CITY COUNCIL MEETING MINUTES FROM JUNE 23, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:01 p.m. The meeting was held virtually in accordance with the Governor's Executive Directive 2020-02 in light of COVID-19. The following members were present in Chambers: Councilmembers Richard Ford, Lori Knapp, and Mayor Patricia Randall. The following members were present via the WebEx meeting platform: Councilmembers Chris Burns, Claudette Reid, Terry Urban, and Mayor Pro Tem Jim Pearson. Also in attendance were City Manager Joe La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, City Attorney Randy Brown (via WebEx), Communications Manager Mary Beth Block, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect upon the many people who share their talents to make Portage a great place. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: Mayor Randall asked Mayor Pro Tem Pearson to present the Resolution of Respect for Councilmember Richard Ford, followed by the Proclamation Honoring Juneteenth Celebration Day read at the request of the Mayor by Councilmember Urban.

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 Ford removed Item A.6. Councilmember Urban removed Item A.7. Councilmember Reid removed Items A.8 and A.9. Motion by Knapp, seconded by Ford, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Knapp, seconded by Ford, to approve the minutes of the Regular Meeting of June 9 and the Pre-Council Meeting of June 22, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 23, 2020: Motion by Knapp, seconded by Ford, to approve the Accounts Payable Register of June 23, 2020. Upon a roll call vote, motion carried 7 to 0.

COMMUNITY SENIOR CENTER APPROPRIATION - AMENDMENT: Motion by Knapp, seconded by Ford, to rescind in total the October 26, 2018 action taken by City Council to "appropriate up to $5,500,000 as a match, on a dollar to dollar basis, to the amount generated by a capital campaign effort for the construction of a new Portage Community Senior Center, said commitment being effective until the appropriation of the funds required for the construction of the new Community Senior Center or June 30, 2021, whichever comes first" and replace with the following motion: Commit to appropriate a dollar for dollar match up to $5,500,000 generated by the capital campaign effort for the construction of a new Portage Community Senior Center and funding in the amount of the difference between the amount raised plus the city match and the final cost to construct and outfit the proposed Portage Community Senior Center, up to a total project cost of $12,500,000. Upon a roll call vote, motion carried 7 to 0.

NORTHEAST WATER TRANSMISSION MAIN IMPROVEMENTS: Motion by Knapp, seconded by Ford, to award a construction contract for the installation of the Northeast Water Transmission Main to the low bidder, Kamminga and Roodvoets, Inc. in the not-to-exceed amount of $1,422,515; approve the acquisition of a water main easement with the Kalamazoo County Board of

Commissioners across the Kalamazoo/Battle Creek International Airport at a cost of $8,750; award a professional services contract for engineering construction inspection services to Hurley & Stewart, LLC in the not-to-exceed amount of $168,376; amend the Fiscal Year 2020-2021 Capital Improvement Program budget in the amount of $550,000; approve a letter of intent to transfer ownership of a portion of city-owned property located at 6600 South Sprinkle Road to the Kalamazoo/Battle Creek International Airport as outlined in the attached "Exhibit A"; and authorize the City Manager to execute all documents related to the construction contracts, utility easement and letter of intent on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CITY FIBER OPTIC NETWORK BUILD AND MAINTENANCE SERVICES - BID TABULATION: Motion by Knapp, seconded by Ford, to award a contract to Q3 Technologies, of Kalamazoo, Michigan, for the Fiber Optic Network Build and Maintenance project at a total project cost of $111,799.54 and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

DIRECTOR OF ASSESSING: Motion by Knapp, seconded by Ford, to confirm the appointment of Meshia Rose as Director of Assessing. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS & COMMISSIONS: Motion by Knapp, seconded by Ford, to accept the meeting minutes of the Historic District Commission of March 4, 2020 and Planning Commission of May 7, 2020. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Knapp, seconded by Ford, to receive the Materials Transmitted of June 5, 2020 and June 9, 2020. Upon a roll call vote, motion carried 7 to 0.

CALENDAR OF MEETINGS: Motion by Knapp, seconded by Ford, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Deonna Borish (7137 Sandpiper) stated she has been a resident of the city for quite some time with children attending the local schools and noted that she is seeking to get more involved with the city and what's happening in Portage. Mayor Randall responded, highlighting the various city Boards and Commissions, as well as the new City Council vacancy as potential options to become engaged.

PUBLIC HEARINGS:

2020 DOWNTOWN DEVELOPMENT AUTHORITY AMENDED TAX INCREMENT FINANCE PLAN/AMENDED DEVELOPMENT PLAN: Mayor Randall introduced the item and deferred to the City Manager. City Manager La Margo summarized the intent to amend the current Downtown Development Authority (DDA) Plan and presented Interim Community Development Director Chris Forth.

Mr. Forth described the main three elements of the project. First, he noted the planned property exchange between the city and the developer of 0.7 acres. Second, he noted the relocation of the existing stormwater retention basin to the northwest, and third, he stated was the conveyance of the northern portion of the cul-de-sac for parking needs for the hotel and a turnaround for vehicles. Mr. Forth then explained the two funding mechanisms slated to finance the project.

Councilmember Reid inquired whether the developer was going to allow for snowplow turnaround maneuvers in the area and where. Mr. Forth responded that this would be allowed in part of the hotel parking lot.

Councilmember Knapp asked Mr. Forth to provide a timeline for the reconstruction of the stormwater basin and building construction. Mr. Forth responded that the developer intends to complete the stormwater basin work later in the year and break ground on the hotel potentially in the early spring of 2021.

Mayor Randall inquired whether it was common for a building to straddle a DDA district boundary. Mr. Forth responded that it was a unique situation but noted the city had offered the developer the option to amend the DDA, which was declined due to aspects with the county.

Greg Dobson, representative of the developers H&G, LLC, provided a brief history of the Trade Centre Way development. He noted numerous studies had been performed regarding introduction of a third hotel at the location, including sound and sight-line reviews. Mr. Dobson further stated that he had met with the adjacent residential neighborhoods to review the proposed hotel and received positive responses, as well as finalizing a new agreement with the nearby Holiday Lane Neighborhood Association. He elaborated that construction of a hotel during a pandemic was understandably unconventional, but noted that the experience and long-term vision of the developers. Mr. Dobson stated that a market study would still be completed prior to any groundbreaking, which was expected to be the Spring of 2021 for an opening in Spring or Summer 2022.

Motion by Reid, seconded by Knapp, to close the public hearing. Upon a roll call vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to accept the Amended Tax Increment Finance Plan/Amended Development Plan and Development Agreement, as well as the Resolution of intent to vacate a portion of a public street and to transfer property. City Attorney Brown requested that the motion be amended in light of the completion of the public hearing to change it to "Resolution to vacate" and remove the notation of "intent to." Councilmember Ford amended his motion to accept the Amended Tax Increment Finance Plan/Amended Development Plan and Development Agreement, as well as the Resolution to vacate a portion of a public street and to transfer property. Councilmember Reid maintained the second. Upon a roll call vote, motion carried 7 to 0.

CONCEPTUAL PLAN AMENDMENT FOR TRADE CENTRE COMMERCIAL PLANNED DEVELOPMENT, 300-1150 TRADE CENTRE WAY: Mayor Randall introduced the item and deferred to the City Manager. City Manager La Margo asked Interim Community Development Director Forth to present the proposed amendment.

Mr. Forth summarized the proposed hotel as discussed during the first public hearing and the requested height modification. He noted the height proposal has flexibility, noting that property to the north is residential and requires additional screening.

Motion by Pearson, seconded by Reid, to close the public hearing. Upon a roll call vote, motion carried 7 to 0.

Motion by Knapp, seconded by Reid, to accept the Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way, including the requested building height modification to allow construction of the proposed hotel building to a height up to 65-feet and the requested screening waiver, with the findings contained in the April 30, 2020 Department of Community Development staff report. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

TOWING AND IMPOUND LOT SERVICES - BID TABULATION: Mayor Randall deferred to Councilmember Ford to elaborate on removing the matter from consent. Councilmember Ford stated he would not be supporting the recommended action, noting a prior experience being towed in college and concerns with the cost. He stated the contract terms may be outdated and expressed his preference that towing vendors should be the choice of the citizen. Councilmember Ford suggested transitioning towing services to the Kalamazoo County Consolidated Dispatch Authority (KCCDA).

Councilmember Reid clarified the scope of the towing contract, noting the proposed vendor was not intended for all towing performed within the city. Councilmember Urban agreed, stating that a towing company is usually dictated by a driver's insurance or AAA when needed personally, but this particular contract provides towing when the city requires the service.

Councilmember Burns inquired as to what entity assists in areas of the county without a police department. Deputy City Manager Carroll confirmed that the Kalamazoo County Sheriff responds in the absence of a local police department. Mr. Carroll agreed with Councilmember Urban's statements, noting he is unaware of a municipality that does not have a towing contract for services.

Mayor Randall expressed support for the recommended action and thanked Deputy City Manager Carroll for his efforts in updating the current RFP. She expressed a preference for a rotational towing model and agreed with Councilmember Ford in transitioning the service to the KCCDA. Mayor Randall stated an expectation of regular audits for the contract services.

Mayor Pro Tem Pearson stated that the KCCDA had yet to look into towing services while it worked to launch the new Authority, but could review the matter now that the agency was established. City Manager La Margo confirmed that he would pursue adding towing services to the next KCCDA board agenda.

Motion by Reid, seconded by Urban, to approve a one-year contract with McDonald's Towing and Rescue in the amount of $104,385 for towing and impound lot services, with the option for four, one-year renewals, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 1 with Councilmember Ford voting no.

PRELIMINARY CONDOMINIUM SUBDIVISION FOR PENNRIDGE TRAIL, PHASE 2: Mayor Randall deferred to Councilmember Urban to elaborate on removing the matter from consent. Councilmember Urban noted his prior vote during the first phase of the development in opposition along with Councilmember Reid citing concerns regarding the single access point for a development of this size. He stated he would not be supporting the recommended action.

Councilmember Reid concurred with Councilmember Urban's subdivision access concerns, stating that it was not good city planning and not in the best interest of the city. She also noted she would not be supporting the matter.

Mayor Randall highlighted a prior opinion by City Attorney Brown regarding the development and asked that he expound on the matter. City Attorney Brown noted the prior Planned Development approval by City Council, stating that Council had essentially approved the proposal if the plan was in substantial compliance. Mr. Brown further stated that the city no longer has a good basis to deny the development unless it proves to not be in substantial compliance. He closed by noting that the matter currently before City Council was a preliminary plan approval for Phase 2, not a final plan approval.

Mayor Pro Tem Pearson inquired whether the construction of a second access drive would be required once Phase 2 began. Interim Director Forth confirmed that an emergency access will need to be constructed before final approval of the next phase. Mayor Pro Tem Pearson then asked who would be responsible for paying for the additional access drive. Interim Director Forth responded that the developer would be responsible for initial construction. Mayor Randall clarified that a Homeowners Association was created to pay for continual maintenance and gated access.

Motion by Ford, seconded by Burns, to approve the Preliminary Condominium Subdivision for Pennridge Trail, Phase 2, 1800 West Osterhout Avenue, subject to the three conditions outlined in the May 28, 2020 Department of Community Development staff report. Mayor Randall commented that prior unanimous City Council votes for the Pennridge Trail Planned Development, despite concerns or possible confusion, have created a commitment for approval.

Councilmember Urban disagreed noting a prior instance with a five to two vote regarding the Pennridge Trail development.

Upon a roll call vote, motion carried 5 to 2 with Councilmembers Reid and Urban voting no.

ORDINANCE AMENDMENT - STORM WATER ILLICIT DISCHARGES & CONNECTIONS: Mayor Randall deferred to Councilmember Ford to elaborate on removing the matter from consent. Councilmember Reid summarized the item, questioning the proposed amendment upon further inspection. She noted that Portage Creek is a cold water trout habitat and expressed concerns with the temperature of the stormwater discharges potentially affecting the trout environment. Director Gwin responded that the amended ordinance does not specifically reference discharge temperatures, but the revisions now direct to both the city's Storm Water Design Criteria Manual, as well as the State of Michigan environmental regulations, which advises on cooling run-off from hot surfaces.

Councilmember Reid stated she understood the ordinance follows the minimum requirements but she feels that Portage can do more. She requested that the City Administration consult the Trout Unlimited organization between this first reading and final reading of the ordinance in an effort to protect the local waterways. City Manager La Margo confirmed he would follow up.

Motion by Reid, seconded by Burns, to accept for first reading the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections; and Adopt Addendum No. 1 to Storm Water Design Criteria Manual. Upon a roll call vote, motion carried 7 to 0.

CITY COUNCIL VACANCY PROCESS: Mayor Randall deferred to Councilmember Reid to elaborate on removing the matter from consent. Councilmember Reid asked the City Administration to summarize the process for filling the vacancy and inquired whether there was an application.

City Manager La Margo responded that all city social media outlets and publications would be noticing the vacancy and planned application process. City Clerk Eklov reviewed the upcoming deadlines and interview process.

Motion by Reid, seconded by Ford, to approve the process proposed by the City Administration to fill the upcoming City Council vacancy created by the resignation of Councilmember Richard Ford, and set a special meeting on July 14, 2020 at 6:00 p.m., or as soon thereafter as can be heard, to review applications for the vacancy and determine which candidates to interview. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns stated he was fortunate to work with Councilmember Ford on several committees. Mr. Burns noted that Councilmember Ford served fully in support of the citizens and hopes that the new applicant will do the same. Mr. Burns then congratulated Meshia Rose on her promotion. He wished everyone a happy and healthy July 4th holiday but reminded to be conscious of COVID-19 precautions.

Councilmember Urban expressed respect to Councilmember Ford, stating he believes Mr. Ford would find a way to serve in his new community. Mr. Urban also congratulated Meshia Rose on her promotion. Councilmember Urban wished retiring Finance Director Bill Furry well and expressed appreciation for his expertise. Mr. Urban then wished everyone a Happy July 4th while issuing a reminder about permitted timing for fireworks. Councilmember Urban closed by noting to the City Clerk the June 26, 2018 date of the meeting minutes he referenced during the Pennridge Trail Phase 2 discussion.

Councilmember Reid thanked Councilmember Ford for his time and service, including his representation on several outside committees in light of his young family. She wished him luck in his new location. Ms. Reid stated she had been contacted by several citizens inquiring about the Portage Police Division's practices in light of the recent national protests and was happy to report back on the Division's specific policies and level of excellence. She maintained that the city needs to continue to be cognizant of inclusiveness, potential bias, and maintain an open dialogue. She then congratulated Meshia Rose on her promotion. Ms. Reid then highlighted Item A.3 from the Consent Agenda regarding changes to the funding for the new Community Senior Center. She noted the Council's support of the changes, with the subsequent addition of a funding cap to ensure fiscal responsibility.

Councilmember Knapp congratulated the area's graduating high school seniors and highlighted the recent Portager newsletter that featured the high school pictures for each Councilmember. Ms. Knapp then wished a Happy Birthday to City Manager La Margo, as well as congratulated Meshia Rose on her promotion, noting her prior experience working with her on the Board of Review. Councilmember Knapp closed by thanking Councilmember Ford for his service and wished him well.

Councilmember Ford began by congratulating Meshia Rose on her promotion. He then thanked Mary Beth Block for her efforts on community marketing. Mr. Ford then highlighted his efforts towards streamlining processes for the city during his tenure. He thanked the other City Councilmembers and noted how much had changed during his time on Council, including the city budget increasing from $65 million to $93 million. He closed by saying he would miss Portage and the City Council.

City Manager La Margo began by thanking Councilmember Ford, noting his appreciation for Mr. Ford's reception upon Mr. La Margo's initial visits to the city. Mr. La Margo then congratulated Meshia Rose on her promotion, highlighting her talents. He relayed that city offices would open to the public on July 6 from the hours of 9:00 a.m. to 4:00 p.m. and masks would be required of anyone in the building for health and safety reasons. He stated that the Governor's Executive Order regarding virtual meetings had been extended to July 31 as an optional way of meeting, including for Boards and Commissions. He noted that the city Parks Department had held its first drive-in band concert, which was a success and had good weather. He closed by thanking everyone for the birthday wishes.

Mayor Pro Tem Pearson congratulated both City Manager La Margo on his milestone birthday and Meshia Rose on her promotion. He stated that Councilmember Ford was a great member of the team and brought a youthful perspective to City Council. Mayor Pro Tem Pearson noted that Mr. Ford had helped improve city technology and increased efficiencies, and worked to bring the city its first dog park as well. He noted he would miss Councilmember Ford, wished him luck, and expressed hope that his replacement would also bring a similar fresh perspective.

Mayor Randall began by thanking Councilmember Urban for bringing the Juneteenth Proclamation forward, noting that both she and the City Manager continued to strive for diversity, including in hiring practices and the new planned observance of Martin Luther King, Jr. Day. She then congratulated Meshia Rose on her promotion, celebrating her recent certifications while having a young family. Mayor Randall thanked the Community Senior Center campaign team and partners of their efforts with the new building and noted she looked forward to breaking ground soon. Mayor

Randall also thanked the Police Division for their recent efforts and professional manner. She closed by thanking Councilmember Ford for his work on various initiatives, as well as offering his perspective and time in light of his young family. She commended him for his service to the community.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:56 p.m.

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Erica L. Eklov, City Clerk