CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 22, 2010

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, Michigan at 5:30 p.m., Tuesday, June 22, 2010.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Gawron after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2010-56 HONORS AND AWARDS:

A. <u>Muskegon Community College Softball Team.</u>

Mayor Warmington presented resolutions to Coach Houseman congratulating him and the Jayhawks on their championship.

2010-57 CONSENT AGENDA:

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

SUMMARY OF REQUEST: To approve minutes for the June 8th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. <u>Fireworks Display Permit for Muskegon Summer Celebration.</u> CITY CLERK

SUMMARY OF REQUEST: West Michigan Burnerz is requesting approval of a fireworks display permit for July 3rd at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

C. Liquor License Request for 885 Jefferson Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Hennessy Operating, LLC to transfer ownership of the escrowed 2009 Class C Licensed Business with Official Permit (Food) located at 7211 E. Apple (Egelston Township) from Morrow's Restaurant, Inc., transfer location (governmental unit) to 885 Jefferson, Muskegon, MI 49440, and a New Additional Bar Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

D. Liquor License Request for 2064 Henry. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Star 8, Inc. (DJ's Pub), 2064 Henry Street to add an Outdoor Service (1 Area), to be held in conjunction with 2010 Class C & SDM Licensed Business with Dance Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

E. Request to Fly the Mexican Flag. CITY CLERK

SUMMARY OF REQUEST: Latinos Working for the Future is requesting permission to fly the Mexican Flag at City Hall on September 18th in honor of Mexico's 200th Independence day.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

F. Sewer Lift Station Pump Control System Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase a Sewer Lift Station Pump Control System from Kennedy Industries for Austin Lift Station at a total cost of $8,360.

FINANCIAL IMPACT: Expenditures for the purchase would come from the Sewer Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To purchase the pump Control System from Kennedy Industries. Kennedy Industries is the single source supplier of Multitrode Pump

Controller Equipment.

G. **Amendments to the Zoning Ordinance – Rules on Banners.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2334, #5 of Article XXIII to modify the rules on banners.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their June 10th meeting.

I. **Amend 2010 Action Plan.** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To authorize the Community and Neighborhood Services office to begin the amendment process of the 2010 Action Plan in order to allocate $10,000 of Community Development Block Grant funding to graffiti removal.

It is the City's position that graffiti is causing a blighted influence on our community and should be aggressively removed. In the past this activity was funded from the General Fund. Because of the current budget shortfall, it is being requested that funding from CDBG be used.

FINANCIAL IMPACT: The $10,000 from CDBG will be added to the $4,000 budgeted for graffiti removal for the 2010-2011 budget year, for a total of $14,000 for graffiti removal.

BUDGET ACTION REQUIRED: The amendment of the 2010 budget.

STAFF RECOMMENDATION: To approve for the CNS office to begin the amendment process of the 2010 Action Plan to include Graffiti Removal.

J. **Request Additional NSP Funds from MSHDA.** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for the Community and Neighborhood Services office to submit an application to the Michigan State Housing Development Authority (MSHDA) for additional Neighborhood Stabilization Program (NSP1) funds.

MSHDA has notified communities that additional funding is available on a competitive basis. Several cities and non-profits have not been able to commit and/or spend the funding in a timely fashion. MSHDA has no other option but to recapture and redistribute the available funding. All NSP recipients are required to have the funding spent by June 2012.

The CNS office will be requesting an additional $1,000,000. The funding will be used to continue the City's Neighborhood Stabilization efforts, which include demolition of blighted and abandoned housing, total rehabilitation of blighted, abandoned and foreclosed properties, development of green space and new infill housing.

FINANCIAL IMPACT: If approved by MSHDA, the City will have an additional $1,000,000 to use to help with stabilization of its neighborhoods.

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: The City Commission has previously approved the initial NSP1 application for $1.4 million.

K. <u>Consumer's Energy Grant for Academic Olympics.</u> COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for the Community and Neighborhood Services office to submit a grant request to the Consumer's Energy Foundation in the amount of $5,000. The funding will be used to assist with the cost of developing the 2010 Muskegon Unity Academic Olympics. The Third Annual Muskegon Unity Academic Olympics is scheduled to take place on Saturday, August 28, 2010, at Nelson Elementary School field.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: The City Commission approved for the CNS office to submit a grant request in 2008. This year's event has been discussed with the Citizen's District Council.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the Consent Agenda as presented minus item H.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

2010-58 ITEM REMOVED FROM THE CONSENT AGENDA:

H. <u>Towing Contract.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: Proposals have been accepted for the towing contract with the City. This contract will go into effect on June 24, 2010. Proposals were submitted by the following companies:

1. All Pro Towing and Recovery, 2930 E. Apple, Muskegon 49442
2. Baxter's Towing and Storage, 5333 Airline, Muskegon 49444
3. Central Towing, 710 Alberta, Muskegon 49441
4. Reliable Towing, 1288 Ninth Street, Muskegon 49440
5. Stafford's Towing, 1410 Russell Road, North Muskegon 49445

6. ASAP Towing, 501 W. Hovey, Muskegon Heights 49444
7. Hansen Towing, 5445 Fisher, Wyoming 49548
8. Ramos Towing, 2444 Getty, Muskegon 49444

A bid from Campbell's Towing was not accepted as it was submitted after the submission deadline.

Based upon the proposals that were submitted, the overall low bid was entered by All Pro Towing, 2930 E. Apple Avenue. I am recommending that the Commission approve a contract with All Pro.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the towing contract with All Prow Towing and Recovery.

ROLL VOTE: Ayes: Gawron, Spataro, and Warmington

Nays: Carter, Shepherd, Wierengo, and Wisneski

MOTION FAILS

Motion by Commissioner Spataro, second by Vice Mayor Gawron to reject all bids and rebid this contract.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Shepherd to request an extension from our current supplier and call a Special Meeting if the extension cannot be obtained.

ROLL VOTE: Ayes: Shepherd, Spataro, Wierengo, Wisneski, and Carter

Nays: Warmington and Gawron

MOTION PASSES

2010-59 NEW BUSINESS:

A. Viridian Drive Extension: Development Agreement Between the City of Muskegon ("City) and Grand Valley State University ("GVSU"), Agreement for the Donative Conveyance of Real Property Between the City of Muskegon and Viridian Properties, LLC, Agreement for the Donative Conveyance of Real Property Between the City of Muskegon and Parkland Acquisitions, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In order to extend Viridian Drive between Harbor 31 (Dan Henrickson/developer) and Shoreline Inn & Suites (Jon Rooks/developer), a partnership is necessary between the parties. Mr. Henrickson and Mr. Rooks will donate the necessary property to GVSU, who will then donate the property needed for the extension, to the City. GVSU will pay for the extension costs (as well as legal and outside engineering costs) and the City will design and bid the project, as well as manage the construction process. The City will also pay for the extension of the water main.

FINANCIAL IMPACT: The City will pay for in-house design and construction management, as well as extension of the water main and long-term maintenance of the roadway.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Development Agreement between the City and GVSU and the two "Donative Conveyance" Agreements between the City and Viridian Properties, LLC and the City and Parkland Acquisition, LLC and authorize the Mayor and Clerk to sign the Agreements, as well as any other necessary documents (as outlined in the Agreement) to complete the project.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Development Agreement between the City and GVSU and the two "Donative Conveyance" Agreements between the City and Viridian Properties, LLC and the City and Parkland Acquisition, LLC and authorize the Mayor and Clerk to sign the Agreements, as well as any other necessary documents (as outlined in the Agreement) to complete the project.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Warmington requested that discussion be held at the August Worksession reference Water Filtration Consortium.

PUBLIC PARTICIPATION: Various comments were heard.

ADJOURNMENT: The City Commission Meeting adjourned at 6:37 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk