

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, April 18, 2022 at 7:00 p.m. in the City Commission Chambers at City Hall.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Don Cooney
Qianna Decker
Jeanne Hess
Stephanie Hoffman
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT:

None

Also present were Deputy City Manager Jeff Chamberlain, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Invocation

The invocation, given by Bishop Daniel S. Cunningham of the Empowerment Center, was followed by the Pledge of Allegiance.

Adoption of the Agenda

By unanimous consent the City Commission adopted its meeting agenda with the following changes:

- Commissioner Decker requested that Item G-8, approval of a contract for the 2022 sidewalk improvement program, be moved to the Regular Agenda.
- A member of the public requested that Item G-10, reappointments to the Community Development Act Advisory Committee, be moved the Regular Agenda.

Communications

City Manager Ritsema reported he had attended the memorial service for former Public Safety Officer Eric Zapata, who was killed in the line of duty in 2011.

Public Comments

Next, when an opportunity was given for general public comments, the following people addressed the City Commission:

In Person Comments

Tina McClinton, City resident, asked the City to recognize Southtown as an official neighborhood and that the City repair sewers to fix the recurring flooding in this area.

An anonymous speaker made comments about the proposed Community Benefits Agreement (CBA) with Graphic Packaging International (GPI) and stated GPI was not giving enough and could do better.

An anonymous speaker made comments about the proposed CBA with GPI and stated there were no real benefits for the community in the agreement.

Jack Urban, City resident, spoke about the proposed CBA with GPI and stated the agreement was the most thorough and extensive benefits agreement the City Commission had ever seen. Mr. Urban asked the City Commission to monitor and report on GPI's performance of the agreement.

Ben Stanley, City resident, read from a complaint made against him by a City employee and spoke about the offensiveness and inappropriateness of the comments in the complaint. Mr. Stanley spoke about various issues he had with the City.

Call-In Comments

Timothy expressed opposition to the proposed CBA with GPI and asked about GPI paying to relocate residents who lived near the plant and provide inhalers.

Kyle White, non-resident, stated GPI was committing environmental injustice.

Adrian expressed opposition to the proposed CBA with GPI and asked about GPI paying to relocate residents who lived near the plant.

Brandi Crawford-Johnson, non-resident, spoke about the proposed CBA with GPI and stated the agreement did nothing to address community health and environmental racism.

An anonymous caller requested that GPI pay to relocate residents of the Northside Neighborhood.

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An anonymous caller requested that GPI pay to relocate them.

Audrey, a City resident, expressed opposition to the proposed CBA with GPI and asked that the City Commission respond to Ms. McClinton.

A resident at 1602 Krom requested that GPI pay to relocate them. The caller indicated there was a post on Facebook encouraging people to call and request relocation payments.

DeAnn Winfield, City resident, requested that GPI pay to relocate her.

At 7:39 p.m. Mayor Anderson opened a public hearing to receive comments on a resolution adopting a final Project Plan for water system improvements and identifying James J. Baker, P.E. as the authorized representative to apply for a State of Michigan Drinking Water Revolving Fund Loan.

Public Services Director James Baker delivered a presentation on the proposed Project Plan and responded to questions from City Commissioners.

When an opportunity was given for public comments on the Project Plan, the following people addressed the City Commission:

An anonymous speaker
Tina McClinton, City resident
Fred Lawrence, City resident
Nehemiah Scudder, City resident

A transcript of Director Baker's presentation, Commissioner questions, Director Baker's responses, and public comments was filed with the papers for this meeting.

Public Comments
(cont'd)

2022-00

Public Hearing re: a
Project Plan for Water
System Improvements

2022-00

Resolution 22-21
Adopting a Final Project
Plan for Water System
Improvements

At 8:07 p.m. Mayor Anderson closed the public hearing.

Vice Mayor Cooney, seconded by Commissioner Hess, moved to adopt a **RESOLUTION** adopting a final Project Plan for water system improvements and identifying James J. Baker, P.E. as the authorized representative to apply for a State of Michigan Drinking Water Revolving Fund Loan.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items and authorize the City Manager to sign all documents on behalf of the city:

2022-00

- approval of a contract supplemental for the purchase of powdered activated carbon from SNR Technologies in the amount of \$149,672.

2022-00

- approval of a contract with Mall City Mechanical for Kik Pool building upgrades in the amount of \$168,061.

2022-00

- approval of a contract supplemental and change order with Wightman & Associates for the Water Pump Station 5 Reconstruction Project in the amount of \$199,800.

2022-00

- approval of a one-year contract with Waste Management of Michigan for the rental, placement, and removal of roll-off containers and disposal of all street sweeping materials deposited in those containers in the amount of \$222,240.

2022-00

- approval of a contract with JV Contracting Inc. for pavement line striping & specialty pavement marking in the amount of \$225,650.

2022-00

- approval of a contract with Ferguson Water Works to provide and install Neptune Water Meters in the amount of \$627,318.59.

2022-00

- approval of a purchase order with Balkema Excavating, Inc. for the 2022 New Water Service Installation Project in the amount of \$1,049,063.30.

2022-00

- approval of the Mayor's reappointments to the Northside Cultural Business District Authority Board:
 - the reappointment of Kiar Gamsho for a term expiring on March 31, 2025.
 - the reappointment of Damian Henderson for a term expiring on March 31, 2025.
 - the reappointment of Ricky Thrash for a term expiring on March 31, 2025.

Commissioner Juarez, seconded by Commissioner Decker, moved to approve the consent agenda requests and authorize the City Manager to sign all related documents on behalf of the City.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

Regular Agenda items were considered next.

Parks and Recreation Director Patrick McVerry, Kalamazoo Youth Development Network (KYDNet) Executive Director Meg Blinkiewicz, and Public Safety Chief Vernon Coakley provided an overview of the Youth Development Fund – Phase I, which included support for the creation of a Police Athletic League and expanded summer youth programming through a Request for Proposal (RFP) for program service providers. Ms. Blinkiewicz stated April 22nd was the deadline for RFP responses.

In response to questions from Commissioners, Director McVerry, Ms. Blinkiewicz, and City Manager Ritsema provided the following information:

- the RFP required that organizations have 501(c)(3) status with the Internal Revenue Service. KYDNet was working to match non-501(c)(3) organizations who wanted to provide programming with existing 501(c)(3) organizations who were willing to partner in this work.
- the proposed funding was for the 2022 summer season; the City should wait and see how many proposals were received before trying to decide if additional funding could or should be allocated.
- the reference in the Agenda Report to an “initial estimate for funding” of \$500,000 was for the establishment of the Police Athletic League.
- program sustainability was an acknowledged issue and would be addressed in Phase II of the Youth Development Fund.
- KYDNet had a three-year plan for increasing sustainability and capacity for non-profits, including raising wages to set the tone for the entire sector.

Commissioner Hoffman encouraged the City to work with grassroots organizations that did not have the capacity to do marketing, especially black/indigenous/people of color (BIPOC) organizations.

Vice Mayor Cooney noted the Youth Development Fund was trying to reach young people who had not participated in the recreation programs before.

Commissioner Hess remarked that young people were the demographic group that had been most affected by the COVID-19 pandemic.

Commissioner Juarez stated this was a step forward towards empowering future leaders and investing in the youth of the community.

When an opportunity was given for public comments on a budget amendment to allocate \$1 million dollars of ARPA funding for Phase I of the Youth Development Fund, the following people addressed the City Commission:

Consent Agenda
(cont'd)

Regular Agenda

2022-00

Budget Amendment for
Phase I of the Youth
Development Fund

2022-00

Budget Amendment for
Phase I of the Youth
Development Fund
(cont'd)

Eric Cunningham, City resident, expressed support for the proposed funding and encouraged Director McVerry to increase his budget every year. Mr. Cunningham spoke about the need to reach out to organizations that had not heard about the RFP.

Nehemiah Scudder, City resident, stated the City should use some of the fund to help the Eastside Neighborhood.

An anonymous speaker expressed support for the proposed funding and offered remarks on the difficulties he had experienced while trying to get documents as a member of the Parks and Recreation Advisory Board.

In response to a request from Vice Mayor Cooney, Ms. Blinkiewicz stated she would extend the RFP deadline for an additional week, and she encouraged potential applicants to contact her with questions about the process.

Commissioner Juarez, seconded by Commissioner Hess, moved to approve a budget amendment to allocate \$1 million dollars of ARPA funding for Phase 1 of the Youth Development Fund.

Discussion followed regarding organizations that did not have 501(c)(3) status and how they might be able to participate in the RFP process.

City Manager Ritsema asked Ms. Blinkiewicz to remove the requirement for 501(c)(3) status from the RFP.

Mayor Anderson thanked the members of the Youth Development Subcommittee for their work.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-00

Community Benefits
Agreement with
Graphic Packaging

Community Investment Manager Antonio Mitchell provided background information on the tax abatement extension granted to Graphic Packaging International (GPI) in October of 2021 and the development of a Community Benefits Agreement (CBA) as a condition of that extension.

In response to questions from City Commissioners, Community Investment Manager Mitchell, Director Baker, and Andrew Johnson, Vice President of Governmental Affairs for GPI, provided the following information:

- the proposed CBA could be amended.
- the proposed multi-use site had not been identified, but it would be located within the Northside Neighborhood.
- work on a health study being conducted by the Michigan Department of Energy, Great Lakes, and the Environment (EGLE) was on-going, and there was no date or timeframe for the release of that final report.

- the job of the Community Relations Liaison was to help GPI get an understanding of the community's expectations with regard to GPI and the CBA.
- the \$60,000 for the Community Grant Fund was separate from, and not a source of funding for, the other community benefits (the Community Engagement Liaison, the Job Fairs, and the Multi-Use Site Improvements).
- the Community Engagement Liaison would be a contracted position at first, as GPI did not know whether the community wanted this person to be a full-time employee.
- health and safety issues were not discussed during the development of the CBA, as the initial issue was how GPI could gain the trust of the community. The Community Engagement Liaison would be involved with GPI's relationship with the community.
- the development of a CBA was a response to the 53rd City Commission's desire to see GPI more involved in the community. The idea of having a CBA was a new idea.
- the public comments on this item did show a lack of community trust in GPI; that lack of trust was due to the absence of a relationship between GPI and the community for over 100 years. The CBA was a commitment to build that relationship.
- whether emissions from GPI had, or were, causing health issues had not yet been determined; that was the purpose of the EGLE study.
- the source of the idea that relocation funds were available from GPI was unknown.
- from GPI's perspective, the purpose of the CBA was to do what was possible in eight months to build a relationship with the community.
- the City Commission was not bound by the actions of the previous Commission; the City Commission had the ability to do what it wanted to with the CBA.

Commissioner Juarez stated it was premature to enter into a CBA because the City did not have enough information on health impacts to hold GPI accountable.

Commissioner Hoffman quoted Dorla Bonner, Director of Diversity, Equity, and Inclusion (DEI), and stated the City needed to be "transformational, not transactional." Commissioner Hoffman questioned why elements like help with healthcare costs, and DEI goals for GPI were not part of the agreement.

Vice Mayor Cooney remarked that GPI had given benefits to the greater Kalamazoo community over the years, but at the expense of the Eastside and Northside Neighborhoods. Vice Mayor Cooney offered the following items for possible inclusion in a CBA: odor elimination; a strong commitment to hiring from the surrounding neighborhoods; and DEI goals for GPI. Vice Mayor Cooney stated a CBA was not needed for GPI to do the work of dialoguing with residents of the Northside Neighborhood.

2022-00

Community Benefits
Agreement with
Graphic Packaging
(cont'd)

2022-00

Community Benefits
Agreement with
Graphic Packaging
(cont'd)

Commissioner Praedel noted the City and GPI had not turned their backs on each other, and there was a present opportunity to be creative and do more to address the community's concerns about health and quality of life issues.

City Attorney Robinson explained that the term of the CBA was tied to the length of the tax abatement, which would expire at the end of the year. City Attorney Robinson stated the CBA would go away when the tax abatement expired.

Discussion took place about whether to reject the proposed CBA and ask GPI to return with a more substantive agreement.

City Attorney Robinson and City Manager Ritsema noted the City Commission had limited leverage to compel GPI to develop a more substantive CBA, as it would be GPI's decision whether to seek an extension of their tax abatement. If GPI did not seek an extension of the abatement there would be no basis for having a CBA.

Additional discussion took place.

Commissioner Decker stated the Commission was united for the health of City residents, and she indicated she was interested in the results of the health study. Commissioner Decker offered tree planting and the hiring of a second Community Engagement Liaison as possible elements of a revised CBA.

Mayor Anderson reviewed the history of the GPI tax abatement and what the City and GPI had done, and were doing, to address various issues related to the operation of their facilities. Mayor Anderson stated the question for him was whether the proposed agreement was enough for the time being. Mayor Anderson observed there were probably not enough votes to approve the proposed CBA and suggested postponing action on the agreement to a date certain.

Commissioners Hoffman and Juarez expressed support for postponement.

In response to a question from Mayor Anderson, Mr. Johnson stated transformational initiatives would not happen in eight months. Mr. Johnson indicated more time and a vision were needed for transformation to happen. Mr. Johnson announced GPI had already hired former City Commissioner Eric Cunningham to be the Community Engagement Liaison.

Commissioner Juarez stated the GPI response should not be bound by time constraints.

Commissioner Praedel remarked on the short timeframe for accomplishing anything with a CBA in 2022, especially if action on the agreement were postponed for a month, and he suggested the City Commission put off consideration of a CBA until GPI requested renewal of their abatement.

Vice Mayor Cooney and Commissioner Decker expressed support for Commissioner Praedel's suggestion.

City Manager Ritsema and Mr. Johnson stated they needed to know the City Commission's expectations – what they wanted in a CBA.

City Attorney Robinson suggested the City Commission consider granting a longer abatement in conjunction with a robust CBA to give GPI more time to do transformational work.

Commissioner Juarez suggested offering a three-year abatement in conjunction with a robust CBA.

Commissioner Praedel questioned whether the City Commission could vote to postpone action until consideration of the next abatement extension.

City Attorney Robinson reviewed the approval structure laid out in the current abatement resolution and noted that the City Commission would need to consider renewing the abatement in September or October to meet the application deadline set by the state. City Attorney Robinson also explained that voting to postpone to a date certain would require the City Commission to consider the current proposed agreement (not a different one) on the date specified, whether or not an extension request from GPI was ready for consideration on that date. City Attorney Robinson stated a vote to postpone indefinitely would effectively get rid of the proposed CBA without requiring Commissioners to vote against it.

Vice Mayor Cooney stated the City Commission had deep concerns about GPI's operations and their effect on peoples' lives, and that was the first issue that needed to be addressed.

Mr. Johnson described GPI's efforts to address health concerns and noted the company would not be able to react to some issues until the EGLE health study report was released.

City Manager Ritsema stated staff would give the Commission plenty of time to publicly review and consider a new CBA and would not present it for the first time at the same meeting where approval of an abatement extension was being requested.

City Attorney Robinson suggested the Commission give the City Manager informal direction regarding the CBA, as was often done with other matters, rather than take formal action.

Commissioner Hess stated City Manager Ritsema and GPI deserved to have the Commission give them guidance.

In response a question from Community Investment Manager Mitchell, City Attorney Robinson stated no action was required on the proposed CBA.

When given an opportunity to comment on a Community Benefits Agreement between Graphic Packaging International, LLC and the City of Kalamazoo, the following people addressed the City Commission:

An anonymous speaker spoke about the impacts of GPI on the community and remarked that GPI would return with an agreement that offered more to the community, if they were an honest employer.

Mayor Anderson asked for a motion to approve the Community Benefits Agreement, but no motion was offered. The item died for lack of a motion.

2022-00

Community Benefits
Agreement with
Graphic Packaging
(cont'd)

2022-00

Ordinance 2048
Authorizing Water
Supply System
Revenue Bonds

Regarding an ordinance authorizing water supply system revenue bonds, Management Services Director and CFO Steve Vicenzi noted a correction would be made to the certification statement at the end of the ordinance prior to signing to remove a reference to an expired executive order from Governor Whitmer.

An opportunity was given for public comments on an ordinance authorizing water supply system revenue bonds, Series 2022B in an amount not to exceed \$5,000,000, but no comments were offered.

Commissioner Juarez, seconded by Commissioner Hess, moved to adopt an **ORDINANCE** Authorizing Water Supply System Revenue Bonds, Series 2022B in an amount not to exceed \$5,000,000.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

2022-00

Contract for the
Sidewalk Improvement
Program

Commissioner Decker expressed support for the Sidewalk Improvement Program and asked to know where the repairs would be made.

In response to Commissioner Decker, Director Baker described the Sidewalk Improvement Program and stated the 2022 program included four miles of repairs in the Northside, Vine, Oakwood, and Milwood Neighborhoods.

In response to a question from Commissioner Praedel, Director Baker explained the decision between replacing and repairing sidewalks was made with an eye to maximizing the funds available. Director Baker stated replacement was used when the condition of the sidewalk was poor, or the amount of sidewalk needing repair was extensive; repair was used where the damage was not as bad and there was a limited number of sections needing repair.

Commissioner Juarez, seconded by Commissioner Decker, moved to approve a contract with Anlaan Corporation for the 2022 Sidewalk Improvement Program in the amount of \$1,152,771

When an opportunity was given for public comments on this motion, the following people addressed the City Commission:

An anonymous speaker stated the City needed to help the Eastside Neighborhood before it spent money on youth and sidewalks.

Ben Stanley expressed hope that the City would talk about bike-ability and the different forms of transportation people used to get around town.

Jeff Messer, City resident, expressed appreciation to the Foundation for Excellence (FFE) for funding sidewalk repairs and requested that Public Safety Officers enforce the laws against parking on sidewalks.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

When an opportunity was given for public comments on reappointments to the Community Development Act Advisory Committee, the following people addressed the City Commission:

Ben Stanley questioned how the City Commission could reappoint a County Commissioner to CDAAC and spoke about people being in “the club”.

Tami Rey stated she was serving her last term on CDAAC and had been on CDAAC longer than she had been a County Commissioner.

Commissioner Hess, seconded by Commissioner Hoffman, moved to approve the following reappointments to the Community Development Act Advisory Committee:

- the reappointment of Candice Howell as an At-Large Representative for a term expiring on March 31, 2024.
- the reappointment of James Martin as an At-Large Representative for a term expiring on March 31, 2025.
- the reappointment of Tami Rey as an At-Large Representative for a term expiring on March 31, 2023.
- the reappointment of Margaret Wilson as Vine Neighborhood Representative for a term expiring on March 31, 2023.

With a roll call vote the motion passed unanimously.

AYES: Commissioners Decker, Hess, Hoffman, Juarez, Praedel, Vice Mayor Cooney, Mayor Anderson

NAYS: None

City Manager Ritsema announced that Dorla Bonner, Director of Diversity, Equity, and Inclusion, was retiring on June 3rd. City Manager Ritsema indicated he would be working on a transition plan.

City Clerk Borling encouraged citizens to vote in the May 3rd election and explained how to receive and return an absentee ballot.

Finally, an opportunity was given for miscellaneous comments from City Commissioners.

Commissioner Juarez expressed appreciation for the candid conversations that had occurred during the meeting and stated the people made the city.

Commissioner Decker commended the Kalamazoo Department of Public Safety for their pro-active work with ex-offenders. Commissioner Decker remarked on Water Week and the hiring of a new Neighborhood Activator.

2022-00

Contract for the Sidewalk Improvement Program (cont'd)

2022-00

Reappointments to the Community Development Act Advisory Committee

City Manager's Report

City Clerk's Report

Commissioner Comments

Commissioner
Comments (cont'd)

Commissioner Praedel spoke about litter and urged people to pick up trash when they saw it. Commissioner Praedel highlighted Vote411.org as a source of information for voters, including registration status and sample ballots. Commissioner Praedel noted the City had received unanticipated revenue from the state for the marihuana excise tax, and he suggested some of the funds be used to ensure the City Clerk's Office had the staffing to process marihuana business permit applications.

Commissioner Hoffman expressed appreciation for the dialogue that had taken place. Commissioner Hoffman stated the City Commission would not "rubber stamp" recommendations; rather, the Commission would be looking at inequalities that had existed for decades.

Commissioner Hess offered well-wishes to Director Bonner. Commissioner Hess invited people to attend a virtual engagement session on April 27th for the Sustainability Plan.

Vice Mayor Cooney stated he was thankful for the good work of the City Commission.

Mayor Anderson stated he would be talking with Commissioners about the process for filling the position of retiring City Attorney Clyde Robinson.

Adjournment

The meeting adjourned at 11:19 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

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