

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, April 3, 2023 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 City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Invocation

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

Proclamation
2023-16-01

Commissioner Hoffman proclaimed April 2023 *Kalamazoo Valley Community College Month*. Dannie Alexander, Vice President for Campus Planning and Operations, received the proclamation.

Adoption of the Agenda

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

Commissioner Praedel requested that Item G-1, a contract with Smith Group for design and planning services related to the Downtown Placemaking Design Project, be moved to the Regular Agenda.

Public Comments

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

In-Person Comments

The following people expressed support for City Attorney candidate Lewis Smith and encouraged the City Commission to select Mr. Smith as the next City Attorney:

2023-16-02

Cathy Phason, non-resident. A copy of Ms. Phason's written remarks was filed with the papers for this meeting.

Ellen Nelson, City resident

Pat Vinge, City resident

An anonymous speaker, City resident

Kaleb Beiter, non-resident

Rochelle Habeck, City resident

Charlae Davis, City resident and Executive Director of the Interfaith Strategy for Action and Advocacy and Action in the Community (ISAAC)

Irving Quintero, City resident

Matt Smith, City resident

Andrew Chaponda, City resident

Wendy Fields, City resident and President of the Kalamazoo Metropolitan Branch of the NAACP

Call-In Comments

An anonymous caller spoke about problems with the water system and questioned why the City was not spending money to solve these problems.

Tina, a City resident, asked the City to address flooding and fix the storm sewers in the Crosstown Parkway corridor.

The following people expressed support for City Attorney candidate Lewis Smith and encouraged the City Commission to select Mr. Smith as the next City Attorney:

Tobi Hanna-Davies, City resident
Maggie Adams, City resident
Ashante Collins, City resident

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

- approval of a contract with Rieth-Riley Construction Company for improvements to Maple Street between Park and Burdick Streets in the amount of \$202,000.80.
- approval of a contract with PK Contracting for pavement marking for a not to exceed amount of \$265,605.
- approval of a change order to the contract with CHOP Tree Services in the amount of \$311,520 for services provided in response to the 2023 emergency winter ice storm.
- authorization for the City Manager to enter into contracts with ice control salt suppliers as awarded by the State of Michigan for the 2023-2024 winter season requirements in an amount not to exceed \$500,000.
- approval of a contract extension with Ferguson Water Works to provide Neptune Water Meters in the amount of \$800,000.
- approval of a contract with SWT Excavating for construction of the Big Rock Water Main Extension in the amount of \$823,011.37.
- adoption of **RESOLUTION** setting a public hearing for May 1, 2023, to adopt the Program Year 2023 Action Plan as required by the U.S. Department of Housing and Urban Development.
- approval of an agreement with Southwest Michigan First for a sub-grant award in the amount of \$500,000 through the Michigan Economic Development Corporation's Revitalization and Placemaking Program to support the Phase II Redevelopment of the Kalamazoo Farmer's Market.
- approval of an agreement with Kalamazoo Neighborhood Housing Services for a grant in the amount of \$696,000 from the Healthy Homes supplemental funding for radon and air quality remediation.

Public Comments
(cont'd)

Consent Agenda

2023-16-03

2023-16-04

2023-16-05

2023-16-06

2023-16-07

2023-16-08

2023-16-09
Resolution 23-18

2023-16-10

2023-16-11

2023-16-12

- approval of a Memorandum of Understanding with Kalamazoo County Land Bank for the demolition of the former bingo hall structure at 328 East Stockbridge Avenue at an approximate cost of \$185,000.

2023-16-13

- authorization for the City Manager to sign a Metropolitan Extension Telecommunications Right of Way Oversight (METRO) Act Right-of-Way Permit with Level 3 Communications, LLC.

2023-16-14

- approval and acceptance of public utility easements with Kendall Electric, Inc., Abbey Farms Development Co., LLC, and Pavilion MRD, LLC for water main installed as part of the Abbey Farms Development Project.

Commissioner Juarez, seconded by Commissioner Hess, 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

*At the time of the vote, Commissioner Decker abstained from voting on Item G-11, an MOU with the Kalamazoo County Land Bank for the demolition of the former bingo hall structure at 328 East Stockbridge Avenue.

**At the time of the vote, Commissioner Praedel abstained from voting on Item G-8, a resolution setting a public hearing for the Program Year 2023 Action Plan, due to a conflict of interest because of his employer.

Regular Agenda

Regular Agenda items were considered next.

2023-16-15

Agreement with KNHS
for the Lead-Based Paint
Abatement Program

Housing Development Supervisor Sharilyn Parsons provided an overview of a grant to Kalamazoo Neighborhood Housing Services (KNHS) to abate lead in 126 homes as a part of the Lead-Based Paint Reduction Program.

In response to questions from City Commissioners, Housing Development Supervisor Parsons provided the following information:

- the length of time to complete a lead abatement project depended on the amount and type of lead in a home. There were a limited number of contractors certified to perform lead abatement, and this caused delays between the identification of a lead hazard and the beginning of remediation work. The City was offering training so that more contractors could be certified to remove lead-based paint.
- the program allowed for 10 days of relocation costs, but residents involved with the program were asked to tap into their support network first to find a place to stay while waiting for the remediation work to be completed. If necessary, there were other funds available to help with relocation costs if they had no place to go after the 10 days.

- the program would target homes in the City's core neighborhoods.
- residents did not need to own the home to qualify for the program; the main criteria was that a child under 6 must be living in the home.

An opportunity was given for public comments on an agreement with Kalamazoo Neighborhood Housing Services for a grant in the amount of \$3,522,609.65 for lead-based paint remediation, but no comments were offered.

Commissioner Hoffman, seconded by Commissioner Juarez, moved to approve an agreement with Kalamazoo Neighborhood Housing Services for a grant from the Lead-Based Paint Hazard Reduction Program in the amount of \$3,522,609.65 for lead-based paint remediation.

Prior to a vote on the motion, Commissioner Praedel noted the Commission had approved \$696,000 for air quality abatement on the Consent Agenda. Commissioner Praedel remarked this program would be important to the 126 families it helped, and he shared the situation of a family that was working with Community Homeworks and dealing with lead paint in their home.

Commissioner Juarez remarked on this program's positive impact for diversity, equity, and inclusion (DEI) and the City's core neighborhoods.

Mayor Anderson noted the City did not do property rehabilitation or remediation work, and he highlighted the importance community partners like KNHS.

With a roll call vote the motion passed unanimously.

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

NAYS: None

Commissioner Praedel stated he had requested this item be moved the Regular Agenda because he had a procedural question, but he felt confident in the process.

Commissioner Hess, seconded by Commissioner Decker, moved to approve a contract with Smith Group for design and planning services related to the Downtown Placemaking Design Project in the amount of \$178,950.

With a roll call vote the motion passed unanimously*.

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

NAYS: None

*During the vote, an opportunity was given for public comments on this item, but no comments were offered.

City Manager Ritsema highlighted the following projects, events, and opportunities happening in the near future: the repaving of Stadium Drive near downtown; spring curbside brush pickup; bulk trash drop-off days at Republic Services; registration for Parks and Rec youth programs; and hydrant flushing.

2023-16-15

Agreement with Kalamazoo Neighborhood Housing Services for the Abatement of Lead-Based Paint (cont'd)

2023-16-16

Contract for Planning Services re: the Downtown Placemaking Design Project

2023-16-17

City Manager's Report; 2022 Q4 Odor Task Force Report

2023-16-17

City Manager's Report;
2022 Q4 Odor Task
Force Report (cont'd)

Public Services Director James Baker and Darren Riley from JustAir delivered a presentation entitled *City of Kalamazoo – April 3, 2023 OTF Quarterly Update: Odor Mitigation and Response*. A copy of the slides from this presentation was filed with the papers for this meeting.

In response to questions from City Commissioners, Director Baker and Mr. Riley provided the following information:

- the JustAir sensors were scheduled to be installed by the end of May.
- the JustAir sensors and the City's existing odor sensors measured different pollutants. The JustAir system was also different because it offered alerts and action recommendations for the public.

2023-16-18

Selection of a City
Attorney Candidate

Mayor Anderson provided background information on the City Attorney search process and asked for Commissioner input on how to move forward with their discussion and the selection of a candidate.

City Commissioners provided the following comments and remarks:

Vice Mayor Cooney stated Ivars Steins did not have the municipal law experience for the City Attorney position; Aaron Leal had the experience and background for the position; and both Mr. Leal and Lewis Smith had the competence for the job. Vice Mayor Cooney stated Kalamazoo needed someone who had dealt with struggle and working for justice; someone who was familiar with the issues facing the City; and someone who was representative of the City. Vice Mayor Cooney stated Mr. Smith had that record, and he expressed support for Mr. Smith to be the next City Attorney.

Commissioner Juarez stated Mr. Leal had the experience to do the job right now, whereas Mr. Smith had the ability but would need time to learn the job. Commissioner Juarez stated the City Commission needed to lead on the issue of racism. Commissioner Juarez noted the City Attorney took direction from the Commission, and the Commission needed to manage the City Attorney differently if something was wrong. Commissioner Juarez remarked the City needed a City Attorney who could step right into the role, and while both Mr. Leal and Mr. Smith could do the job, Mr. Leal answered the interview questions more fully, which set him apart from the other candidates. Commissioner Juarez expressed support for Mr. Leal as the next City Attorney. Commissioner Juarez talked about community trust being a two-way street and remarked that trust was not just a matter of peoples' opinions being appeased.

Commissioner Hoffman stated the City needed someone who would be creative and bodacious; someone who would reach out to groups in the community; and someone who was committed to the City over the long term. Commissioner Hoffman observed that Mr. Smith was open and transparent during the meet-and-greet session, and he spoke about intention, teamwork, and communication. Commissioner Hoffman noted Mr. Smith was already committed to the City, and she expressed concern about Mr. Leal's long-term commitment. Commissioner Hoffman stated the City Attorney needed to be bold and move the community forward, together. Commissioner Hoffman stated the City Attorney was for the whole City and not just the City Commission.

Commissioner Praedel remarked on the importance of different points of view and perspectives. Commissioner Praedel reviewed his notes for each candidate:

Mr. Steins

- very impressive; had both public and private law experience
- had Kalamazoo ties
- had global and multi-state experience
- his municipal law experience was limited to Freedom of Information Act request processing

Commissioner Praedel stated Mr. Steins' limited municipal law experience removed him from consideration, in his mind.

Mr. Smith

- had ties to Michigan, a strong desire to be in the Kalamazoo area, and experience with Michigan municipal law
- had a great back story as someone who, as a child, saw himself represented by a black judge/attorney, which inspired him to go into law.
- had 16 years of municipal law experience, but there has been gaps in his service, including a recent gap, which were red flags.
- had experience developing community benefits ordinances and LGBTQ policy.
- he was in his last three to four positions for less than a year each, but this has been during the pandemic and post-pandemic years, which had been different times.

Mr. Leal

- had ties to Michigan, a strong desire to be in the Kalamazoo area, and experience with Michigan municipal law.
- had a great back story as a child of parents who were migrant workers and who learned diversity during his time in the Navy.
- had been a City Attorney for the past six years and was currently a City Attorney.
- had managed staff in both his current and previous positions.
- had 25 years of combined experience in municipal law.
- experienced turbulence during his tenure in Denton, Texas which could have a positive or negative impact.
- during the interview, he correctly identified the biggest challenges facing the community (housing, gun violence, the Community Sustainability Plan).
- identified community service, taking risks, respecting diversity, integrity, and teamwork as areas where his values aligned with the Commission's.
- fought for the residents of Denton on the issue of fracking.
- was at Denton during a rapid expansion of housing (12,000 units).
- the demographics of his team changed at Denton because he recognized the need for change.

Commissioner Praedel noted a lot had changed in the field of municipal law over the past six years, and a person who had not practiced municipal law during that time would be at a disadvantage. Commissioner Praedel expressed support for Mr. Leal as the next City Attorney.

2023-16-18

Selection of a City
Attorney Candidate
(cont'd)

2023-16-18

Selection of a City
Attorney Candidate
(cont'd)

Commissioner Decker noted the role of legal counsel was an advisory role, and she stated there were red flags with Mr. Smith, including his lack of background for the totality of the City Attorney job. Commissioner Decker stated Mr. Leal had an impressive resume and more experience than the other candidates. Commissioner Decker noted Royal Oak was expensive and further away from his family, which could explain why he was looking to leave his current position after a short time.

Commissioner Hess acknowledged the community's passion about this issue. Commissioner Hess noted all municipal attorneys were bound by state and federal law; being creative was not going to change that. Commissioner Hess observed that the City Attorney worked with all City departments to reach DEI goals. Commissioner Hess stated Mr. Leal had more depth than the other candidates and showed both leadership and teamwork during his time in Denton. Commissioner Hess expressed support for Mr. Leal as the next City Attorney. Commissioner Hess noted Mr. Leal was willing to meet with City Commissioners and community groups.

Mayor Anderson thanked Human Resources Director Shelly Dusek for recruiting good candidates. Mayor Anderson remarked on the importance of work history captured in a resume, compared to interviews and community/staff input, which were point-in-time impressions. Mayor Anderson commented on the need for the City Attorney to have expertise in a wide variety of areas. Mayor Anderson stated he must choose the candidate who was most ready and qualified to do the job, and he indicated Mr. Leal was that person. Mayor Anderson observed that Mr. Smith had not done municipal law work for eight years, whereas Mr. Leal had 17 years of progressive City Attorney experience. Mayor Anderson expressed support for Mr. Leal as the next City Attorney. Mayor Anderson noted Mr. Leal came from humble beginnings, as his parents were migrant workers.

Vice Mayor Cooney expressed respect for the opinions of the other City Commissioners. Vice Mayor Cooney stated Mr. Smith had the competence to be the City Attorney and life experiences that matched the needs of the City. Vice Mayor Cooney offered that Mr. Smith would provide a good face to the community.

Commissioner Hoffman expressed agreement with Vice Mayor Cooney. Commissioner Hoffman stated representation mattered, and black and brown people did not have that. Commissioner Hoffman stated she would be voting for Mr. Smith.

Mayor Anderson asked City Clerk Borling to distribute ballots and instructed Commissioners to mark one candidate as their selection.

City Clerk Borling distributed paper ballots, and Commissioners marked their candidate selections as follows:

Commissioner Decker	Aaron Leal
Commissioner Hess	Aaron Leal
Commissioner Hoffman	Lewis Smith
Commissioner Juarez	Aaron Leal

Commissioner Praedel Aaron Leal

Vice Mayor Cooney Lewis Smith

Mayor Anderson Aaron Leal

2023-16-18
Selection of a City
Attorney Candidate
(cont'd)

Commissioner Juarez, seconded by Commissioner Decker, moved to direct the City Attorney Recruitment Subcommittee to begin contract discussions with Aaron Leal, with the understanding that a draft contract will be submitted to the City Commission for formal approval if all due diligence investigation steps are completed satisfactorily and agreeable terms and conditions of employment can be reached.

Prior to a vote on the motion, Commissioner Praedel thanked Commissioners for the dialogue and specifically Vice Mayor Cooney and Commissioner Hoffman for sharing their views. Commissioner Praedel thanked the community for their input.

Commissioner Juarez spoke about Commissioners' care and concern for the community. Commissioner Juarez stated Commissioners represented the entire community and had to live with the knowledge that their decisions would affect generations to come. Commissioner Juarez stated this process was a win for trust.

With a roll call vote the motion passed unanimously.

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

NAYS: None

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

Commissioner
Comments

Commissioner Hess remarked on the diversity of the City Commission stated every Commissioner had a heart for the City of Kalamazoo. Commissioner Hess expressed appreciation for City Attorney Robinson and observed that Mr. Leal had asked thoughtful questions at the end of his interview.

Mayor Anderson noted a sporting event was starting soon, and there was a closed session on the agenda, with a return to open session for action. Mayor Anderson asked if Commissioners wanted to continue with comments or go into closed session.

Commissioner Juarez, seconded by Commissioner Decker, moved that the City Commission go into closed session to discuss labor negotiations.

With a roll call vote the motion passed unanimously.

2023-16-19
Closed Session to
Discuss Labor
Negotiations

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

NAYS: None

2023-16-19

Collective Bargaining
Agreement with the
Kalamazoo Municipal
Employees Association
(KMEA)

Mayor Anderson announced the City Commission would return to open session following the closed session.

At 9:29 p.m. the City Commission went into closed session.

At 9:41 p.m. the City Commission returned to open session.

Commissioner Juarez, seconded by Commissioner Hoffman, moved to approve a collective bargaining agreement with the Kalamazoo Municipal Employees' Association (KMEA) for the period of January 1, 2023 to December 31, 2025.

Prior to a vote on the motion, Commissioners thanked Director Dusek and other staff who were involved in the contract negotiations.

With a roll call vote the motion passed unanimously.

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

NAYS: None

Adjournment

Mayor Anderson asked if there were any objections to adjourning the meeting without further Commissioner comments. No objections were offered.

The meeting adjourned at 9:43 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

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