

CITY COUNCIL MEETING MINUTES FROM JUNE 22, 2021

Mayor Patricia Randall called the Regular Meeting to order at 7:00 PM. The regular meeting was held virtually as permitted by PA 228, in accordance with December 2020 Kalamazoo County Emergency Declaration. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson, and Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Terry Urban were present. All members participated virtually from Portage, Michigan. Also in attendance were City Manager Joe La Margo, City Attorney Catherine Kaufman, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on working together for a more equitable and just community. Following the moment of silence, the City Council 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 Item A.6. Motion by Reid, seconded by Ledbetter, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Reid, seconded by Ledbetter, to approve the Minutes of the Regular Meeting of June 8, 2021 and Pre-Council Meeting of June 21, 2021. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Reid, seconded by Ledbetter, to approve the Accounts Payable Register of June 22, 2021, as presented. Upon a roll call vote, motion carried 7 to 0.

Portage Community Center Kitchen Equipment and Installation: Motion by Reid, seconded by Ledbetter, to award a contract in the amount of \$133,024 to Stafford-Smith, Inc., for Kitchen Equipment and Installation for the Charles & Lynn Zhang Portage Community 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 7 to 0.

RCKC Contract - S Sprinkle Road/Meredith Street Water Main Replacement: Motion by Reid, seconded by Ledbetter, to approve a contract between the Road Commission of Kalamazoo County and the City of Portage concerning funding for the replacement of water main at the intersection of South Sprinkle Road and Meredith Street. Upon a roll call vote, motion carried 7 to 0.

Kalamazoo County Solid Waste Management Plan Amendments: Motion by Reid, seconded by Ledbetter, to adopt the resolution to approve Amendment 1 and Amendment 2 to the Kalamazoo County Solid Waste Management Plan dated July 28, 1999, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Purchase of the OpenGov Integrated ERP System: Motion by Reid, seconded by Ledbetter, to approve the three-year software licensing and service agreement from OpenGov, of San Jose, CA in the amount of \$153,725 and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards and Commissions: Motion by Reid, seconded by Ledbetter, to receive the Minutes of the Human Services Board of May 6, 2021, and Environmental Board of May 12, 2021. Upon a roll call vote, motion carried 7 to 0.

Materials Transmitted: Motion by Reid, seconded by Ledbetter, to receive Materials Transmitted of June 8, 2021. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Reid, seconded by Ledbetter, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

Michael Cartier (1127 Lakeview Drive) spoke regarding the Lake Center District Corridor and Placemaking Study and the May 15, 2021 Open House. He relayed concerns regarding his recent Freedom of Information Act requests and related discussions with Deputy City Manager Mike Carroll. Mr. Cartier expressed displeasure with the documents provided in response to the first of his two Freedom of Information Act requests and concern with the expected response to his second request in relation to the upcoming July 13th Lake Center District public hearing.

PUBLIC HEARINGS:

Genesis PharmOptima (6710 Quality Way) Application for Industrial Tax Abatement: Mayor Randall opened the public hearing and deferred to the City Administration to explain the proposed tax abatement. Deputy Director of Planning and Development Chris Forth summarized the project proposed by Genesis PharmOptima for the location at 6710 Quality Way, as well as the tax implications and anticipated jobs. There were no other comments. Motion by Reid, seconded by Burns, to close the public hearing. Upon roll call vote, motion carried 7 to 0.

Councilmember Reid and Mayor Randall thanked Genesis PharmOptima for the company's investment in the community and the introduction of more high-quality jobs. Motion by Reid, seconded by Burns, to adopt Resolution No. 4 to approve the proposed Tax Abatement Certificate, Tax Abatement Agreement, and Affidavit of Fees for Genesis PharmOptima at 6710 Quality Way. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

Tow Audit Report: City Manager La Margo provided a brief background on the matter and relayed the outcome of the third-party audit. He outlined possible next steps for the Council to pursue once the audit was formally received, noting if rotational towing was chosen that it should be structured on a weekly basis at the recommendation of Kalamazoo County Consolidated Dispatch Executive Director Jeff Troyer. Deputy City Manager Carroll reminded the City Council of the Pre-Council Meeting questions and responses provided regarding potential costs for rotational towing. Councilmember Urban requested that Mr. Carroll outline the noted costs. City Manager La Margo stated a Portage Police Officer was required to facilitate the automobile auctions and ensure contract compliance with the towing vendor. Deputy City Manager Carroll confirmed the Portage officer currently spends two to four hours per week on compliance issues and four to eight hours per auction every two months at a salary and benefits cost of \$8,000 per year under the current single tow vendor. Mr. Carroll stated that the amount would be expected to increase exponentially with each additional tow vendor under a rotational towing model. Councilmember Ledbetter inquired whether citizens are protected from long wait periods for a tow during the cold weather months. Deputy City

Manager Carroll confirmed the current towing contract has a provision for such an issue to allow the city to call on another towing vendor should the contracted vendor be unable to respond.

Councilmember Knapp asked Public Safety Director Nicholas Arnold whether the city has been satisfied with the current towing vendor. Director Arnold confirmed that the city's current vendor, McDonald's Towing, has received very few staff or citizen complaints and noted the current contract is checked for compliance monthly. Councilmember Urban expressed concern that a rotational towing model would extend the response times further during the winter months as the city worked through the list of towing vendors along with the contractual wait time. Deputy City Manager Carroll confirmed a protracted delay was possible. Councilmember Urban then asked about the revisions to the towing vendor requirements following the City Administration's review in spring 2020. Deputy City Manager Carroll responded that provisions for interior climate control impound storage for 25 cars and regular monitoring of the impound lot had been revised following complaints from the owner of another towing vendor, Graham's Towing.

Councilmember Burns stated he had determined four areas of consideration as part of the review. He stated level of service administrative issues, price, and competition/inclusion were all aspects of concern that he anticipated could be addressed with the end of the current vendor's contract when towing went back out for bid. Mayor Randall expressed concerns with the current cost for service and the ability to market the region to prospective businesses in light of winter highway accident closures. She advocated changing the current service model to address these concerns. Mayor Pro Tem Pearson echoed Mayor Randall's concerns with the current cost for service for the vendor. Councilmember Ledbetter inquired about the contractual waiting period between calls for service during large-scale events. Deputy City Manager Carroll replied that the city operates with the expectation that a towing vendor would automatically alert Dispatch if unable to respond to a call for service, but sometimes drivers can be delayed and a thirty-minute provision is included in the contract based on the industry-standard time it takes an officer to clear an accident scene. Councilmember Reid highlighted that the City Council had previously reviewed the rotational service model with regard to city ambulance services. She noted the ambulance vendors had previously expressed concerns with maintaining adequate staffing levels under the rotational model and had asked the city to pursue switching to a single vendor in response. Councilmember Reid further stated this is the only time she could recall the city pursuing an external audit of an existing vendor based on complaints from a competing vendor and not staff.

Motion by Pearson to receive the Tow Audit Report from Walworth & Nayh, P.C. (and no further action). As there was no second, the motion failed.

Motion by Urban, seconded by Reid, to receive the Tow Audit Report from Walworth & Nayh, P.C. and exercise the option to extend the existing contract with McDonald's Towing for an additional year at the contract rate of \$45 per tow. Upon a roll call vote, motion carried 4 to 3 with Mayor Randall, Mayor Pro Tem Pearson, and Councilmember Ledbetter voting no.

Public Hearing on Lake Center District Corridor & Placemaking Study: Councilmember Reid explained she had removed the item from the Consent Agenda in light of expressed citizen interest in the Lake Center District Area's next steps. She asked for clarification regarding the City Administration's recommended action and plan for the July 13th Regular City Council Meeting. City Manager La Margo confirmed that the City Administration was recommending that City Council set the public hearing for the Lake Center District Corridor and Placemaking Study on July 13, 2021, as well as select one of the three scenarios for Portage Road from the Study following the hearing. He relayed that the City Administration desired to begin the initial road improvements during the 2021 construction season. Councilmember Reid expressed concern with the swiftness of the requested

City Council decision directly after the public hearing and noted Mr. Cartier's earlier comments regarding the timing of his FOIA requests. Deputy City Manager Carroll relayed that Mr. Cartier had filed two separate FOIA requests of which the first extensive request had been completed after substantial staff research and review. Mr. Carroll noted Mr. Cartier's second request was also extensive and relayed the expected timeline for staff response with the hope to complete prior to the July 13th public hearing.

Councilmember Urban stated he had no objection to setting the public hearing for July 13 but did express objection to taking action during the same meeting, noting the city's history with conducting public hearings. He relayed that he expected significant public input at the meeting and City Council should have ample time to digest the comments before taking action. Councilmember Urban asked the City Manager whether a two-week delay would cause construction issues with any of the Portage Road scenarios. City Manager La Margo relayed that City Council had the option to continue the public hearing at the July 27 Regular Meeting, but stated the city had already offered a significant period for public input of which seemed to have a common theme that the City Administration had worked to address. Mr. La Margo confirmed that all citizen comments received to date had been provided to the City Council for review.

Motion by Reid, seconded by Burns, to set a public hearing for July 13, 2021, regarding the acceptance of the Lake Center District Corridor and Placemaking Study and recommendation of the preferred road scenario for Portage Road. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

Sale of Excess City Property - South Westnedge Avenue and Gladys Street: City Manager La Margo provided a brief history on the proposal, followed by Community Development Director Kelly Peterson. Director Peterson provided recent efforts regarding the project, noting the delay of the original proposal for the Gladys Street site from October 2019 due to the economic effects of the COVID-19 pandemic. Councilmember Urban inquired about the zoning between the noted Gladys Street parcel and the adjacent parcel, noting there was an inconsistency between the B-2 and B-3 designations. Director Peterson acknowledged the zoning inconsistency and confirmed it would only affect the setbacks. She relayed that the developer would have several options to address the inconsistency with staff once the site plan review process began. Councilmember Urban inquired whether the developer's proposed use for the site was allowed in both zoning designations. Director Peterson confirmed that it was allowed in both B-2 and B-3 zones.

Motion by Reid, seconded by Urban, to adopt the Resolution to Sell the Excess City Property in the amount of \$250,000 located along the south side of Gladys Street, east of 6405 South Westnedge Avenue. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS:

Councilmember Burns provided an update on the June 14th meeting of the Kalamazoo County Transportation Authority regarding the discussion of the millage rate. He noted the renewal of the millage would be scheduled for the November 2021 election. He closed by relaying the Authority's efforts to resume full service following the COVID-19 pandemic and the need for additional drivers to fulfill routes.

Councilmember Burns also provided an update regarding the June 21 meeting of the City Council Housing and Neighborhoods Committee, thanking Community Development Director Kelly Peterson for her efforts in collaborating with Kalamazoo County Housing Director Mary Balkema. He stated the Committee continues to work with staff, developers, and the City of Kalamazoo to prepare for the County's housing fund application process.

STATEMENTS OF CITIZENS:

Michael Cartier (1127 Lakeview Drive) provided clarification regarding his Freedom of Information Act (FOIA) request concerns and statements by Deputy City Manager Carroll following the Lake Center District Corridor discussion under the Regular Business agenda. He also commended Public Information Officer Mary Beth Block for her services with FOIA.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Burns provided an update regarding housing availability in Kalamazoo County, noting recent reports of large homeless encampment growing in the City of Kalamazoo. He stated the problem of adequate housing is becoming urgent as every level of the community system is currently backed up.

Councilmember Ledbetter stated he had a lovely weekend with the recent Juneteenth and Father's Day holidays and was pleased with the recent designation of Juneteenth as a federal holiday.

Councilmember Knapp had no comment.

Councilmember Reid was also pleased about Juneteenth. She stated she looked forward to the upcoming return to in-person City Council meetings, especially for the Lake Center District matter to show democracy in action. Councilmember Reid provided a COVID-19 update noting businesses were struggling to re-open due to lack of staffing and urged everyone to maintain patience and get vaccinated.

Councilmember Urban also expressed happiness at the federal holiday designation of Juneteenth but expressed displeasure that the legislation did not receive unanimous support in the U.S. House of Representatives. He also issued a reminder about the city's fireworks ordinance in light of the upcoming July 4th holiday.

City Manager La Margo noted the planned re-opening of city facilities and programs to the public beginning on July 1, 2021.

Mayor Pro Tem Pearson stated he was glad City Hall was re-opening, especially in light of the citizen interest in the Lake Center District Corridor open house and public hearing.

Mayor Randall noted the city's re-opening included all locations and programs. She stated she looked forward to the City Council meeting in person once again, which was also the reason for delaying the Lake Center District Corridor and Placemaking Study public hearing until July. Mayor Randall then thanked staff for their efforts during the June 19th heavy rain event. She closed by wishing everyone a Happy July 4th holiday.

ADJOURNMENT.

Mayor Randall adjourned the meeting at 08:49 PM.

Erica L. Eklov, City Clerk