

CITY COUNCIL MEETING MINUTES FROM JULY 25, 2017

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

At the request of Mayor Strazdas, Tim Earl gave an invocation and 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 and Claudette Reid, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Councilmember Terry Urban was absent with notice and excuse. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Ford, to approve the Regular Meeting Minutes of July 11, 2017, as presented. Upon a voice vote, motion carried 6 to 0.

Motion by Randall, seconded by Reid, to approve the Special Meeting Minutes of July 11, 2017, as presented. Upon a voice vote, motion carried 6 to 0.

Motion by Reid, seconded by Randall, to approve the Pre-Council Meeting Minutes of July 24, 2017, as presented. Upon a voice vote, motion carried 4 to 0 with Councilmember Ford and Mayor Strazdas abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Ansari to read the Consent Agenda. Councilmember Pearson asked that Item F.2, Amendment to the Code of Ordinances, be removed from the Consent Agenda, and Councilmember Reid asked that Item F.1, Stryker Way/Portage Road Traffic Signal and Intersection Project – Engineering Services, be removed from the Consent Agenda. Mayor Pro Tem Ansari indicated that he would be abstaining from Item F.3, FY 2017-2018 Community Development Block Grant and General Fund Contracts, and Mayor Strazdas recused himself from Item F.5, Closed Session. Motion by Reid, seconded by Ford, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 25, 2017:** Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of July 25, 2017, as presented. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Christopher Burns, 5706 Briarhill Court, announced his candidacy for City Council of the City of Portage and provided some of his credentials.

Tim Earl, 6862 Shallowford Way, announced his candidacy for City Council of the City of Portage and provided some of his credentials.

REPORTS FROM THE ADMINISTRATION:

STRYKER WAY/PORTAGE ROAD TRAFFIC SIGNAL AND INTERSECTION PROJECT – ENGINEERING SERVICES: Councilmember Reid summarized this request and asked for an explanation for the citizens of why this contract award did not go out for bid and how this is different from other contracts with the City. Mayor Strazdas deferred to City Manager Shaffer, who indicated that Wightman and Associates is intimately familiar with Portage road infrastructure and the MDOT Grant process involved in this type of situation. He noted that the City received a grant for approximately \$260,000 from the State of Michigan to install a signal on Portage Road to accommodate the new Stryker development on Stryker Way. He mentioned that one task for Wightman and Associates is to coordinate this project from a grant perspective with MDOT in order to meet all of the requirements of the grant; secondly, Wightman and Associates will have to work with Stryker in a very high quality and expeditious manner to completion. He said that the city will have no initial money into this project, so the entire signal will be funded by MDOT; and the amount not funded by MDOT will

initially be funded by Stryker and will be part of the TIFA at the end of the project. He summed up by saying that for reasons of quality, expediency and the City liaison contact with MDOT, this is in the best interest of the City and ensures the project moves along quickly in a high quality manner. He concluded that Wightman and Associates was the firm that could best do this.

Councilmember Reid expressed her appreciation that this information was made public as Portage does a lot of contracting and the bid process is the method used to ensure quality contractors as well as best price; so, when a contract is presented without having gone through the bid process, there needs to be an explanation of why that is being done.

Motion by Reid, seconded by Randall, to approve an engineering services contract with Wightman & Associates, Incorporated, in the amount of \$47,875 for the new Stryker Way/Portage Road Traffic Signal and Intersection Improvements and authorize the City Manager to sign all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

AMENDMENT TO THE CODE OF ORDINANCES: Councilmember Pearson reviewed the item and indicated that the Communication from the City Manager reads that the proposed amendment will not have any significant impact on the Portage community. He explained that changes are not always a problem with large companies because they have staff. He commented how the Fire Department performs great inspections, then focused on the small business people who comment to City Council regarding the voluminous tracking requirements, cost and things that are passed without regard to cost and explained. With that, he asked for the expenses, the time commitments and the extra recordkeeping that will be imposed on small businesses if these amendments to Chapter 34 are passed on August 8, 2017. Mr. Shaffer acknowledged the good questions asked by Councilmembers Reid and Pearson at the Pre-Council Meeting of July 24, and mentioned the two open house seminars presented by the Fire Department to provide education to the public regarding these proposed changes and to obtain feedback.

Mr. Shaffer deferred to Senior Deputy Fire Chief of Operations John Podgorski, who indicated that in this update, no additional cost will be passed on to Small Business owners unlike the last update and explained. He contended that these amendments contain mostly life safety elements compatible with the rest of the Construction Codes, particularly the Building Code. He said that the two Codes intertwine a lot, that the Construction Code was updated in 2015, and that the attempt here is to update the Fire Code to ensure compatibility because staff often works out of two different codes. He confirmed that he is not aware of extra recordkeeping for Mayor Strazdas.

Next, Councilmember Pearson asked if the reference to “Open Burning” in Sections 307 and 105.6.32 affects residents and explained himself. Chief Podgorski explained that the word “permit” was struck out of the International Fire Code because the permit process is performed out of the local ordinance, and otherwise there were no changes for the resident. Discussion followed.

Motion by Pearson, seconded by Ansari, to accept for first reading the proposed amendments to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, and set a public hearing at 7:30 p.m. or as soon thereafter as may be heard on August 8, 2017, to consider final adoption. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

* **FY 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT AND GENERAL FUND CONTRACTS:** Motion by Reid, seconded by Ford, to approve the Fiscal Year 2017-2018 Community Development Block Grant contracts and General Fund Human/Public Services contracts, and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 5 to 0 with Mayor Pro Tem Ansari abstaining.

* **UNSAFE/UNFIT STRUCTURE – RAZE ORDER FOR 1411 WEST CENTRE AVENUE:** Motion by Reid, seconded by Ford, to approve an order by the Construction Board of Appeals to raze and remove the single family home, accessory building and junk/debris located at 1411 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

* **CLOSED SESSION:** Motion by Reid, seconded by Ford, to hold a closed session immediately following the regular meeting to discuss pending litigation and attorney client privileged communications. Upon a roll call vote, motion carried 5 to 0 with Mayor Strazdas recusing himself from the session.

* **JUNE 2017 ENVIRONMENTAL REPORT:** Motion by Randall, seconded by Ansari, to receive the communication from the City Manager regarding the June 2017 Environmental Summary Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the Portage Youth Advisory Committee of June 16, 2017, and the Portage Public Schools Board of Education Minutes of the Regular Meeting of June 26 and Special Meeting of June 27, 2017.

COUNCIL COMMITTEE REPORT:

2017 COMMUNITY SURVEY: At the request of Mayor Strazdas, Councilmember Reid reviewed the discussion of the Council Community Survey Committee. For question number 4, she indicated that the question now reads, "If you feel there is a problem with the Deer Population within the Portage City Limits, which of the following identifies your concerns? (Check all that apply.)" instead of, "If you feel there is a problem with the Deer Population within the Portage City Limits, which of the following issues do you feel should be addressed? (Check all that apply.)" Under the original formulation, she indicated it appeared that the City was going to address these different things in different ways, so changing the verbiage, the question asks why do you think there is a problem and what are your concerns. This allows the City to track whether efforts to manage the deer population are effective on the items that are of the most concern by the citizens.

Next, she recited question number 12 and question number 13 regarding Medical Marijuana and listed the answer options citing the removal of the word "only" after the second answer option in each question because it made the question sound like the City was asking the resident if there was a preference to service only Portage residents, and no people outside of Portage, which is too restrictive when the intent of the question is to help Council determine how many dispensaries and how many of each type of license, if any, there will be in the City of Portage. Discussion followed.

Motion by Randall, seconded by Ansari, to approve changes to the annual survey document as recommended by the City Council Community Survey Committee and authorize the City Manager to execute all related documents. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

RECESS TO GO INTO CLOSED SESSION: 8:10 p.m.

RECONVENE FROM CLOSE SESSION: 8:36 p.m.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Ford expressed his regrets for not being able to attend the Stryker Ribbon-cutting event, but he was at the Kzoo Spartan non-profit golf outing fundraiser. He acknowledged the Tom Haroldson article and pictures on *mLive* saying it looked like a very nice event.

Councilmember Pearson commented that there were approximately 250 people present at the Stryker ribbon-cutting event and, as a Councilmember, what struck him the most were the comments from Stryker indicating that the reason for the expansion of the company is because Portage is a great place to be; in Portage we are concerned about each other; and it's a great community. He also said that they mentioned that they could be in China, but this is a place where people who come to interview like it here and want to raise their families here.

Councilmember Reid indicated that being able to be at the ground breaking of Stryker was very exciting because of what is going to be happening there. She said that Stryker is looking at having the actual opening of the facility at the end of 2019, a full two years. Claudette Reid, 5419 Woodmont, also announced her candidacy for City Council of the City of Portage, provided some of her credentials, and indicated that she is looking forward to the upcoming challenges for the City and for the new Council.

Councilmember Randall extolled praise on Stryker and their decision to expand in Portage, and indicted Stryker is what brought her family here when her Father was recruited and interviewed as a Medical Doctor by Homer Stryker in the early 60's; so, there is a long line of appreciation for Stryker in her family. She also mentioned that the United States Tennis Association (USTA) is sponsoring the Boys 16 & 18 National Tennis Championships at Kalamazoo College, 1200 Academy Street, August 6 through 14, as an opportunity to see competition at a very high level. She commented that this is a huge economic opportunity for the region, a chance for the great hotels and many restaurants of Portage to prosper, and another example of regional cooperation and collaboration. With that, she urged people to attend.

With regard to the groundbreaking ceremony at Stryker, Mayor Pro Tem Ansari commented it is no coincidence that Stryker and Portage have enjoyed a long and fruitful relationship since both have considered each other a partner. He said that the expansion could not have happened without the history of this productive partnership and explained. He praised Homer Stryker and Stryker Corporation.

Mayor Strazdas concurred that the groundbreaking ceremony at Stryker was a great day in Portage, mentioned that he had the privilege of working with the team owing to his engagement with the construction committee and the architecture design committee. He said it was inevitable, good timing and indicated that it is great that it happened this year. In speaking with Lieutenant Governor Brian Calley, he learned that Mr. Calley never connected that the City of Portage was just a mile or two from Kalamazoo, and that there is a Fortune 500 company investing a billion dollars over ten years. He also said he appreciated the fact that the broader Southwest Michigan community can work together, and singled out City Manager Larry Shaffer and Southwest Michigan First as leaders in our community who enable special things to happen through their collaboration. Further, Mayor Strazdas said that Lieutenant Governor Calley recognized that there is some special magic happening in Portage and Southwest Michigan. Mayor Strazdas gave full credit to the City Council as the policymakers who set the tone and explained. He offered his assistance with the transition to the new Council and wished "Good Luck" to the candidates running for Council.

* **MATERIALS TRANSMITTED:** Motion by Randall, seconded by Ansari, to receive the Materials Transmitted of July 17, 2017, and the Department Monthly Reports for June. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:46 p.m.

James R. Hudson, City Clerk

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