

## CITY COUNCIL MEETING MINUTES FROM DECEMBER 18, 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, Pastor John Moore of the Pathfinder Church of Portage gave an 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 and Terry R. Urban and Mayor Pro Tem Claudette S. Reid. Councilmember Edward J. Sackley and Mayor Peter J. Strazdas were absent with notice. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Urban, seconded by Campbell, to approve the December 4, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0.

\* **CONSENT AGENDA:** Mayor Pro Tem Reid asked Councilmember Urban to read the Consent Agenda. Councilmember Pearson asked that Item F.5, Michigan Municipal League Dues, be removed from the Consent Agenda. Motion by Urban, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 5 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 18, 2012:** Motion by Urban, seconded by Campbell, to approve the Accounts Payable Register of December 18, 2012. Upon a roll call vote, motion carried 5 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Ed Halcomb, 9834 Woodlawn Drive, requested that Fire Station No. 3 be manned with firefighters and fire equipment twenty-four hours a day, seven days a week, for the second time, and provided a review of his life experiences as a career firefighter for the City of Portage as support for his contention.

### REPORTS FROM THE ADMINISTRATION:

\* **PROPOSED TWO-YEAR LABOR AGREEMENT:** Motion by Urban, seconded by Campbell, to authorize the Mayor and City Clerk to execute the two-year replacement labor agreement with the Portage Police Officers Association in accordance with the Act 312 Arbitration Award. Upon a roll call vote, motion carried 5 to 0.

\* **HEALTH INSURANCE CONTRACT RENEWALS:** Motion by Urban, seconded by Campbell, to approve one-year contract renewals for employee health insurance offered through Blue Care Network-10 (HMO plan), and Blue Cross Blue Shield of Michigan (PPO-1 and PPO-2 plans); up to a one year contract for PPOA retiree supplemental health insurance through Blue Care Network (Medicare Advantage plan) and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

\* **2013 FEE SCHEDULES:** Motion by Urban, seconded by Campbell, to adopt the Proposed 2013 Charges for Documents fee schedule; the recommended fee schedules for recreation programs and park facilities for 2013; the Resolution for Community Development Fees; and the 2013 Special Assessment Rate Resolution and approve the proposed new Arrest Warrant Processing Fee. Upon a roll call vote, motion carried 5 to 0. Resolutions recorded on pages 477 and 481 of City of Portage Resolution Book No. 44.

\* **MARCH BOARD OF REVIEW RESOLUTION:** Motion by Urban, seconded by Campbell, to adopt the Resolution setting the dates and times for the 2013 March Board of Review sessions. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 485 of City of Portage Resolution Book No. 44.

**MICHIGAN MUNICIPAL LEAGUE DUES:** Councilmember Pearson spoke in favor of the Michigan Municipal League and cited some of its efforts on behalf of municipalities and Portage in Michigan. Discussion followed. Motion by Pearson, seconded by Randall, to authorize payment to the Michigan Municipal League in the amount of \$8,554 for year 2013 membership dues. Upon a roll call vote, motion carried 5 to 0.

\* **NOVEMBER 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Campbell, to receive the communication from the City Manager regarding the November 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 5 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Campbell, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 5 to 0.

#### **COMMUNICATIONS:**

**TERMINATION OF LEASE FOR 8<sup>TH</sup> DISTRICT COURT:** Mayor Pro Tem Reid deferred to City Manager Maurice Evans, who referenced the District Court Consolidation Agreement of April 1997 with the City and County of Kalamazoo and the elected judges sitting at the time and their successors on the 8<sup>th</sup> District Court and the 9<sup>th</sup> District Court that included the South County Court location in Portage. He referenced the communication from Chief Judge Paul J. Bridenstine prompted by the retirement of Judge Carol Husum and Public Act 19 (2012) which mandates that her judicial seat not be filled, the challenge of functioning with one less judge and the proposed closing of the Portage Court location. He pointed out in order for the location to be closed, there has to be a new agreement among the parties and the Administration recommendation is to authorize the City Manager to proceed with negotiations and bring back the terms of any modifications to City Council for consideration and approval.

Next, Mr. Evans reviewed some of the challenges Portage will face such as the Portage Police Officers and the City Attorney staff leaving the city to go downtown to court instead of in the same facility or at least the same city. Discussion followed.

At the request of Mayor Pro Tem Reid at the behest of Councilmember Campbell, Chief Judge Paul J. Bridenstine answered questions about which municipalities utilized the services of the Portage Court location and the percentages of the overall civil and criminal cases in the County heard at the Portage location. Discussion followed. Judge Bridenstine indicated that he and the other elected judges have analyzed case assignments for the County on the basis of efficiency and service to the greater community and determined the best approach is to move all cases to the two downtown locations and close the Portage location. Discussion followed.

In answer to Councilmember Randall, Judge Bridenstine explained how the case load will increase approximately 15% per judge as it will now be handled by only six judges instead of seven as a result of the passage of Public Act 19 (2012) by the State Legislature, who based their decision upon a State Court Administrative Office Judicial Resources recommendation. Judge Bridenstine explained that this is not the first time that the closing of the Portage location has been considered over the last fifteen years and that he defended leaving it open each time it came up because he felt it would be a disservice to the community to close it. However, he indicated that the dynamics have changed owing to cost for the service and the case load shift from seven judges to six judges that he now faces. Discussion followed.

In answer to Councilmember Urban, Judge Bridenstine explained the case assignment logistics and the problems this causes for the efficiency of the judges. Discussion followed.

In answer to Mayor Pro Tem Reid, Judge Bridenstine explained the scheduling and systems in place that save time for police officers, attorneys and court personnel and the plans for future use of technologies that will facilitate the process even further and explained.

In answer to Councilmember Pearson, Judge Bridenstine explained it is a delicate balance to keep a judge busy all day, with the exception of arraignments, and pointed out that Judge Robert Kropf already spends 30% of his time at the downtown location. He also pointed out that to require people north of Kilgore Road with minimal transportation to go to the South County location in order to preserve easier access (for the South County taxpayers) would very much compromise citizens north of Kilgore Road "getting good service."

Councilmember Pearson quantified some of the facts regarding the effects of the lowered number of Judges on the population of Kalamazoo County; cited the expectation of customer service for South County taxpayers; indicated he was in favor of intergovernmental cooperation and consolidation; and pointed out that in any analysis of the closure of the Portage Court location, there is added cost to the City of Portage. He cited a lowered response time since some police officers would be out of the city, increased cost to the City Attorneys, increased equipment cost and the elimination of a highly efficient court operation that provides good customer service. He then asked what is the financial benefit to Kalamazoo County. Judge Bridenstine directed Councilmember Pearson to the County (Commissioners) to determine impacts on the Court Budget. He listed facility expenses and the possible elimination of some Deputy Sheriff and/or staff positions as the only perceived savings, but emphasized from his perspective, the case load remains the same. He offered the option utilized by the City of Kalamazoo to prosecute fewer cases by deferring to the State Prosecutor to prosecute matters that are also covered under State statute which results in fewer city police officers being required to appear in court. He also offered the option of discussing the matter with jurisdictions north of Kilgore Road to determine the relative efficiency of the downtown court system as the City of Portage and South County jurisdictions would be added to that system.

In answer to Mayor Pro Tem Reid, Judge Bridenstine indicated that it would take a few days to move the staff, but he needs it to happen relatively soon because he has to schedule cases and envisioned the beginning of March as the probable time for the move. In answer to Councilmember Urban, Judge Bridenstine indicated that Judge Carol Husum has announced her retirement effective February 28, 2013, and explained. Discussion followed.

Councilmember Urban echoed all of the concerns already discussed and expressed a further concern that the proposed motion presupposes that the Portage Court location will close, that he desired more information and investigation, and that he had a new concern with the time it will take the City of Portage Police Officers to apply for warrants as this had not been considered until tonight by him because he had not been in any of the prior meetings on this matter. Discussion followed.

Motion by Pearson, seconded by Campbell, to receive the communication from Kalamazoo County 8<sup>th</sup> District Court Chief Judge Paul J. Brindenstine dated November 30, 2012, regarding the proposed closure of the 8<sup>th</sup> District Court South location and not refer the request from the Kalamazoo County District Court at this time to modify the District Court Consolidation Agreement to the City Manager with authorization to negotiate the terms of the modification. Discussion followed.

Motion by Pearson, seconded by Campbell, to modify the motion to read: to receive the communication from Kalamazoo County 8<sup>th</sup> District Court Chief Judge Paul J. Brindenstine dated November 30, 2012, regarding the proposed closure of the 8<sup>th</sup> District Court South location and refer the communication to the City Manager for further discussion, investigation and a report back to City Council. Upon a roll call vote, motion carried 5 to 0.

**CITY OF PORTAGE 50<sup>TH</sup> ANNIVERSARY EVENTS RECOMMENDATION:** At the request of Mayor Pro Tem Reid, City Manager Maurice Evans explained that Items G.2, G.3 and G.4 are the direct result of the request by City Council that the Advisory Boards and Commissions consider how they could help and to provide suggestions on how to commemorate the 50<sup>th</sup> Anniversary of the City of Portage. He indicated that the Park Board had nothing to offer at this time, but the Historic District Commission recommended that City Council support and recommend the Historic District Commission development of a self-guided historic site/trails tour, as well as production of Portage and Its Past by Grace Potts in electronic format and that it be made available on the Portage City website for the 2013 calendar year. He also indicated that the Planning Commission asked for support of the idea of a “pass book” to recognize and support local businesses and to establish a subcommittee to identify the operational details of the activity and to report back to City Council with their ideas. Discussion followed.

Motion by Campbell, seconded by Randall, to receive the report from the Historic District Commission regarding the potential of a tour of Portage historic homes and Train Barn open house in recognition of the city’s 50<sup>th</sup> Anniversary. Discussion followed. Motion by Campbell, seconded by Randall, to indicate that we (City Council) want the Historic District Commission to move forward with their plan. Discussion followed. Upon a roll call vote, motion carried 5 to 0.

**CITY OF PORTAGE 50<sup>TH</sup> ANNIVERSARY:** Motion by Urban, seconded by Campbell, to receive the report from the Park Board regarding the possibility of a community art competition in recognition of the city’s 50<sup>th</sup> Anniversary. Discussion followed. Upon a roll call vote, motion carried 5 to 0.

**CITY OF PORTAGE 50<sup>TH</sup> ANNIVERSARY CELEBRATION – RECOGNITION OF PORTAGE BUSINESSES:** Motion by Urban, seconded by Campbell, to receive the report from the Planning Commission and authorize them to proceed with the idea in the report of forming a subcommittee that can establish operational details of that activity; and to communicate to them that staff time is not available to support this activity. Upon a roll call vote, motion carried 5 to 0.

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

Portage Historic District Commission of October 3 and November 7, 2012.

Portage Human Services Board, November 1, 2012.

Portage Park Board of November 7, 2012.

Portage Youth Advisory Committee of November 11, 2012.

Portage Zoning Board of Appeals of November 12, 2012.

**AD HOC COMMITTEE REPORT:**

**AD-HOC PROPERTY COMMITTEE REPORT:** Councilmember Campbell reported on the two items before the ad hoc property committee on December 13, 2012, and indicated that because there was no quorum the matter of 10323 Archwood Drive was not discussed, but will be discussed in January 2013. She indicated that City Manager Maurice Evans and Community Development Director Vicki Georgeau were able to provide more information regarding the proposed sale to the city of the property at 117 East Centre Avenue owned by Roger L. Schiefler. She offered the recommendation of the Property Committee in the form of a motion, seconded by Councilmember Urban, to authorize the City Manager to negotiate with Mr. Scheifler to offer an amount to purchase the property at 117 East Center Avenue and, if an agreement is reached, then have the City Manager order a Phase I Environmental Study and an appraisal of the property. Discussion followed. Mayor Pro Tem Reid asked City Attorney Randy Brown if purchasing the property for future development was enough of a

public purpose to allow the city to purchase the property, and Mr. Brown answered in the affirmative and noted that the motion should reflect that the purchase agreement should come before City Council before the City Manager orders the Phase I Environmental Study of the property or before due diligence is initiated. Both Councilmember Campbell and Urban agreed to incorporate this in the motion. Upon a roll call vote, motion carried 5 to 0.

**BID TABULATION:**

\* **CONTRACT APPROVAL – COMPREHENSIVE JANITORIAL SERVICES:** Motion by Urban, seconded by Campbell, to approve the low bids for comprehensive janitorial services submitted by New Fresh Cleaning Services in the amount of \$16,560 for the Police Division Building, and LaCosta Facility Support Services in the amount of \$13,212 for City Hall, \$19,764 for the Parks, Recreation and Public Services Building, \$6,780 for the Senior Center and \$3,744 for the District Court both for the period of January 13, 2013, to January 11, 2014, with the option of three one-year renewals, and authorize the City Manager to sign all other documents related to this action on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Mayor Pro Tem Reid and City Council wished everyone a Merry Christmas and a safe and happy holiday season.

Councilmember Pearson also encouraged everyone to hug their children not once, but twice, whether they have been naughty or nice.

**ADJOURNMENT:** Mayor Pro Tem Reid adjourned the meeting at 8:59 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.