CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 10, 2014

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, November 10, 2014.

Mayor Gawron opened the meeting with prayer from Pastor Wally Harrison from Ecclesia after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Dan Rinsema-Sybenga, Byron Turnquist, Ken Johnson, and Eric Hood, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioner Willie German (excused)

2014-85 HONORS AND AWARDS:

A. <u>Recognition of Fall 2014 Citizen's Academy Graduates.</u> PUBLIC SAFETY

Public Safety Director Jeffrey Lewis and Police Community Coordinator Denny Powers presented Resolutions to the fall 2014 Citizen's Police Academy Graduates.

2014-86 CONSENT AGENDA:

A. <u>Approval of Minutes</u>. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the October 28th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. <u>Moratorium on Fees for 2015 Vacant Buildings.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to approve a moratorium on fees charged to owners of vacant buildings that are entering their seventh year billing cycle in 2015. Eligibility requirements for the moratorium of fees charged are proposed to remain the same as 2014.

FINANCIAL IMPACT: Exact amount unknown but should be minimal.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of a fee moratorium for vacant building invoices meeting the approved criteria.

C. <u>Approval of the Housing Development Grant Agreement for Target Market Analysis.</u> COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: The Cities of Muskegon, Norton Shores, Muskegon Heights, along with the County of Muskegon, are interested in pursuing a Target Market Analysis Study to forecast our future housing needs; this will enable each City to have a tool for investors and developers and may lead to future investment. The agreement is with MSHDA for a match up to $15,000 for this study.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve and authorize the Mayor and the City Manager to sign the documents for the analysis study.

D. <u>MetroPCS First Amendment to the Tower Lease Agreement.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approve the staff negotiated amendment to the contract with MetroPCS for tenant equipment upgrades to Nims Street water tower and authorize the Mayor and Clerk to sign said amendment.

MetroPCS Michigan Inc. a Delaware limited liability company and the Department of Public Works have been in negotiations to amend the 2009 Lease Agreement for the Nims Street water tower.

This First Amendment would allow MetroPCS to change the type of antennas and perform other upgrade to its equipment but will not increase the number of antennas currently installed on the tank.

FINANCIAL IMPACT: Monthly rental will increase from $1,970.77 per month to $2,045.77 escalating at the rate of 3% annually for the life of the contract.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this First Amendment to the 2009 Lease Agreement and to authorize the Mayor and Clerk to sign.

E. **<u>New Cingular Wireless Fourth Amended Tower Lease Agreement.</u>** PUBLIC WORKS

SUMMARY OF REQUEST: Approve the staff negotiated amendment to the contract with New Cingular Wireless to add three more antennas to the Marshall Street water tower and authorize the Mayor and Clerk to sign said amendment.

New Cingular Wireless PCS, LLC a Delaware Corporation and the Department of Public Works have been in negotiations to amend the Third Amendment to the 1998 Lease Agreement for the Nims Street and Marshall Street water towers.

This Fourth Amendment would allow New Cingular Wireless to install, on Marshall Street water tower only, up to a total of 12 antennas, 3 additional antennas from the current number of 9.

FINANCIAL IMPACT: Monthly rental will increase from $9,077.54 per month to $9,877.54 escalating at the rate of 3% annually for the life of the contract which ends in 2018.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Fourth Amendment to the 1998 Lease Agreement and to authorize the Mayor and Clerk to sign.

F. **<u>City Legal Services Contract.</u>** CITY MANAGER

SUMMARY OF REQUEST: The contract with Parmenter O'Toole expires December 31, 2014. We are requesting approval of a six-month extension so that the legal service contract could correspond with the City's fiscal year.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the six-month extension.

G. **<u>Amendment to the City Manager's Employment Agreement.</u>** CITY MANAGER

SUMMARY OF REQUEST: This is a request to delete paragraph 3(b) Retirement: Deferred Compensation Proposal of the current employment agreement and amend paragraph 2 Salary to add the current deferred compensation into the current salary.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Spataro, second by Commissioner Johnson to approve the Consent Agenda as read.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

2014-87 NEW BUSINESS:

A. <u>Transmittal of 6/30/14 *Comprehensive Annual Financial Report*.</u> FINANCE

SUMMARY OF REQUEST: The City's *June 30, 2014, Comprehensive Annual Financial Report* (CAFR) has previously been distributed to City Commissioners via email and hard copy. The CAFR is also available on the City's website at www.shorelinecity.com. The CAFR includes the annual independent auditor's report as required by state law. At this time the CAFR is being formally transmitted to the City Commission. The CAFR has been prepared in accordance with all current Governmental Accounting Standards Board (GASB) pronouncements and also includes the single-audit of federal grants received by the City.

FINANCIAL IMPACT: The CAFR report summarizes the City's financial activities for the year and includes the independent auditor's unmodified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Acceptance of the June 30, 2014, CAFR and authorization for staff to transmit the CAFR to appropriate federal, state and private agencies.

Motion by Vice Mayor Spataro, second by Commissioner Hood to accept the June 30, 2014, CAFR and authorize staff to transmit the CAFR to appropriate federal, state and private agencies.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

B. <u>Commission Election Dates.</u> CITY CLERK

SUMMARY OF REQUEST: At the September Worksession Meeting, the City Commission was given the option to move City Commission Elections to even years based on the percentage of voter turn-out. Commission asked this be placed on the November agenda for discussion.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Commission discussed this item and asked that it be brought back to them at a Worksession sometime in the first quarter of 2015.

2014-88 ANY OTHER BUSINESS:

A. On-Street Parking.

This item was discussed and Commission asked staff to prepare an item for the November 25th City Commission Meeting.

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:32 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk