

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, December 19, 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
Esteven Juarez
Chris Praedel

COMMISSIONERS ABSENT:

Stephanie Hoffman

Also present were City Manager Jim Ritsema, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioner Excused

Commissioner Decker, seconded by Commissioner Praedel, moved to excuse the absence of Commissioner Hoffman. With a voice vote, the motion passed.

Invocation

The invocation, given by Deacon Joe Schmitt from St. Thomas More Parish, was followed by the Pledge of Allegiance.

Introduction of Guests

Commissioner Praedel introduced Boy Scout Troop 205 and welcomed them to the meeting. Commissioner Praedel offered remarks on his time as a Boy Scout.

Adoption of the Agenda

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

Commissioner Praedel requested that Item G-7, the purchase of Zetag 8816 Polymer, 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

Allen, a City resident, compared Kalamazoo to countries he had visited and offered actions the City could take to improve peoples' lives.

2023-53-01

John Allen, City resident, spoke about transparency and accountability relative to the Bronson Boulevard redesign project. Mr. Allen described the environmental impact of road paint. Written materials provided by Mr. Allen were filed with the papers for this meeting.

Elizabeth Kraatz, City resident, thanked Community Planner Nolan Bergstrom for his helpful attitude and service. Ms. Kraatz requested that the City not install bollards for the proposed bike lanes on Bronson Boulevard, so as to preserve the perception of no lane restrictions. Ms. Kraatz asked the City to survey residents after the project to get their feedback.

Steve Barber, City resident, expressed concern about the situation involving Public Safety Chief Vernon Coakley.

Daniel Bair, City resident and a representative of ModeShift Kalamazoo, expressed support for the proposed redesign of Bronson Boulevard and for lower speed limits across the City. Mr. Bair thanked the City for new bike lanes.

Wilson Xu, a City resident, stated he lived a bike-centric lifestyle, but he did not always feel safe riding his bike in the City, especially with his children. Mr. Xu suggested the City create dedicated bike lanes with concrete barriers for the safety of cyclists.

Steve Glista, City resident, spoke about the need for people to live independently without a car, and he asked the City to build infrastructure that would give people that freedom.

Wil Roland, City resident, spoke about Chief Coakley and expressed hope that the City was treating him fairly. Mr. Roland asked the City to give Chief Coakley every benefit of the doubt.

Jeff Messer, City resident, stated the audio for City Commission meeting broadcasts was distorted. Mr. Messer reported another operator for a movie theater downtown had been identified. Mr. Messer stated Michigan did not have true “home rule” cities, as the law prohibited cities from setting their own minimum wages.

Call-In Comments

Ashante Collins read comments from Sharlae Davis, Executive Director of ISAAC, regarding Martin Luther King Jr.’s “beloved community” and the role of love in the work of anti-racism. Ms. Davis asked for confirmation that the investigation of Chief Coakley was being handled in a manner consistent with similar situations in the past and in a manner centered on anti-racism and equity. Ms. Davis asked whether the City Manager could report on the timeframe for concluding the investigation. Ms. Davis asked questions that encouraged Commissioners to evaluate their personal development and performance in the areas of social justice, anti-racism, and equity.

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 the purchase of two (2) Ford F-600 truck chassis from Gorno Ford through the MIDeal cooperative purchase program in the amount of \$116,650.
- approval of a three-year Small Municipal and County Government Enterprise Agreement with the Environmental Systems Research Institute, Inc. through the MIDeal cooperative purchasing program in the amount of \$143,100.
- approval of a two-year term contract extension with Continental Linen Services for industrial uniform rental and cleaning services for staff use within the Department of Public Services in the amount of \$150,000.
- approval of a sole-source, three-year agreement with Fleet Efficiency for GPS live tracking for City vehicles, except Public Safety, in the amount of \$220,752.

Public Comments
(cont’d)

Consent Agenda

2022-53-02

2022-53-03

2022-53-04

2022-53-05

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|--------------------------------|--|
| 2022-53-06 | - approval of a contract supplemental and change order with Ferguson Waterworks for the advance purchase of ductile iron pipe and appurtenances in the total amount of \$280,040.50. |
| 2022-53-07 | - approval of a three-month contract extension with Alexander Chemical Corporation for the purchase of 12.5% sodium hypochlorite, by volume, in the amount of \$289,948.75. |
| 2022-53-08
Resolution 22-68 | - adoption of a RESOLUTION approving four new Neighborhood Enterprise Zone (NEZ) Homestead Applications in the Vine Neighborhood. |
| 2022-53-09
Resolution 22-69 | - adoption of a RESOLUTION recommending approval of the application from Kzoo Tacos, LLC for a Development District Liquor License located at 215 E Michigan Ave, within the City's existing Downtown Development District. |
| 2022-53-10 | - approval of a five-year revocable license agreement with the Kalamazoo Nature Center for a limited portion of property near the Batts driveway at 2315 Angling Road. |
| 2022-53-11 | - approval of an agreement with the W.E. Upjohn Institute for Employment Research for a Shared Prosperity Kalamazoo High Impact Fund Grant in the amount of \$250,000 to assist core neighborhood families with increased access to good jobs and employer engagement in 2023. |
| 2022-53-12 | - acceptance of an Ending Community Violence grant from the State of Michigan Department of Health and Human Services in the amount of \$50,000 to support Urban Alliance's Change of Status Program in 2023. |
| 2022-53-13 | - acceptance of the 2021 Justice Assistance Grant award from the U.S. Department of Justice in the amount of \$103,751. |
| 2022-53-14 | - acceptance of the 2022 Justice Assistance Grant award from the U.S. Department of Justice in the amount of \$113,560. |
| 2022-53-15 | - approval of a request from New Year's Fest of Kalamazoo to publicly display fireworks from the Epic Center Parking Structure on Saturday, December 31, 2022 at midnight as part of the annual New Year's Fest event. |

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 the motion passed.

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

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

An opportunity was given for Commissioner questions and public comments on a Support Service Agreement with the Foundation for Excellence (FFE) and the creation of a Full Time Equivalent position allocation for the FFE Executive Director, but no questions or comments were offered.

Commissioner Decker, seconded by Vice Mayor Cooney, moved to approve a Support Service Agreement with the Foundation for Excellence (FFE) and the creation of a Full Time Equivalent position allocation for the FFE Executive Director.

With a roll call vote the motion passed.

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

NAYS: None

An opportunity was given for Commissioner questions and public comments on an ordinance to adopt the 2021 edition of the *International Fire Code*, but no questions or comments were offered.

Commissioner Hess, seconded by Vice Mayor Cooney, moved to adopt an **ORDINANCE** to amend Article III of Chapter 15 of the Kalamazoo City Code, *Fire Prevention and Protection*, to adopt the 2021 edition of the *International Fire Code*.

With a roll call vote the motion passed.

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

NAYS: None

In response to a question from Commissioner Praedel about an ordinance to amend the Pension Ordinance regarding a Deferred Retirement Option Plan (DROP), Deputy Public Safety Chief Dave Boysen explained the DROP was an option for eligible employees to continue their employment while freezing their eligible retirement benefit. Deputy Chief Boysen stated the proposed ordinance created a three year pilot program with the goal of retaining highly trained staff instead of losing them to retirement. Deputy Chief Boysen estimated there would be 26 retirements from Public Safety over then next 3 years, and he noted the DROP would not have an adverse impact on the pension fund.

An opportunity was given for public comments on an ordinance to amend the Pension Ordinance regarding a Deferred Retirement Option Plan (DROP), but no comments were offered.

Commissioner Decker, seconded by Commissioner Hess, moved to offer for first reading an ordinance to amend the Pension Ordinance regarding a Deferred Retirement Option Plan.

With a roll call vote the motion passed.

2022-53-16

FFE Support Service Agreement and Executive Director Position Allocation

2022-53-17

Ordinance 2058 Adopting the 2021 International Fire Code

2022-53-18

First Reading of an Ordinance re: a Deferred Retirement Option Plan (DROP)

2022-53-19

First Reading of an Ordinance to Increase the Retiree Death Benefit and Update the Definition of General Member Administrator

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

NAYS: None

In response to a question from Commissioner Praedel about an ordinance to amend Article X of Chapter 2 - Employee Retirement System, City Attorney Robinson explained the proposed amendment was a “housekeeping” measure to make the ordinance reflect current positions in the City Manager’s Office and to raise the death benefit for retirees from \$1,000 to \$5,000.

Commissioner Praedel stated the proposed ordinance appeared not to include the Assistant City Manager position.

City Attorney Robinson agreed the Assistant City Manager position was missing and should be added to the proposed ordinance.

An opportunity was given for public comments on an ordinance to amend Article X of Chapter 2 - Employee Retirement System, but no comments were offered.

Commissioner Juarez, seconded by Commissioner Decker, moved to offer for first reading an ordinance to amend Article X of Chapter 2 - Employee Retirement System, with the amendment that the position “Assistant City Manager” be included in the ordinance.

With a roll call vote the motion passed.

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

NAYS: None

2022-53-20

Purchasing Contract for Biosolids Dewatering Polymer

In response to a question from Commissioner Praedel about the purchase of Zetag 8816 Polymer, Public Services Director James Baker explained the function of polymers and how various polymers were tested to determine which one should be used in the City’s wastewater treatment process. Director Baker stated the decision was based on the cost effectiveness of the whole process, not just the cost of the polymer.

An opportunity was given for public comments on a two-year contract for the purchase of Zetag 8816 Polymer, but no comments were offered.

Vice Mayor Cooney, seconded by Commissioner Juarez, moved to approve a two-year contract with Solenis LLC for the purchase of Zetag 8816 Polymer in the amount of \$1,955,355.28.

With a roll call vote the motion passed.

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

NAYS: None

City Manager Ritsema stated the agenda packet included the Odor Task Force Quarterly Report for the third quarter of 2022. City Manager Ritsema stated Public Services Director Baker was available for questions.

In response to questions and comments from Commissioners, Director Baker provided the following information:

- the Odor Task Force (OTF) report gives the status of work being done to address odors; staff does not give opinions about health-related issues.
- the state was working on an air quality report; anecdotal evidence seemed to indicate sulfur dioxide numbers were trending down.
- there is some connectivity between the OTF and Graphic Packaging International (GPI), but the Task Force existed before the current issues with GPI.
- there has been an issue with odor sensor failures due to power outages and vandalism; this is the first year of full implementation for the sensors.

Commissioner Praedel encouraged continued collaboration between the City and GPI.

Items of Unfinished Business were considered next.

City Manager Ritsema opened a discussion of the Proposed FY2023 Budget and asked Commissioners if there were any changes they wanted to see.

Commissioner Decker proposed that ARPA funds be used to address early childhood education/childcare issues, perhaps in the form of assistance to home daycares.

Vice Mayor Cooney, Commissioner Praedel, Commissioner Hess, and Commission Juarez expressed support for Commissioner Decker's proposal.

Commissioner Juarez noted the ARPA funds were a one-time shot and needed to be spent wisely.

Commissioner Praedel stated the City needed to figure out how to spend its ARPA funds wisely and in ways that did not lead to a "funding cliff" for the recipients. Commissioner Praedel suggested home-based business grants for daycares.

Vice Mayor Cooney stated the City could be a catalyst to address the early childhood education shortage by doing things like convening local experts.

Commissioner Decker suggested creating a system to help home based businesses and suggested the City commit \$1 million to this work.

Mayor Anderson noted the City budget was a zero-sum game; if money was spent in one place it needed to be taken from another. Mayor Anderson suggested the Commission decide on a dollar amount, engage experts, and let staff come back with a proposal for how to work this proposal into the budget.

2022-53-21

City Manager's Report
– Odor Task Force
Quarterly Report

Unfinished Business

Follow-Up to the 2023
Budget Work Session

Follow-Up to the 2023
Budget Work Session
(cont'd)

Commissioner Praedel remarked that Tim Bartik from the Upjohn Institute for Employment Research advised planning now for early childhood education initiatives for the fall of 2024. Commissioner Praedel suggested the City allocate a significant amount of its ARPA funds to early childhood education/childcare in each of the remaining ARPA years.

City Manager Ritsema stated there was \$17 million in ARPA funds to be allocated; the dollar amounts in the outyears were for planning purposes only. City Manager Ritsema suggested the Commission focus on the FY 2023 Budget with the knowledge that additional ARPA funds could be allocated in 2023 and 2024.

Mayor Anderson suggested the City Commission set a dollar amount and let the City Manager find a source for the funds.

Commissioner Praedel asked that the City Manager not take funds for early childhood education from the current or proposed allocations for youth and gun violence.

Vice Mayor Cooney urged the Commission to allocate funds for early childhood education in 2023 and not wait until 2024.

City Attorney Robinson advised caution and stated the City could not simply give money to organizations. City Attorney Robinson recommended the Commission given general direction to staff, who would deal with the legal issues.

Commissioner Hess stated the City's best role was that of "convener," and she noted universal childcare in Kalamazoo would cost \$10 million per year. Commissioner Hess encouraged Commissioners to give staff general direction and let them figure out the details.

Commissioner Praedel remarked that the City was doing a lot of things to help individuals and private organizations.

City Manager Ritsema stated this discussion had been helpful. City Manager Ritsema noted there would be tradeoffs in term of dollars and staff time.

Commissioner Decker proposed allocating \$200,000 to help keep senior citizens in their homes.

In response to a question from Commissioner Juarez, City Manager Ritsema stated he would check the balance in the City Commission Initiatives line item.

Commissioner Juarez stated he thought the Commission had allocated \$60,000 from this line item already, leaving a balance of \$40,000. Commissioner Juarez remarked that the current conversation was about areas of urgent need that should be funded, but Commissioners had not even spent the full amount that was available for Commission priorities in the 2022 budget.

In response to a question from Commissioner Hess, City Manager Ritsema stated the \$40,000 remainder in the City Commission Initiatives line item could be dealt with in the 2023 budget.

In response to a question from Mayor Anderson, City Manager Ritsema stated this discussion had been helpful for him to understand what Commissioners wanted

and to have a dollar amount for staff to work with so they could bring back a recommendation to the Commission.

Mayor Anderson noted the next step in the budget process was the public hearing on January 3rd, with final adoption of the budget scheduled for the second meeting in January.

Next, items of New Business were considered.

Mayor Anderson reported City Attorney candidate James Porter had successfully completed the background check. Mayor Anderson asked for a motion to authorize the negotiation of an employment agreement.

Commissioner Juarez, seconded by Vice Mayor Cooney, moved to direct the City Attorney Recruitment Subcommittee to begin contract discussions with James Porter, 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, and in response to a question from Commissioner Hess, Mayor Anderson stated he hoped to have an employment agreement in place by the end of January.

An opportunity was given for public comments on this item, but no comments were offered.

With a roll call vote the motion passed.

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

NAYS: None

Commissioner Decker suggested the City Commission add the Diversity, Equity, and Inclusion (DEI) Director position to the Kalamazoo City Charter and asked that the City Attorney review the charter amendment process.

City Attorney Robinson reviewed the charter amendment process, which culminated in voters having an opportunity to approve or reject the proposed amendment. City Attorney Robinson cautioned against putting too much detail in charter language and stated the key was figuring out what the amendment needed to do. City Attorney Robinson provided the deadlines for getting a charter amendment on the ballot. City Attorney Robinson offered the option of adding the DEI Director position to the Code of Ordinances and explained this option would give the City Commission the most flexibility. City Attorney Robinson acknowledged ordinances were easier to change than the charter, but he could not envision a City Commission repealing such an ordinance.

Discussion took place.

By consensus the City Commission agreed to form a committee to work with the City Attorney on the question of establishing the DEI Director position in City Charter or the Code of Ordinances.

Follow-Up to the 2023
Budget Work Session
(cont'd)

New Business

Authorization for
Contract Negotiations
with City Attorney
Candidate James Porter

Committee Created to
Consider an Ordinance
or Charter Amendment
for the DEI Director

Committee Created to
Consider an Ordinance
or Charter Amendment
for the DEI Director
(cont'd)

Commissioners Hess and Praedel volunteered to join Commissioner Decker on the committee. Commissioner Praedel stated he would step down if Commissioner Hoffman or another Commissioner wanted to be on the committee.

Commissioner Decker questioned whether the Commission should wait until January 3rd to appoint members to the committee.

Commissioner Praedel suggested the committee look at other jurisdictions for model ordinances or charter provisions.

City Attorney Robinson suggested President Biden's 2021 Executive Order on DEI as a good starting point for the committee.

City Manager Ritsema suggested the committee create a project charter to define the scope of their work and establish a timeline.

Commissioner
Comments

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

Vice Mayor Cooney offered remarks on the Change of Status graduation event at Urban Alliance and the Mothers of Hope Christmas party.

Commissioner Hess announced there would be an EPS foam recycling event on December 31st. Commissioner Hess remarked on a gun violence death that occurred over the weekend and urged people to take the gun violence survey on the Kalamazoo Community Foundation website. Commissioner Hess thanked Jeanette Sage in the City Clerk's Office for organizing carol singing at City Hall.

Commissioner Decker stated she was proud of the City's dedicated staff. Commissioner Decker noted the City was still waiting on the air quality report from the Michigan Department of Health and Human Services regarding GPI and health impacts to the Northside Neighborhood.

Commissioner Praedel noted the holidays were not happy for everyone, and he remarked on the recent shooting death of a 17-year-old in the City. Commissioner Praedel thanked City staff for a great year. Commissioner Praedel commended Communications Coordinator Neal Conway for the 2022 lookback video.

Mayor Anderson remarked that he had the privilege of spending a lot of time with community organization that were doing great work. Mayor Anderson recognized a Public Safety Officer who intervened to stop an assault in progress. Mayor Anderson stated the recent shooting death needed to drive forward the City's work to eliminate gun violence. Mayor Anderson acknowledged the death of Bertha McNeal, a member of the Velvelettes and a local teacher.

Adjournment

The meeting adjourned at 9:48 p.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

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