

## CITY COUNCIL MEETING MINUTES FROM FEBRUARY 28, 2012

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

At the request of Mayor Strazdas, Pastor Ken Hale of Victory Baptist Church in Portage gave the invocation and Boy Scout 244 led 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, Jim Pearson, Patricia M. Randall, Edward J. Sackley, Terry R. Urban and Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Mayor Pro Tem Reid asked that the minutes reflect that under Item J.1, Ad-hoc Committee Report, she provided the presentation on Fees and Councilmember Urban provided the presentation on the Community Survey Committee. Motion by Reid, seconded by Sackley, to approve the February 14, 2012 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by Reid, to approve the February 14, 2012 Special Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Campbell and Randall abstaining.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Randall asked that Item F.3, Comprehensive Liability, Property and Auto Fleet Insurance Coverage, and Councilmember Urban asked that Item F.4, Dispatch Collaboration and Acceptance of State Funding Resolution, 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 7 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 28, 2012:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of February 28, 2012. Upon a roll call vote, motion carried 7 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT - WEST CENTRE AVENUE (OAKLAND DRIVE TO SHAVER ROAD):** Motion by Urban, seconded by Reid, to approve Contract 12-5028 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on West Centre Avenue, Oakland Drive to Shaver Road; approve an engineering services contract with Wightman Jones, Incorporated, for construction inspection and administration of street improvements on West Centre Avenue, Oakland Drive to Shaver Road, in the not to exceed amount of \$92,500; adopt a Resolution authorizing the City Manager to sign Contract 12-5028; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 355 of City of Portage Resolution Book No. 44.

\* **SOUTH WESTNEDGE AVENUE RIGHT-OF-WAY VACATION (PCOC PROPERTY):** Motion by Urban, seconded by Reid, to approve a resolution setting a public hearing on the vacation of a portion of 7130 South Westnedge Avenue, place the resolution on file with the City Clerk for 28 days and take final action on March 27, 2012, at 7:30 p.m. or as soon thereafter as may be heard, 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. Resolution recorded on page 357 of City of Portage Resolution Book No. 44.

### **COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE**

**COVERAGE:** As a result of the discussion at the City Council pre-meeting, Councilmember Randall expressed an interest in determining the actual cost of operating the aging fleet of city vehicles, including gas and maintenance, in order to make a comparison with the \$0.55 per mile reimbursement amount allowed by the Internal Revenue Service. She wanted to know whether the city can afford to have seven vehicles for use during the work day by city employees. Discussion followed. Councilmember Randall agreed with City Manager Maurice Evans that the time to receive the comparisons was at the Spring Budget Session. Mayor Strazdas concurred.

In answer to Mayor Pro Tem Reid, Mr. Evans indicated that there is no requirement that employees have their own vehicle and that vehicles are viewed as tools since it is important to the service delivery provided by city employees, such as inspections, that they be timely, especially with code enforcement. He indicated vehicles are viewed much like computers – essential tools to allow the employee to provide proper service delivery. He distinguished reimbursement for trips out of town from the short trip requirements within the city to perform work such as city inspections, and he indicated that personal vehicle use in the public sector for this type purpose is “just not done out there.” In answer to her second question, Mr. Evans agreed that it would become a condition of employment if an employee did not have a vehicle and City Council requires an employee to use his or her personal car to fulfill the public service duties required. Discussion followed.

Motion by Reid, seconded by Pearson, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not to exceed cost of \$433,977 for the period of March 1, 2012, to March 1, 2013, and authorize the City Manager to execute all documents related to the action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

### **DISPATCH COLLABORATION AND ACCEPTANCE OF STATE FUNDING**

**RESOLUTION:** Councilmember Urban pointed out that “adopt the Resolution to Approve Dispatch Collaboration” in the Consent Agenda could easily be misconstrued and asked for an explanation from Mr. Evans, and offered to explain it himself. Mr. Evans indicated that City Council is being asked to adopt a Resolution approving dispatch collaboration thereby accepting Michigan Department of Treasury funding because Kalamazoo County has applied for a grant from the state and obtained a \$20,000 grant that can be applied toward the costs of conducting a feasibility study and/or hiring consultants to help out with the overall study of this issue. He indicated that the City Council is being asked as one of the collaborative partners to adopt the Resolution, as are the other Public Safety Answering Points (PSAPS). Councilmember Urban reiterated that the collaboration is to spend some grant money to hire a consultant to help the City of Portage write a request for proposal and to develop a business plan in the event the city should choose to enter into a consolidated dispatch. He emphasized that this can be distinguished from the verbiage, “adopt the Resolution to Approve Dispatch Collaboration” in the Consent Agenda.

Motion by Urban, seconded by Sackley, to adopt the Resolution to Approve Dispatch Collaboration and Acceptance of Michigan Department of Treasury Funding. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 361 of City of Portage Resolution Book No. 44.

\* **CITY OF PORTAGE 2010 CENSUS LIQUOR LICENSE AVAILABILITY:** Motion by Urban, seconded by Reid, to authorize the City Administration to solicit proposals from interested parties regarding liquor license availability with a response due date of May 11, 2012; correspond with applicants concerning the time schedule, application and ordinance requirements for liquor licenses; and review all liquor license applications in accordance with the requirements of Chapter 6 of the Codified

Ordinances and provide information for consideration by Council in June 2012. Upon a roll call vote, motion carried 7 to 0.

\* **CITY OF KALAMAZOO GIS PARCEL DATA SHARING AGREEMENT FOR 911 DISPATCH SYSTEMS:** Motion by Urban, seconded by Reid, to authorize the City Administration to execute the *Digital Parcel Data Sharing Agreement* for Public Safety Dispatching with the City of Kalamazoo. Upon a roll call vote, motion carried 7 to 0.

\* **DOWNTOWN DEVELOPMENT AUTHORITY ANNUAL REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Downtown Development Authority Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

\* **JANUARY 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT - INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the January 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

#### **COMMUNICATIONS:**

\* **UNITED STATES POSTAL SERVICES PLANT MANAGER GREGORY J. CHANSKY:** Motion by Urban, seconded by Reid, to receive the communication from the United States Postal Service regarding the consolidation of mail processing operations. Upon a roll call vote, motion carried 7 to 0.

#### **UNFINISHED BUSINESS:**

\* **AMENDMENT TO THE CODE OF ORDINANCES – HISTORIC MODIFICATION: 3821 WEST MILHAM AVENUE:** Motion by Urban, seconded by Reid, to accept the amendment to Section 38-35 of Chapter 38, Historic Preservation, of the Code of Ordinances for second reading and final adoption. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 225 of City of Portage Ordinance Book No. 12.

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

Kalamazoo County Board of Commissioners Regular and Committee of the Whole of January 17, 2012.

Portage Youth Advisory Committee of January 30, 2012.

Portage Planning Commission of February 2, 2012.

#### **AD HOC COMMITTEE REPORT:**

**SMALL BUSINESS COMMITTEE:** Councilmember Randall provided a review of the goal-setting session for the Small Business Committee, including discussion of a plan for focus groups and the idea of creating a design of an on-line survey for small businesses. She expressed an interest in the Urban Land Institute Seminar information to enable the City of Portage to transition from a city that is business ready to a city that is business friendly. She also mentioned the plan to sponsor a tax forum

for small businesses hosted by Kalamazoo County Commission Chair Dave Maturen, Thursday, March 8, 2012, 6:30 p.m. until 8 p.m. that would cover how assessments are arrived at and the steps to take to appeal assessments by the City of Portage. Councilmember Pearson discussed the idea of focus groups for small businesses. Councilmember Campbell indicated that the tax forum is a great opportunity for local businesses and expressed her appreciation to Councilmember Randall for her leadership. When Mayor Pro Tem Reid asked for a motion for discussion purposes, Mayor Strazdas summarized by indicating the two requests from the Small Business Committee are: a tax forum for small businesses and the idea of focus groups for small businesses. He asked City Manager Evans and City Attorney Randy Brown what their preference was for a motion or a consensus. Mr. Evans indicated a preference for a motion because all City Council Committees come to the City Council as a Whole, City Council supports the motion and the item of business moves forward. City Attorney Brown concurred and reminded City Council that a Committee of City Council cannot take any action on its own because any action has to come from City Council; so, if it is going to be a City Council activity, the City Council must vote as a body to approve it.

Discussion followed regarding following the process as established by City Council in order to take into account budget considerations, the time constraints to review both of the Small Business Committee proposals and the ability to reflect on them and formulate an opinion before moving forward. In response to Mayor Strazdas, City Attorney Brown reminded City Council that under the Open Meetings Act, a Committee of City Council constitutes a sub quorum of three so the three Committee members can only discuss issues among themselves. He reminded them that discussion beyond the Committee could be construed as a constructive quorum, so discussion is pretty limited. He offered the options of bringing matters forward as items on the agenda or to the City Manager for discussion. He warned that e-mails to the entire City Council or to a quorum of City Council, and discussion back and forth through that e-mail, could be a violation of the Open Meetings Act. Mayor Strazdas asked that City Council share their ideas through the City Manager.

After discussing whether to consider only the forum question at this time and to allow more time to revisit the materials covered by David Wheatley in 2006 as background material for considering the idea of focus groups for small businesses, motion by Pearson, seconded by Campbell, to support a March 8 forum at City Council Chambers - a KGAR like forum with volunteers from different disciplines - to meet and talk to businesses in Portage and anyone else who would like to attend the forum. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

#### **BID TABULATIONS:**

\* **HP STORAGEWORKS P4300 G2 MDL SAS STARTER SAN SOLUTION HARD DRIVE ARRAY:** Motion by Urban, seconded by Reid, to approve the purchase of one HP StorageWorks P4300 G2 MDL SAS Starter SAN Solution hard drive array with three-year extended service at a cost of \$22,146 and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **SUPERDECK BOARDWALK – BID RECOMMENDATION:** Motion by Urban, seconded by Reid, to approve a sole-source provider bid from Aggressive Industries in the amount of \$11,250 for supply and delivery of SuperDeck materials for improvements to the Bishop's Bog Preserve trail 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 AND CITY MANAGER:** Mayor Strazdas thanked Boy Scout Troop 244 for their assistance with the Pledge of Allegiance and for attending the meeting.

Councilmember Randall reviewed the dates and times of the March Board of Review, as found in the *Portager*, offered that the March Board of Review can be extended if needed and that days can be added.

Councilmember Pearson said that the Consumer Confidence Index is up from 61.5 points to 70.8 points, higher than it has been in a year on the national level, and in Portage, there is the Rock Church Grand Opening, and the Post Community Credit Union and the Horizon Bank openings. He also mentioned the three construction projects from the February 14, 2012 Agenda and a lot of things going through the Planning Commission.

Councilmember Campbell invited the public to visit the new Horizon Bank when it opens on Monday.

Councilmember Sackley indicated that he and Mayor Strazdas met at a Southwest Michigan First sponsored meeting to discuss the continuation and progress of the transition agenda, the development of the plan and encouraged participation. He also discussed the progress of the Austin Lake Governmental Lake Board Aeration Bioaugmentation project and indicated that the Assessment Roll was certified last Wednesday and publication in the *Kalamazoo Gazette* will take place this Wednesday and Thursday. He said the application has been filed with Department of Environmental Quality for installation and start of the project and on February 14, 2012, City Council approved license that will allow the location of one of the compressor stations to be installed on city property. He indicated that periodic reports will follow and special assessment bills will be mailed August 1, 2012.

City Manager Evans extended congratulations to Chief Information Officer/Information Technology Services Director Devin Mackinder for receiving a transparency award for the city website by scoring an A+ rating and placing us in the top 4% of the country by the Sunshine Review Organization. He also congratulated Mr. Mackinder for the Apex Award for Publication Excellence and the AVA Gold Award for Design.

Mayor Pro Tem Reid indicated that at a Transportation Forum organized by House of Representatives Margaret O'Brien, there was discussion of the pro's and con's of the funding options for deteriorating roads owing to a reduction of revenue since less gas tax is being collected because of the gas efficiency of cars being sold today. She also mentioned that the Head Start Program has been required to be bid and the Kalamazoo County Commission will decide whether the Community Action Agency will place a bid on the Program. She also complimented the new Waylee facility where she attended a recent Public Media Network Committee meeting.

Mayor Strazdas thanked each Councilmember for their time, level of engagement and their work on each of their respective committees. He indicated that the city is 12 to 18 months behind full recovery, and stressed it is important to think regionally and act locally for Portage citizens.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:23 p.m.

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James R. Hudson, City Clerk

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