

CITY COUNCIL MEETING MINUTES FROM AUGUST 24, 2010

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

At the request of Mayor Strazdas, Reverend Barry Petrucci of the Chapel Hill United Methodist Church gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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 and Terry R. Urban, 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.

PROCLAMATIONS: Mayor Strazdas issued a Kalamazoo River Valley Trail Proclamation and a Proclamation commemorating the 85th Birthday of the Kalamazoo Community Foundation.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the August 10, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember O'Brien to read the Consent Agenda. Motion by O'Brien, 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 AUGUST 24, 2010:** Motion by O'Brien, seconded by Reid, to approve the Accounts Payable Register of August 24, 2010. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **PORTAGE DOWNTOWN DEVELOPMENT AUTHORITY:** Motion by O'Brien, seconded by Reid, to adopt Resolution No. 2 to Approve Second Amendment to Development Agreement Selling Real Estate and authorize the City Manager to execute the agreement. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 83 of City of Portage Resolution Book No. 44.

* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT – WIDENING OF I-94 FROM APPROXIMATELY OAKLAND DRIVE TO LOVERS LANE:** Motion by O'Brien, seconded by Reid, to approve Contract 10-5539 between the Michigan Department of Transportation and the City of Portage concerning funding for street modifications on South Westnedge Avenue at the Trade Centre Way intersection and adopt a resolution authorizing the City Manager to sign Contract 10-5539 on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 89 of City of Portage Resolution Book No. 44.

* **PROPOSED ONE-YEAR LABOR AGREEMENT WITH THE UNITED AUTO WORKERS:** Motion by O'Brien, seconded by Reid, to authorize the Mayor and City Clerk to execute a one-year labor agreement between the City of Portage and the United Auto Workers. Upon a roll call vote, motion carried 7 to 0.

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

* **DEPARTMENT MONTHLY REPORTS:** Motion by O'Brien, seconded by Reid, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

PARK BOARD CHAIR MARK ANTHONY MARTIN: Mayor Strazdas deferred to City Manager Maurice Evans, who indicated that the Park Board has been investigating options for prohibiting or limiting smoking in city park properties. He noted the existing park rule prohibiting smoking at the Ramona Park beach area, reviewed the results of their internet survey that supported the prohibition and the Park Board recommendation of restricting smoking in playground and picnic shelter areas. City Council expressed various concerns and questions:

Councilmember Reid asked if the rationale of the Park Board was based upon the health considerations of second hand smoke or safety concerns as the effects of second hand smoke in outside areas are not conclusive. Discussion followed.

Councilmember Randall expressed a concern for enforcement as with patrols and any fine that may apply. Discussion followed. City Attorney Randy Brown indicated that it would be like a simple violation of a city ordinance, a civil infraction, and a ticket would be issued. If it were considered a more serious infraction, a person could be subjected to expulsion from the park.

Mayor Pro Tem Sackley noted that the Park Board narrowed the scope of the review to only the playground and picnic shelter areas and expressed a preference for the Administration to review the entire park system.

Councilmember Reid asked if the reason for the smoking ban at Ramona Park beach area was a question of litter or was it based upon safety concerns.

Councilmember O'Brien asked whether the trail system would be included when reviewing the entire park system.

Motion by Sackley, seconded by O'Brien, to refer the communication from the Portage Park Chair Mark Anthony Martin recommending the prohibition of smoking in playground and picnic shelter areas in Portage parks to the Administration for review and recommendation with the understanding that the review not be limited to playground areas, but should include the whole park system.

Councilmember Urban made the suggestion that the Administration check with other municipalities to find out what rules have been established to address this issue. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **WATER MAIN EASEMENT, 10619 WOODLAWN DRIVE AND 10625 WOODLAWN COURT:** Motion by O'Brien, seconded by Reid, to reconfirm the Resolution to Relinquish an existing Water Main Easement located on the properties addressed as 10619 Woodlawn Drive and 10625 Woodlawn Court. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 91 of City of Portage Resolution Book No. 44.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Human Services Board of May 6, 2010.

Portage Environmental Board of June 9, 2010.

Portage Zoning Board of Appeals of July 12, 2010.

Kalamazoo County Board of Commissioners Regular of July 20, 2010.

BID TABULATION:

* **ICE CONTROL SALT PURCHASE:** Motion by O'Brien, seconded by Reid, to approve the purchase of ice control salt from: Detroit Salt Company in the low bid amount of \$52.45 per ton for 3,000 tons at a total cost not to exceed \$157,350 for early delivery and North American Salt Company in the low bid amount of \$62.19 per ton for 1,300 tons at a total cost not to exceed \$80,847 for seasonal backup 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.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban expressed his appreciation to the firefighters he and his four year old daughter observed for forty-five minutes who also allowed her to sit in the driver seat of a fire engine at the end of their training.

Mayor Pro Tem Sackley indicated that he was pleased to see Jerry Albertson at the meeting to accept the Kalamazoo River Valley Trail Proclamation and Juan Olivera to receive the Proclamation commemorating the 85th Birthday of the Kalamazoo Community Foundation and revealed his dream of riding his bike from the Portage Public Library to South Haven.

Mayor Strazdas invited City Council to accompany him and some Kalamazoo County officials to the east side of the state on Saturday, August 28, 2010, from 7 a.m. to 6 p.m. to tour the Regional Farmers Market in consideration of a regional farmers market for the Southwest Region.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:00 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.