

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, June 20, 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 Pastor Mark Holeman from Northeastern Baptist Church, was followed by the Pledge of Allegiance.

Proclamation
2023-26-01

Vice Mayor Cooney read a proclamation commemorating the 51st Anniversary of Youth Basketball League (YBL), June 2023. Charles Parker, founder of Charlie's P.L.A.C.E., received the proclamation.

2023-26-02

Commissioner Praedel read a proclamation entitled, *City Attorney Clyde Robinson Recognition of Service*, and Mayor Anderson presented City Attorney Robinson with a Key to the City. City Attorney Robinson offered remarks on his career as a municipal attorney.

Adoption of the Agenda

By unanimous consent the City Commission adopted its meeting agenda as presented.

Communications

Mayor Anderson apologized for comments he made at a recent ribbon cutting ceremony that some felt were offensive.

Public Comments

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

In-Person Comments

2023-26-03

Ken Collard, City resident, expressed opposition to the proposed lane reconfiguration of Winchell Avenue. A copy of Mr. Collard's written remarks was filed with the papers for this meeting.

Bruce Merchant, City resident, expressed support for Mr. Collard's remarks and his proposed alternative to the City's planned lane reconfiguration for Winchell Avenue.

An anonymous speaker expressed frustration that the improvements being made by the City were not addressing issues affecting poor people.

Ann Martinez, City resident, asked the City to address a commercial structure on a neighboring property that was leaning into her garage at 1117 Conant Street.

Kayla Kling, owner of a spa business at 323 North Burdick Street, requested more police presence in the downtown area to address the large population of unhoused individuals and related issues like trash and public defecation.

David Robinson, City resident, honored his dad, Clyde Robinson, and remarked on how people his dad had worked with impacted him.

Karla Reno, City resident, expressed concern about the large population of unhoused individuals in the Arcadia area asked that the Festival Site be enclosed.

Charles Parker, City resident, stated he was the organizer of the Memorial Day Parade and thanked the City for supporting the parade.

Jeff Lectka, City resident, expressed concerns about problems related to the large population of unhoused individuals in the Arcadia/North Mall area. Mr. Lectka requested the City pay attention to this issue and provide more policing.

Jeff Messer, City resident, explained how a commercial building could be located in a residential zone and that some City funds could only be used for specific purposes. Mr. Messer stated the City Commission shut down a proposal to located a daytime shelter at the former Lakeside Academy.

Call-In Comments

Tina, a City resident, questioned why the City was trying to take away the last area of green space in the Southtown area?

Judy Lowery, City resident, expressed opposition to the proposed installation of surveillance cameras and the recent installation of new signage in City parks.

Kay, a City resident, expressed opposition to the new signage in City parks, the proposed surveillance cameras, and the Kalamazoo Department of Public Safety (KDPS) evicting homeless people from encampments.

Jeff Weisman, City resident, expressed concerns about conditions on the North Kalamazoo Mall. Mr. Weisman requested more KDPS patrols downtown and more enforcement of the junk auto ordinance in the Northside Neighborhood.

Carlson, a City resident, expressed support for the recently posted signs in City parks.

Sabrina Pritchett-Adams, City resident, expressed concerns about the proposed video surveillance system.

Victoria expressed opposition to the proposed video surveillance system.

Ryan Smith, City resident, expressed opposition to the proposed video surveillance system and the new park rules.

Iris Potter, City resident, expressed opposition to the proposed video surveillance system and stated the Graphic Packaging plant should be shut down.

Public Comments
(cont'd)

Public Comments
(cont'd)

Ryan, a City resident, expressed opposition to the proposed contract for a video surveillance system, and he stated something needed to be done about the Graphic Packaging plant.

Zach Lassiter, City resident, expressed opposition to the proposed video surveillance system.

Joe Byars, City resident, urged Commissioners to vote “no” on the proposed contract for a video surveillance system.

Consent Agenda

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:

2023-26-04

- approval of the sole source purchase of four wastewater odor reducing passive carbon scrubber units from Robert H. Wager Company in the amount of \$162,300.

2023-26-05

- approval of a contract with Taplin Group for transportation and disposal of plant screenings in the amount of \$175,000.

2023-26-06

- approval of a one-year contract extension with GHD for 2023 Consulting Services related to the Cork St. Landfill in the amount of \$156,600.

2023-26-07

- approval of a one-year contract with Alexander Chemical Corporation for the purchase of sodium hexametaphosphate in the amount of \$268,620.

2023-26-08

- approval of a one-year contract with Wilson Chemical Solutions for the purchase of 75% phosphoric acid in the amount of \$141,750.

2023-26-09

- approval of a contract and change order with Peter's Construction for the 2023 sidewalk improvement program gap-fill project in the amount of \$250,000.

2023-26-10

Resolution 23-29

- adoption of a **RESOLUTION** approving Contract 23-5150 with the Michigan Department of Transportation for the replacement of Inkster Bridge in the amount of \$656,440.

2023-26-11

Resolution 23-30

- adoption of a **RESOLUTION** recommending approval of a Social District Permit for Crawlspace Theatre Productions, L3C at 315 W Michigan Ave.

2023-26-12

Resolution 23-31

- adoption of a **RESOLUTION** authorizing the City to submit a SPARK grant application to the Michigan Department of Natural Resources for approximately \$739,800 to make recreation renovations to Emerald Park.

2023-26-13

- acceptance of a grant in the amount of \$39,040.85 from Kalamazoo Rotary Satellite for stage lighting and netting improvements to Bronson Park.

2023-26-14

- approval of the appointment of Alonzo Wilson II to the Shared Prosperity Kalamazoo Organizing Committee for a term expiring on March 31, 2026.

2023-26-15

- approval of the Mayor's appointments and reappointment to boards and commissions:

- the appointment of Laura Fredrickson to the Natural Features Protection Review Board for a term expiring on March 31, 2024.
- the appointment of Mitchell Curtis to the Planning Commission for a term expiring on March 31, 2025.
- the appointment of Christine Dascenzo to the Planning Commission for a term expiring on March 31, 2026.
- approval of a recommendation to postpone until July 5, 2023 consideration of an agreement for the sale of 710 N Edwards Street to Hazel L Cook, owner of 714 N Edwards Street, for the sale price of \$150.

Vice Mayor Cooney, 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, Commissioners Praedel and Decker abstained from voting on Item G-8, a resolution approving a Social District Permit for Crawlspace Theatre Productions, L3C. Commissioner Praedel indicated the applicant was a family friend.

Regular Agenda items were considered next.

Management Services Director and CFO Steve Vicenzi provided an overview of proposed bond issues for the general Capital Improvement Program (CIP), Water System capital improvements, and Wastewater System capital improvements.

An opportunity was given for Commissioner questions, but no questions were asked.

An opportunity was given for public comments on a Notice of Intent Resolution for the issuance of 2023 Capital Improvement Bonds in an amount not to exceed Fourteen Million Eight Hundred Thirty-Five Thousand Dollars (\$14,835,000), but no comments were offered.

Commissioner Juarez, seconded by Commissioner Decker, moved to adopt a Notice of Intent **RESOLUTION** for the issuance of 2023 Capital Improvement Bonds in an amount not to exceed Fourteen Million Eight Hundred Thirty-Five Thousand Dollars (\$14,835,000).

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-26-15 (cont'd)

2023-26-16

Regular Agenda

2023-26-17

Resolution 23-32:
Capital Improvement
Bonds Resolution of
Intent

2023-26-18

Resolution 23-33:
Wastewater System
Revenue Bonds
Resolution of Intent

Opportunities were given for Commissioner questions and public comments on a Notice of Intent Resolution for 2023 Wastewater System Revenue Bonds in an amount not to exceed Twenty-One Million Six Hundred Fifty-Five Thousand Dollars (\$21,655,000), but no questions or comments were offered.

Commissioner Juarez, seconded by Commissioner Hess, moved to adopt a Notice of Intent **RESOLUTION** for 2023 Wastewater System Revenue Bonds in an amount not to exceed Twenty-One Million Six Hundred Fifty-Five Thousand Dollars (\$21,655,000).

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-26-19

Resolution 23-34:
Water System
Revenue Bonds
Resolution of Intent

Opportunities were given for Commissioner questions and public comments on a Notice of Intent Resolution for the issuance of 2023 Water Supply System Revenue Bonds in an amount not to exceed Thirty-Seven Million Six Hundred Seventy Thousand Dollars (\$37,670,000), but no questions or comments were offered.

Commissioner Hoffman, seconded by Commissioner Juarez, moved to adopt a Notice of Intent **RESOLUTION** for the issuance of 2023 Water Supply System Revenue Bonds in an amount not to exceed Thirty-Seven Million Six Hundred Seventy Thousand Dollars (\$37,670,000).

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-26-20

Acceptance of a RAISE
Grant for Planning re:
Downtown Two-Way
Street Conversion

In response to questions from Commissioners, Public Services Director James Baker provided an overview of the RAISE grant and pointed out this was a competitive planning grant for specific parts of the downtown related to the conversion of one-way streets to two-way streets. Director Baker stated a lot of work had been done already on this project.

When an opportunity was given for public comments on the acceptance of a RAISE grant in the amount of \$5,974,694 from the US Department of Transportation to support planning and design for the Downtown Transportation Network, the following people addressed the City Commission:

Jeff Messer, City resident, noted these grant funds were an example of funds that would be designated for a specific purpose.

An anonymous speaker questioned whether the grant funds could be used to clean up the downtown area.

Commissioner Juarez, seconded by Commissioner Praedel, moved to accept a RAISE grant in the amount of \$5,974,694 from the US Department of Transportation to support planning and design for the Downtown Transportation Network.

Prior to a vote on the motion, Commissioners Praedel, Hess, Decker, and Juarez expressed support for the grant and appreciation to City staff for their work on the project and to acquire the grant.

With a roll call vote the motion passed unanimously.

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

NAYS: None

City Attorney Robinson gave a brief overview of an ordinance to prohibit distracted driving. City Attorney Robinson stated the ordinance was based on new legislation, which the Governor had signed into law, and which would go into effect on June 30th.

When an opportunity was given for public comments on an ordinance amending the City's traffic ordinance to prohibit distracted driving, the following people addressed the City Commission:

An anonymous speaker remarked that he had witnessed at least 10 occasions when Public Safety Officers (PSO's) were on their phones at traffic lights, and he added he frequently saw PSO's speed through neighborhoods.

An anonymous speaker offered reasons why PSO's and other first responders might be on their phones while driving.

Commissioner Praedel suggested both the state and City work to educate the public about the new distracted driving law and ordinance.

Commissioner Decker observed this was an opportunity for the City to put its new Communication Plan into action.

Commissioner Hess, seconded by Commissioner Decker, moved to adopt an **ORDINANCE** amending the City's traffic ordinance to prohibit distracted driving, as permitted by State statute.

With a roll call vote the motion passed unanimously.

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

NAYS: None

Commissioner Hess recognized Commissioners Hoffman and Decker, City Attorney Robinson, Chief Operating Officer Laura Lam, Diversity Equity, and Inclusion (DEI) Director Tanya Hewitt-Smith, and DEI Coordinator Lal Tluangi for their work to develop an ordinance creating a DEI Department.

2023-26-20

Acceptance of a RAISE Grant for Planning re: Downtown Two-Way Street Conversion
(cont'd)

2023-26-21

Ordinance 2064 Prohibiting Distracted Driving

2023-26-22

Ordinance 2065 Creating the Diversity, Equity, and Inclusion Department

2023-26-22

Ordinance 2065 Creating the Diversity, Equity, and Inclusion Department (cont'd)

Commissioner Decker expressed excitement for the adoption of this ordinance. Commissioner Decker stated the creation of a DEI Department would help shape the City's policies and processes and was part of the City becoming an anti-racist government.

Mayor Anderson noted the development of the proposed ordinance was one example of the many City activities that happened outside of the public eye.

An opportunity was given for public comments on an ordinance to establish the Diversity, Equity & Inclusion Department, but no comments were offered.

Commissioner Hoffman, seconded by Commissioner Decker, moved to adopt an **ORDINANCE** to establish the Diversity, Equity & Inclusion Department, whose Director will be appointed by and report to the City Manager.

Prior to a vote on the motion, Commissioner Praedel stated this ordinance was Commissioner Decker's vision, and he commended her for working to make the vision happen.

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-26-23

Ordinance 2066 Permitting the Operation of Class A Microgrower Marihuana Businesses

When an opportunity was given for public comments on an ordinance to amend Chapter 20B of the Kalamazoo City Code regarding Marijuana Commercial Businesses to permit the operation of Class A Microbusinesses, the following people addressed the City Commission:

Mattie Jordan-Woods, City resident, questioned whether the proposed ordinance would expand the areas where marihuana businesses could operate.

City Attorney Robinson explained the proposed ordinance would simply allow a Class A Microbusiness to get a City operating permit.

Commissioner Hess, seconded by Commissioner Praedel, moved to adopt an **ORDINANCE** to amend Chapter 20B of the Kalamazoo City Code regarding Marijuana Commercial Businesses to permit the operation of Class A Microbusinesses.

Prior to a vote on the motion, Commissioner Juarez questioned if there were too many marihuana businesses in the City of Kalamazoo and Kalamazoo County, and he noted a lot of these businesses were in the poorest neighborhoods.

In response to questions from Commissioner Juarez and other Commissioners, Community Planning and Economic Development (CPED) Director Antonio Mitchell and City Attorney Robinson provided the following information:

- this ordinance was being brought forward because there were businesses that wanted to open this type of marihuana business.

- the City's Social Equity Policy is still in effect and its benefits can be used by Class A Microbusinesses. An effective social equity program would provide funding for qualified businesses, but the City was not able to do this because of marihuana's illegal status under federal law.
- cannabis establishments are expensive: approximately \$500,000 is required to get into the business. In addition, it is more difficult for cannabis businesses to raise capital because banks will not loan money to them; most of these businesses are being capitalized with personal wealth. The situation is not fair, but the City is being aggressive with its Social Equity Policy and is doing what it can in the area of social equity.
- the City receives unrestricted funds from the state in the form of excise tax revenue. The City Commission adopted a Social Equity Policy that earmarks 25% of state tax and local fee revenue for social equity. The social equity language in state law comes from the citizen-initiated adult use statute.
- another way the City tries to address social equity is to offer qualifying businesses reduced minimum separation distances between licensed facilities, to open up sites that are accessible only to social equity businesses.
- the City would need to be intentional about creating a vehicle to get social equity businesses started. The proposed Cannabis Chamber was that vehicle. Nobody is doing workshops to help BIPOC applicants or is attempting something like the Cannabis Chamber; the City is building these structures.
- the proposed ordinance is not designed to address social equity; social equity is a much bigger problem than what a single ordinance can fix.

Commissioner Juarez stated the Black, Indigenous, Persons of Color (BIPOC) community was "sold bill of goods" when it came to cannabis businesses and equity. Commissioner Juarez spoke about systemic inequities and the fact that people knew those in marginalized communities would not be able to get into the cannabis industry. Commissioner Juarez questioned who was behind the 2018 ballot initiative. Commissioner Juarez acknowledged the proposed ordinance would not solve the problem of social equity, but he stated the ordinance was a "slap in the face" to the black and brown community. Commissioner Juarez indicated this was an example of the disconnect between cultures.

Commissioner Praedel observed that the license for a Class A Microbusiness was more expensive at the state level than for a regular Microbusiness. Commissioner Praedel stated the situation was a Catch-22: if the City did not amend its ordinance the businesses that wanted this type of permit would simply go to another jurisdiction. Commissioner Praedel added that adoption of the ordinance would concentrate wealth and power, but if the Commission did not adopt the ordinance the City would lose revenue that could be used for social equity.

Mayor Anderson noted the adult use cannabis statute was citizen-initiated, and voters approved it. Mayor Anderson stated the City held townhall meetings to get input and was trying to address social equity.

Commissioner Decker noted that minority participation was not addressed in the social equity plans submitted by applicants for City permits. Commissioner Decker wondered how the City could get people into marihuana businesses if they did not

2023-26-23

Ordinance 2066
Permitting the Operation
of Class A Microgrower
Marihuana Businesses
(cont'd)

2023-26-23

Ordinance 2066
Permitting the Operation
of Class A Microgrower
Marihuana Businesses
(cont'd)

have access to capital. Commissioner Decker agreed with Commissioner Praedel that the Class A Microbusiness seemed to be a lot more expensive than a regular Microbusiness. Commissioner Decker suggested increasing the percentage of marihuana revenue earmarked for social equity.

With a roll call vote the motion passed 4-3.

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

NAYS: Decker, Hoffman, Juarez

2023-26-24

Ordinance 2067
Amending Chapter 35
re: Payments in Lieu of
Taxes (PILOT's)

When an opportunity was given for public comments on an ordinance amending Chapter 35 of the Kalamazoo City Code allowing for a Payment in Lieu of Taxes (PILOT) for certain qualifying housing developments that provide dwelling units for low-income individuals and families, the following people addressed the City Commission:

Mattie Jordan-Woods, City resident, asked whether the proposed ordinance would allow existing housing developments to be granted a PILOT.

An anonymous speaker asked if he could get a PILOT if he received a lead paint removal grant.

In response to Ms. Jordan-Woods, Housing Development Supervisor Sharilyn Parsons stated the proposed ordinance changes would not make existing housing developments eligible for PILOT's. Housing Development Supervisor Parsons explained state law and regulations still required the involvement of the Michigan State Housing Development Authority (MSHDA) in order for a project to be eligible for a PILOT.

Ms. Jordan-Woods reported the state had told her it was a City rule that prevented the Northside Association for Community Development from getting a PILOT. Ms. Jordan-Woods stated the situation was not equitable and noted the BIPOC community was disadvantaged.

Mayor Anderson and Housing Development Supervisor Parsons described changes that had taken place at the state level with regard to low-income housing tax credits. Housing Development Supervisor Parsons explained the City's PILOT ordinance was being amended to reflect those changes.

Commissioner Juarez requested that staff meet with Ms. Jordan-Woods in the next two weeks to discuss her questions and concerns. Commissioner Juarez encouraged staff to educate developers about the opportunities available through state law and the PILOT ordinance.

Mayor Anderson offered that there was an opportunity for a discussion about creative ways to do affordable housing.

Commissioner Praedel, seconded by Vice Mayor Cooney, moved to adopt an **ORDINANCE** amending Chapter 35 of the Kalamazoo City Code allowing for a Payment in Lieu of Taxes (PILOT) for certain qualifying housing developments that provide dwelling units for low-income individuals and families.

Prior to a vote on the motion, Commissioner Praedel stated the City needed to use whatever tools were available to address the need for housing, and he noted this ordinance would show the City's commitment to mixed income housing developments.

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 a resolution setting payment in lieu of taxes (PILOT) fees for qualifying low-income housing projects, the following people addressed the City Commission:

Mattie Jordan-Woods questioned whether the proposed resolution would help black developers.

Commissioner Hoffman, seconded by Commissioner Praedel, moved to adopt a **RESOLUTION** setting payment in lieu of taxes (PILOT) fees for qualifying low-income housing projects.

Prior to a vote on the motion, and in response to questions and comments from Commissioners, Housing Development Supervisor Parsons provided the following information:

- the fee resolution accompanied the ordinance that was just adopted; the fees would apply to developments that qualified for PILOT's.
- four percent (4%) was the lowest possible PILOT fee. The fees were recommended by staff and approved by the City Commission. Staff did not want to create one standard for the fee, as that might stifle development. The scaled fee schedule created an incentive for developers to offer more affordability in their developments.
- the reference in the resolution to PILOT's approved within a certain time frame was a reference to developments for which the City Commission awarded a PILOT's in 2021. A court case reversed the City Commission's award actions, but recent changes to the law made those developments PILOT-eligible again. There were two PILOT's approved during this timeframe; both were approved for 100% of the units. The resolution used a date range because specific names cannot be used in a situation like this.

With a roll call vote the motion passed unanimously.

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

NAYS: None

The meeting recessed at 10:38 p.m.

The meeting resumed at 10:53 p.m.

2023-26-24

Ordinance 2067
Amending Chapter 35
re: Payments in Lieu of
Taxes (PILOT's)
(cont'd)

2023-26-25

Resolution 23-35
Setting PILOT Fees

Unfinished Business

2023-26-26

Contract for a Real-Time Crime Center Video and Collaboration Platform

Items of Unfinished Business were considered next.

Deputy Public Safety Chief Matt Huber provided an update on the community outreach that had occurred since the June 5th City Commission meeting regarding the proposed real-time crime center video and collaboration platform through the solution provider Fusus.

Commissioner Hess noted the proposed system was not a surveillance system to watch for potential crimes but would be used in response to a crime that had been committed.

In response to questions and comments from Commissioners, Deputy Chief Huber and Director Mitchell provided the following information:

- the City had 50 cameras to deploy. Staff had been in conversations with businesses that might be willing to participate, but it was unknown how many businesses would opt-in to the system.
- the Fusus system had a robust audit trail, which would provide accountability. Staff would develop a “use of technology” policy. The policies developed can be shared with the City Commission prior to implementation of the system. Staff has no objection to having a “check-in” with the City Commission one year after implementation.
- there will additional, intentional community meetings to explain the system.
- the proposed contract with Fusus would be a three-year contract. The federal government was not involved in this project in any way; the grant funding accepted at the previous Commission meeting was for the Fusus pilot and came from downtown business owners. The ongoing costs would be \$375,000 for the three-year contract, which would be paid for with City funds.
- the video system would be used once a crime was committed. There were difference levels of permission that businesses could grant in terms of the City’s access to the cameras and video. The City could also use the system for virtual patrols.
- staff had reached out to the North Kalamazoo Mall but had not contacted businesses in particular; 7-8 property owners might be interested in participating.
- the Fusus system was not capable of facial recognition; the company was against facial recognition technology.
- currently there are 35 PSO vacancies at KDPS. On weekdays there are 13 PSO’s on patrol citywide; that number jumps to 17 on the weekends; there are 1-2 PSO’s patrolling downtown at any given time.
- the “core” devices on site at the business stored video for 48 hours. The video can be “snipped” and saved for evidentiary purposes.
- the data in the system was encrypted both in transit and at rest; the system complied with the Criminal Justice Information System (CJIS) standards required by the US Department of Justice.

- Kalamazoo would be the first community in Michigan to use the Fusus system.
- the Fusus system would help with issues PSO's encountered when canvassing for video footage after a crime, such as businesses being closed or the person on site at the business not having the knowledge or authority to access the video system or share the video.
- larger cities using the Fusus system included Atlanta, Chicago, and South Bend. Atlanta just used the system to solve a mass murder. The Fusus system would be one more tool for KDPS to use.
- up to this point the City had done a small pilot to make sure the system works. If the contract is approved, the City will start working with businesses and neighborhood associations to expand participation.
- it was not clear whether ARPA funds could be used for this contract. The system was an open system; businesses could purchase the "core" device themselves.

Commissioner Hess stated she had met with downtown business owners, Chief Boysen, and Assistant Chief Victor Green, and that meeting opened her eyes to the situation downtown. Commissioner Hess stated if implementing the Fusus system would help address gun violence, then the City should do it.

Commissioner Decker indicated she was looking forward to seeing the technology use policy and stated the City Commission would be interested in outcomes and data. Commissioner Decker remarked on the importance of businesses being able to opt-in and opt-out of the system. Commissioner Decker stated this could be a good tool for KDPS.

When an opportunity was given for public comments on a three-year contract with Fusus, Inc. for a real-time crime center video and collaboration platform, the following people addressed the City Commission:

Kim Harris, non-resident, expressed opposition to the proposed Fusus contract. Ms. Harris questioned who would have access to the data and whether the public would ever know if the City was using facial recognition tools.

Mattie Jordan-Woods, City resident, questioned why the City was implementing this first in the downtown area and expressed concern that the video system would reduce crime downtown area by pushing into the core neighborhoods. Ms. Jordan-Woods asked why the City was responding to businesses that requested more protection, when the core neighborhoods had been asking the City for help with stopping gun violence for years. Ms. Jordan-Woods stated the City should have invited the Northside Cultural Business District board to hear about the system.

Bill Farmer expressed concern about facial recognition and compared the proposed Fusus implementation to Project Red Light in Detroit, which the US Department of Justice deemed ineffective.

2023-26-26

Contract for a Real-Time Crime Center Video and Collaboration Platform (cont'd)

2023-26-26

Contract for a Real-Time Crime Center Video and Collaboration Platform (cont'd)

Christina Augustine, non-resident, noted that renters did not have the ability to opt-in or opt-out of the system. Ms. Augustine stated people were giving up their liberty for security, and she read the 4th Amendment to the US Constitution.

An anonymous speaker spoke about the invasion of public spaces and pointed out City staff did not like being recorded.

An anonymous speaker questioned why the City did not develop a use policy during the Fusus pilot and why information on the pilot was not available to the public. The speaker noted that policies were not laws and would not protect people. The speaker stated the City needed to wait on this proposal.

Jeff Messer, City resident, observed that the crimes committed downtown were petty offenses, and while the Fusus system did not do facial recognition, its video algorithms utilized artificial intelligence (AI). A copy of Mr. Messer's written remarks was filed with the papers for this meeting.

Commissioner Juarez, seconded by Vice Mayor Cooney, moved to approve a sole source, three-year contract with Fusus, Inc. for a real-time crime center video and collaboration platform in the amount of \$375,000.

Prior to a vote on the motion, Commissioner Juarez spoke about the impact of cultural differences and described the scene of shooting he had witnessed the previous week. Commissioner Juarez stated the City should deploy the Fusus system in areas where crime was the worst. Commissioner Juarez indicated he was willing to give up some of his liberty for the love of his community. Commissioner Juarez suggested making the use of technology policy an ordinance, if that is what people wanted.

Vice Mayor Cooney noted that people in the neighborhoods wanted a surveillance system. Vice Mayor Cooney stated KDPS needed help to address violence in the City.

Commissioner Decker expressed agreement with the remarks made by her colleagues.

Commissioner Praedel related a story about his inability to access the video system at his place of employment when KDPS needed footage of a crime committed across the street. Commissioner Praedel reviewed the opportunities that had been given for public input and noted that businesses could opt-in and opt-out of participating in the system. Commissioner Praedel observed that private citizens and businesses used technology to protect themselves. Commissioner Praedel acknowledged that the City Commission had an oversight responsibility to make sure the use of technology did not cross a line, and he stated the City Commission wanted policies in place and a check-in from staff.

Commissioner Hess expressed support for the motion and stated her heartache and empathy for the community was leading her to support the implementation of this tool to help KDPS.

Mayor Anderson pointed out that people used surveilling technology every day in the form of smart phones and GPS in their vehicles. Mayor Anderson stated the

City Commission would demand that the Fusus tool be used ethically, and he expressed support for making this tool available.

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 item of New Business was considered.

Mayor Anderson provided an overview of a proposed amendment to the employment agreement with City Attorney Clyde Robinson, which would allow City Attorney Robinson to obtain the City's retiree healthcare insurance for his wife.

Commissioner Hoffman noted there were four other non-bargaining unit (NBU) staff members who were in the same situation as City Attorney Robinson, and she asked that they be given the same option as City Attorney Robinson.

City Manager Ritsema explained retiree healthcare benefits for NBU employees were established in administrative policy, whereas the City Attorney's benefits were established in an employment agreement approved by the City Commission.

Commissioners Hoffman and Praedel requested that the City Manager consider making healthcare benefits available to partners of NBU retirees who were similarly situated to City Attorney Robinson.

An opportunity was given for public comments on the proposed amendment to the employment agreement, but no comments were offered.

Commissioner Juarez, seconded by Commissioner Hess, moved to approve an amendment to the employment agreement with City Attorney Clyde Robinson to provide spousal health insurance upon his retirement.

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 Decker, seconded by Commissioner Hess, moved to set aside \$30,000 from the City Commission budget to help the Kalamazoo Department of Public Safety find transportation for youth for City programs throughout the summer.

In response to a question from City Manager Ritsema, Commissioner Decker clarified that the programs she was referencing were the Police Athletic League (PAL) programs and any other areas where Chief Boysen saw a need.

2023-26-26

Contract for a Real-Time Crime Center Video and Collaboration Platform (cont'd)

New Business

2023-26-27

Amendment to the Employment Agreement with Clyde Robinson

Commissioner Comments

Allocation of Funds to Reduce Barriers to City Recreation Programs

Allocation of Funds to
Reduce Barriers to City
Recreation Programs
(cont'd)

Commissioner Juarez noted the Parks and Recreation Department provided transportation to and from some of its programs, but the timing of those programs prevented staff from providing transportation to and from the PAL programs.

Commissioner Decker amended her motion to be: "Set aside \$30,000 for the 2023 year for the transportation of youth with the PAL programs." Commissioner Hess concurred with the amendment.

Discussion followed.

City Attorney Robinson suggested the City Commission authorize the City Manager, and by extension, Chief Boysen, to expend funds immediately to address the issues that exist, with the understanding that there would be a follow-up action on July 5th to retroactively allocate the funds.

Commissioner Decker, seconded by Commissioner Hess, moved to authorize the City Manager to take steps necessary to reduce access barriers to the PAL programs and to come back with a resolution at the next City Commission meeting.

With a roll call vote, the motion passed unanimously.

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

NAYS: None

Commissioner
Comments (cont'd)

Commissioner Hess thanked City Attorney Robinson for his service. Commissioner Hess requested that the next business meeting agenda include an item creating a committee to look at the marihuana ordinances.

Commissioner Praedel thanked City Attorney Robinson and his family for their sacrifice and service to the City.

Adjournment

The meeting adjourned at 12:31 a.m. on June 21, 2023.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

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