CITY COUNCIL MEETING MINUTES FROM JANUARY 14, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, and Mayor Patricia Randall. Mayor Pro Tem Jim Pearson was absent with excuse. Also in attendance were City Manager Joe La Margo, City Attorney Randy Brown and Interim City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in looking forward to the new year.

Following the moment of silence, the City Council and audience recited the Pledge of Allegiance.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid removed Items A.5, Construction Management Services - Portage Community Senior Center, from the Consent Agenda. Motion by Reid, seconded by Ford, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Regular Meeting Minutes of December 17, 2019, and Pre-Council Meeting Minutes of January 13, 2020. Upon a roll call vote, motion carried 6 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 14, 2020: Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of January 14, 2020. Upon a roll call vote, motion carried 6 to 0.

MDOT CONTRACT #19-5569 (EAST CENTRE AVENUE RECONSTRUCTION): Motion by Reid, seconded by Ford, to approve Contract #19-5569 between the Michigan Department of Transportation and the City of Portage for reconstruction of East Centre Avenue from Portage Road to South Sprinkle Road and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

MDOT CONTRACT #19-5601 (SOUTH WESTNEDGE AVENUE RECONSTRUCTION): Motion by Reid, seconded by Ford, to approve Contract #19-5601 between the Michigan Department of Transportation and the City of Portage for reconstruction of South Westnedge Avenue from Kilgore Road to Highway I-94 and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF KALAMAZOO AND THE CITY OF PORTAGE: Motion by Reid, seconded by Ford, to approve an Intergovernmental Agreement between the County of Kalamazoo and the City of Portage for disbursement of Senior Millage funds of $70,400 to support the Portage Senior Center 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.

CONFIRMATION OF CITY CLERK: Motion by Reid, seconded by Ford, to confirm the appointment of Erica Eklov as City Clerk effective January 15, 2020. Upon a roll call vote, motion carried 6 to 0.

2020 MARCH BOARD OF REVIEW: Motion by Reid, seconded by Ford, to approve the recommendations regarding the Board of Review as follows: 1) adopt the resolution setting the schedule for the 2020 March Board of Review; 2) approve the use of two, three-member, Board of Review panels for the 2020 March Board of Review, and 3) appoint six members to 2020 March Board of Review. Upon a roll call vote, motion carried 6 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Ford, to receive the minutes of the Environmental Board of November 13 and December 11, 2019; Senior Citizen Advisory Board of November 20, 2019; and Planning Commission of December 5, 2019. Upon a roll call vote, motion carried 6 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Ford, to receive the Materials Transmitted of December 17, 2019, and January 6, 2020. Upon a roll call vote, motion carried 6 to 0.

CALENDAR OF MEETINGS: Motion by Reid, seconded by Ford, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS: Mayor Randall introduced the communication from the Environmental Board regarding the deer population in Portage. Motion by Urban seconded by Reid, to receive and refer the communication from the Portage Environmental Board regarding the deer population in Portage to the City Administration for review and report. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION #19/20-2, 1730 EAST CENTRE AVENUE: Mayor Randall opened the public hearing and City Manager La Margo asked Community Development Interim Director Chris Forth to review the proposed rezoning. Interim Director Forth explained the proposed rezoning and the applicant's plan for the site. He highlighted the April 2019 rezoning of the adjacent parcel at 1700 East Centre to the same OS-1 designation. Mr. Forth noted that the applicant is proposing to construct a new facility in place of the single family home currently on the site. He relayed that the office service designation is consistent with the Comprehensive Plan. There were no further comments regarding the public hearing.

Motion by Knapp, seconded by Reid to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Ford, seconded by Knapp, to approve Rezoning Application #19/20-2, changing the zoning designation of 1730 East Centre Avenue from R-1B, one-family residential, to OS-1, office service. City Attorney Brown requested that the action recommended also include the phrase "based on the staff recommendation." Councilmember Ford modified his motion. Councilmember Reid noted the adjacent rezoning slated for the second public hearing on the agenda and inquired whether Mr. Forth had considered combining the rezoning proposals. Interim Director Forth responded that combining rezonings is largely not done due to prior experience with property owners disliking the practice and wanting the option to opt-out of a proposed rezoning. Councilmember Reid then inquired whether the notice mailed to adjacent property owners includes language to allow the inclusion of their property, should they desire. Interim Director Forth responded that the notice does not. Councilmember Reid noted that East Centre is planned as an office corridor and expressed an interest to avoid additional costs and staff time involved in future rezonings of parcels individually. Interim Director Forth confirmed staff would be more proactive and expansive with future rezonings. Upon a roll call vote, motion carried 6 to 0.

REZONING APPLICATION #19/20-3, 1816 EAST CENTRE AVENUE: Mayor Randall opened the public hearing. There were no further comments regarding the public hearing. Motion by Burns, seconded by Ford to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Ford, seconded by Burns, to approve Rezoning Application #19/20-3 changing the zoning designation of 1816 East Centre Avenue from R-1B, one family residential, to OS-1, office service based on the staff recommendation.

Councilmember Reid requested Interim Director Forth to provide a quick summary of the proposal prior to the vote. Interim Director Forth responded that the proposed rezoning for 1816 East Centre was largely similar to the prior proposal at 1730 East Centre. Mayor Randall noted the property owner for 1816 East Centre was different. Interim Director Forth concurred and offered that the representative for both applicants was the same and in attendance. Councilmember Reid asked the applicants' representative, Mr. Walt Hansen, regarding the plan for the property. Mr. Hansen responded that he plans to buy 1816 East Centre in order to achieve continuity with his development plan for 1700 and 1730 East Centre, but no other plans at this time. Upon a roll call vote, motion carried 6 to 0.

REGULAR BUSINESS:

BOARD AND COMMISSION APPOINTMENTS: Mayor Randall stated that at a meeting immediately preceding this Regular Meeting, City Council interviewed applicants for various Boards and Commissions. Mayor Randall then asked Interim City Clerk Eklov to read the appointments which were:

To reappoint Pat Buckley, Carol Eddy, Justin Gish, Keith Hearit, Leonard Lamberson and Lyndsay Vainner as members of the Board of Review with terms ending January 31, 2021, and designation to the pods to be determined by the City Assessor.

To reappoint James (Jay) Eichstaedt to a term ending February 28, 2023, and appoint Lena Jomaa and Dan Thornton to terms ending February 28, 2023, on the Zoning Board of Appeals.

To appoint Brook Kolodzieczyk to an unfulfilled term ending October 1, 2022, on the Human Services Board.

Motion by Ford, seconded by Reid, to appoint individuals as noted by the Interim City Clerk to the Board of Review, Zoning Board of Appeals and Human Services Board. Upon a roll call vote, motion carried 6 to 0.

CONSTRUCTION MANAGEMENT SERVICES - PORTAGE COMMUNITY SENIOR CENTER: At Mayor Randall's request, Councilmember Reid explained that she took the item off the Consent Agenda to allow for further explanation. She noted that the award is not going to the lowest bidder and highlighted the unique nature of the in-kind donation aspect done as part of the bid.

Mayor Randall asked City Manager La Margo to provide further elaboration. City Manager La Margo noted that the city received five bids, with AVB Construction, LLC as the second-highest bidder, to include an in-kind donation. He stated that a team of city staff reviewed each proposal and determined that AVB Construction was best suited to address all aspects of the project, viewed as the most responsive bidder and was preferred as a local vendor. Mr. La Margo further noted that each bidder had the opportunity to provide an in-kind donation. He stated that AVB Construction offered an in-kind donation involving Owner Representative as Advisor Services, similar to the Portage Fire Station #2 Project, at no additional charge. City Manager La Margo noted that AVB Construction estimates this value to be $145,000.

Councilmember Reid thanked the City Manager and expressed the importance of transparency in light of the unique public/private nature of the Portage Community Senior Center project. Councilmember Reid further thanked AVB Construction for the donation.

Motion by Reid, seconded by Urban, to award a contract to AVB Construction, LLC, of Portage, Michigan, in the amount of $503,713 to perform construction management services for the construction of the Charles & Lynn Zhang Portage Community Senior Center and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Mayor Randall noted that the difference between the lowest bid and the bid from AVB Construction was $6,000; however, the lowest bidder had numerous stipulations for the city. She further stated that AVB Construction was doing a great job with the construction of the new Fire Station #2.

UNFINISHED BUSINESS:

AMENDMENT TO CODE OF ORDINANCES - UTILITIES: Mayor Randall asked City Manager La Margo to summarize the proposed amendment. City Manager La Margo stated that this was the second reading of the proposed ordinance amendment and noted that the ordinance had undergone minor revisions since the first reading to provide the City Administration more flexibility regarding water shutoffs in the winter season.

Motion by Knapp, seconded by Reid, to approve the proposed amendment to Division 7, Section 82-196, Article 2 "Water System" in the City of Portage Code of Ordinances. Upon a roll call vote, motion carried 6 to 0.

Mayor Randall thanked city staff for recent efforts to contact those citizens on the water "shut off" list and the resulting reduction of required shutoffs.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Metro Transit Central County Transportation Authority (CCTA). He stated that CCTA operations provide three different services, including the fixed-route bus system, the Dial-A-Ride service operating as "Metro Connect and a service van program. He noted that the first two have seen a modest five percent ridership increase this year. He stated that the service van program is available to non-profit organizations and has been under-utilized in the past year. Councilmember Burns highlighted the current service van program usage by the Portage Senior Center and the Portage Community Center and urged local non-profits to explore the program. Councilmember Burns also relayed that the CCTA received an update from its actuary regarding the organization's valuation of its pension fund, which he noted is fully funded. He advised that the Other post-employment benefits (OPEB) of the CCTA remain under-funded, which the organization continues to work towards correcting. Councilmember Burns further relayed that the CCTA partners with Bronson Healthcare Group on the "Bronson Bus2Work" program to provide Bronson employees free bus passes for any fixed-route bus throughout Metro's system during the week. Councilmember Burns urged the larger employers in Portage to explore a similar program with Metro Transit. He relayed that representatives from Metro have had initial discussions on the program with representatives from Stryker and Pfizer. He expressed his desire that similar discussions take place with FedEx once the new facility is completed in Portage.

Councilmember Reid highlighted that the service van program requires organizations to provide volunteer drivers that must complete a succinct Metro Transit training program. She asked Councilmember Burns to provide an estimate regarding the degree of the underfunded OPEB. Councilmember Burns responded that the OPEB fund is administered by the City of Kalamazoo and a portion was transferred to the county authority when oversight of the transit system changed. He noted that the CCTA continues to collaborate with the City of Kalamazoo to administer the OPEB plan. He further relayed that the CCTA has also started its own funding through Municipal Employees' Retirement System of Michigan to avoid large cost increases in the future. Councilmember Burns offered to provide additional information regarding the CCTA budgets to the next City Council Meeting.

Motion by Reid, seconded by Ford, to receive the Council Committee Report as presented. Upon a voice vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: Mr. Robert Poel, 2623 Hill 'An' Brook Drive, spoke regarding the deer population in the city, noting the Environmental Board's report to City Council on the agenda. He asked Council for assistance with mitigating the deer, noting safety concerns relating to auto-deer accidents, Lyme Disease and Chronic Wasting Disease concerns. He relayed that he had attended a prior meeting regarding the deer population hosted by the Environmental Board that included a population study by local students. Mr. Poel stated that the population numbers quoted in the student study appear to be significant. He further relayed a prior issue he had in his own yard where an injured young deer died and the carcass attracted other nuisance animals. He noted a neighbor had experienced an incident where a pregnant deer had gotten caught while trying to jump a fence and died, requiring removal. Mr. Poel stated the deer cause landscape damage and as such, are a nuisance that needs to be addressed similar to other nuisances. Mr. Poel emphasized that he views the deer as a serious local problem. He understands the management of the deer population is a contentious issue but worries about them becoming tame and asked Council to address the situation.

Mayor Randall thanked Mr. Poel for his comments and noted the plans for the City Administration to accept the Environmental Board's report and further study the matter, suggesting that staff include his neighborhood in the review. She offered that city staff notify him when the City Administration reports back to Council on the matter.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid noted her recent participation in Cooper Township's Styrofoam Recycling Program through the Dart Corporation. She noted prior citizen interest in a similar recycling program for Portage and stated her hopes to see the city develop such a program. She also wanted to remind citizens that winter weather will start eventually and to be careful driving in those conditions.

Councilmember Knapp noted the confirmation of the appointment of Erica Eklov as City Clerk. She also offered thanks to all of the city Board and Commission applicants from the earlier session.

Councilmember Burns highlighted the upcoming March 10th election and the expected absentee voting applications for the election. He relayed that, in addition to the Presidential Primary on the ballot, there will also be a millage question for the CCTA. He stated that additional information regarding the millage can be found at www.kzoo4transit.org.

Councilmember Ford congratulated Erica Eklov on her appointment to City Clerk.

City Manager La Margo began by noting that the city had good luck on the previous weekend's weather and thanked the on-call employees but highlighted the need to clean any storm drains block by leaves. Mr. La Margo also confirmed that the City Administration was reviewing the Styrofoam Recycling Program mentioned by Councilmember Reid.

Mayor Randall thanked the staff for their efforts over the weekend in light of the forecasted weather. She highlighted the Hampton Bog area, noting that the water level was rising again. Mayor Randall relayed that the city is pumping and will continue to address the situation as needed due to the weather. She closed by congratulating Erica Eklov on appointment to City Clerk, as well as Mike Carroll on appointment as the second Deputy City Manager.

ADJOURNMENT: Mayor Randall adjourned the meeting at 7:46 p.m.

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Erica L. Eklov, Interim City Clerk