

	A regular meeting of the Kalamazoo City Commission was held on Monday, June 5, 2023 at 7:01 p.m. in the City Commission Chambers at City Hall.
Roll Call	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 Bill and Marilee Menser, New Day Community Church, was followed by the Pledge of Allegiance.
Recognition of Guests	Mayor Anderson recognized the presence of former City Manager Ken Collard.
Proclamations 2023-24-01	Commissioner Decker proclaimed June 19, 2023 as <i>Juneteenth</i>. Marcus Johnson, a member of the audience, received the proclamation on behalf of the community.
2023-24-02	Commissioner Praedel proclaimed June 2023 as <i>Pride Month – Kalamazoo</i>. Tracy Hall, Executive Director of Out Front Kalamazoo received the proclamation.
2023-24-03	Commissioner Hoffman proclaimed June 12, 2023 <i>Honoring Women Veterans Recognition Day</i>. Toni Kennedy, Veteran Navigator for Southwest Michigan, received the proclamation.
2023-24-04	Commissioner Hess proclaimed June 2, 2023 <i>Gun Violence Awareness Day</i>. Members of Kalamazoo Moms Demand Action received the proclamation.
Adoption of the Agenda	By unanimous consent the City Commission adopted its meeting agenda with the following changes: Commissioner Praedel requested that Items G-7 (a grant agreement with the Peregrine Foundation for implementation the Fusus real time crime center system for downtown) and G-8 (contract with Fusus, Inc. for a real time crime center video and collaboration platform) be moved to the Regular Agenda. City Manager Ritsema noted the recommendation language for Item G-7 needed to be changed, as the grant was coming from the Hall Downtown Initiative Fund, not the Peregrine Foundation.
2023-24-05 Communications: Presentation on a Community – Based Gun Violence Prevention Plan	Jennifer Heymoss, Vice President for Initiatives and Public Policy at the Kalamazoo Community Foundation, delivered a presentation entitled <i>June 2023 Kalamazoo Blueprint for Peace Update: Kalamazoo County Collective Input for a Violence Prevention Plan</i>. A copy of the slides from this presentation was filed with the papers for this meeting. In response to comments and questions from City Commissioners, Ms. Heymoss provided the following information:

- the community was doing many things right to address gun violence; we just need to fill in the gaps.
- the blueprint is a good document, but without action it is only a piece of paper.

Commissioner Juarez thanked Vice President Heymoss for her work and inclusive approach. Commissioner Juarez stated the community was winning with regard to gun violence, and he expressed appreciation to everyone working on this initiative.

Commissioner Decker thanked everyone who was a part of the journey to address gun violence, and she expressed excitement to see what would happen as a result of these efforts.

Commissioner Praedel remarked that the Blueprint for Peace was one of the most consequential initiatives coming from the Kalamazoo Community Foundation, and he requested a full presentation on this topic.

Commissioner Juarez recognized and acknowledged various community partners who were working to address gun violence.

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

In-Person Comments

Ken Collard, City resident, expressed opposition to the proposed reconfiguration of lanes on Winchell Avenue between Oakland Drive and Winchell Way apartments. A copy of a flyer submitted by Mr. Collard was filed with the papers for this meeting.

Bruce Merchant, City resident, continued reading Mr. Collard's statement in opposition to the proposed reconfiguration of lanes on Winchell Avenue between Oakland Drive and Winchell Way apartments.

Dan Bair, City resident, asked that the City make the West Main Hill Play Street a permanent feature. Mr. Bair invited Commissioners to an ice cream social on Saturday to celebrate the opening of the play street.

Jen Stroven, City resident, remarked on the vehicular hazards that would be resolved by the creation of the West Main Hill Play Street, and she thanked staff for their work on the Play Street.

Nora Hauk, City resident, discussed the benefits of having sidewalks, spoke about the lack of sidewalks in West Main Hill, and stated the Play Street project was a meaningful way to create a space for community and safe interactions.

Jessica Glynn, City resident, spoke about the community-building benefits of the West Main Hill Play Street.

Rachel Bair, City resident, thanked the City for the inclusive process that led to the creation of the West Main Hill Play Street.

2023-24-05

Communications:
Presentation on a
Community – Based
Gun Violence
Prevention Plan (cont'd)

Public Comments

2023-24-06

Public Comments
(cont'd)

An anonymous speaker expressed concerns about the proposed mass surveillance system and read questions from the American Civil Liberties Union (ACLU) that should be answered before implementing a surveillance system. The speaker asked the City Commission to reject the proposed surveillance system and turn down the grant; prepare a report that answers the ACLU's questions; ban the use of facial recognition technology in the City; and publicly disclose the results of the Fusus trial project.

Amanda Stuart, City resident, asked the City Commission to vote "No" on Item G-7. Ms. Stuart reported she could not find a "Peregrin Foundation" in state or federal databases, which made her question the true source of the grant.

Representatives from Justice Against Bullying at School (JABS) provided invitations to the JABS Awareness Month Events.

Dylan spoke about JABS and gun violence at New Village Park apartments.

Gwendolyn Hooker, City resident, thanked the City Commission for resources to address gun violence. Ms. Hooker invited City Commissioners to the JABS Jubilation event and the Growth and Development Youth Center.

Charlae Davis, Executive Director of ISAAC, thanked the City Commission for the proclamation and funding to address gun violence. Ms. Davis spoke about the hope and unity among organizations doing anti-gun violence work.

Tom Howes, City resident, spoke about Graphic Packaging and asked who could hold the company responsible for the pollution they were creating. Mr. Howes expressed concern about the proposed video surveillance system and asked the City Commission to vote against it.

Graham, a City resident, asked the City Commission to vote against the proposed video surveillance system.

Iris Potter, City resident, asked the City Commission to hold a public hearing on the Fusus proposal and expressed concern about how the City would use the system. Ms. Potter requested that the Graphic Packaging situation be declared a public health emergency and asked that the City shut down Graphic Packaging with a nuisance violation.

Wendy Fields, President of the Kalamazoo NAAPC, spoke about the need for consequences if an organization violates its values. Ms. Fields stated there should be consequences for actions, and the City needed to lead in this area.

2023-24-07

Jeff Messer, City resident, expressed opposition to new park rules erected on the North Kalamazoo Mall. Mr. asked that the City Commission amend the city code to take away the authority of the Parks and Recreation Director to establish park rules unilaterally. A copy of Mr. Messer's written remarks was filed with the papers for this meeting.

Call-In Comments

An anonymous caller expressed opposition to the Fusus contract and stated Graphic Packaging should be shut down and pay reparations.

Tina, a City resident, questioned why the City was taking away green space and allowing development near Lake Street that would make flooding in the neighborhood worse. Brian Smith, City resident, expressed opposition to the Fusus system proposal and asked the City Commission to vote against it. An anonymous City resident demanded that the City Commission reject the video surveillance system proposal. Sharon, a City resident, expressed opposition to the video surveillance system proposal.	Public Comments (cont'd)
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 post award text addendum to contract 96871-016.0 with Waste Management, Inc. for loading, hauling, stabilizing, and disposal of wastewater residual biosolids. - approval of the sole source purchase of odor suppressant chemicals from Solterra Group, LLC in the amount of \$123,200. - approval of a sole source purchase with USP Technologies to provide turnkey hydrogen peroxide storage, chemical feed system, maintenance and operations, monitoring, odor chemicals, and technical assistance in the amount of \$125,000. - approval of a one-year contract extension with Mulders Landscape Supplies, Inc. to provide landscaping supplies for the Parks & Recreation and Public Services Departments in the amount of \$228,061.71. - approval of a one-year contract extension with Treeworks, Inc for neighborhood tree maintenance in the amount of \$242,315. - approval of contract supplemental and change order with Carrier & Gable for traffic signal maintenance supplies in the amount of \$266,000. - adoption of a RESOLUTION recommending approval of a Social District Permit for New Belgium Brewing Company, Inc. dba Bell's Brewery at 355 East Kalamazoo Avenue. - adoption of a RESOLUTION approving the 4th Amendment to the Revised Brownfield Plan for Scattered Site Infill Housing. - adoption of a RESOLUTION approving the 11th Amendment to the City's Revised Brownfield Plan. - approval and acceptance of an easement with Coopers Landing 3, LLC for water main installed as part of the Coopers Landing Phase 5 Development in Cooper Township. - approval of the minutes from the City Commission meetings on May 15, 2023.	Consent Agenda 2023-24-08 2023-24-09 2023-24-10 2023-24-11 2023-24-12 2023-24-13 2023-24-14 Resolution 23-26 2023-24-15 Resolution 23-27 2023-24-16 Resolution 23-28 2023-24-17 2023-24-18

Consent Agenda
(cont'd)

Commissioner Hoffman, seconded by Vice Mayor Cooney, 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

Regular Agenda items were considered next.

2023-24-19

Contract for the 2023
Northside #2 Non-
Copper Water Service
Replacement Project

When an opportunity was given for public comments on a contract with SWT Excavating, Inc. for the 2023 Northside #2 Non-Copper Water Service Replacement Project, the following people addressed the City Commission:

Jeff Messer, City resident, remarked on the new practice of putting contracts over \$1 million on the Regular Agenda and stated this practice did not really increase transparency. Mr. Messer suggested increasing the Regular Agenda threshold to \$3 million and/or exempting water and wastewater contracts from this practice. Mr. Messer offered that transparency would better served if the City made public a list of all administratively approved contracts.

Commissioner Hess, seconded by Commissioner Decker, moved to approve a contract with SWT Excavating, Inc. for the 2023 Northside #2 Non-Copper Water Service Replacement Project (Drinking Water Revolving Fund / Booker Funding) in the amount of \$1,972,749.77.

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-24-20

Contract for the
Milwood Water Pipe
Lining Project

In response to questions from Commissioner Praedel, Public Services Director James Baker described the Milwood water main lining project and explained that pipe lining allowed the City to refurbish and extend the life of water main without tearing up the roads. Director Baker stated pipe lining would improve water aesthetics only if interior pipe corrosion was the source of iron in the water. Director Baker indicated rehabilitation by lining might be used in other parts of the City, but he could not guarantee it would be used in every neighborhood. Director Baker noted the estimated cost to replace all the remaining cast-iron pipe in the City was approximately \$600,000,000, which was not currently funded in the City's budget.

An opportunity was given for public comments on a contract with Fer-Pal Construction USA, LLC for the cured in place pipe lining project for water main in the Milwood Neighborhood, but no comments were offered.

Commissioner Juarez, seconded by Commissioner Hoffman, moved to approve a contract with Fer-Pal Construction USA, LLC for the cured in place pipe lining project for water main in the Milwood Neighborhood in the amount of \$2,198,915.

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 provided an overview of an ordinance amending the City's traffic code to prohibit distracted driving. City Attorney Robinson indicated the proposed ordinance incorporated the language from state law verbatim. City Attorney Robinson stated the broad intent of the law was to prohibit drivers from holding or using a mobile device while driving; accordingly, the list of specific prohibitions was characterized as "including but not limited to." City Attorney Robinson noted the law prohibited using a phone at a stop sign or stop light, and he reviewed the exemptions to these prohibitions. City Attorney Robinson remarked on the need for public education on this issue.

In response to a question from Vice Mayor Cooney, City Attorney Robinson explained that having a City ordinance in addition to state law would allow the City Attorney's office to prosecute violations rather than the County Prosecutor.

Commissioners Hess, Juarez, and Decker expressed support for the proposed ordinance.

Commissioner Hess expressed interest in the City's efforts to educate the public about the new ordinance.

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:

Jeff Messer, City resident, asked whether the City would be able to collect fine revenue, with it being a City ordinance, and he suggested creative enforcement of the new ordinance.

An anonymous speaker remarked that poor people could not afford cars or phone with hands-free tools. The speaker stated the ordinance was redundant, unnecessary, and burdensome for poor people.

City Attorney Robinson indicated the City could collect a portion of the fines for ordinance violations in most situations, but the City had a contract with Kalamazoo County for use of the Crosstown Center that specified the City would not receive any fees until the amount collected reached a certain level.

Commissioner Juarez, seconded by Commissioner Praedel, moved to offer for first reading an ordinance amending the City's traffic ordinance to prohibit distracted driving, as permitted by state statute.

Prior to a vote on the motion, Praedel observed that distracted driving had overtaken drunk driving as a cause of traffic fatalities, but it had not achieved the same stigma.

Commissioner Hess noted a recent car accident caused by a distracted driver had cost her \$12,000.

2023-24-20

Contract for the
Milwood Water Pipe
Lining Project (cont'd)

2023-24-21

First Reading of an
Ordinance re: Distracted
Driving

2023-24-21

First Reading of an
Ordinance re: Distracted
Driving (cont'd)

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-24-22

First Reading of an
Ordinance re: Payment in
Lieu of Taxes (PILOT)

City Attorney Robinson provided an overview of 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. City Attorney Robinson explained that state law had changed to include "individuals," and City ordinance was being amended to align with the law. City Attorney Robinson indicated staff had set 60% of Area Median Income (AMI) as the minimum level of affordability to receive assistance. City Attorney Robinson noted he had given Commissioners a new version of the ordinance with corrections and clarifications.

In response to a question from Commissioner Juarez, Mayor Anderson stated 80% of the units needed to be designated for individuals or families at 60% of AMI or lower in order to qualify for a PILOT.

City Attorney Robinson explained that developments with a larger number of more affordable units would be eligible for a lower PILOT, and developments with a smaller number of affordable units would give the developer a higher PILOT.

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, but no comments were offered.

Commissioner Juarez, seconded by Vice Mayor Cooney, moved to offer for first reading 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.

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-24-23

First reading of an
Ordinance Creating a
DEI Department

Diversity, Equity, and Inclusion (DEI) Director Tanya Hewitt-Smith delivered a presentation entitled *City of Kalamazoo Diversity, Equity, and Inclusion Road Map*. A copy of the slides from this presentation was filed with the papers for this meeting.

Commissioner Decker thanked Commissioners and Hess and Hoffman, City Attorney Robinson, and Chief Operating Officer Laura Lam for their work on the proposed ordinance. Commissioner Decker expressed excitement about the ordinance and commitment to the work of DEI.

Commissioners thanked Director Hewitt-Smith and DEI Coordinator Lal Tluangi for their skill as teachers and for the work they were doing to educate the City organization about DEI.

City Attorney Robinson noted Kalamazoo was in the vanguard by creating a DEI Department in City ordinance.

When an opportunity was given for public comments on an ordinance to establish the Diversity, Equity & Inclusion Department, the following people addressed the City Commission:

Charlae Davis, Executive Director of ISAAC, thanked City Manager Ritsema, Chief Operating Officer Laura Lam, City Attorney Robinson, Commissioner Hess, and Commissioner Hoffman for their hard work. Ms. Davis expressed excitement at seeing the DEI ordinance. Ms. Davis suggested the City have local equity organizations review the proposed ordinance before adoption.

Wendy Fields, City resident, remarked that Director Hewitt-Smith understood the City's culture, but she was in a "honeymoon" period with her position. Ms. Fields asked the City Commission to support Director Hewitt-Smith in whatever ways she needed support. Ms. Fields stated the work would not be easy, especially when people are held accountable.

An anonymous speaker stated he understood DEI to include people with service dogs, but DEI at the City was for race and gender. The speaker listed the places around the City where he was not welcome.

Commissioner Hoffman, seconded by Commissioner Decker, moved to offer for first reading an ordinance to establish the Diversity, Equity & Inclusion Department, whose Director will be appointed by and report to the City Manager.

With a roll call vote the motion passed unanimously.

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

NAYS: None

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, but no comments were offered.

Commissioner Hess, seconded by Commissioner Decker, moved to offer for first reading 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 Hoffman indicated she was struggling to supporting this ordinance because there were a lot of marihuana stores in the City already.

In response to questions from Commissioner Juarez, City Attorney Robinson explained that a microbusiness was a unique category of business created by the Cannabis Regulatory Agency (CRA) through the administrative rule process. City

2023-24-23

First reading of an Ordinance Creating a DEI Department (cont'd)

2023-24-24

First reading of an Ordinance to Permit the Operation of Class A Microbusinesses

2023-24-24

First reading of an Ordinance to Permit the Operation of Class A Microbusinesses (cont'd)

Attorney Robinson stated Class A Microbusinesses were added to the ordinance but as a business type that was not permitted. City Attorney Robinson reported the Zoning Board of Appeals had granted a variance for a business to operate a Class A Microbusiness at the location of the former Great Lakes Shipping Company, but the City's permitting and regulatory ordinance still did not allow for this type of marihuana business. City Attorney Robinson indicated the proposed ordinance would close the gap between the ZBA's interpretation of the Zoning Code and the regulatory ordinance. City Attorney Robinson explained the differences between a Microbusiness and a Class A Microbusiness. City Attorney Robinson stated he did not think the business in question made a procedural error by seeking the zoning variance first.

Commissioner Juarez remarked on the large number of marihuana businesses in the City and indicated he would not be supporting the proposed ordinance.

City Attorney Robinson spoke about the challenges facing people of color who wanted to open marihuana businesses.

In response to a question from Commissioner Juarez, City Attorney Robinson stated expungement laws were passed two years ago, which allowed people convicted of marihuana offenses to get expungements if the convictions were for activities that became legal as of December 18, 2018. City Attorney Robinson discussed the involvement of his office in the expungement process.

Commissioner Decker stated she tried to be thorough when reviewing marihuana business applicants' community investment statements in her role as a member of the Economic Development Corporation Board. Commissioner Decker noted marihuana businesses were struggling. Commissioner Decker reported some social equity plans were better than others.

Commissioner Juarez questioned whether the City was doing a good thing to allow businesses to form that were going to fail. Commissioner Juarez remarked that minorities always seemed to get "the scraps." Commissioner Juarez stated the black and brown community voted in favor of the marihuana proposal, which was the only reason the proposal passed. Commissioner Juarez stated the City should make equity happen.

Commissioner Decker suggested the City Commission review the Social Equity Policy.

With a roll call vote the motion passed 6-1.

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

NAYS: Commissioner Juarez

2023-24-25

Contract and for a Crime Center Video and Collaboration Platform

Public Safety Chief Dave Boysen delivered a presentation entitled *Fusus Real Time Crime Center: Kalamazoo City Commission, June 5, 2023*. A copy of the slides from this presentation was filed with the papers for this meeting.

Community Planning and Economic Development Director Antonio Mitchell indicated businesses had expressed a desire for a larger police presence downtown, which resulted in consideration of a collaborative video platform. Director Michell

explained the Hall Fund grant would cover the 2023 video system pilot, while the \$375,000 contract would cover implementation of the system moving forward. Director Mitchell stated the collaborative video system would help the Kalamazoo Department of Public Safety (KDPS) solve crimes and help the City build relationships with downtown businesses.

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

- dealing with mobile, active shooters is potential application of the Fusus system. The system will be good for officer safety.
- the Fusus system will help the City's economic development initiatives.
- other systems, like the one use for Project Green Light Detroit, have a high cost because businesses must buy a specific camera; the Fusus system accesses existing cameras.
- the Fusus system only integrates with commercial surveillance systems, not smart phones, dash cameras, body cameras, or residential systems like Ring.
- Phase 1 of the Fusus implementation will focus on the Downtown core; Phase 2 will incorporate additional Downtown businesses. Relationships with Kalamazoo Valley Community College, Western Michigan University, and Kalamazoo Public Schools can be explored too.
- the "Core" device will allow KDPS to see what a camera sees, but the video itself will remain in possession of the business. Business owners have a choice and options for what videos are shared with KDPS.
- the Fusus system can be accessed by multiple officers on various devices (desktop computers, laptop computers, mobile devices).
- the grant would fund the first year of the program; through the contract, KDPS is requesting funding for years two and three.
- in the future, the City will look for funding partners from the business community; ideally, system expansion will happen through expanding partnerships.
- this proposal has nothing to do with undocumented immigrants. KPDS has policies about working with the federal Immigration and Customs Enforcement agency (ICE); by policy the City will not share video with ICE. As a company, Fusus does not use facial recognition technology at all – it is not an option with their products.
- the unhoused are at a higher risk for being victims of crime: this system will help them.
- employees at downtown businesses are afraid to come to work; the community needs to know KDPS is partnering with them.

2023-24-25

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

2023-24-25

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

- KDPS protects peoples' civil liberties; the Fusus system will help with that work. Cameras are an important part of the City's strategy to address crime.
- KDPS moved forward with the Fusus pilot because they needed to test the system to see if it worked and if they wanted it.
- the City introduced this concept to the community with Ring cameras in the neighborhoods. Liquor stores could be involved with this system, which would impact the community.
- this forum is a good opportunity to address questions and concerns from the community.
- the Fusus system is compliant with federal Criminal Justice Information Services (CJIS) requirements.

Commissioner Juarez expressed interest in the Fusus system and observed it took KDPS almost two weeks to catch a bank robber. Commissioner Juarez stated people did not want to talk with police, even if they were eyewitnesses to a shooting. Commissioner Juarez remarked that people were already under surveillance; this system just offered a new way to use the video. Commissioner Juarez expressed hope that this system could help fight racism by preventing false accusations.

Commissioner Hess reported she had attended meetings where downtown businesses were pleading with KDPS for help. Commissioner Hess stated this was a good next step.

Commissioner Hoffman spoke about the need for the City to improve its community relations and address issues about police legitimacy. Commissioner Hoffman stated she empathized with businesses on the Kalamazoo Mall, but crime was happening in every part of the community. Commissioner Hoffman expressed hope that the City's relationship building would involve the entire community.

Vice Mayor Cooney acknowledged there were good reasons to be concerned about surveillance. Vice Mayor Cooney stated he was encouraged to hear the Fusus system would start downtown, and there would be community conversations before it was expanded into the rest of the community. Vice Mayor Cooney stated the Fusus system seemed to address the ACLU's questions for surveillance systems.

City Attorney Robinson noted the Fusus system would integrate with cameras owned by private entities; the cameras would not be owned by the government. City Attorney Robinson also pointed out the system would not violate constitutional protections against unreasonable searches and seizures, because the cameras would be in public places, where there was no reasonable expectation of privacy.

Mayor Anderson stated the City's work with video camera systems began in the neighborhoods, and the community was supportive. Mayor Anderson reported the Northside Cultural Business District Authority Board was upset that it was not included in the Phase I implementation. Mayor Anderson described a situation involving kids in a hijacked car that were found because of cameras in the Fusus pilot.

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

An anonymous speaker offered remarks on the lack of transparency about the Fusus system, the nature of the Fusus system as a partnership with the business community, the lack of data in the Chief's presentation, and Amazon's sharing of Ring camera data with law enforcement agencies. The speaker asked the City Commission to reject this proposal until data from the pilot project was presented publicly to the community at-large.

An anonymous speaker asked whether the Fusus system could work with traffic cameras to catch people using their phones while driving. The speaker remarked that City staff would not let him film them, even though City Hall was a public place.

An anonymous speaker referenced new park rules for the Kalamazoo Mall and his past comments to the City Commission about surveillance systems. The speaker asked the Commission to postpone action for two weeks to allow the public to find out how the Fusus system had been abused in other jurisdictions.

An anonymous speaker stated he was opposed to the Fusus system at first, but now it seemed like something the City should consider. The speaker suggested postponing action on this item. The speaker stated there was no unbeatable cybersecurity, and he questioned what crimes the system would be used for.

Brad Devereaux urged people to push for transparency on this issue and stated private outreach to businesses did not take the place of public City Commission meetings. Mr. Devereaux remarked that staff gave unclear answers to the questions that were raised.

Commissioner Juarez suggested the City Commission accept the grant to cover the cost of the Fusus pilot but postpone action on the contract.

Commissioner Decker expressed support for Commissioner Juarez's suggestion.

In response to questions from Commissioner Juarez, Director Mitchell stated the Fusus pilot happened over a 3–6-month period during the first half of 2023. Director Mitchell indicated staff could provide data from other cities on the impact of the Fusus system.

Chief Boysen explained the Fusus pilot was small in scope; it was not big enough to impact crime data.

In response to questions from Commissioner Decker and Mayor Anderson, Assistant City Manager Rebekah Kik stated the funding source for the grant was the Hall Downtown Initiative Fund at the Kalamazoo Community Foundation. Assistant City Manager Kik clarified the Hall Downtown Initiative Fund was established by the owners of Peregrine Towers.

Commissioner Hess, seconded by Commissioner Juarez, moved to postpone until June 20, 2023 consideration of 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.

2023-24-25

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

2023-24-25

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

With a roll call vote the motion passed unanimously.

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

NAYS: None

2023-24-26

Acceptance of a Grant
for a Real-Time Crime
Center System

When an opportunity was given for public comments on the acceptance of a grant from the Hall Downtown Initiative Fund to support implementation of the Fusus real-time crime center system in Downtown Kalamazoo, the following people addressed the City Commission:

An anonymous speaker stated PSO's going door-to-door was a community building exercise and very different than just looking at a camera. The speaker stated witnesses' fear of retaliation was not a good excuse for getting a surveillance system.

Commissioner Juarez, seconded by Commissioner Decker, moved to approve a grant agreement accepting \$100,000 from the Hall Downtown Initiative Fund to support implementation of the Fusus real-time crime center system in Downtown Kalamazoo.

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

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

Vice Mayor Cooney expressed agreement with Mr. Collard and stated the City should follow the Winchell Neighborhood Plan. Vice Mayor Cooney stated it was painful to hear about children getting sick because of pollution on the Northside, and he requested a monthly update report on the status of the situation with Graphic Packaging.

Commissioner Decker remarked on the Brownfield Plan amendments that were approved on the Consent Agenda. Commissioner Decker thanked Neighborhood Activator Slaby for organizing the Westnedge Hill Block Party.

Commissioner Hess noted the City Commission would be meeting on June 20th rather than June 19th due to the Juneteenth holiday.

Commissioner Praedel thanked staff for being at the meeting and working late.

Mayor Anderson reported he spoke at the Milwood Middle School graduation event. Mayor Anderson thanked Commissioners for doing this work.

Adjournment

The meeting adjourned on June 6, 2023 at 12:17 a.m.

Scott A. Borling
City Clerk

Approved by the City Commission on: _____

DRAFT