

CITY COUNCIL MEETING MINUTES FROM DECEMBER 6, 2011

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

At the request of Mayor Strazdas, Reverend Scott Oberle of the Portage United Church of Christ 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, James D. Pearson, Edward J. Sackley, Terry R. Urban and Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Patricia M. Randall was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a Proclamation recognizing Pfizer Manufacturing of Portage for its MIOSHA Star designation.

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the November 15, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Pearson to read the Consent Agenda. Councilmember Urban asked that Item F.3, Amendment to Chapter 14 of the Code of Ordinances, Pawnbrokers and Secondhand Dealers, be removed 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 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 6, 2011:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of December 6, 2011. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **HEALTH INSURANCE CONTRACT RENEWALS:** Motion by Urban, seconded by Reid, to approve up to one-year contract renewals for employee health insurance offered through Blue Care Network-5 (HMO), Priority Health (HMO) and Blue Cross Blue Shield of Michigan (PPO-1 and Traditional); a one-year contract for Blue Care Network-10 (HMO) and Blue Cross Blue Shield of Michigan (PPO-2); a two-year contract for Vision Services Plan (VSP); Amendment of the Department Head and Non-Union Health Management Program (HMP) and Personnel Rules and Regulations, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **PROPOSED TWO-YEAR LABOR AGREEMENT WITH THE UNITED AUTO WORKERS:** Motion by Urban, seconded by Reid, to authorize the Mayor and City Clerk to execute a two-year labor agreement between the City of Portage and the United Auto Workers. Upon a roll call vote, motion carried 6 to 0.

AMENDMENT TO CHAPTER 14 OF THE CODE OF ORDINANCES – PAWNBROKERS AND SECONDHAND DEALERS: Councilmember Urban expressed the concern of whether this ordinance would apply to non-profit organizations that receive second hand goods. Discussion followed and Assistant City Attorney Charlie Bear explained. Discussion followed. He also asked why an internet drop-off store is not included and Mr. Bear indicated that there is a specific act that covers internet drop-off stores.

Councilmember Sackley expressed a concern that there was no advanced discussion of this matter and no support material. He inquired why this ordinance is being proposed at a time when our newspaper is being downsized, reformatted and not delivered every day and businesses are very busy and not in the position to notice the intention of the ordinance, nor have time to provide comment. He commented on the situation as it occurred in Grand Rapids; expressed a concern on the impact on Goodwill Industries; expressed an interest in suspending any further action until a full report is received regarding how the City of Portage arrived at this juncture with regard to this matter; wanted to know “why now” at this time; what is the impact on businesses, business owners and employment in Portage; and, what is the feedback from other cities.

Assistant City Attorney Bear responded to his question regarding the effect of State Law on the matter, expounded on the need for an application and assistance to the Police Department with reference to fencing goods, and explained the state law reference and the imposition of the electronic reporting requirement. Discussion followed. Mr. Sackley specifically asked for outreach by the Administration to Portage businesses that may be affected, indicated no haste is necessary, a desire not to handicap the non-profit organizations nor make it difficult for business to operate in Portage and provide service to our citizens.

Mayor Strazdas summed up by indicating that there is a desire of some Councilmembers to have a distinction in the ordinance between businesses and non-profit entities; that Attorney Brown wants to research the matter further; that City Council would like feedback with regard to the impact on local businesses and a determination of what was the genesis of the ordinance. Also, City Council requested what other cities have something similar to this ordinance; how does this compare with state statute from legal Counsel; and can there be an effort to provide outreach to Portage businesses as this could have an impact on their business. He asked whether there were any further concerns of City Council and Mayor Pro Tem Reid pointed out that there is a cost to the business as there is an annual \$50 fee and an application process that is required annually as additional requirements of the businesses. She also wanted to know how businesses are currently meeting the state requirement because she did not realize there was a state requirement from reading this item. Specifically, she asked are most businesses doing this on paper; or, how many businesses are doing it electronically.

Pearson said his first reaction was that there is more burden and more fees for these businesses, so he concurred that City Council does need more background information. Discussion followed.

Motion by Sackley, seconded by Urban, to refer the communication from the City Manager recommending that City Council accept the amendment to Chapter 14 of the Code of Ordinances by adding Article 8, Section 14-202 through Section 14-213, Pawnbrokers and Secondhand Dealers, for first reading and set a second reading with final adoption for December 20, 2011, back to Administration for analysis and response consistent with the minutes of this meeting. Discussion followed. Councilmember Sackley indicated that he had absolute full support for law enforcement and for providing tools available to assist law enforcement and community members to recover stolen property and to prevent the operation of illegal businesses fencing goods in the community. He further expressed the need to understand the cost and impact on legitimate business and legitimate citizens who are trying to use these services before we take further steps. Upon a roll call vote, motion carried 6 to 0.

*** UNITED WATER ENVIRONMENTAL SERVICES, INCORPORATED – CONTRACT RENEWAL:** Motion by Urban, seconded by Reid, to approve the third five-year contract renewal with United Water Environmental Services, Incorporated, for the provision of utility management and operation services from March 1, 2012, through February 28, 2017, 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 6 to 0.

* **ADP PAYROLL SERVICES PRICING – AGREEMENT RENEWAL:** Motion by Urban, seconded by Reid, to accept a three-year pricing agreement from ADP, Inc., to perform payroll services on behalf of the City of Portage at a first-year cost of \$29,970, a second-year cost of \$30,211 and a third-year cost of \$30,730 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 6 to 0.

* **AT&T FOR ANALOG CIRCUIT DATA LINE SERVICES AGREEMENT:** Motion by Urban, seconded by Reid, to approve the continuation of the service contract with AT&T for analog circuit data line services through November 2014 in the annual amount of \$23,196. Upon a roll call vote, motion carried 6 to 0.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY APPOINTMENTS:** Motion by Urban, seconded by Reid, to confirm the City Manager appointments to the Local Development Finance Authority by adopting the Resolution to Appoint Members to the Local Development Finance Authority of the City of Portage. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 297 of City of Portage Resolution Book No. 44.

* **KALAMAZOO COUNTY PUBLIC ART COMMISSION REQUEST:** Motion by Urban, seconded by Reid, to authorize the matching of \$1,000 in city funds in response to the Kalamazoo County Public Art Commission request for a Gilmore Foundation grant and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **TRANSFER OWNERSHIP OF THE 2011 CLASS C LICENSED BUSINESS WITH DANCE PERMIT (JAC'S PIZZA):** Motion by Urban, seconded by Reid, to grant the request to transfer ownership of the 2011 Class C Licensed Business with Dance Permit, located at 4261 W. U Avenue, Schoolcraft, MI 49087, Schoolcraft Township, Kalamazoo County, from Schnauzer's Banquet Hall and Catering Service, Inc., to EOA, LLC (Jac's Pizza), and to transfer location (Governmental Unit under MCL 436.1531(1) to 7638 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County and request for New Entertainment Permit. Upon a roll call vote, motion carried 6 to 0.

* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Urban, seconded by Reid, to set a Special Meeting on Tuesday, January 10, 2012, beginning at 5:15 p.m. to interview board and commission applicants. Upon a roll call vote, motion carried 6 to 0.

* **CLOSED SESSION:** Motion by Urban, seconded by Reid, to hold a closed session immediately following the regularly scheduled City Council Meeting of December 6, 2011, to discuss an attorney/client communication. Upon a roll call vote, motion carried 6 to 0.

* **LEXINGTON GREEN PILOT RESIDENTIAL INSPECTION PROGRAM – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Lexington Green Pilot Residential Inspection Program as information only. Upon a roll call vote, motion carried 6 to 0.

* **LOCAL DEVELOPMENT FINANCE AUTHORITY ANNUAL REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Local Development Finance Authority Annual Report as information only. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **SALE OF EXCESS CITY-OWNED PROPERTY, 7130 SOUTH WESTNEDGE AVENUE FINAL ACTION:** Motion by Urban, seconded by Reid, to adopt Resolution No. 2, reconfirming the sale of excess city property at 7130 South Westnedge Avenue to Jason M. Klein & Associates at a purchase price of \$370,000. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 299 of City of Portage Resolution Book No. 44.

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

Portage Zoning Board of Appeals of October 10, 2011.
Portage Board of Education Special and Regular of October 24, Policy Governance of October 26 and Special and Committee of the Whole Work Session of November 7, 2011.
Portage Environmental Board of October 12, 2011.
Portage Planning Commission of October 20, 2011.
Kalamazoo County Board of Commissioners Regular and Committee of the Whole of November 1, 2011.
Portage Human Services Board of November 3, 2011.

BID TABULATIONS:

* **NATURAL GAS – ALTERNATE GAS SUPPLIER (AGS):** Motion by Urban, seconded by Reid, to approve a contract with Border Energy, Inc., for the procurement of natural gas, with the option for three annual renewals, and authorize the City Manager to execute all documents on behalf of the City of Portage. Upon a roll call vote, motion carried 6 to 0.

* **BID TABULATION & RECOMMENDATION – EMPLOYEE UNIFORMS:** Motion by Urban, seconded by Reid, to award a 2.5 year contract to Maurers Textile Rental Service, Incorporated, to provide employee uniform rental, maintenance and weekly laundering services in the amount of \$19,477.90 and authorize the City Manager to execute all documents related to the contract and subsequent renewals on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

RECESS TO GO INTO CLOSED SESSION: 8:10 p.m.
RECONVENE: 9:19 p.m.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Pearson expressed support for businesses locating in Portage and used the Jac's Pizza example from the agenda to highlight his comment.

Councilmember Urban featured the tree-lighting ceremony on Saturday as a fun family event and Councilmember Sackley concurred.

Mayor Strazdas expressed his regrets that he could not attend the tree-lighting ceremony as he was in Washington, D.C. However, he compared the National Tree with the Portage tree-lighting ceremony and said Portage looked better. He thanked Parks personnel and the students who entered the essay contest on “Why I Love Portage” for the privilege to light all of the Portage Christmas lights at the tree-lighting ceremony.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:21 p.m.

James R. Hudson, City Clerk

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