

## CITY COUNCIL MEETING MINUTES FROM MARCH 27, 2012

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

At the request of Mayor Pro Tem Reid, Ravi Akkoor of the Hindu Community in Portage 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 Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley, Terry R. Urban and Mayor Pro Tem Claudette S. Reid. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Sackley, to approve the March 13, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Pearson abstaining.

\* **CONSENT AGENDA:** Mayor Pro Tem Reid asked Councilmember Sackley to read the Consent Agenda. Councilmember Campbell asked that Item F.5, Equity Adjustment, be removed from the Consent Agenda, and Mayor Pro Tem Reid removed Item F.9, Fiscal Year 2012-2013 Budget Review Schedule, from the Consent Agenda. Discussion followed. Motion by Sackley, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 27, 2012:** Motion by Sackley, seconded by Urban, to approve the Accounts Payable Register of March 27, 2012. Upon a roll call vote, motion carried 6 to 0.

### **PUBLIC HEARING:**

**SOUTH WESTNEDGE AVENUE RIGHT-OF-WAY VACATION (PCOC PROPERTY):** Mayor Pro Tem Reid opened the public hearing and introduced Transportation & Utilities Director Chris Barnes, who used a drawing to pinpoint the location of the subject property and described in more detail the request for a vacation of a 10 foot wide portion of street right-of-way located at 7130 South Westnedge Avenue known as the Portage Community Outreach Center (PCOC). He indicated that the property north of the PCOC building was at one time a Marathon Gas Station that still had a 60 foot right-of-way from the center of the road set by the Michigan Highway Department back in the 1930's or 1940's instead of the 50 foot right-of-way from the center of the road in front of the property that has the PCOC building on it. He said the purpose of the proposed change in the right-of-way is to provide uniformity between the two properties, and to convey it to the future purchaser. In response to Councilmember Randall, Mr. Barnes indicated that there are other 60 foot "half right-of-ways" on South Westnedge Avenue like this one, but it is best to evaluate each of them on an individual basis because there are instances where the city may want to retain a right-of-way for access purposes. As there was no public comment, motion by Campbell, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Urban, seconded by Sackley, to adopt the Resolution to vacate a 10 foot wide portion of street right-of-way located at 7130 South Westnedge Avenue 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. Resolution recorded on page 379 of City of Portage Resolution Book No. 44.

## REPORTS FROM THE ADMINISTRATION:

\* **REZONING APPLICATION #11-02, 1106 WEST CENTRE AVENUE:** Motion by Sackley, seconded by Urban, to accept Rezoning Application #11-02 for first reading and set a public hearing for April 24, 2012, at 7:30 p.m. or as soon thereafter as may be heard; and, subsequent to the public hearing, consider approving Rezoning Application #11-02 and rezone the southern 539.5 feet of 1106 West Centre Avenue to OS-1, office service, while keeping the remainder of the property zoned RM-2, multiple family residential, and R-1B, one family residential. Upon a roll call vote, motion carried 6 to 0.

\* **2012 UTILITY RATE FINANCIAL STUDY:** Motion by Sackley, seconded by Urban, to establish a public hearing for April 24, 2012, at 7:30 p.m. or as soon thereafter as may be heard, to consider resolutions to adopt the recommendation that the sewer commodity rate remain \$4.81 per 1,000 gallons of metered water; adopt a water commodity rate increase from \$3.10 to \$3.19 per 1,000 gallons of metered water; adopt the recommendation that adjustments be made to both the sewer and water base quarterly charges; adopt the recommendation that the new rates become effective on October 1, 2012; and adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2012 Utility Rate Financial Study. Upon a roll call vote, motion carried 6 to 0.

\* **MUTUAL AID BOX ALARM SYSTEM (MABAS):** Motion by Sackley, seconded by Urban, to adopt a resolution allowing the Portage Department of Public Safety Fire Division to participate in the Mutual Aid Box Alarm System (MABAS) 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. Resolution recorded on page 383 of City of Portage Resolution Book No. 44.

\* **MAJOR STREET RECONSTRUCTION PROGRAM:** Motion by Sackley, seconded by Urban, to support the re-establishment of the Romence Road East project, Portage Road to Sprinkle Road, in the 2011-12 Major Street Reconstruction Program and the Kalamazoo Area Transportation Study 2011-14 Transportation Improvement Plan. Upon a roll call vote, motion carried 6 to 0.

**EQUITY ADJUSTMENT:** Councilmember Campbell noted that there are no salary amounts, only percentages and asked if City Council could wait for the budget to have actual number amounts before making a decision.

City Manager Maurice Evans responded that, in light of City Council approval for equity adjustments in the Portage Police Command Officers Association (PPOCA) and United Auto Workers (UAW) labor contracts, this was an attempt to treat all employees fairly. He indicated that this represents about \$54,000 out of the total \$100,000 when combined with the PPOCA and UAW Contracts. Discussion followed.

Councilmember Pearson spoke in opposition saying that staff wants to use some of the Public Act 251 binding arbitration concession savings from union employees for management nonunion employee bonuses. He noted that Portage has a deficit of over \$9 million and only 46,000 citizens which is about a \$2,000 debt for every man woman and child in the City of Portage. He indicated that the PA 251 savings, though small, should be used to pay down the debt, not for bonuses. He stressed the importance of austerity and maintaining one's principles. He noted that property values have gone down, water & sewer rates have gone up, that there is a large water fund deficit and recognized that city employees have not had a raise in three years. Finally, he encouraged the City Manager to provide even more operational cuts at the next City Council retreat if future bonuses are proposed.

Councilmember Randall said she was sympathetic to the city employees who have had a three-year freeze on salaries. However, she indicated that this item seemed out of sequence with the current budget as it did not include any salary increases, but did include a tax increase, and an unbudgeted salary increase is inappropriate at this time. She concurred with Councilmember Pearson that the surplus should be used to pay down the debt or it could be used to decrease taxes. She advocated following the

budget process and asked for more options. She further expressed her opposition and pointed out that some Portage citizens and some of the employees of the school district have taken pay cuts; also, some Kalamazoo City employees and some private citizens have a freeze on their salaries.

City Manager Evans commented that the City Administration is not really taking funds away from any of the unions as it is being drawn from the appropriate funds. He acknowledged that city employees have not had a wage increase for three years, and pointed out that this is not an increase to the base salary, but is the same as was provided the union groups. He stressed that this is simply an attempt to provide equity throughout the entire organization. He agreed that Councilmember Randall made a good point and indicated that since there are funds available, there would be presentations and recommendations in the upcoming budget sessions to address the need to do what is fair for city personnel who have worked so hard. He further emphasized that he cannot speak for the financial woes or the challenges of other organizations, but the City of Portage Administration has been frugal and guarded and that it is very appropriate to reward those who have worked so hard for so long. Finally, he indicated that the Administration has been involved in a lot of cost-cutting measures and has reduced expenses over the last year and, again, recommends that this is the appropriate thing to do.

In answer to Mayor Pro Tem Reid, Mr. Evans responded that it was not necessary to wait until after the budget sessions as it is not tied to the upcoming budget for fiscal year 2012-2013, that the funds will still be available, and that he anticipates that future adjustments will be a part of the discussion during the budget work sessions.

Motion by Campbell, seconded by Sackley, to authorize the City Manager to provide an equity adjustment to Department Head and full time Non-union employees.

Councilmember Urban pointed out that a number of city employees have the benefit of collective bargaining and, through those efforts, two of the collective bargaining units have already received this adjustment and it is proposed for others; also, many of them have had pay increases over this time when non-union employees have not. He stated his position that it is only right and appropriate to ease the burden on the non-union employees with the available fund savings as they have not only not had a pay increase since fiscal year 2008-2009, they have had an increase in their workload. He pointed out that the number of department heads has been eliminated, that departments have been combined, that the number of employees has been decreased while responsibilities have expanded with no significant, if any, reduction in service or quality of service; so, it is appropriate to make this small token of gratitude from City Council.

Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Sackley, Urban and Campbell and Mayor Pro Tem Reid. No: Councilmembers Pearson and Randall.

\* **WESTFIELD PARK GRANT APPLICATION:** Motion by Sackley, seconded by Urban, to resolve to support a Recreation Passport Grant application to the Michigan Department of Natural Resources for Westfield Park Playground renovations 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 6 to 0. Resolution recorded on page 385 of City of Portage Resolution Book No. 44.

\* **APPLICATION FOR SPECIAL LICENSE FOR THE SALE OF BEER, WINE AND SPIRITS:** Motion by Sackley, seconded by Urban, 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 23, 2012, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **FINAL PLAN FOR ALKHAMIS FINANCIAL, 7900 KIRKLAND COURT:** Motion by Sackley, seconded by Urban, to approve the Final Plan for Alkhamis Financial, 7900 Kirkland Court. Upon a roll call vote, motion carried 6 to 0.

**FISCAL YEAR 2012-2013 BUDGET REVIEW SCHEDULE:** Mayor Pro Tem Reid indicated that there was a conflict with the proposed dates and times for the Annual City Council Budget Work Sessions. City Manager Evans provided some of the options. Discussion followed. At the suggestion of Attorney Randy Brown, motion by Urban, seconded by Campbell, to postpone this item until the Regular City Council Meeting of April 10, 2012, for a decision. Upon a voice vote, motion carried 6 to 0.

\* **FEBRUARY 28, 2012 PRESIDENTIAL PRIMARY ELECTION RESULTS – INFORMATION ONLY:** Motion by Sackley, seconded by Urban, to receive the communication from the City Clerk regarding the February 28, 2012 Presidential Primary Election Results as information only. Upon a roll call vote, motion carried 6 to 0.

\* **FEBRUARY 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT - INFORMATION ONLY:** Motion by Sackley, seconded by Urban, to receive the communication from the City Manager regarding the February 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Sackley, seconded by Urban, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

#### **COMMUNICATION:**

\* **REPORT FROM THE WATER AND SEWER RATE COMMITTEE:** Motion by Sackley, seconded by Urban, to receive the Report from the Water and Sewer Rate Committee. Upon a roll call vote, motion carried 6 to 0.

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

Portage Park Board of February 1, 2012.  
Portage Human Services Board of February 2, 2012.  
Portage Environmental Board of February 8, 2012.  
Portage Zoning Board of Appeals of February 13, 2012.  
Portage Youth Advisory Committee of February 20, 2012.  
Portage Planning Commission of March 1, 2012.

#### **AD HOC COMMITTEE REPORTS:**

**REPORT FROM THE WATER AND SEWER RATE COMMITTEE:** Mayor Pro Tem Reid asked for reports from the Ad Hoc Committees. Chair of the Water and Sewer Rate Committee, Councilmember Sackley, indicated that the members of the Water and Sewer Rate Committee are: Mayor Pro Tem Reid, Councilmember Pearson, Jeff Breneman and Ted W. Vliek, Sr. He indicated that the Committee received the presentation from the Administration on the 2012 Utility Rate Financial Study and noted that the recommendation was consistent with the projections contained in the 2011 Utility Rate Financial Study. He indicated that the Committee voted unanimously to endorse the 2012 Utility Rate Financial Study and to refer it to City Council at the meeting tonight with final action set to take place April 24, 2012. Discussion followed. Councilmember Sackley asked that the 2012 Utility Rate Financial Study be uploaded to the City of Portage website. Discussion followed.

**JOINT MARKETING COMMITTEE:** Councilmember Pearson commented that this is the Committee involved in the collaborative marketing efforts among the City of Portage, Portage Public Schools and Portage District Library and explained some of the plans of the Committee. He thanked Portage Board of Education Member Randy Rathford for his promotional concept, the “Top 10 Reasons

Why I Love Portage” Campaign. Discussion followed. Motion by Pearson, seconded by Campbell, to approve the next step with the publication of Top 10 Reasons listing. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

**CITY COUNCIL SIGN ORDINANCE COMMITTEE:** Councilmember Sackley indicated that the Committee met with the staff liaison to further discuss and refine the scope of work as discussed at the City Council Retreat. As this was the first session, Mr. Sackley indicated it was a session to get to know one another; that Community Development Director Vicki Georgeau engaged the Committee in a healthy discussion; and, it was agreed to reconvene at a future date to consider next steps that would include a formal written summary and community outreach to be authorized by City Council, and in the meantime, Ms. Georgeau will gather information for the Committee for future consideration.

**CITY COUNCIL ETHICS/RULES/PROCEDURES COMMITTEE:** Councilmember Urban indicated that Councilmembers Campbell and Randall met with City Manager Evans on Monday, March 26, 2012, and discussed three items from the City Council Retreat Session. With regard to the selection of the Mayor Pro Tem, a request was made for an opinion from the City Attorney. Discussion followed. With regard to the attendance policy, he indicated that he will be drafting some minor language probably to be added to the City Council Rules of Order and Procedure. With regard to political statements and comments from City Council, he indicated that he will be drafting an inquiry to the City Attorney asking what is allowable in accordance with City Council Rules of Order and Procedure. Once these items are available to the Committee, he indicated that the Committee will convene and prepare a recommendation for consideration by City Council. Discussion followed.

Councilman Urban asked City Council for guidance regarding how to proceed with a topic in one of the recent City Manager Friday weekly reports, a draft document entitled “City Council Practices on Formation of City Council Committees and Responsibilities,” that also had an opinion from City Attorney Randy Brown dated March 16, 2009, attached. Discussion followed regarding whether to add this as another issue for the Ethics/Rules/Procedures Committee to address and report back to City Council.

Councilmember Pearson thought it was an excellent idea to give this topic to the Ethics/Rules/Procedures Committee.

Councilmember Sackley agreed with Councilmember Pearson. However, in deference to Mayor Strazdas and unless there is a need to make the decision this evening, he felt that it would be better to wait until Mayor Strazdas could be present to participate in the discussion since it is the Mayor who appoints the members to the Ethics/Rules/Procedures Committee. Discussion followed.

Regarding whether they should add this as another issue for the Ethics/Rules/Procedures Committee to address, Mayor Pro-Tem Reid stated that Mayor Strazdas had talked about different ways to address the draft document, but referring it to the Ethics/Rules/Procedures Committee was not one of them. When she asked if there was an issue with bringing this matter back in two weeks to allow Mayor Strazdas to have input, there were no objections.

## **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Campbell indicated that the Portage Rotary will provide the 4<sup>th</sup> of July Fireworks for the City of Portage, again this year and invited everyone to the event.

Councilmember Sackley extended kudos to the Western Michigan University Bronco Hockey Team, who won the 2012 CCHA Championship in Joe Louis Arena, Detroit, for the first time since 1986. He also congratulated former Portage Northern High School Hockey goalie and current Niagara College senior Chris Noonan, for receiving the Regular Season Goalie of the Year honors from the Atlantic Hockey Association.

Councilmember Randall indicated that she had received many positive comments regarding the Board of Review process and the Assessors Office and thanked them for their service and diligence.

Councilmember Pearson said that he, along with about 40 others, attended a presentation by Community Development Director Vicki Georgeau regarding commercial opportunities in Portage.

City Manager Evans commended Bill Deming and the Parks Department for being designated a 2011 Tree City USA; the Police Department for being only one of eight Police Departments to be CALEA Certified, for the fourth time, under Rick White; and announced that Jack Hartman would be retiring after 24 years of service as the Streets and Equipment Director.

Mayor Pro Tem Reid applauded the K-Wings for making the play-offs and mentioned that she attended the recent Elton John concert held at K-Wings Stadium. She said she was honored to represent the City of Portage at a presentation by the Elks to Welcome the Warriors, returning soldiers from Afghanistan after serving there for one year, and recognized how proud they were to represent this area and their country by helping the Afghan people.

**ADJOURNMENT:** Mayor Pro Tem Reid adjourned the meeting at 8:24 p.m.

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James R. Hudson, City Clerk

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