

CITY COUNCIL MEETING MINUTES FROM APRIL 26, 2011

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

Mayor Strazdas asked for a moment of silence for deceased Kalamazoo Public Safety Officer Eric Zapata and, at the request of Mayor Strazdas, Elder Chris VandenOever of the First Reformed Church of Portage gave the invocation. Mayor Strazdas invited Cub Scout Troop 288 to lead City Council and the audience in reciting the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell, 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 Randy Brown and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued the 21st National Arbor Day Proclamation in the City of Portage and the National Children's Mental Health Awareness Day Proclamation. Discussion followed.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Campbell, to approve the March 22, 2011 Special Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Urban abstaining.

Motion by Reid, seconded by Urban, to approve the April 12, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Bailes, seconded by Randall, to approve the April 14, 2011 Special Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Urban and Reid abstaining.

Motion by Reid, seconded by Urban, to approve the April 19, 2011 Budget Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Reid asked that Item F.6, West Milham Avenue/12th Street/Texas Drive/ Intersection Improvements, 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 APRIL 26, 2011:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of April 26, 2011. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

* **SPECIAL ASSESSMENT PETITION – 226, 230 AND 420 TRADE CENTRE WAY:** Motion by Urban, seconded by Reid, to receive a special assessment petition in favor of creating a special assessment district at Trade Centre Way for the purpose of installing a public street (curb and gutter, fencing, lighting, undergrounding of utilities and landscaping) street realignment, street intersection, utility infrastructure improvements, and storm water drainage and retention. Upon a roll call vote, motion carried 7 to 0.

James Pearson, 3004 East Shore Drive, asked that City Council consider posting all City Council Subcommittee meetings on the website, especially those that have as their focus the topics covered at the City Council Retreat, and he named Housing and Neighborhood Services, Customer Service, Dealing with Businesses and the Sign Ordinance as topics of particular interest. Discussion

followed. With regard to the issue of posting all subcommittee meetings on the website, City Attorney Randy Brown indicated that a requirement to post subcommittee meetings is questionable, that the trend under the law was that these meetings should have notice, and there are cases “going the other way.” He indicated that the bulletin board at the entrance to City Hall satisfies the Open Meetings Act and there is no requirement that the notice be on the website, but the City can decide to post them on the website. City Council discussed the pro’s and con’s of such a policy. Mayor Strazdas asked City Manager Maurice Evans to meet with Mr. Brown and formulate an opinion for City Council review for the May 10, 2011 Regular City Council Meeting.

REPORTS FROM THE ADMINISTRATION:

- * **PUBLIC HEARING ON FISCAL YEAR 2011-2012 BUDGET:** Motion by Urban, seconded by Reid, to adopt the Resolution setting a public hearing on May 10, 2011, for the Fiscal Year 2011-2012 proposed city budget and the proposed 2011 tax levy, as computed in accordance with Public Act 5 of 1982. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 193 of City of Portage Resolution Book No. 44.
- * **TAX INCREMENT FINANCING PLAN/2011 DEVELOPMENT PLAN:** Motion by Urban, seconded by Reid, to consider adoption of the resolution receiving an amended development plan, which is part of an amended tax increment financing plan, from the City of Portage Downtown Development Authority and set a public hearing for May 24, 2011; and consider approval of the first reading of an ordinance amendment to approve the 2011 Amended Plan, with final action scheduled for June 28, 2011. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 195 of City of Portage Resolution Book No. 44.
- * **TRADE CENTRE WAY RELOCATION, PROJECT #997-R:** Motion by Urban, seconded by Reid, to adopt Resolution No. 1 for Trade Centre Way Relocation Project #997-R, approve the special assessment for properties contained within the preliminary special assessment roll, accept the City Manager Report and request preparation of Resolution No. 2. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 199 of City of Portage Resolution Book No. 44.
- * **2011 UTILITY RATE FINANCIAL STUDY:** Motion by Urban, seconded by Reid, to establish a public hearing for May 10, 2011, at 7:30 p.m. or as soon thereafter as may be heard, to consider resolutions to: adopt a sewer commodity rate increase from \$4.65 to \$4.81 per 1,000 gallons of metered water; adopt a water commodity rate increase from \$3.01 to \$3.10 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, 2011; and adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2011 Utility Rate Financial Study. Upon a roll call vote, motion carried 7 to 0.
- * **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT – 2011 MAJOR STREET RECONSTRUCTION PROGRAM:** Motion by Urban, seconded by Reid, to approve Contract 11-5170 between the Michigan Department of Transportation (MDOT) and the City of Portage pertaining to funding for the 2011 Major Street Reconstruction Program and adopt a resolution authorizing the City Manager to sign all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 201 of City of Portage Resolution Book No. 44.

WEST MILHAM AVENUE/12TH STREET/TEXAS DRIVE INTERSECTION IMPROVEMENTS: Councilmember Reid referred to the proposed inter-local agreement cited in the April 21, 2011 City Manager Communication to City Council and indicated that it sets forth

responsibilities for design, construction, irrigation and annual maintenance costs for the landscaping portion of the project, and asked how much are the expenses that will be evenly divided between Texas Township and Portage under the agreement. City Manager Evans responded that the amount would be \$8,000 and Transportation & Utilities Director Chris Barnes explained the types of landscaping that would be utilized and that the \$500 maintenance cost was for water for the plants. He confirmed that for Councilmember Randall that Wedels, Inc., 5020 Texas Drive, Texas Township, would be doing the design and the landscaping portion of the project would then be open to competitive bid. Discussion followed. Motion by Reid, seconded by Campbell, to approve an inter-local agreement with Texas Township for the design, construction, and maintenance of landscaping improvements at the 12th Street/Texas Drive/West Milham Avenue intersection and authorize the City Manager to execute all documents related to this matter. 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.

* **MARCH 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the March 2011 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:

COMMUNICATION FROM MARC MEULMAN, CHAIR OF THE HUMAN SERVICES BOARD: Human Services Board Chair Marc Meulman reminded City Council that Bill Lenehan is term limited and, by City Council action on November 2, 2010, is serving as the Human Service Board representative on behalf of the City of Portage to the Metro Transit ADA Local Advisory Committee ending October 1, 2011. He indicated that at the April 11, 2011 Human Services Board Meeting, a motion was approved to recommend that he, Marc Meulman, be appointed to serve as the Human Service Board representative on behalf of the City of Portage to the Metro Transit ADA Local Advisory Committee, effective October 1, 2011. Discussion followed.

Motion by Campbell, seconded by Reid, to receive the communication from Marc Meulman, Chair of the Human Services Board, and appoint Marc Meulman as the Human Service Board representative on behalf of the City of Portage to the Metro Transit ADA Local Advisory Committee, effective October 1, 2011. Mayor Strazdas thanked Bill Lenehan for his years of service. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

PRESENTATION BY MARC MEULMAN, HUMAN SERVICES BOARD CHAIR: City Council received the Presentation by Human Services Board Chair Marc Meulman.

UNFINISHED BUSINESS:

* **TAX EXEMPTION FOR KALAMAZOO FAMILY NON-PROFIT HOUSING CORPORATION:** Motion by Urban, seconded by Reid, to amend the Code of Ordinances of the City of Portage, Michigan, by amending Article 2 of Chapter 70, Taxation, to add Division 9, Kalamazoo Family Non-Profit Housing Corporation providing for a service charge (payment) in lieu of taxes for

1506 Schuring Road. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 165 of City of Portage Ordinance Book No. 12.

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

Portage Human Services Board of March 3, 2011.
Portage Environmental Board of March 8, 2011.
Portage Zoning Board of Appeals of March 14, 2011.
Portage Youth Advisory Committee of March 14 and March 28, 2011.
Kalamazoo County Board of Commissioners Regular of March 15 and Regular of April 5, 2011.
Portage Board of Education Special of March 17, Special and Regular of March 21, Policy Governance Session Revised of March 24, Special of March 28 and Special of March 30, 2011.
Portage Planning Commission of April 7, 2011.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: James Pearson, 3004 East Shore Drive, announced that a public hearing will be held by the Governmental Austin Lake Board at 6 p.m., Wednesday, May 18, 2011, City Hall Council Chambers on the feasibility (practicability) of doing Bioaugmentation and Aeration of Austin Lake.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: City Council and Mayor Strazdas expressed condolences and heartfelt sorrow to the family, friends and colleagues of recently deceased City of Kalamazoo Public Safety Officer Eric Zapata.

City Manager Evans complimented the Finance Department on receipt of its 24th consecutive Government Finance Officers Association Award for distinguished budget presentation.

Mayor Strazdas congratulated the students who did a fantastic job putting on another successful Greenathon at Bicentennial Park on Saturday, April 23, 2011.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:35 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.