

CITY COUNCIL MEETING MINUTES FROM AUGUST 8, 2017

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

At the request of Mayor Strazdas, Father Stan Witek of St. Catherine of Siena Catholic Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

At the request of Mayor Strazdas, 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 Deputy City Manager Rob Boulis, City Attorney Randy Brown and City Clerk James Hudson.

APPROVAL OF MINUTES: Motion by Ford, seconded by Reid, to approve the July 25, 2017 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Urban abstaining. Motion by Pearson, seconded by Randall, to approve the August 7, 2017, Pre-Council Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Reid and Urban abstaining.

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

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF AUGUST 8, 2017:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of August 8, 2017. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

AMENDMENT TO THE CODE OF ORDINANCES: Mayor Strazdas reviewed the request and deferred to Deputy City Manager Rob Boulis, who asked Deputy Fire Chief John Podgorski and Public Safety Chief Nick Arnold for comment and explanation. Chief Podgorski indicated that this is an attempt to update the Fire Code to ensure compatibility with the Construction Code because staff works out of both of these codes and this will align the Fire Code with the Construction Code for compatibility purposes. There being no discussion, motion by Reid, seconded by Ford, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Discussion followed.

Motion by Randall, seconded by Reid, to approve the Ordinance to amend the Code of Ordinances of the City of Portage, Michigan, by amending Section 34-61 of Chapter 34 of the Amendments to the International Fire Code. Upon a roll call vote, motion carried 7 to 0. Ordinances recorded on pages 397 and 399 of City of Portage Ordinance Book No. 12.

REPORTS FROM THE ADMINISTRATION:

* **FEMA CORPORATION, PA 198 TAX ABATEMENT:** Motion by Urban, seconded by Reid, to accept the application for an industrial tax abatement for 1716 Vanderbilt Avenue, and adopt Resolution No. 1-17 setting a public hearing on the expansion of Industrial Development District No. 55 for 1716 Vanderbilt Avenue on August 22, 2017, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 397 of City of Portage Resolution Book No. 46.

* **COPPERLEAF PHASE 2 – FINAL CONDOMINIUM APPROVAL:** Motion by Urban, seconded by Reid, to grant final approval for Copperleaf Phase 2 single-family residential site condominium subject to completion of sidewalks and street trees by November 2019, and Association By-laws be amended to include the Phase 2 Maintenance and Indemnification agreements between the Association and the City of Portage. Upon a roll call vote, motion carried 7 to 0.

* **FINAL PLAN FOR STREAMSONG – PHASE I (715 WEST OSTERHOUT AVENUE):** Motion by Urban, seconded by Reid, to approve the Final Plan for Streamsong – Phase I at 715 West Osterhout Avenue, subject to conditions. Upon a roll call vote, motion carried 7 to 0.

* **DELTA DENTAL PLAN OF MICHIGAN INSURANCE:** Motion by Urban, seconded by Reid, to approve a two-year contract renewal, with the option of one two-year renewal, with Delta Dental Plan of Michigan for employee dental insurance and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **OTHER POST EMPLOYMENT BENEFIT (OPEB) TRUST FUND INVESTMENT AND ADMINISTRATION – CONTRACT RENEWAL:** Motion by Urban, seconded by Reid, to award a three-year contract renewal to Michigan Employees' Retirement System (MERS) for the administration and investment of the Other Post Employment Benefit (OPEB) trust fund and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **FIREWORKS DISPLAY PERMIT – THE CROSSROADS MALL:** Motion by Urban, seconded by Reid, to approve a Permit for a Fireworks Display on August 12, 2017, with a rain date of August 13, 2017, to be conducted by Wade Shows, Inc., and located at Crossroads Mall as part of the "Crossroads Summer Family Festival." Upon a roll call vote, motion carried 7 to 0.

* **FIRE STATION NO. 2 FACILITY REPLACEMENT – ARCHITECTURAL SERVICES CONTRACT:** Motion by Urban, seconded by Reid, to award a contract to Williams Architects of Itasca, Illinois, in the amount of \$232,500 for architectural services for Fire Station No. 2 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SOUTHWEST MICHIGAN FIRST – ECONOMIC DEVELOPMENT CONTRACT:** Motion by Urban, seconded by Reid, to approve a contract in the amount of \$25,000 with Southwest Michigan First to support economic development activities in the City of Portage and authorize the City Manager to execute the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

MICHIGAN MUNICIPAL LEAGUE ANNUAL MEETING: Mayor Strazdas introduced the item and asked for comment from Mr. Rob Boulis, who indicated that the City Council received a communication from the Michigan Municipal League asking for a formal voting representative for the City of Portage at the Michigan Municipal League Annual Meeting. He indicated that City Manager Larry Shaffer would be pleased to attend the meeting and do so with the approval of City Council. Motion by Ford, seconded by Reid, to designate the City Manager as the official City of Portage voting representative for the Michigan Municipal League Annual Meeting. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Historic District Commission of June 7 and July 12, 2017, the Draft Park Board Ad Hoc Bicycle Advisory Committee of July 12, 2017, and the Planning Commission of July 20, 2017.

BID TABULATIONS:

* **2017-2018 LOCAL STREETS RECONSTRUCTION PROJECT – BID TABULATION:** Motion by Urban, seconded by Reid, to award a construction contract for the 2017-2018 Local Streets Reconstruction Program to Michigan Paving & Materials Company of Kalamazoo, Michigan, in an amount not to exceed \$1,038,360.35 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.

* **SUMMER MILL AND FILL PROGRAM PHASE II – BID TABULATION:** Motion by Urban, seconded by Reid, to approve the low bid of \$145,583.17 from Michigan Paving & Materials Company, award Change Order #1 in the amount of \$104,416.51 and award Change Order #2 in the amount of \$59,950.50, for a grand total cost of \$309,950.18 for Summer Mill and Fill Program Phase II asphalt repairs to major and local streets, and authorize the City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SOUTH WESTNEDGE AVENUE RECONSTRUCTION PROJECT – BID TABULATION:** Motion by Urban, seconded by Reid, to award a contract to Abonmarche Consultants, Incorporated, in the amount not to exceed \$182,000 to perform engineering services for the reconstruction of South Westnedge Avenue from Romence Road to Mall Drive 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.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban indicated that he could not attend the last meeting of Council and unfortunately was not able to go on vacation to Rhode Island as planned because he was tending to a family member in the Emergency Room. He said the same issue prevented him from attending the Stryker groundbreaking ceremony. He said he was sorry he could not be there, and he reflected that the past and future of Stryker and the City of Portage have been intertwined before, and are now even more so. He also said he was not able to comment on his decision to run for re-election to City Council at the last meeting. He provided some of his credentials and some of his reasons for seeking another term on City Council.

Councilmember Reid announced that the City of Portage has won the prestigious Telly Award again this year for production and video in the area of promotion for the videos shown before City meetings. She explained that these videos were joint projects between the City of Portage and Public Media Network (PMN). She listed some of the prominent businesses from around the world that have also won Telly Awards and outlined the requirements for submitting an application. She recognized the team who produced the video for their work: Director and Concept Developer Devin Mackinder, Project Lead Colin Wilson, PMN Government Production Specialist Laura Rose and PMN Intern David Shaw. Discussion followed.

Councilmember Randall discussed four positive items on the Agenda earlier: FEMA Tax Abatement Application, Copperleaf Phase II Condominium Project, Streamsong Phase I Condominium Project and the Architectural Services Contract for the Facility Replacement of Fire Station No. 2. She indicated that these positive items were overshadowed by the two recent tragedies in Portage, a twenty year-old bicyclist who was struck by a truck on Portage Road yesterday, and a seven year old boy who was struck by a vehicle near a crosswalk on 12th Street. She noted the waves of fear throughout the bike community and explained Portage has been looking at Portage Road and ways to make it safer for

bicyclists, pedestrians and motorists. She cited the recent application to take the City from Bronze bicycle status to Gold and stressed the requirement to make sure Portage is safe for non-motorized vehicles. She again referred to the seven year old boy and the need to make it safer for pedestrians and runners, and reflected on the need to protect our people and explained. She issued a plea to look at laws and measures that City Council can take to make people safe in our community. She also cited the Streamsong Phase I Condominium Project and the marketing of the proposed sidewalk that leads directly to Schrier Park. She emphasized the need to make sure that the crossing is extremely safe for families who wish to cross Osterhout Avenue to enjoy Schrier Park. She said her heart goes out to all of the families who suffered as part of these two tragedies, including the drivers. Councilmember Pearson concurred.

Councilmember Pearson added that there was no sidewalk on Portage Road which placed the young bicyclist in the bike lane of the roadway; further, the issue of bicyclists not allowed on sidewalks came up at a prior Council Meeting because he and his wife ride their bicycles on the sidewalk on Portage Road south of Centre Avenue and he wanted to know if it was legal or not. He indicated that it is perfectly legal to ride a bike on a sidewalk, especially when safety considerations are in question. He emphasized that this needs to be reported by the local news media by saying that there have been (public) comments on *MLive* that riding bikes on sidewalks is illegal. He stated it was legal and asked that *MLive* report that fact.

Deputy City Manager Boulis urged motorists to drive carefully, look both ways and stay away from cell phones; he asked pedestrians to please pay attention; and, he appealed to bicyclists to do their best to be safe, although he expressed doubt whether the bicyclist in this case could have done anything other than what he was doing to avoid this tragedy.

Mayor Pro Tem Ansari said his heart goes out to the family of Jeremy Smith. He also reminded motorists to be careful not to block intersections, especially where there is construction and backups, such as at Fire Station No. 1 on Shaver Road and the Centre Avenue at Shaver Road intersection.

Mayor Strazdas also expressed his sincere condolences for the family of twenty year old Jeremy Smith of Kalamazoo Township and seven year old Nicholas Moehle of Texas Township. He recognized everyone wants to do something and advised letting the professional Police Department investigate to identify causation, because it is important to get the facts before we react. He stressed that this will enable the City Manager to inform City Council why these things happened in order to assist Council in the decision of what can be done. He concurred with Mr. Boulis and asked that people put the telephones down and pay attention. Discussion followed. He mentioned that he had the opportunity to welcome two more Eagle Scouts into the community and agreed with Councilmember Randal that there are lots of positive things happening in this great community, but noted we have tragedies to consider and reflect upon. Discussion followed.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF JULY 25, 2017:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of Friday, July 25, 2017. Upon a roll call vote, motion carried 7 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:58 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.