CITY COUNCIL MEETING MINUTES FROM APRIL 25, 2017

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

At the request of Mayor Strazdas, Pastor Mike Kemple of Lighthouse Community Church gave an invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued a National Arbor Day Proclamation and a 2017 National Day of Prayer Proclamation.

APPROVAL OF MINUTES: Motion by Ford, seconded by Reid, to approve the Regular Meeting Minutes of April 11, 2017, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to approve the Budget Work Session Minutes of April 18, 2017, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Randall, to approve the Pre-Council Meeting Minutes of April 24, 2017, as presented. Upon a voice vote, motion carried 4 to 0 with Councilmembers Pearson, and Urban and Mayor Pro Tem Ansari abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda Motions as presented. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

PRESENTATION BY THE PORTAGE PUBLIC SAFETY DEPARTMENT POLICE DIVISION REGARDING POLICE K-9 ZORRO AND HIS PARTNER OFFICER JORDAN WENTWORTH: City Council received a Presentation out of order on the Agenda by the Portage Public Safety Department Police Division regarding Police K-9 Zorro and his partner Officer Jordan Wentworth.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 25, 2017:** Motion by Reid, seconded by Urban, to approve the Accounts Payable Register of April 25, 2017, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

2017 UTILITY RATE FINANCIAL STUDY: After Mayor Strazdas reviewed the recommendation from City Manager Larry Shaffer, Mr. Shaffer deferred to Transportation & Utilities Director Chris Barnes, who provided a lengthy analysis of the 2017 Utility Rate Financial Study. He mentioned the only increase is the 1.18% increase in the water rate and showed how the rates have varied since 2008. He explained capacity is based on consumption and outlined the levels of consumption by the general public citing outdoor use and toilets as the highest consumption areas. He provided assurances that the Garden Lane Water Treatment Plant provides the process necessary for Portage water to meet all required standards. He listed future planning and forecasts, including continued privatization and savings through the contract with Suez, and the components of the Water Fund; he also presented a water cost comparison per gallon among Ice Mountain, a private Evert, Michigan company ($6.34), filtered store brand water ($0.89) and City of Portage tap water ($0.003). He reviewed the rate recommendation and stated that the Portage tap water has no lead line services (owing to Portage being a "new" City). Mr. Shaffer cautioned residents using well water to not take comfort in the fact that the City water lines have no lead service. Mayor Strazdas brought up the fact that the $6 million Garden Lane Water Treatment Plant was mandated by the Federal Government to rid the water of excess arsenic, and Mr. Barnes provided an analysis of the costs from the enterprise fund to pay for the Plant. Discussion followed. At the request of Mayor Strazdas, Mr. Barnes discussed the costs of the plan to install a water tower (elevated water storage tank) to service the needs of the Sprinkle Road Industrial corridor on the East side of the City at a cost of $6 to $7 million. Explanation followed.

In answer to Mayor Pro Tem Nasim Ansari, Mr. Barnes indicated that any capital less than $7,500, is included as a part of ongoing maintenance replacement with Suez, but if it exceeds $7,500, staff does an analysis and pays for it as a capital replacement expense. He explained the difference between preventable or periodic maintenance and ongoing maintenance replacement which are the responsibility of Suez, and gave examples.

Mayor Strazdas opened the public hearing to the audience; there being no one who wished to come forward with comment, Mayor Strazdas entertained a motion to close the public hearing. Motion by Randall, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Pearson, seconded by Randall, to adopt the recommendation that the sewer commodity rate remain at $4.60 per 1,000 gallons of metered water; adopt the recommendation that the water commodity be increased to $3.20 per 1,000 gallons of metered water; adopt the recommendation that adjustments be made to the water base quarterly charges as noted in the 2017 Utility Rate Financial Study; adopt the recommendation that the new rates become effective on October 1, 2017; and adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2017 Utility Rate Financial Study; and adopt the Water and Sewer Rate Resolutions.

Mayor Pro Tem Ansari asked Council to recall in November 2016, the City took over the responsibility for chemicals, sludge disposal, water meters and other services from Suez; as a result, Suez will be paid for less work and the City will bear the cost of over $200,000 which will be passed on to the ratepayer as with the recommendation of a 1.18% increase in the water rate. He indicated that he cannot in good conscience vote on this rate recommendation and will be voting "No."

Mayor Strazdas indicated he would be voting "Yes" on what amounts to a $0.39 increase per month for the average ratepayer, noted that the City of Portage has good, clean, potable water with no lead service lines consistently, day after day. He commended the City Administration for that and indicated that that reliability is something Portage citizens should continue to embrace as it is worth it. Lastly, he referred to the Chart presented earlier that showed the cities and the amount of taxes plus water/sewer charges which placed Portage as second to the last as the lowest cost in the State of Michigan; and, he stated this vote sets aside some money to fund a new water tower to provide better service and to save funds for future Councils when the time comes to build the water tower. He stressed that he does, however, respect the opinion as stated by Mayor Pro Tem Ansari.

Councilmember Ford pointed out that from 2013-2017, the increases are in line with the inflation rate and concurred with Mayor Strazdas and his position on saving for the water tower which will prevent a high increase for ratepayers in the future, hopefully.

Councilmember Pearson indicated he would be voting “Yes” on this, commended Mayor Pro Tem Ansari as a watchful eye on anything to do with water and sewer, for keeping this Council updated on his opinion and expressed his appreciation of his study of the work. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Urban, Ford, Pearson, Randall and Reid and Mayor Strazdas. No: Mayor Pro Tem Ansari. Resolutions recorded on pages 375 and 379 of City of Portage Resolution Book No. 46.

PETITIONS AND STATEMENTS OF CITIZENS: Tim Earl, 6862 Shallowford Way, stated his disappointment with the 66th Annual National Day of Prayer where Mayor Strazdas said, “….I call upon Americans to pray in thanksgiving for our freedoms and blessings and to ask for God’s continued guidance, grace, and protection for this land that we love” and explained his objections.

REPORTS FROM THE ADMINISTRATION:

* **PUBLIC HEARING ON THE FISCAL YEAR 2017-2018 BUDGET:** Motion by Reid, seconded by Urban, to adopt the Resolution setting a public hearing on May 9, 2017, at 7:30 p.m. or as soon thereafter as may be heard for the Fiscal Year 2017-2018 proposed city budget and the proposed 2017 tax levy. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 385 of City of Portage Resolution Book No. 46.

* **AMBERLY #1 PUMP REHABILITATION - SOLE - SOURCE CONTRACT:** Motion by Reid, seconded by Urban, to award a sole-source contract for the Amberly #1 pump rehabilitation to Peerless-Midwest, Incorporated, in an amount not to exceed $22,130 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.

* **PRELIMINARY PLAT OF OAKLAND FARMS NO. 2, 9810 OAKLAND DRIVE:** Motion by Reid, seconded by Urban, to approve the Preliminary Plat of Oakland Farms No. 2, 9810 Oakland Drive, subject to the three conditions outlined in the March 24, 2017 Department of Community Development staff report. Upon a roll call vote, motion carried 7 to 0.

* **PORTAGE CREEK LANDINGS – CITY CENTRE DEVELOPMENT, 412 WEST CENTRE AVENUE:** Motion by Reid, seconded by Urban, to grant a waiver from the CPD, Commercial Planned Development, Conceptual Plan resubmission requirement, and approve a two-year extension of the conceptual plan for the Portage Creek Landings – City Centre development. Upon a roll call vote, motion carried 7 to 0.

* **MARCH 2017 ENVIRONMENTAL REPORT:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the March 2017 Environmental Report as information only. Upon a roll call vote, motion carried 7 to 0.

AMBULANCE PROVIDER REQUEST FOR PROPOSAL: Mayor Strazdas asked for comment from Mr. Shaffer, who introduced Chief Dan Mills, Chief John Podgorski and Chief Stacy French. He indicated that the Administration is not asking for action, but if City Council goes out for a Request for Proposal (RFP) for an Ambulance Provider, it would be appreciated. He indicated that the current situation is that Life Care and Pride Care provide service on alternating months; and, the question of efficiency and effectiveness of this practice was posed to Dr. William Fales, MD, who serves as the Emergency Medical Services Director for Kalamazoo County, and the City life safety personnel and both ambulance services, all of whom recommended the City should select a single provider for ambulance services. He indicated an RFP has been developed by the City Public Safety Team and reviewed by the Purchasing personnel, and it has been shared with Dr. Fales and the two ambulance services, who have provided their input. He spoke to the benefits of an RFP for assurances of quality of the workforce, both clinical and nonclinical, the analysis of the equipment and apparatus being utilized, the training protocols, as well as the issue of the impact on the Police and Fire accreditation. With that, he indicated the wish is to submit the RFP to the providers and come back with a recommendation to City Council based on the findings. He offered answers to questions from staff, from representatives of ambulance providers present and himself. Discussion followed.

Chief Mills concurred with the listing of the requirements within the RFP and a discussion of the history and current challenges of this matter. Discussion followed regarding the effect of cost and payment by a third party such as insurance, monopoly and appreciation of considering a change. Councilmember Reid asked what happens to those who have contracts with the other ambulance service if the City settles on one provider, and Mr. Shaffer indicated that this is just for the calls from people who do not request a particular ambulance. Councilmember Reid shared the experience of a couple who had a contract with an ambulance service, called for an ambulance, but received a response from the other ambulance company; his wife passed away, and he came before Council when he got the invoice. Chief Mills indicated that those contracts can be pre-programed into the CAD at the PSAP Center, and Mr. Shaffer indicated that the ambulance services do provide coverage of one another and explained it could be complex. Discussion followed.

Because there is no cost to the City, Councilmember Urban asked if the matter has to be brought back for consideration. Mr. Shaffer deferred to the opinion of City Attorney Randy Brown, who indicated that the *Charter* is written in such a way that if it is not brought to Council for approval and a court decides there is more than $500 involved, the contract would not be enforceable, but if it is less than $500, it could be enforceable even if not authorized. Given the uncertainty of the finding of value, in this situation, it is better practice to have Council authorize it.

In response to Councilmember Urban, Chief Mills responded he would get the number of responses for each ambulance service to Council for future reference. He also told Councilmember Urban that he was not sure whether Portage is the only municipality that has not chosen only one preferred service provider, but Deputy Fire Chief Stacy French and Deputy Fire Chief Podgorski agreed that Portage is the only one. Councilmember Urban also asked for the breakdown of the municipalities and their individual choices of service providers, and Chief Mills agreed to get that, also. In response to Councilmember Urban when he asked if Portage goes to a single provider, will the other services doing business in Portage have performance criteria required by the County, Chief Mills responded that all four providers (Life Care, South County Ambulance, Pride Care and Life EMS) have to abide by the protocols that the County

Medical Authority already has in place, and the RFP for this has those protocols in it. Councilmember Urban noted that he would be very interested in seeing not just a tabulation, but also detail found in the responses. Councilmember Urban indicated that the reason we do one month on and one month off since the1990's, was because at that point it was simply thought to be a matter of fair play – not picking a winner or a loser, nor picking a monopoly, but offering two primary carriers and explained.

Mr. Shaffer indicated that the team has worked very closely with Dr. Fales, who could not be here tonight, but he found a memo from Dr. Fales from almost 20 years ago wherein he made the recommendation that the City go with a single provider, and wherein he outlined all of the issues that confront Portage today. Mr. Shaffer stressed that Dr. Fales is very important to the process and assured Council he would not present this item to Council without his being present.

Councilmember Randall asked for the duration per the RFP and when will it be implemented. Chief Mills indicated that it is a three-year contract with five one-year renewals, and will be implemented after finishing out the current month, then start with the provider who is awarded the contract.

Maria Eisbrenner, Chief Operations of Pride Care Ambulance, P.O. Box 865, Watervliet, spoke positively about serving Portage as an ambulance provider, but echoed Mr. Shaffer's comment that it is difficult to rotate month to month. She indicated that having a single provider would enable the provider to maximize staffing and make it easier to determine the needs, such as the number of vehicles on the road, for example. She pointed out that response time standards are determined countywide, with response time requirements for each priority of a call, and noted that Pride Care Ambulance polls other providers if they know they cannot meet a response time requirement, turn that duty over to the provider who could meet that requirement, even in municipalities with a sole source provider. She ended by saying that Pride Care Ambulance is excited to see the RFP and to submit a proposal.

Mark Meijer, President of Life EMS Ambulance, introduced John Pinkster, who is his Operations Director, and he indicated both of them are Licensed Paramedics in the State of Michigan. He described some of his experiences over the years since 1990 when he first provided ambulance services in the City of Portage, and indicated that the month to month experiment was supposed to help determine which company was the best ambulance service provider. He expressed his frustration regarding the ability to demonstrate the level of service that Life EMS can provide in the scheme in Portage because of the inability to use some of the company's technology such as predictable deployment to position the ambulances in the City because of a lack of continuous data. He revealed that his company has not seen the RFP, and looks forward to that opportunity as it is in the best interest of the City of Portage, its residents and visitors to select a single service. He expressed his sensitivity with regard to the term "monopoly" and pointed out that the bid process basically addresses that.

In response to Councilmember Randall, Mr. Meijer answered that there is enough business in the County for the ambulance service that does not get a contract with the City of Portage and explained. Motion by Ansari, seconded by Pearson, to issue a Request for Proposal (RFP) for a Single Ambulance Provider in the City of Portage. Councilmember Reid expressed her appreciation that Mr. Shaffer brought this policy decision before Council, even though it did not necessarily have to be brought forward since there is no money involved, but agreed that bringing it to Council is appropriate. Upon a roll call vote, motion carried 7 to 0.

*   **CLOSED SESSION:** Motion by Reid, seconded by Urban, to hold a closed session immediately following the regular meeting for the purpose of reviewing an Attorney/Client communication regarding a Freedom of Information Act Appeal. Upon a roll call vote, motion carried 7 to 0.

*   **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

> Portage Public Schools Regular and Special of February 27 and Policy Governance and Committee of the Whole of March 13, 2017.
> Portage Zoning Board of Appeals of March 13, 2017.
> Portage Planning Commission of March 16 and 30, 2017.

NEW BUSINESS: Councilmember Pearson referred to an e-mail to Council from Mayor Strazdas on Saturday, April 15, 2017, that indicated he and a non-profit are planning an evening State of the City Address on May 24th with the details to be worked out. He then disclosed that today he received an email from the President of this non-profit stating that the organization would not be participating in a Mayoral Address of any kind at this time. He asked for a discussion from Council on this matter, and said that for the last several years, Mr. Shaffer for the past two or three years and Mr. Evans before that for some unknown number of years have given the State of the City Address in good times and bad hosted by a non-profit with no controversy. He understood from the Mayor's email that businesses this time will be supporting the event, which is new. He had four questions for City Manager Shaffer, who responded that Mayor Strazdas indicated he had a strong interest in presenting the State of the City Address after they had gone to Grand Rapids to witness the Grand Rapids State of the City Address, and that it would be a good idea to seek a non for profit service organization; they discussed the Rotary; and, it is his understanding that Mayor Strazdas had a conversation with Rotary. He indicated that staff has had a small involvement in the planning. He said that the Mayor has planned the event and has solicited funds; and, it is his understanding that the Mayor has secured the funding and made arrangements with the Rotary all on his own. Further, the City may have some business relationships with some of the sponsors, but not direct. He thought Consumers Energy might be one of the Sponsors and ITC might be another, for example, and the City buys electricity and the City may have a (passive) relationship with ITC; so, he deferred to Mayor Strazdas on the subject of sponsorship as he is not privy to that information.

Mayor Strazdas explained that the sponsors were the same ones at the State of the City Address in Grand Rapids; they approached him and he approached them; and, they were interested in pursuing this approach. Mayor Strazdas noted that Romence Gardens sponsored the Tree Planting Ceremony with a tree earlier, and the City buys trees from them every year. He also mentioned the Summer Entertainment Series sponsorship as another example and noted that all sorts of City events have sponsorship. He stressed this as a great opportunity for the business community and the citizens to come together to obtain an idea of what this Council has been doing as well as the good work of the City Manager and the City staff and City Council.

Councilmember Pearson took exception with the sponsorship examples because they have done it for years, stated that the City Manager has always provided the State of the City Address, questioned the business relations in Grand Rapids and indicated that just because Grand Rapids does it this way, Portage is an ethical City, above board, and this should have been brought to City Council to determine if a change should be made to something that has been done for many years. Discussion followed. Mayor Strazdas pointed out that in every city in the State of Michigan, the Mayor presents the State of the City Address and the Mayor of Portage has perhaps deferred to the City Manager when he or she is not available.

Councilmember Urban asserted that the history of Portage is that the Mayor has given the State of the City Address; further, it is the recent history that has changed. Discussion followed.

Councilmember Randall objected on the basis of this lacking the process that Council has worked so hard to accomplish with seven elected people, involving one elected person; it has not been transparent; it has been one e-mail; the flavor of the e-mail was to benefit the non-profit with the event, but when one person out of seven elected officials gets the opportunity to pick the event, the location, the sponsors, the date and time, this hard-working Council has been by-passed. In answer to Councilmember Randall, Mr. Shaffer said he would be absolutely delighted to give a State of the City Address, did not decline doing the address and explained.

Councilmember Urban viewed these objections as fantasy and indicated that he has never been asked who should give State of the City Address, nor the date, nor the location; in fact, most of the time it was a surprise to him because he is not a member of the organization that hosts the State of the City Address and may or may not have seen a minor announcement that it was going to take place. He stated it has not been a function of the City Council; it is a function of the Mayor in his role as the Chief Executive of the City and explained.

Mayor Strazdas reviewed the process and stressed he plans to have a very positive event with his presentation of the State of the City Address and promised to reveal the great work of this City and the great work of this Council.

Motion by Randall, seconded by Pearson, to continue the tradition in the City of Portage to have the City Manager deliver the annual State of the City Address without the commercial funding thus avoiding any appearance of ethical wrongdoing and thereby avoiding any appearance of influence and/or political agendas.

Councilmember Reid interjected that for the twelve years she has been on Council, the only City Manager who has given the State of the City Address has been Mr. Shaffer; and he has done a fine job, but he is the only City Manager who has done that; moreover, she indicated that she has heard the Mayor give the State of the City Address several times, so it is not a given history one way or the other. She stressed that it is appropriate for the Mayor to give the State of the City Address, and pointed out that the State of the State Address is given by the Governor and the State of the Country Address is given by the President or, the elected official, who may choose to delegate that responsibility or not. She emphasized that this is not an attempt to change history or change tradition because it is the tradition that the Mayor presents the State of the City Address. She then acknowledged that City Manager Maurice Evans may have given a State of the City Address, but she did not attend his presentation.

Councilmember Ford asked about sponsorships as this is not something found in the Budget, and asked for confirmation that no City funds are being used for this event. Mayor Strazdas confirmed that that is his intention. Mr. Shaffer indicated that he has not seen the budget for the event, and does not know the cost to say what obligations the City may or may not have. He said that there has been one conversation with the Air Zoo, but has no knowledge of the rental fees or any fees associated with the event because it all has yet to be determined, and the intention is not to pay for it with any City dollars. Mayor Strazdas indicated that the coordination is through the City Manager and the Mayor, that the budget has not been finalized, and that the Air Zoo indicated that the event can be handled with the amount of contributions that have been discussed. He emphasized, again, that he has no intention to use City dollars.

Councilmember Urban said he is dumbfounded owing to what Councilmember Reid was able to reveal; he stated that the Mayor can still proceed regardless of the vote on the motion before Council because of the free speech protection in the First Amendment. He pointed out that this is not a City event; it is the Mayor giving a speech, and he can do what he wants and questioned the constitutionality of the motion. At the request of Councilmember Pearson, City Attorney Randy Brown asserted he would prefer having the time for more research, but off the top of his head, he said the motion would not be unconstitutional because it is a policy and the Council can decide if it wants the City Manager or the Mayor to present the State of the City Address. Discussion followed.

In answer to Councilmember Randall, Mr. Brown stated that if the City is not serving the alcohol at the event, there would be no liability or risk for the City.

Mayor Strazdas called for a roll call vote, and Councilmember Pearson asked for a reading of the motion. After a second reading of the motion, Councilmember Urban interjected that this motion does not prohibit the Mayor from doing what he is planning to do. Mr. Brown responded that because the motion has the "State of the City Address" in it, if there is anything official called the "State of the City" and the motion passes, that the City Manager would do the presentation. He knew of nothing in the *Charter*, the Ordinances or any Rule he can think of that even speaks to who gives the State of the City Address, or how it is to be done; therefore, if the motion passes, any Councilmember can go out and give a speech about how the City is doing.

Councilmember Reid asked if it is the intent of the motion to set a policy that from this day forward the City Manager will always give the State of the City Address in the City of Portage, or is it just for this year. Councilmember Randall responded that it is only for this year because a new Council in November could change that policy, and noted that for the eight years she has served, there has never been a State of the City Address given by the Mayor. She questioned why now, why this year and indicated that the City has had surplus budgets, phenomenal change, and a lot to talk about the last couple of years, but the practice was a State of the City Address with a non-profit by the Portage City Manager. Mayor Strazdas clarified that he has given a State of the City Address within the last eight years, and Mayor Pro Tem Ansari pointed out that his experience on the Kalamazoo County Board of Commissioners was that the State of the County Address was presented by the County Chair, and expressed his discomfort with putting the City Manager on the spot, whether he should or should not give the State of the City Address. He could not understand why Council is even having this discussion.
Mayor Strazdas concurred and called for the vote a second time.

Councilmember Ford said he has no issue regarding whether it is the CEO or the Chairman of the Board giving the State of the City Address, but that he does have remaining questions such as with the businesses involved giving the City money, the amount of money that has not been disclosed which could leave the City exposed to payment, and if the event is public or private. Mayor Strazdas indicated this would probably result in having City Council review every donation to the City. He cited Romence Gardens, again, all City events where the City Administration goes out and solicits business for donations, the Friends of the Senior Center, or the Parks Department as examples. Councilmember Ford interjected that is a process exercised by the City, but the Mayor is an elected leader position and is soliciting money on behalf of the City. Discussion followed. In response to Councilmember Ford (as repeated by Councilmember Pearson), Mayor Strazdas indicated his intent to invite City volunteers, City Council, volunteers on the Boards and Commissions, the business community, all non-profit organizations in the region, as well as anyone in the City who may wish to attend; therefore, it will be by invitation for certain parties with whom we communicate and work, an invitation of "open to the public" and a City Event on the City website as is the practice.

In response to Councilmember Randall, Mayor Strazdas indicated that the vendor will probably limit each person to one drink and should not run out of alcohol.

Mayor Pro Tem Ansari asked is it because there are sponsors that the Mayor should not provide the State of the City Address and the City Manager should give the State of the City Address. Mayor Strazdas asked Councilmember Ford if he would be comfortable with the Mayor giving the State of the City Address if the City Manager or City staff asks for sponsors, and he indicated that it definitely eliminates any appearance of impropriety, but that may require Council approval. Mr. Shaffer indicated that this gets too close to the line for staff to solicit funds for the State of the City Address, and he would neither engage staff, nor would he solicit sponsors himself. He indicated that it has to be from the Mayor, and it has to be the Mayor's event as it would not be appropriate. Mayor Strazdas stressed, again, that he would want to have sponsorship with no direct contact with the City.

Councilmember Pearson asked Mr. Shaffer if he is comfortable with the Mayor "doing what he is not comfortable doing." Mr. Shaffer answered that the Mayor is two things, Chief Executive Officer of the City and a political entity which are blended; and, he indicated that the Mayor has the right and ability to raise funds to do whatever he wishes separate from Administration, as he is clearly distinct and separate from Administration. He explained that the City Manager has operations and implementation responsibility and that this is why the City Manager cannot do this.

After a third reading of the motion, motion failed 4 to 3. No: Councilmembers Reid and Urban, Mayor Pro Tem Ansari and Mayor Strazdas. Yeas: Councilmembers Ford, Pearson and Randall.

Because this is a celebration of the City of Portage, Mayor Strazdas asked for working members of City Council to work together toward this event for the City. Councilmember Ford asked for details regarding funding, budget and attendance as it is on his schedule to attend. Councilmember Reid volunteered to work together with other Councilmembers who may also wish to assist. Mayor Pro Tem Ansari indicated he would be there. Discussion followed.

BID TABULATIONS:

*** RADIO EQUIPMENT UPGRADES PUBLIC SAFETY COMUNICATION INFRASTRUCTURE – BID TABULATION:** Motion by Reid, seconded by Urban, to approve the purchase and installation of radio equipment from Roe Communications, Inc., at a total cost of $151,875 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

*** SPRING MILL AND FILL – BID TABULATION:** Motion by Reid, seconded by Urban, to award a contract in the amount of $143,442.48 to Rieth-Riley Construction Co., Incorporated, for spring mill and fill asphalt repair of major and local street sections 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.

*** SIDEWALK REPAIR – BID TABULATION:** Motion by Reid, seconded by Urban, to award a contract for sidewalk repairs in the amount of $48,764.96 to SWT Excavating of

Galesburg, Michigan, 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.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Tim Earl, 6862 Shallowford Way, as Chair of the Park Board, invited City Council and the community at large to the first major Park Board event, Recycled Art in the Park, Saturday, May 6, 2017, noon until 3 p.m. He said there are 15 entries, a panel of distinguished judges handing out prizes, a public choice award and a Kids Craft Tent. He also mentioned that the art will be at Celery Flats for the following week.

STATEMENTS OF CITY COUNCIL: Councilmember Urban highlighted the upcoming Gourdneck Lake Special Assessment Public Hearing. He indicated that he did not think it would be possible to treat the lake in 2017 because of the nature and requirements of the Governmental Lake Board. However, through the hard work of the entire Board, meeting as often as possible to make the necessary decisions to meet the statutory timelines, with full transparency, and the willingness of all to work together, he inferred that treatment will take place in 2017.

Councilmember Reid reminded everyone of the May 2, 2017 Special Election with funding for KRESA and 911 Consolidated Dispatch on the ballot. As a member of the Consolidated Dispatch Board and Co-Chair of the Campaign Committee, she encouraged citizens to look at all of the information that is available on the Consolidated Dispatch website as well as mailings and expressed her hope that they come to the decision to vote "yes" on it on May 2.

Councilmember Randall thanked Romence Gardens for the tree they donated again this year for National Arbor Day, and noted that the Romence family has been a longtime friend of her family and expressed her hope that the community continues to support their business. She spoke of her visit to the Greenathon where she saw Mr. Shaffer and visited all of the booths. She also met with some Master Gardeners who do work for the City and told them she would give them a "pitch" for their annual plant sale that will take place, May 12th from 9 a.m. until 6 p.m., and May 13th from 9 a.m. until 3 p.m., at the Kalamazoo County Building located at the former cite of Nazereth College – a great place to get a Mother's Day gift. She wished a Happy Birthday to her Mother-in-law, Dorothy Randall, on her 88th Birthday today.

Councilmember Ford expressed kudos to Councilmember Urban and the rest of the Gourdneck Lake Governmental Lake Board for getting the Gourdneck Lake process to move so quickly. He wished congratulations to Tim Earl for being selected Chair of the Park Board.

Councilmember Pearson indicated that the Austin Lake Governmental Lake Board is holding their meetings at City Hall. He indicated that the Practicability Public Hearing will be held at City Hall on May 10, 2017, to decide whether to continue with the Aeration Bioaugmentation process currently underway on the lake to reduce muck. He invited all citizens, especially the Austin Lake citizens, to attend. Mayor Pro Tem Ansari said he expected a very good turnout for the public hearing. He also thanked Pastor Michael Kemp of Lighthouse Community Church for attending the meeting.

Mayor Strazdas encouraged people to vote on May 2nd and encouraged them to read up on the issues. He reminded everyone that the State of the City Address will take place at the Air Zoo on May 24, 2017, and details will follow. He announced that lots of good things are happening in Portage and mentioned that there will be lots of Golden Eagle Scouts at the Court of Honor tomorrow and the Centre Avenue Church of God is celebrating its 50th Anniversary where he was invited to do a presentation. Discussion ensued.

MATERIALS TRANSMITTED:

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Ford, seconded by Reid, to receive the Departmental Monthly Reports of March. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT TO CLOSED SESSION: Mayor Strazdas adjourned the meeting to go into a Closed Session for the purpose of reviewing an Attorney/Client communication regarding a Freedom of Information Act Appeal at 9:55 p.m.

RECONVENE FROM CLOSED SESSION: 10:07 p.m.

APPEAL FROM A FREEDOM OF INFORMATION ACT REQUEST: City Attorney Brown indicated that Council received a communication from his office regarding a FOIA appeal, and is now in a position to decide that appeal. Mayor Strazdas entertained a motion.

Motion by Urban, seconded by Randall, to uphold the partial denial of a Freedom of Information Act Request Appeal from Chad Koning. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:08 p.m.

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James R. Hudson, City Clerk

* **Indicates items included on the Consent Agenda.**