced Ravi Akkooor from the Hindu Community, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the March 9, 2010 Special Meeting Minutes as presented and Regular Meeting Minutes as corrected. Upon a voice vote, both motions carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember O'Brien asked that Items F.2, Rezoning Application #09-01, Greenspire Planned Development, and F.6, Fiscal Year 2010-11 Budget Review Schedule, be removed from the Consent Agenda. Mayor Pro Tem Sackley asked that Item M.3.a, Reminder of the Assessing Issues Task Force Meeting of Friday, March 26, 2010, at 1:30 p.m., City Hall Room #1, be removed from the Consent Agenda. Mayor Strazdas removed Item F.3, Hazardous Materials Response Mutual Aid Agreement, from the Consent Agenda. Motion by Urban, 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 MARCH 23, 2010:** Motion by Urban, seconded by Reid, to approve the Check Register of March 23, 2010. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

KEN MILLER, BOARD TRUSTEE OF WESTERN MICHIGAN UNIVERSITY AND PRESIDENT AND CHIEF EXECUTIVE OFFICER OF MILLENNIUM RESTAURANT GROUP: Mayor Strazdas moved Item G.1, Communication from Ken Miller, Board of Trustee of Western Michigan University and President and Chief Executive Officer of Millennium Restaurant Group, to Item E.1. Mayor Strazdas introduced Mr. Ken Miller, who provided a PowerPoint presentation regarding the Arcadia Commons West Private/Public Economic Development Vision For Kalamazoo County. As a part of the presentation, Mr. Miller reviewed Public Act 180 that allows a municipality to issue bonds for the construction of an Event Center with a 1% tax levied on all restaurant receipts, bar tabs and hotel bills in Kalamazoo County which may only be used to fund the construction of the Event Center and long term capital improvements. He also indicated that the revenue from ticket sales and events will be dedicated to operational expenses. Discussion followed. In response to Mayor Strazdas, Mr. Miller cited the arcadiacommonswest.com website as place citizens can obtain more information by April 6, 2010. He also said that there is a request before the Kalamazoo County Commission to place the matter before the voters and he invited a dialogue with him at kmill6835@aol.com or over his cell phone at 269/207-3699 as another means and source for further information and dialogue. Discussion followed.

John Gisler, 9145 Arrowhead Drive, Scotts, referred everyone to the Kalamazoo County website and the 58 page report of the vetting committee report provided by Kalamazoo County Administrator Peter Battani dated February 10, 2010, for more information on this matter.

Raghuram Elluru, 6719 Oleander Lane, indicated he wished to provide an update on the progress of his property assessment dispute of two years with the City, commented that the two staff members who visited his home for an appraisal were incredibly professional, thorough and reduced the class of construction of his property. He also complimented City Council for their fairness with regard to his issue.

REPORTS FROM THE ADMINISTRATION:

* **RESOLUTION AWARDING BID:** Motion by Urban, seconded by Reid, to adopt the Resolution awarding the bid for the City of Portage Limited Tax General Obligation City Share Refunding Bonds, Series 2010, in an amount of \$2,575,000 to Wells Fargo Advisors at 2.8593 percent. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 491 of City of Portage Resolution Book No. 43.

REZONING APPLICATION #09-01, GREENSPIRE PLANNED DEVELOPMENT (PD): Mayor Strazdas deferred to Councilmember O'Brien, who pointed out that this not a public hearing, that City Council will not be considering the Rezoning Application, only the setting of the public hearing for the Rezoning Application, and asked that City Council consider listening to the citizens, first, then Steve Chadwick, of the Department of Natural Resources & Environment (DNRE), then the representative from American Village Builders. Mayor Strazdas agreed and welcomed any residents to speak regarding any topics or concerns they may have related to this matter.

Dr. Russell Mohny, 3500 Vanderbilt Avenue, asked that Steve Chadwick speak first. Discussion followed. Dr. Mohny showed maps of various phases of the project and asked City Council to focus on "Parcel 6" as it appears on the ALTA/ACSM survey map, S-2, since this depiction of Parcel 6 was never provided to the Zoning Board of Appeals for their deliberations, nor the Planning Commission for their deliberations, nor City Council until now and explained. He expressed concern that the proposal as it relates to Parcel 6 "tramples" upon his riparian rights and advised that in a natural lake, there are standard riparian laws and the property line extends to the middle of the lake from the perpendicular angle from the shore. Mayor Strazdas summed up and acknowledged that Dr. Mohny feels he has presented a case showing that there is a dispute with the documents that had been submitted to City Council by the Administration and asked that the City Manager arrange an appointment with Dr. Mohny to review the documents in question. Discussion followed. In response to Councilmember Urban, Dr. Mohny indicated that the street addresses of the properties in question were 8632 and 8718 Shirley Court. Discussion followed. Councilmember Urban asked the City Attorney to provide the law on riparian rights, including access, at the public hearing. Discussion followed.

Mayor Pro Tem Sackley indicated that one of the maps held by Dr. Mohny had not been provided to City Council and asked that the City Administration compare the maps provided to City Council with those held by Dr. Mohny. Discussion followed. Councilmember O'Brien asked for a clarification of what the parcels are from one to six as distinguished from what the phases are from one to six. Discussion followed.

Kim Dillon, 8546 Shirley Court, expressed a concern for her property since this project will increase Greenspire Apartments 30%, the main entrance is behind her property and there is a planned addition of a large retail development. She expressed her concerns for the safety of the neighborhood and of the wildlife in the area. She said she felt victimized and caught in the middle citing the traffic on a 24' wide dirt road, Tozier Lane, and the increase in traffic on Shirley Court with the retail that "goes out" to Centre Avenue. Discussion followed.

Councilmember Urban indicated that City Council would be considering the zoning request and not considering anything on the map or site plan. He said that the height restrictions, setbacks, etc. will go back to the Planning Commission before it comes back to the City Council. Discussion followed. Mayor Strazdas asked City Attorney Randy Brown to provide the standards or criteria that City Council has to consider on a PD rezoning request in order to better focus City Council during the public hearing. Mr. Brown indicated that this is a rezoning so it requires a tentative plan and, once the tentative plan is approved, the zoning changes. Discussion followed. In answer to Councilmember Urban, Mr. Brown indicated that once the tentative plan is approved, the zoning changes, and the matter does not go back to the Planning Commission, but the site plan does which is then sent back to City Council. Discussion followed. Mayor Pro Tem Sackley asked if certain milestones or commitments are not met, the zoning reverts back, and Mr. Brown said, "Yes, after two years." Discussion followed.

Doug Rhodus, 2333 Vanderbilt Avenue, focused on the ALTA/ACSM Survey provided to the Department of Natural Resources & Environment (DNRE), cited the ALTA/ACSM Land Title Survey Checklist of minimum requirements, and indicated that the drawing is not a final drawing, just a preliminary drawing. Also, because the property description did not match the map, he questioned whether the boundary description was 600 feet east of the line that was drawn on the map and whether submerged land is within the description. Discussion followed. Mayor Pro Tem Sackley asked whether the Planning Commission had access to this information and Mr. Rhodus responded that the process began with the notice and survey being sent to the DNRE for review. Discussion followed. He pointed out that one of the conditions before the Planning Commission that the DNRE addresses is the status of endangered species that may be on this property and he questioned whether an environmental study is the same as the DNRE checking for endangered species before the development begins. Mayor Strazdas indicated that this is an issue to be addressed at the public hearing.

Councilmember O'Brien summarized that some of the responses to the questions that have been posed, if City Council sets a public hearing, are for the State DNRE and some are for City staff: if the ALTA/ACSM Survey is acceptable to the State and the DNRE, does the City Council need it for the public hearing; is an environmental impact study required; are there any other legal requirements for this particular project as proposed; and for the City Attorney, if there are property owners who dispute property lines, what legally can City Council consider or not consider. Discussion followed.

Councilmember Urban indicated that parcel 6 takes up most of the property description of the area in question and confirmed from Mr. Rhodus that the legal descriptions on the documents presented to City Council do not match the map. Mr. Rhodus explained and discussion followed. Councilmember Urban said it is possible that the Planning Commission considered a map that is in dispute or is in error and asked for an opinion from the City Attorney on this. Discussion followed.

Steve Chadwick, DNRE, Wildlife Division, Wildlife Biologist for the Southwest Division of the State, living in Flowerfield Township, St. Joseph County, representing the Gourneck Game Area, indicated that the State was notified by the City of Portage of this matter via the Department of the Treasury to look things over and determine what was going on, and by Deputy Director of Planning and Development Services Chris Forth regarding the rezoning portion, albeit with a small electronically transmitted map, with assurances that the City had the matter handled, so the State had no reason to object to what was going on. Later on, the ALTA/ACSM Survey was brought to the attention of the State, and he pointed out that if the City of Portage was willing to accept the ALTA/ACSM Survey, the State would accept it, also. He indicated that the State will review the ALTA/ACSM Survey only if the City accepts it; otherwise, the State will follow up with a survey to ensure the boundary lines are accurate. Discussion followed. With regard to the environmental impact statement, Mr. Chadwick indicated that there is nothing the State would provide beyond what was provided, that he is fairly confident that there are no endangered species on the property in question, the east portion of the Centre Avenue tract, and explained the use of the Michigan Natural Features Inventory (MNFI) and other methods to determine whether there are endangered species on the property in question - none on the east side of the tract at first blush. Discussion followed.

Councilmember Urban reiterated that if the City of Portage thought the survey was accurate, the State would accept it. Mr. Chadwick said the State has a concern if there is trespass, that the State would not get involved if the developer met all of the City's requirements; however, the State would get involved if a building is encroaching or the developer trespasses onto someone's property. Councilmember Urban asked that staff provide the level of certification that is required for the description for the property for the rezoning and Planned Development proposal, and brought up the issue of the property descriptions not matching the map.

Councilmember Reid asked Mr. Chadwick to confirm that he has survey staff who will do a survey to make sure the property line boundaries are correct and not on State land. Mr. Chadwick indicated that it is necessary to put in a request and, since this is 200 acres out of millions of acres in the State, the request may not be honored as a high priority at this point, and no timeline is guaranteed before the shovel goes into the ground, perhaps as early as this summer. He reiterated that if the city accepts some other form of survey and all ordinances are followed, the State would have no objection.

Councilmember O'Brien again reiterated that if the City accepts an ALTA/ACSM survey, that the State would accept it, also. She asked the City Attorney what is the burden of proof if there are boundary line questions or a dispute, and City Attorney Brown asked to be allowed to answer these questions at the public hearing. He did offer that rezoning does not adjust property lines, only the use of the property; the City has its own maps and property descriptions and, if there are discrepancies, the dispute is between the parties; the City can look at surveys, but the City does not change ownership rights because that is between the property owners. Councilmember O'Brien asked if it is ever appropriate to look at what we have on file versus what is presented by the applicant. Mr. Brown deferred to Community Development Director Jeffrey Erickson with regard to what actions are taken internally by City staff, and indicated that legally the City should use its own records as the City does not have the responsibility to determine boundaries, only the use of the property, but can always review what is presented. Discussion followed. Councilmember O'Brien asked that staff address the issues involved in placing a building in the proper location and what staff provides to the Planning Commission and City Council as assurances that the setbacks are correct and that buildings are being properly placed within the boundaries of the owner's property. Mr. Brown answered that the City does have the necessary records - the deeds, the maps - to determine where the property line is, and indicated that every time an application comes in, the Community Development Department staff compares that information against the City records.

Councilmember Urban expressed his concern if the tentative plan map differs from the true map of the real property description because City Council is also approving a tentative plan.

Greg Dobson, American Village Builders, 4200 West Centre Avenue, indicated that Joe Gesmundo and Roger Hinman purchased this property over thirty years ago. He spoke in favor of holding a public hearing on April 13, 2010, provided economic reasons for doing the project this year instead of waiting, assured City Council that American Village Builders owns the land and promised that reputable letters of proof would be forthcoming, particularly the east property line. He promised that a surveyor will explain the property description/map discrepancies to the satisfaction of City Council and promised to meet with any and all local residents to discuss their concerns. He indicated that American Village Builders has provided notice to all property owners within 300 feet of the property, has had discussions with many of them and promised to continue to work with them in the belief American Village Builders is creating a great development next to their properties. He asked City Council to set the public hearing and promised that American Village Builders will make an effort to resolve as many of the issues as possible before and/or during the public hearing and explained. Discussion followed. Mayor Pro Tem Sackley asked Mr. Dobson for his assurances that he can address all of the issues posed by concerned citizens tonight, and Mr. Dobson confirmed that he can. Discussion followed.

Motion by Sackley, seconded by Urban, to accept Rezoning Application #09-01, Greenspire Planned Development, for first reading and set a public hearing for April 13, 2010, at 7:30 p.m. or as soon thereafter as may be heard and, subsequent to the public hearing, consider approving Rezoning Application #09-01 from RM-1, multi-family residential, and R-1C, one-family residential, to PD, planned development, per the tentative plan dated March 4, 2010, written narrative dated February 23, 2010, and seven conditions contained in the Department of Community Development report dated February 26, 2010. Discussion followed. Mayor Strazdas reminded everyone that they need to come to the public hearing and speak in order for their concerns to be a part of the public hearing. Upon a roll call vote, motion carried 7 to 0.

HAZARDOUS MATERIALS RESPONSE MUTUAL AID AGREEMENT: Mayor Strazdas introduced the item and invited Fire Chief Randy Lawton to come forward and he indicated that the City of Portage could not provide hazardous materials response without the help of the other communities because hazardous materials response requires specialized training and specialized equipment. He provided a history of the development of the Countywide Hazmat team since 2004 and indicated that about 14-15 months ago, it became apparent that the team had to be formally established because of issues that became apparent since the inception of the team, such as liability and reimbursement. Assistant City Attorney Charlie Bear indicated that this is an outgrowth of a countywide cooperation that has been in place for years and that the fire chiefs in the area have agreed to continue to cooperate because it was beneficial to the community. Discussion followed. Motion by Reid, seconded by O'Brien, to adopt the Resolution for Intergovernmental Hazardous Materials Incident Response Agreement and authorize the City Manager to sign the agreement on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 495 of City of Portage Resolution Book No. 43.

* **APPLICATION FOR SPECIAL LICENSE FOR THE SALE OF BEER, WINE AND SPIRITS:** Motion by Urban, seconded by Reid, to resolve to submit an application to the Michigan Liquor Control Commission for a Special License for the sale of beer and wine for consumption on the premises at Portage Central Park, 7800 Shaver Road, for *The Taste of Portage* on June 26, 2010, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **CLASS ACTION LAWSUIT – NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT:** Motion by Urban, seconded by Reid, to authorize the City of Portage to remain a party to the following class action lawsuit: *The City of Riverview vs. State of Michigan*, Case No. 09-712-CZ. Upon a roll call vote, motion carried 7 to 0.

FISCAL YEAR 2010-11 BUDGET REVIEW SCHEDULE: Councilmember O'Brien asked for a discussion of possible dates to have the public hearing and the notice requirements on the City Budget. Mayor Strazdas asked the City Manager to have his staff contact City Council to ascertain a mutually convenient date as an alternative to the April 20, 2010 date. In answer to the notice concerns of Councilmember O'Brien, City Attorney Brown offered language from Chapter 7, General Finance, Sec. 7.4, Budget Hearing, *Charter*, City of Portage, "A public hearing on the budget proposal shall be held not less than one week before its final adoption, at such time as the Council shall direct. Notice of the public hearing shall be published by the Clerk at least one week in advance thereof and the budget proposal shall be available in the office of the Clerk during such week." Discussion followed regarding the proper method of notice for setting a special meeting to have a public hearing on the budget in accordance with the Open Meetings Act and the City Charter.

City Council took no action with regard to the establishment of April 20 and May 4 from 6-9 p.m. as the dates for review of the proposed Fiscal Year 2010-11 Budget.

* **CLOSED SESSION:** Motion by Urban, seconded by Reid, to hold a closed session immediately following the regularly scheduled City Council Meeting of March 23, 2010, to discuss an attorney/client communication. Councilmember Randall recused herself from participating in the closed session. Upon a roll call vote, motion carried 7 to 0.

* **FEBRUARY 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the February 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: City Council received the minutes of the following Boards and Commissions:

Portage Senior Center Advisory Board of January 20, 2010.
Portage Environmental Board of February 10, 2010.
Portage Planning Commission of March 4, 2010.

AD HOC COMMITTEE REPORTS:

LEGAL SERVICES CONTRACT: City Manager Evans explained that this item resulted from the work of the City Council Legal Services Evaluation Committee and Mayor Strazdas deferred to the Legal Services Evaluation Committee Chair, Councilmember Randall, who indicated that the Committee decided by a 2 to 1 vote to solicit legal services using the bid process since this had not been done since 1993. Councilmember Randall opined that it is appropriate and a best practice to go out for bid and that it shows a willingness to participate in an open, honest and transparent process in government. She said that this is reasonable because the last time the City went out for bid, seven firms competed for the business.

Councilmember Campbell indicated that since the Committee meeting, she had reconsidered her decision to go out for bid for legal services and distinguished the decision of City Council going out for bid for Labor Counsel two years ago. She thanked the City Administration for the providing background materials on Legal Service Contracts that addressed all of the questions that had arisen throughout the proceedings of the Legal Services Evaluation Committee. She indicated that she worked with the law firm of Brown and Associates for five and one-half years, three years on City Council and two and one-half years on the Planning Commission. She indicated that her hope and intention is to always be transparent and that she talked to a number of attorneys and was told repeatedly that going out for bid is not a common occurrence, and that the experience is that once a client has engaged in the services of an attorney, the only reasons to change are for performance or monetary issues. She cited Chapter 6, The Administrative Service, Sec. 6.2, Administrative Officers; Appointment; Employees, *Charter*, City of Portage, "The Council shall appoint the City Manager and the City Attorney who shall each serve at the pleasure of the Council." As a result, she likened the position of the City Attorney to the position of the City Manager and would City Council submit the contract of the City Manager out for bid, even if he was doing a good job, which is not reasonable in her opinion. She pointed out that the City Attorney provided a reasonable, cost effective contract proposal to the Committee; that the service he has provided has been excellent; that his advice has always been what has been needed and required; that there are no politics in his recommendations; and, that his advice is based purely on his

interpretation of the law. She thanked staff and Mr. Brown for all of the help provided to her over the years.

Councilmember Urban indicated that he was the only dissenting vote on the Committee, concurred with Councilmember Campbell regarding Chapter 6, The Administrative Service, Sec. 6.2, Administrative Officers; Appointment; Employees, *Charter*, City of Portage and distinguished the position of City Attorney from other offices enumerated in the *Charter* and placed him on par with the City Manager except that the City Manager is an exclusive contract employee and the City Attorney is a non-exclusive contract employment situation. He indicated that service and dedication have been the hallmarks of Brown & Associates as City Attorney and that their current contract proposal is actually a decrease when deflation is considered. Moreover, he proposes that the rates be fixed for five years which reflects his sensitivity to the uncertain times regarding the level of expected income for Portage and provides our city with a high level of knowledge and service at low cost. He expressed his appreciation for Mr. Brown, who has indicated that he is proud to represent the City of Portage and enjoys and believes in public service. He expressed disbelief that the same level of service provided by Brown & Associates could be reached with another provider and referenced his long association with Brown & Associates that has generated trust and respect for their counsel that does not come easily, especially with the learning curve, the time and the effort.

Councilmember Urban concurred with Councilmember Campbell that this is a cost effective proposal and that going out for bid would send a message that City Council is not happy with the services of Brown & Associates. He also indicated he has not heard anyone express displeasure with the work of Mr. Brown, nor has he ever heard disparaging comments from any staff, Board Member, Commissioner, or Councilmember or Mayor. He cited his long years of history with his association with the City Attorney as a Board Member and a Councilmember, and reiterated his trust and respect for their counsel and expressed appreciation for their professionalism and efforts.

Motion by Urban, seconded by Sackley, to accept the communication from the Legal Services Evaluation Committee and to accept the proposal to renew the current legal services contract with Attorney Randall L. Brown & Associates, PLC, for City Attorney/ Prosecuting Attorney services through Fiscal Year 2014-2015 and authorize the City Manager to execute all documents related to the contract. Discussion followed.

Mayor Strazdas offered his thoughts on transparency and the bidding process. He cited the three tiers of bidding: for a commodity, such as paperclips, concrete, etc., the low bid should be chosen; for Professional Services, one must weigh price and weigh their service level capability; and, for a direct appointee to an elected board - an entirely different category - one must weigh rates for that person, how they compare with others in community and what the proposal is moving forward. He explained that one must look at the present services and ask what is going on, what is the radar screen, is someone retiring tomorrow, is there a merger or any other major change, for example. Mayor Strazdas indicated that he did take a look at the rates, that they are among the lowest rates around and, with inflation, the rates go back to 1993 and with zero increases during the next five years, the real rates are comparable to those of the 1980's. With regard to level of service, Mayor Strazdas indicated that here is no issue of integrity, no poor service and no massive changes in the near future. He concluded that all of the criteria are met and there is no reason for this elected body to go out for bids.

Councilmember Reid said that there is more than one way to be transparent, such as having a discussion of the issues involved and taking a look at comparable values and comparable services of other municipalities to look at the finances that are related to this service. She expressed her opinion that it is important to see how other municipalities provide services and to see whether other models make any sense as compared to what Portage is doing and that she does not feel that putting a contract out for bid is the only way to be transparent. She expressed her support for the proposal from Brown & Associates. She expressed a frustration for not having a lot of guidelines for the bidding process and asked for clarity on that and other types of bidding issues. Also, she pointed out that there is no formal

evaluation process for the City Council to evaluate the City Attorney, even though there is an evaluation process for City Manager, and supported an evaluation process for the City Attorney to make both sides better and to build tangible information. Discussion followed.

Mayor Pro Tem Sackley concurred with the positive discussion regarding Brown & Associates and stressed the importance of experience and institutional knowledge when it comes to Professional Contracts. Discussion followed.

Councilmember O'Brien thanked the staff and the Committee for their hard work and indicated that comparisons are difficult with these types of contracts. She expressed her appreciation for Councilmember Randall's discussion of transparency and spoke in support of availability of information for citizens, not doing business behind closed doors and for public discussions, but expressed caution with regard to the evaluation of the City Attorney. Discussion followed.

Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Campbell, O'Brien, Reid and Urban, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmember Randall.

Councilmember Urban opened the discussion on the proposal to renew current legal services contract for Axe & Ecklund, P.C. for Bond and Financial Consulting services through Fiscal Year 2011-2012 and explained the recommendation from the City Manager. He quoted the communication from the draft information received from the City Manager that, "The firm of Axe & Ecklund, PC, has provided excellent bond opinion and bond issuance services over the past 17 years. The firm provides responsive assistance when requested and possesses an understanding of City of Portage history and long-range interests. With the current five-year contract, Axe & Ecklund, PC, provided services at no cost increase over the previous contract."

Motion by Urban, seconded by Campbell, to accept the proposal to renew current legal services contract for Axe & Ecklund, P.C. for Bond and Financial Consulting services through Fiscal Year 2011-2012 with the option to renew for the next four years and authorize the City Manager to execute all documents related to the contracts. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers O'Brien, Reid, Urban and Campbell, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmember Randall.

CITY COUNCIL K-9 OFFICER COMMITTEE: Mayor Strazdas introduced the item and said he was approached by citizens to obtain drug dogs as tools to detect drugs in the schools. However, Mayor Strazdas indicated that overtime costs and taking an officer off the streets adds to the cost of operations such that it is not feasible at this time. Also, Kalamazoo County has two dogs, and the City of Kalamazoo has two new dogs for Portage to use, so he indicated that Portage will not be pursuing a K-9 Officer at this time.

Councilmember Campbell indicated that the City Council K-9 Officer Committee wants to look at this issue further and to present it to the City Council School Committee for further review and expressed an interest in pursuing a future partnership with the Board of Education regarding this matter.

Councilmember Reid advocated getting a joint meeting with the Board of Education after the May 4, 2010 School Election. Mayor Strazdas concurred and asked for a motion for discussion.

Motion by Urban, seconded by Reid, to not pursue the creation of a K-9 unit as part of the Portage Police Department and refer the matter of drug checks using K-9s at public schools in the greater Kalamazoo area to the City Council School Committee for review and report.

Councilmember O'Brien advocated that the entire City Council meet with the Board of Education and not just the City Council School Committee, and expressed a concern to not interfere with the autonomy of the Board of Education.

Mayor Pro Tem Sackley provided an overview of the evolution of the concept of using drug dogs in Portage Public Schools and some of the of law enforcement activities that has taken place over

the years. He also said he is looking forward to a joint meeting with the Board of Education and has always found them to be productive.

Councilmember Reid pointed out that a subcommittee of City Council has met with a subcommittee of the Board of Education on different issues over the years, and Mayor Strazdas concurred and indicated an interest in having a meeting of the subcommittees as well as a meeting of the entire City Council and the entire Board of Education. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

* **TRAFFIC SIGNAL IMPROVEMENTS:** Motion by Urban, seconded by Reid, to award a construction contract to the low bidder, Severance Electric, Incorporated, in the not-to-exceed amount of \$180,140.67 for the installation of new traffic signals at the East Centre/Currier Drive/Mustang Boulevard intersection 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.

* **DPS LIGHTING IMPROVEMENT CONTRACT RECOMMENDATION:** Motion by Urban, seconded by Reid, to approve a contract with Elders Electric of Grandville, Michigan, to replace 140 light fixtures in the Department of Public Services (DPS) with T-6 light fixtures in the not-to-exceed amount of \$25,186 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **STORMWATER RETENTION BASIN AND STORMWATER OUTFALL TESTING AND MONITORING PROGRAM:** Motion by Urban, seconded by Reid, to award a four-year contract to Wightman Environmental, Incorporated, of Sodus, Michigan, in the not-to-exceed amount of \$19,850 for Stormwater Retention Basin and Stormwater Outfall Testing and Monitoring and authorize the City Manager to execute all documents relating to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: John Gisler, 9145 Arrowhead Drive, Scotts, announced his candidacy for 16th District Kalamazoo County Commissioner.

REMINDER OF MEETINGS: Mayor Sackley explained that the issues addressed by the Assessing Issues Task Force has expanded and explained that he wanted the Committee of the Whole to hear the report from the staff of the Office of the Assessor rather than just the three members of the Assessing Issues Task Force. He suggested setting a Special Meeting before April 13, 2010, because the timing is critical at this time.

Mayor Strazdas indicated that it is important to discuss this topic at a Work Session of City Council and suggested 5:30 p.m. as the time to hear the presentation of the staff of the Office of the Assessor.

Councilmember Reid agreed that it makes sense to have the presentation before the City Council of the Whole rather than before the three members of the Assessing Issues Task Force, first, then before the City Council as a whole, later. She also expressed her appreciation for the work performed by the Assessing Issues Task Force.

Councilmember O'Brien concurred because of the detail, complexity of the information and discussions of the Assessing Issues Task Force. She also concurred that it will cut down on duplication,

use of resources and questions. She pointed out that one person missing from the Assessing Issues Task Force means only two people would get the information; while presenting it before the entire City Council would alleviate the problem of having one person missing as there would still be six Councilmembers who could have discussion.

Motion by Sackley, seconded by Reid, to dissolve the Assessing Issues Task Force and set a Special Meeting at 5:30 p.m., Tuesday, April 13, 2010, City Council Chambers, to receive a presentation from the Office of the Assessor staff regarding Assessing Issues. City Manager Maurice Evans stressed that the staff of the Office of the Assessor has been working many weeks with the Board of Review, and has also created a presentation that is an opportunity to address the many issues brought before City Council and any other issues or concerns that may arise. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember O'Brien announced she would be absent for the next City Council Meeting.

Mayor Pro Tem Sackley pointed out that if a person is living temporarily out of state that he and/or she should put zero on the census form they receive out of state and respond to the Census taker when contacted upon their return to Portage.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:28 p.m.

James R. Hudson, City Clerk

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