



Agenda

City Commission Business Meeting

City of Kalamazoo

Monday, January 4, 2021

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation
2. Introduction of Guests
3. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

E. PUBLIC HEARINGS

1. Public hearing to receive comments on the Fiscal Year 2021 Proposed Budget for the City of Kalamazoo. **(No action requested)**
2. Public hearing to receive comments on Substantial Amendments to the 2019-2023 Consolidated Plan and 2019 Action Plan Substantial as required by U.S. Department of Housing and Urban Development. **(Action: Motion to adopt the amendments and authorize the Director of Community Planning and Economic Development to sign all documents required by HUD)**
3. Public hearing to receive comments on an ordinance to rezone 902, 912, and 920 West North Street and 715 Woodward Street to Live Work 1 (LW1) from Residential Multiple Family (RM-15). **(Action: Motion to adopt the ordinance)**

F. PUBLIC COMMENTS

G. CONSENT AGENDA

(Action: Motion to approve items “1-3” and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of a sole source purchase with Jett Pump & Valve LLC for the Purifil Dry Scrubber Conversion Kit & Media, in the amount of \$250,216.56.
2. Adoption of a RESOLUTION approving the Amended Act 381 Brownfield Plan for Scattered Site Infill Housing in the City of Kalamazoo.
3. Approval of an *Amendment to the Brownfield Grant Contract* for the 615 Holdings Redevelopment Project between the Michigan Department of Environment, Great Lakes, and Energy and the City of Kalamazoo Brownfield Redevelopment Authority, and authorize the Brownfield Redevelopment Authority Board Chairperson to sign the amendment documents.

H. REGULAR AGENDA

1. Approval of a contract with Michigan Public Health Institute to conduct the Diversity, Equity and Inclusion Assessment in the amount of \$145,330.10.
(Action: Motion to approve)
2. Consideration of a recommendation to endorse the First Amendment Assembly Sub-Committee final report and direct the City Manager to pursue next steps identified in the report and provide periodic updates at future City Commission Business meetings. **(Action: Motion to endorse the report and direct the City Manager to pursue next steps and provide periodic updates)**

I. REPORTS AND LEGISLATION

1. City Manager's Report

J. UNFINISHED BUSINESS**K. POLICY ITEMS****L. NEW BUSINESS****M. COMMISSIONER COMMENTS****N. CLOSED SESSION**

O. ADJOURNMENT

ADDITIONAL INFORMATION

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City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **E.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Steve Vicenzi, CFO / Director Management Services

DATE: January 4, 2021

SUBJECT: Public hearing to receive comments on the Fiscal Year 2021 Proposed Budget for the City of Kalamazoo.

RECOMMENDATION:

It is recommended that the City Commission receive comments regarding the Fiscal Year 2021 Proposed Budget.

BACKGROUND:

Each year a resolution must be adopted to provide notice of a public hearing to be held prior to adoption of the budget. The hearing must take place prior to adoption of the budget and publication of a notice of said hearing must be published at least six (6) days prior to the hearing.

A resolution was approved on December 21, 2020 to set the hearing to take place at or after 7 p.m., local time, on January 4, 2021. The final budget actions by the City Commission are scheduled for January 19, 2021 and include the adoption of a General Appropriation Resolution for the Year of 2021 setting property tax millage rates, the final appropriations to be adopted by the City Commission for each fund and operation within the City, and other related actions such as resolutions regarding fee increases.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):



Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Consult (two-way conversation) – the community will have a chance to react to the project through two-way conversation.

FISCAL IMPACT:

No fiscal impact from holding the hearing. The Commission may request changes to the budget prior to final approval.



City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **E.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning & Economic Development Department (CPED)
Prepared by: Antonio Mitchell, Community Investment Manager

DATE: January 4, 2021

SUBJECT: Public Hearing on the PY2019-2023 Consolidated Plan and 2019 Action Plan Substantial Amendment

RECOMMENDATION:

It is recommended that the City Commission adopt Substantial Amendments to the 2019-2023 Consolidated Plan and 2019 Action Plan as required by the U.S. Department of Housing and Urban Development (HUD).

BACKGROUND:

HUD requires communities who receive Cares Act direct funding, like the City of Kalamazoo, to amend the associated Consolidated and/or Action Plan explaining how the funds will be used.

This will be the final public hearing in the HUD public process, which included a 5-Day Public Comment Period (COVID-19) and a public meeting that was held by the Community Development Advisory Committee (CDAAC) on November 19, 2020. At the conclusion of the City Commission public hearing, the amended 2019-2023 Consolidated Plan and 2019 Action Plan Substantial Amendments will be forwarded to HUD, so the City may receive the CARES Act-3, CDBG-CV 2 allocation of funds.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

PY2019 Cares Act-3 funds will support all PBB CDBG-CV programs assigned to the Community Development Division. A primary program supported with PY2019 CDBG-CV funds is Affordable Housing.

Strategic Goal Impact:



Complete Neighborhoods - residential areas that support the full range of people's daily needs



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.



Shared Prosperity - Abundant opportunities for all people to prosper

Discussion

Funds will be used to address homelessness prevention during and after the pandemic through the acquisition of the Knights Inn Motel. Funding will also support the continued growth of vibrant neighborhoods throughout the city.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Collaborate (two-way conversation) - the community will have a chance to shape the project by providing feedback.

Discussion: For all HUD allocations, a community engagement process is supported through Community Planning and Economic Development - Citizen Participation Plan. The Citizen Participation Plan is used to develop and determine goals for the City's Consolidated Plan, Assessment of Fair Housing Plan, Annual Action Plan and CARES Act Activities related to the pandemic. Engagement includes engaging applicable stakeholder, core neighborhood associations, holding public comment periods, public meetings and hearings to garner resident input. Comments and information gathered are used to identify resident needs and develop goals accordingly.

CDAAC is an instrumental part of the community outreach process. A subcommittee is convened to help CPED staff develop the community outreach process. The subcommittee members attend neighborhood meetings and provide support in reaching out to residents.

CDAAC was also responsible for assisting the City in identifying and recommending activities for the CARES Act-3 eligible expenses that prevent and respond to the spread of infectious diseases such as the coronavirus.

CDAAC held a public hearing on November 19, 2020, to take additional public comments and assist the City in determining the most urgent need for the citizens of Kalamazoo CARES Act-3 allocation.

FISCAL IMPACT:

The recommendation(s) will utilize the CARES Act federal allocation received from HUD or monies generated by that allocation. Through the award of these federal dollars in the manner recommended, the City of Kalamazoo's general fund is not required to address many of the community needs supported by the City and by outside nonprofit organizations.

The administration and monitoring of the projects will be conducted by CPED. Funding for the City of Kalamazoo activities is detailed in Attachment B.

May 2020
City of Kalamazoo
Department of Economic & Community Development
Community Development Division
Summary of PY2019 Consolidated Plan and Action Plan Amendments CARES Act - 3
In Response to COVID-19

The following information addresses the areas of the Citizen Participation Plan, PY2019-2023 Consolidated Plan and 2019 Action Plan amended in response to the Coronavirus Pandemic (COVID-19):

In compliance with HUD Memo, issued April 9, 2020, amendments to the approved Citizen Participation Plan, 2019 Consolidated Plan and action Plan were limited to the following sections:

CITIZEN PARTICIPATION PLAN

- **Citizen Participation narrative addition:** Citizen Participation Reasonable Notice and Opportunity to Comment. Hud recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of covid-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances. The county constitutes a public meeting as a public hearing that may take place in a physical location, virtual web meeting or teleconference. This authority is in effect through the end of the 2020 program year.

Availability of waivers of Community Planning and Economic Development (CPED) Grant Program and Consolidated Plan Requirements to prevent the Spread of COVID-19 and mitigate economic impacts caused by COVID-19. This 30-day minimum is for the required public comment period is waived for substantial amendments, provided that no fewer than five (5) day are provided for public comments on each substantial amendment. The waiver is available through the end of the recipients 2020 program year and is amended throughout the Citizen Participation Plan, a section of the 2019-2023 Consolidated Plan.

Any comments received, either at the virtual public hearing or during the public comment period will be considered by the City before the final amended action plan is submitted to HUD. A summary of the comments and the agency's responses will be an attachment to the final amended action plan.

This amended citizen participation plan will itself be made available to the public for a five (5) day public comment period prior to implementation, and any interest groups may review and comment accordingly.

PY2019 CONSOLIDATED PLAN and 2019 ACTION PLAN – CARES Act -3

- **Needs Assessment narrative addition:** It is anticipated, due to the global pandemic of the coronavirus (COVID-19), that basic needs are the upmost need in the community. At the time of the amendment to this plan, the most three prevalent needs were food, housing, and safety for our citizens. Agency needs are staffing, operating costs, and limited interaction with citizens due to lack of virtual platforms/access.
- **Priority Needs narrative addition:** In response to COVID-19, HUD has allocated and additional CARES Act -3 CDBG-CV dollars in the of \$482,782. the City of Kalamazoo will utilize these funds to address homelessness. The City of Kalamazoo will allocate \$482,782 to the LIFT Foundation to assist in the purchase of the Knights Inn. The acquisition of the Knights Inn can help to address the growing homeless population in Kalamazoo due to the “challenges of COVID-19 and the approaching winter weather”. The goal for the Knights Inn is that it will be renovated to provide 60 permanent housing units.
- **Resources addition:** CDBG-CV funds in the amount of \$958,737, and \$482,782 and \$25,000 (uncommitted 2019 funds) for a total of \$1,466,519 to be used in response to COVID-19.
- **Goals and Goal Description addition:** of “Provide relief in response to COVID-19 Pandemic”

All grants will be evaluated using equity criteria to ensure hardest hit and underserved populations are prioritized.

PY2019 Action Plan Project Additions:

The Lift Foundation – Acquisition of “The Knights Inn”

PY2019 Action Plan Budget - Sources and Uses - Amended 5/11/20 & 11/23

SOURCES	
CDBG Allocation	\$ 1,615,035
CDBG Prior Years Unallocated Funds	\$ 146,737
Neighborhood Enhancement - Target Neighborhoods/DPA (14,368)	\$ 200,000
CDBG Anticipated Program Income	\$ 120,680
HOME Allocation	\$ 492,146
HOME Prior Year allocated Funds	\$ 186,077
CDBG -CV -1	\$ 958,737
CDBG -CV - 3	\$ 482,782
TOTAL 2019 FUNDS AVAILABLE	\$ 4,202,194

USES			
Agency	Activity Name	Funding	
CDBG ADMINISTRATION²			
City of Kalamazoo	Administration	\$ 323,007	\$ 323,007

CDBG - GENERAL			
City of Kalamazoo	Code Administration	\$400,000	
City of Kalamazoo	Demolition	\$100,000	
PY2019			\$ 500,000

CDBG PUBLIC SERVICE¹			
City of Kalamazoo Public Safety	Crime Prevention	\$ 150,000	
United Way of Battle Creek and Kalamazoo Region	Continuum of Care	\$ 20,000	
Ministry with Community	Homeless Prevention	\$ 30,000	
City of Kalamazoo	P&R Youth Development	\$ 36,855	
Total			\$ 236,855

CDBG - AFFORDABLE HOUSING			
Agency	Activity Name	Funding	

Senior Services, Inc.	Home Repair for the Elderly	\$ 125,000	
Community Homeworks	Critical Home Repair & Weatherization Program	\$ 150,000	
City of Kalamazoo	Lead Base Paint Hazard Reduction Program	\$ 94,542	
City of Kalamazoo	Code Enforcement Pilot Program	\$ 125,000	
Kalamazoo Neighborhood Housing	DPA	\$75,000	
Total			\$ 569,542

***CDBG Neighborhood Enhancement**

Agency	Activity Name	Funding	
City of Kalamazoo	Target Neighborhood	\$200,000	\$ 200,000

***CDBG Unallocated Funds for Current Year**

Year	Activity Name	Funding	
			0
TOTAL CDBG PROGRAM ALLOCATIONS			\$ 1,829,404

***CDBG - COVID- 19 Assistance**

Year	Activity Name	Funding	
Housing Resources, Inc.	Rental Assistance	\$719,052.75	
United Way	Small Business Assistance	\$239,684.25	
Senior Services	Food Assistance	\$25,000.00	
United Way	The Knights Inn	\$482,782.00	
TOTAL CDBG PROGRAM ALLOCATIONS			\$ 1,466,519

ANTICIPATED PROGRAM INCOME

Agency	Activity Name	Funding Recom	
City of Kalamazoo CP&D	Small Business Revolving Loan	\$ 11,280	

Kzoo Neighborhood Housing Services	Minor/Emergency Roof Repair	\$ 95,000	
Community Homeworks	Critical Minor Home Repair	\$ 14,400	
Anticipated Program Income Total			\$ 120,680

TOTAL CDBG FUNDING FOR PY2019		\$ 3,523,972
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HOME - UNALLOCATED PRIOR YEARS PROGRAM FUNDS		
Year	Allocation	
		0.00

1Public Services activities are subject to a 15% cap

3HOME administration is subject to a 10% cap

5 ESG administration is subject to a 7.5% cap



City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **E.3.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Community Planning Economic Development
Department Director
Prepared by: Christina Anderson, City Planner

DATE: January 4, 2021

SUBJECT: Rezoning of 902, 912, and 920 West North Street and 715 Woodward Street to Live Work 1 (LW1) from Residential Multiple Family (RM-15)

RECOMMENDATION:

It is recommended the City Commission adopt an ordinance to rezone 902, 912, and 920 West North Street and 715 Woodward Street to Live Work 1 (LW1) from Residential Multiple Family (RM-15).

BACKGROUND:

This past June, the properties at 902, 912, and 920 West North Street and 715 Woodward were destroyed by fire. Structures were demolished in June and the sites cleared in late fall. At the time of the fire, the City committed to post fire clean-up, and meeting to navigate the redevelopment of the lots. This assistance includes this request to rezone to Live Work 1 to better set each property owner up for successful redevelopment and to think about the redevelopment.

At the time of writing this report, the property owners are working together to create an area of shared parking to reduce the number of curb cuts onto the surrounding streets. 920 West North Street is the furthest along in the project meeting to understand building code, zoning code, and utilities in the area. The conceptual plan includes uses on the ground floor and apartments above. The owner of both 912 West North Street and 715 Woodward is planning multiple family buildings. The owner of 902 West North Street is working on his concept, which could include a commercial component. Live Work 1 allows all of these land uses and, regardless if the new building is commercial, residential, or mixed-use, building form that fits with the traditional character of the area.

Prior to the fire, these buildings each contained multiple dwelling units with two buildings being active on the rear lots. Renovations. Going back to the 1950s these properties provided multiple housing units and space for a law office. The area is within the Stuart Historic District. West North Street contains a mix of residential, institutional and civic, and commercial. Live Work 1 would allow the continuation of this use pattern and in a size and scale that fits with the location and character of the area.

Neighborhoods.

Live Work 1 also removes the density restrictions that tie the number of allowable units permitted to the lot area, 20' setback, which limit the ability to redevelop these lots at least at the previous density level and in ways that b

- Live Work 1 does not have a per unit lot square footage requirement. It balances the number of units with building siting requirements; and overall height (3 stories) which fits well on our existing lots and blocks
- Live Work 1 allows a total impervious lot coverage of 75%. This, again, is a better fit for our existing lot multiple family development.
- Live Work 1's lot type requirements allow for the buildings to be placed closer to the front and corner pr of the lot for parking and access and keeping with the existing historic character of the area.

The proposed rezoning aligns the City's Strategic Plan and the Northside Neighborhood Plan. The rezoning to L Complete Neighborhoods, Connected City, Inviting Public Places, and Economic Vitality goals within the Strategic [Plan](#) approved within the City's 2025 Master Plan has 4 primary goals. The rezoning and redevelopment of this lot resident owned businesses, especially those by African Americans and low incomes residents and preserve existing accommodate all resident needs (reference action tables on pages 8 and 11 of the Plan for specifics).

The Planning Commission reviewed this request at a public hearing on December 3, 2020. The Commission voted Commission.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Complete Neighborhoods - residential areas that support the full range of people's daily needs



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.



Inviting Public Places - Vibrant streets, exceptional parks, and welcoming activities.



Shared Prosperity - Abundant opportunities for all people to prosper

COMMUNITY ENGAGEMENT:

The Stuart and Northside Neighborhood Associations were informed of the rezoning request prior to the Planning Commission's review at a public hearing on December 3rd. The public

hearing was noticed in the Kalamazoo Gazette and letters were sent to property owners within 300' of the four properties involved in the rezoning request.

FISCAL IMPACT:

These properties are currently vacant after the June 2020 fire. Rezoning them to Live Work 1 will support the owners in reactivating these properties, putting them back on the tax rolls and, more importantly, back into a space where they are serving the community with housing and neighborhood commercial spaces.

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTION 1.8.A. ZONE DISTRICT MAP OF THE
ZONING ORDINANCE, BEING APPENDIX A OF THE KALAMAZOO CODE TO
REZONE PROPERTIES IN WINSLOWS ADDITION**

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Pursuant to Section 1.8.E. of the City of Kalamazoo Zoning Ordinance, being Appendix A of the Kalamazoo City Code of Ordinances, the Zone District Map described in Section 1.8.A. is amended to rezone the following described parcels from Residential Multi-dwelling 15 (RM15) to Live Work 1 (LW1):

715 Woodward Ave; Parcel 06-16-263-005

WINSLOWS ADDITION, Liber 3 of Plats Page 36; Part of Lot 5 in Block 2, Beginning at a point in the west line of Woodward Avenue 136.5 feet North of the north line of West North Street; thence West 107 feet parallel with the north line of West North Street; thence North 39.5 feet parallel with the west line of Woodward Avenue; thence Northeasterly 21.19 feet to a point 100 feet West & 59.5 feet North of the point of beginning; thence East 100 feet parallel with the north line of West North Street to the west line of Woodward Avenue; thence South 59.5 feet along the west line of Woodward Avenue to the point of beginning.

902 W North St; Parcel 06-16-263-010

WINSLOW'S ADDITION, Liber 3 of Plats Page 36; The East 75 feet of Lot 1 in Block 2. Also, the East 75 feet of the South 4.5 feet of Lot 5.

912 W North St; Parcel 06-16-262-010

WINSLOWS ADDITION, Liber 3 of Plats Page 36; Beginning on the north line of West North Street 75 feet West of the southeast corner of Lot 1 of Block 2; thence North 136.5 feet parallel with the west line of Woodward Avenue; thence West 32 feet parallel with the north line of West North Street; thence North 39.5 feet parallel with the west line of Woodward Avenue; thence Northeasterly 21.19 feet to a point 100 feet West of the west line of Woodward Avenue & 68 feet South of the south line of Ada Street; thence North 68 feet parallel with the west line of Woodward Avenue to the south line of Ada Street; thence West 40.06 feet along the south line of Ada Street; thence South 41.9 feet parallel with the west line of Woodward Avenue; thence West 1.4 feet parallel with the south line of Ada Street; thence South 8.1 feet parallel with the east line of Staples Avenue; thence West 83.6 feet parallel with the south line of Ada Street to the east line of Staples Avenue; thence South 13 feet along the east line of Staples Avenue; thence East 75.17

feet more-or-less to a point 149.5 feet West of the west line of Woodward Avenue; thence South 201 feet more-or-less parallel with the west line of Woodward Avenue to the north line of West North Street; thence East 74.5 feet along the north line of West North Street to the point of beginning.

920 W North St; Parcel 06-16-262-003

WINSLOWS ADDITION, Liber 3 of Plats Page 36; The South 115 feet of Lot 3 in Block 2

Section 2. Repealer. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date. Pursuant to Section 13(a) of the City Charter, this ordinance shall take effect from and after 10 days from the date of its passage.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on , 2021, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended by Public Act 228 of 2020, and that the minutes of said meeting were kept and will be or have been available as required by said Act, and furthermore, said ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as provided by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City
Clerk

City of Kalamazoo
PLANNING COMMISSION
Minutes
December 3, 2020
DRAFT

Second Floor, City Hall
Commission Chambers
241 W. South Street, Kalamazoo, MI 49007

Members Present: Gregory Milliken, Chair; Emily Greenman Wright, Vice Chair; Derek Wissner; Coreen Phipps; James Pitts; Brian Pittelko; Shardae Chambers

Members Excused: Sakhi Vyas

City Staff: Christina Anderson, City Planner; Clyde Robinson, City Attorney; Pete Eldridge, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Amanda Cockroft, Marketing and Communication Specialist; Steve Brown, Foundation for Excellence Manager; Rebekah Kik, Director of Community Planning and Economic Development; James Baker, Public Services Director; Jack Urban, City Commissioner; Sean Fletcher, Parks & Recreation Director; Kevin Ford, Shared Prosperity Coordinator

A. CALL TO ORDER

Commissioner Milliken called the meeting to order at 7:02 p.m.

B. ROLL CALL

Planner Anderson proceeded with roll call and determined that the aforementioned members were present.

C. ADOPTION OF FORMAL AGENDA

Planner Anderson announced they will be moving item F.1 New Business to H.2 Other Business. The first order of business will be G. Public Hearing.

Commissioner Phipps, seconded by Commissioner Greenman Wright, moved approval of the December 3, 2020 Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Pitts, seconded by Commissioner Phipps, moved approval of the November 5, 2020 Planning Commission minutes. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

None.

F. NEW BUSINESS

None.

G. PUBLIC HEARINGS

1. P.C. #2020.17: Request for Rezoning of 902, 912, & 920 West North Street and 715 Woodward Avenue from RM-15 (Residential – Multi Dwelling District) to LW-1 (Live-Work 1 District). **[Recommendation: Recommend approval of rezoning to City Commission]**

Commissioner Milliken announced the process for people to leave public comments.

Planner Anderson presented the staff report indicating this was a City-led action in partnership with the parcel owners. She gave an overview of the area, noting the parcels proximity to the Stuart, Northside, and Douglass neighborhoods. In June there was a fire that destroyed all four of the structures on these lots. The City assisted with demolition and will assist with the clean-up efforts. Planner Anderson presented pictures and maps showing the area as a mix between commercial, residential and some manufacturing. She mentioned that the Historic Preservation Coordinator wrote a short message sharing information about the buildings that were destroyed. City staff are proposing a rezoning to a mixed-use district. LW-1 allows single-family homes, buildings with multiple units and mixed-use. Planner Anderson reviewed the types of structures in the area showing that LW-1 is in line with what exists there currently. She shared that the property owner of 902 North Street is considering a three-story building - commercial and an apartment on the ground floor and residential above.

Planner Anderson explained how they consider certain questions when considering a rezoning. She said this request is consistent with the Master Plan and Strategic Vision. There are multiple strategic goals that support a rezoning. Those goals include Complete Neighborhoods, Economic Vitality, Inviting Public Places, and Shared Prosperity. The rezoning would help support the owners to rebuild and serve their neighborhoods. Due to the fire, there was a significant change in conditions for this area. There is also a community need for housing. LW-1 zoning is compatible with the surrounding neighborhood uses. Planner Anderson explained that LW-1 zoning will result in a logical and orderly development. It will not require new roads or subdividing a block. She noted that the zoning is designed to work with the scale of the area.

Planner Anderson shared that there are three property owners between the four lots. The property owners are working together for possible shared parking to serve the units in their buildings. That will help cut down on curb cuts and driveways. Planner Anderson introduced Ms. Twala Lockett-Jones and Mr. Robert Washington as the property owners present at the meeting. Ms. Sherri Duncanson joined the meeting at a later time.

Ms. Twala Lockett-Jones said her mixed-use project was planned for 902 W. North Street. They are hoping to have a community tea house, a Girls Build Kalamazoo program to teach skilled trades to girls in middle and high school, and an ADA accessible unit on the ground floor. She said there will be nine housing units total in building. Ms. Lockett-Jones said there will be one additional commercial space that can be leased.

Commissioner Pitts asked how long the clean-up will take or when it will happen. Planner Anderson believed the bid was accepted at the last City Commission meeting. It should be under way shortly. Commissioner Pitts asked what the shared parking would look like. Planner Anderson said the design is

still to be determined. The City is trying to support property owners to have those conversations and work on some of those design elements. She said the middle property allows a large area for shared parking between the different uses. Planner Anderson noted that the zoning code allows shared parking areas.

Commissioner Chambers asked if there will be space for single-family homes if desired by the property owners. Planner Anderson confirmed that all the projects include housing options. The buildings destroyed had multiple units. If property owners wanted to build single-family homes, they are allowed to do that in the LW zone. Planner Anderson also confirmed that the project for 902 fits solely on the 902 parcel.

Commissioner Milliken opened the public comment portion of the public hearing.

There were no public comments.

Commissioner Milliken asked if City staff had received written comments. Planner Anderson said they had not received written items outside of the property owners themselves. Ms. Lockett-Jones spoke with people from the Stuart Neighborhood and City staff talked with the President of the NACD. Neither group brought forward any comments on the rezoning.

Commissioner Milliken closed the public comment portion of the public hearing.

Commissioner Pitts, seconded by Commissioner Wissner, moved to recommend approval of rezoning of 902, 912, 920 W. North Street and 715 Woodward Avenue from RM-15 to LW-1 to the City Commission.

Commissioner Pitts said he was excited about the request. He remembered when he would walk to North Street and see thriving businesses in the area. He thinks it's a great idea to rezone these parcels.

Commissioner Milliken stated agreement with the staff report and its findings. He said the request is consistent with the ordinance requirements for a rezoning request. Commissioner Milliken noted that it is a change of the Future Land Use plan and the Neighborhood plan. He thought this was acceptable because of the significant change that occurred to the property. Commissioner Milliken requested that City staff remember that this will need to be amended in the Master Plan and the Neighborhood plan to correct what will be an inconsistency. Commissioner Milliken also advocated to rezone whole blocks in future rezoning work instead of leaving a few parcels of the block unchanged.

A roll call vote was taken. The motion passed unanimously.

Planner Anderson let the property owners know the next step is for the request to go to the City Commission. She will be in contact with property owners to give them more details.

H. OTHER BUSINESS

2. P.C. #2020.18: 2021 Capital Improvement Plan. Request from Community Planning & Economic Development Department to review 2021 C.I.P. [**Recommendation: Recommend approval of C.I.P. to City Commission**]

I. CITIZENS' COMMENTS (Regarding non-agenda items)

J. CITY COMMISSION LIAISON COMMENTS

K. CITY PLANNER'S REPORT

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

M. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 9:15 pm.



City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **G.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Anna C. Crandall, EIT, Senior Civil Engineer – Water Resources

DATE: January 4, 2021

SUBJECT: Approval of a Sole Source Purchase with Jett Pump & Valve for the Central Scrubber Upgrade (Bid Ref# 00000-021.2)

RECOMMENDATION:

It is recommended that the City Commission approve a sole source purchase with Jett Pump & Valve LLC for a Purifil Dry Scrubber Conversion Kit & Media, in the amount of \$250,216.56.

BACKGROUND:

The City of Kalamazoo identified the Central Scrubber Upgrade as a priority. Chlorine gas is a chemical that is added to the water for disinfection at all water pump stations. The Central Scrubber is a piece of emergency equipment that will neutralize the chlorine gas in the event of a leak. The existing wet scrubber system that is used for this process requires substantial maintenance, with the damage to the manifold having caused a reduction in the capacity to perform chemical neutralization. It was determined that the best course of action would be to convert to a dry media system. Public Services reached out to Jett Pump & Valve LLC, the sole provider of Purifil systems in the area, for a quote to perform the conversion. Jett Pump & Valve LLC provided a quote of \$250,216.56. Public Services finds this quote acceptable and recommends approval of this contract and purchase order.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

General Pumping Facility Repair and Maintenance – Minor Repair and Maintenance to all General Pumping Facilities

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Internal

FISCAL IMPACT:

The funding for the project is available in the City’s 2020 Water Capital Improvement Budgets under a new project #wat0200117 Central Scrubber Upgrades funded through budget transfers from excess project budgets.



City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **G.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director Community Planning & Economic Development
Prepared by: Jamie McCarthy, Sustainable Development Coordinator

DATE: January 4, 2021

SUBJECT: Adoption of a Resolution approving the Amended Scattered Site Brownfield Plan

RECOMMENDATION:

It is recommended that the City Commission adopt the resolution adopting and approving the Amended Act 381 Brownfield Plan for scattered site infill housing.

BACKGROUND:

The Act 381 Brownfield Plan was originally adopted in September 2020 to facilitate the construction of new single family and multifamily homes within the City of Kalamazoo. All of the parcels originally included in the plan contained site-specific redevelopment challenges where the cost of construction was expected to exceed the value of the home upon completion. But-for the assistance of the public sector, it was anticipated that these parcels would continue to remain vacant for many years. The purpose of the plan was to help offset the cost gap associated with infill housing on these sites through the reimbursement of eligible activities with new tax increment generated by newly constructed homes. The resulting projects will increase the availability of affordable housing, home ownership through rent-to-own assistance program, and the tax base of the city.

Prior to starting construction this fall, the developer and City staff discovered the demolition timeline and costs would significantly delay construction at 114 Burr Oak Street. To continue with construction activities on time, the project decided to change the proposed location of this single-family home from 114 Burr Oak to a vacant property owned by the City at 1015 Albert Avenue. The revised brownfield plan reflects this change by removing the parcels at 114 Burr Oak from the plan and adding 1015 Albert Avenue. This new parcel qualifies as a brownfield property because it meets the definition of blight and was tax foreclosed in 2019. The developer

will incur expenses for "eligible activities" in connection with the property, as defined in the Brownfield Redevelopment Financing Act of 1996 ("Act 381") for site preparation and infrastructure improvements. Overall, the proposed project includes the preparation of five lots for new residential construction which may include single family, duplex, triplex and multiplex homes (the "Project"). The Project works toward goals of the City's Master Plan by increasing affordable housing stock and infill of vacant lots. Most of the residential homes will be affordable, and one market rate home will be constructed which offsets costs associated with brownfield plan development and ongoing administration.

The combined total capital investment on the projects will be greater than \$1 million. The estimated expenses incurred for eligible activities is up to \$203,000. According to the TIF capture and reimbursement schedules included in the plan, reimbursement for eligible activities could take up to 10 years, with an additional 5 years of capture to the Local Brownfield Revolving Fund.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Brownfield Redevelopment, Site Redevelopment - Work with developers to ensure private/public sites that qualify for the Brownfield plan are included, negotiate and manage redevelopment incentives (e.g., TIF), and maintained as needed.

Strategic Goal Impact:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

Discussion

Discussion - The projects in this brownfield plan work toward goals of the City's Master Plan by increasing affordable housing stock and infill of vacant lots. All of the parcels will have new single family or duplex residential homes that will be sold at affordable rates, and parcel will have a new single family market rate home. The market rate home will offset the costs associated with brownfield plan development and ongoing administration. The affordable homes will be part of a lease-to-purchase program open to income qualified individuals or families looking to purchase new homes during a period of historically low inventory.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Consult (two-way conversation) – the community will have a chance to react to the project through two-way conversation.

Discussion: Public comments were taken during the BRA's public hearing. Comments included desire to have multifamily residents built to increase housing unit supply and support for using public dollars to support infill housing where costs can be otherwise prohibitive.

Engagement/Communication Tools

Public notice was published in the Kalamazoo Gazette and mailed to ad valorem taxing authorities.

FISCAL IMPACT:

No fiscal impact to the City is anticipated from this project. Tax increment financing (TIF) will be used to reimburse eligible activities and support staff administrative costs.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION ADOPTING AND APPROVING AN
AMENDED ACT 381 BROWNFIELD PLAN FOR
SCATTERED SITE INFILL HOUSING IN KALAMAZOO,
MICHIGAN**

Minutes of a regular meeting of the City Commission of the City held on January 4, 2021, at 7:00 p.m., local time, at the City Hall, 241 West South Street, Kalamazoo, Michigan.

PRESENT:

ABSENT:

The following resolution was offered by Commissioner _____ and seconded by Commissioner _____.

RECITALS

- A. On May 5, 1997 the City of Kalamazoo ("City") created the City of Kalamazoo Brownfield Redevelopment Authority ("Authority"), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381").
- B. Following the establishment of the Authority, the City has implemented Brownfield Plans, as required under Act 381, for the purposes of identifying real estate parcels for revitalization, redevelopment and reuse.
- C. The Authority has implemented the Amended Act 381 Brownfield Plan for Scattered Site Infill Housing under Act 381.
- D. Under Resolution No. 08-16, the City Commission delegated to the Authority the public hearing process regarding any future proposed Act 381 Brownfield Plan, including proposed Amended Act 381 Brownfield Plan for Scattered Site Infill Housing.
- E. On December 17, 2020 the Authority held a public hearing as required under Act 381 and approved the implementation of the Amended Brownfield Plan for Scattered Site Infill Housing.
- F. Following the public hearing, the Authority adopted a resolution recommending that the City Commission approve the Amended Brownfield Plan for Scattered Site Infill Housing.
- G. The City Commission has reviewed Authority's resolution and Brownfield Plan, and finds that this Plan constitutes a public purpose in that:
 - a. Notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any property affected by the Amended Brownfield Plan for Scattered Site Infill Housing, and was also given by publication, as required by Act 381.

- b. It meets all requirements of Section 13 of Act 381.
- c. The proposed method of financing the costs of eligible activities of the Brownfield Plan is feasible, and the Authority has the authority to arrange the necessary financing.
- d. The costs of the eligible activities proposed by the Brownfield Plan are reasonable and necessary to carry out the purposes of Act 381, and
- e. The amount of captured taxable value estimated to result from the Brownfield Plan is reasonable.

THEREFORE, IT IS RESOLVED:

The Act 381 Brownfield Plan for 266 E. MICHIGAN AVENUE, as implemented by the City of Kalamazoo Brownfield Redevelopment Authority, is adopted and approved.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by at a regular meeting held on January 4, 2021. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by Act 381.

Scott A. Borling
City Clerk

**CITY OF KALAMAZOO
BROWNFIELD REDEVELOPMENT AUTHORITY**

**A RESOLUTION APPROVING THE IMPLEMENTATION OF
A REVISED ACT 381 BROWNFIELD PLAN FOR
SCATTERED SITES IN KALAMAZOO,
MICHIGAN
AND RECOMMENDING ADOPTION BY
THE CITY COMMISSION**

Minutes of a regular meeting of the City of Kalamazoo Brownfield Redevelopment Authority ("BRA") held on December 17, 2020 at 7:30 a.m., local time, and conducted electronically to comply with the Emergency Order Under MCL 333.2253.

PRESENT: Kyle Gulau, Jason Novotny, Patti Owens, Lucas Middleton, Jamauri Bogan,
Fritz Brown, Kevan Hess, James Escamilla, Nathan Bolton

ABSENT: Vice Mayor Patrese Griffin

The following resolution was offered by Member Patti Owens and seconded by Member Kevan Hess.

RECITALS:

A. The City has created the City of Kalamazoo Brownfield Redevelopment Authority (the "Authority"), under the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381").

B. Under Resolution No. 08-16, the City Commission delegated the public hearing process to the Authority regarding any future proposed Act 381 Brownfield Plan, including the proposed Revised Brownfield Plan for Scattered Site Infill Housing in Kalamazoo, Michigan.

C. A public hearing was held by the Authority on December 17, 2020, on the Revised Brownfield Plan for Scattered Site Infill Housing; notice of the public hearing was given to all taxing authorities levying ad valorem or specific taxes against any parcels within the Brownfield Plan, and was also given by publication, as required by Act 381.

D. Following the public hearing on the Revised Brownfield Plan or Scattered Site Infill Housing, the Authority, in consideration of any comments heard at the public hearing or written communications received at or prior to the public hearing, determines that the Brownfield Plan constitutes a public purpose in that:

- a. It meets all requirements of Section 13 of Act 381.

- b. The proposed method of financing the costs of eligible activities of the Revised Brownfield Plan is feasible, and the Authority has the authority to arrange the necessary financing.
- c. The description of eligible activities and their estimated costs are reasonable and necessary to carry out the purposes of Act 381, and
- d. The amount of captured taxable value estimated to result from all parcels included in the Brownfield Plan is reasonable.

THEREFORE, IT IS RESOLVED THAT:

The City of Kalamazoo Brownfield Redevelopment Authority approves the implementation of the Revised Act 381 Brownfield Plan for Scattered Site Infill Housing in Kalamazoo, Michigan and recommends the City Commission adopt a resolution approving this Brownfield Plan.

AYES: Nine (9)

NAYS: Zero (0)

RESOLUTION DECLARED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the Brownfield Redevelopment Authority at a regular meeting held on December 17, 2020. Public notice was given and the meeting was conducted in compliance with Emergency Order Under MCL 333.2253. Minutes of the meeting will be available as required by the Act.

Beth Cheeseman

Elizabeth Cheeseman
Recording Secretary



City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **G.3.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director of Community Planning & Economic Development
Prepared by: Jamie McCarthy, Sustainable Development Coordinator

DATE: January 4, 2021

SUBJECT: Approval of the Amendment to the Brownfield Redevelopment Grant for 615 Holdings Redevelopment Project

RECOMMENDATION:

It is recommended that the City Commission approve the amendment to the EGLE Brownfield Redevelopment Grant contract increasing funding by \$122,000 and extending the grant end date to February 14, 2022. The additional grant funds and grant period extension will allow the project to complete the removal and disposal of contaminated soils and install and monitor the vapor intrusion mitigation system in two new buildings.

BACKGROUND:

In February 2019, the Brownfield Redevelopment Authority received a grant for \$278,000 to facilitate the redevelopment of a former filling station and auto mechanic shop located at 615 W. Kalamazoo Ave. An underground storage tank system was removed in 1981 but remaining petroleum impacts pose a vapor intrusion risk to the future buildings. The grant from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) in the amount of \$278,000 was awarded to the Authority to assist 615 Holdings, LLC ("developer") to demolish an existing building, address contaminated soils encountered during construction, and install vapor intrusion mitigation systems (VMS) under two new 12,000 mixed use buildings being constructed.

In the first 18 months, the project completed asbestos abatement, approval of grant work plan, demolition, soil removal and disposal, and a draft grant work plan for the vapor mitigation system for the new buildings. The project encountered delays in groundbreaking while waiting for funding approval from the Michigan Economic Development Corporation (MEDC). The MEDC approved the funding as of June 2020 and construction started this winter. To ensure all

grant-funded activities and post-construction monitoring are completed by the end of the grant, the Authority was granted a 1-year extension to February 2022.

EGLE has authorized additional grant funding of \$122,000 to assist with unanticipated expenses typical of demolition and redevelopment of contaminated sites. The demolition contract was awarded through a complete bid process that took place over a year ago, and the lowest bid was approximately \$30,000 higher than budgeted. During demolition two unknown conditions were encountered that impact the budget: 1) additional concrete slab and underground storage tank were discovered and removed, and 2) the presence of mercury above newly released EGLE guidelines for evaluation of the vapor intrusion pathway. An increase in grant funds will cover expenses for additional response activities and any necessary post-construction monitoring and reporting. The additional grant funds include \$3,000 to cover City grant administration costs.

STRATEGIC VISION ALIGNMENT:

Brownfield Redevelopment, Site Redevelopment - Work with developers to ensure private/public sites that qualify for the Brownfield plan are included, negotiate and manage redevelopment incentives (e.g., TIF and grants), and maintained as needed.

Strategic Goal Impact:

Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Discussion - This grant works towards economic vitality by providing assistance to redevelop a vacant historic building on the border of downtown and into the Stuart Neighborhood. The project will increase apartment units and create new commercial tenant spaces on a site that has been vacant for many years. The project adds desirable square footage to the tax roll and environmental remediation to a contaminated brownfield site.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion:

City staff worked with EGLE staff and the development team to revise the grant work plan and budget to determine how additional funds would be used to complete the project. A presentation was given to the Brownfield Redevelopment Authority on September 9, 2020.

Engagement/Communication Tools

Public meeting presentation

FISCAL IMPACT:

No net fiscal impact to the City is anticipated from this project. Grant funds will be used to support staff administrative costs and associated remediation expenditures.



Tracking Code: 2019-1368
Location Code: 7F72 & 6G49
Amendment #: 2

**615 HOLDINGS REDEVELOPMENT PROJECT
AMENDMENT TO THE BROWNFIELD GRANT CONTRACT
BETWEEN THE
MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
AND THE
CITY OF KALAMAZOO BROWNFIELD REDEVELOPMENT AUTHORITY**

This Amendment modifies the grant contract between the Michigan Department of Environment, Great Lakes, and Energy, (hereafter "State"), and the **City of Kalamazoo Brownfield Redevelopment Authority** (hereafter "Grantee"), signed by the State on **February 14, 2019**, for the **615 Holdings Redevelopment Project**. This Amendment does not take effect until signed by both parties.

The revisions to the grant contract are limited to those specified below. All other provisions of the contract remain in effect.

CONTRACT PERIOD (END DATE)

The State and the Grantee agree to extend the end date of this Brownfield Grant Contract from **February 14, 2021**, to **February 14, 2022**. The Grantee will complete all obligations under this contract no later than the end date, as amended. Costs incurred after the amended end date are not eligible for reimbursement under the grant contract.

COMPENSATION (BUDGET)

The State and the Grantee agree to the addition of \$122,000 in Renew Michigan Grant funding as shown below.

Budget Amendment:

Eligible Activity	Existing Grant Budget		Grant Budget Amendment #2	
	Refined Petroleum Grant (RPG)	Renew Michigan Grant (RMG)	RPG	RMG
1. Due Care	\$161,500	\$0	\$161,500	\$98,000
2. Solid Waste	\$10,000	\$0	\$10,000	\$0
3. Demolition and Asbestos Abatement	\$53,500	\$0	\$53,500	\$0
4. Grant Administration	\$7,000	\$0	\$7,000	\$3,000
5. Contingency	\$33,000	\$0	\$33,000	\$16,000
6. Environmental Oversight Professional	\$13,000	\$0	\$13,000	\$5,000
Total	\$278,000	\$0	\$278,000	\$122,000

Funding sources for this Grant Contract include the following:

Funding Sources	\$122,000 Renew Michigan Grant (RMG) – Location Code: 6G49 \$278,000 Refined Petroleum Grant (RPG) – Location Code: 7F72
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AUTHORIZED SIGNATURES

The individuals below certify by their signatures that they are authorized to sign this Grant Amendment on behalf of their agencies and agree to the changes included herein. This Amendment will go into effect upon signature of the State.

FOR THE GRANTEE:

Authorized Signature

Nathan Bolton
Name

Chair, City of Kalamazoo Brownfield
Redevelopment Authority
Title

Date

FOR THE STATE:

Signature

Mike Neller
Name

Director, Remediation and Redevelopment Division
Title

Date



City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **H.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by:
Prepared by: Dorla Bonner

DATE: January 4, 2021

SUBJECT: Approval of a contract with Michigan Public Health Institute to perform an organizational wide Diversity, Equity and Inclusion Assessment. (Bid Ref# 91800-003.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with the Michigan Public Health Institute to conduct the Diversity, Equity and Inclusion Assessment in the amount of \$145,330.10.

BACKGROUND:

In February 2020, the inaugural office of Diversity, Equity and Inclusion was established to help our organization work toward the goal of becoming an antiracist organization. The first step of this goal is to understand where we are in the process of becoming an antiracist organization. This assessment will include but not be limited to a review of the Equal Employment Opportunity records, review from an equity perspective the hiring and promotions and separations as well as organizational and cultural survey to understand employee attitudes, conditions and experiences. The results of this survey will be used as the basis of our organizational Diversity, Equity and Inclusion Plan.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):



Strength Through Diversity- an inclusive city where everyone feels at home

Discussion Goal Impact:

The plan we will develop will have a large focus on training current staff on past history of local governments as well as the topics of implicit and unconscious bias, and understanding power and privilege. The goal is for equity to be ingrained in our processes so we will accomplish the goals of inclusive planning and opportunities.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

[Insert Community Engagement text snip]



Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

Discussion

Discussion:

The plan developed from this assessment should help us improve the hiring and retaining of a diverse workforce as one of the goals of the plan is to work toward developing a culture that will support diverse populations to thrive as employees. The plan should also impact the effectiveness of our outreach and communication to the community.

Engagement/Communication Tools

FISCAL IMPACT:

It is recommended that the City Commission approve a contract with the Michigan Public Health Institute to conduct the Diversity, Equity and Inclusion Assessment in the amount of \$145,330.10. The budget for this item is included in the City Manager's Office operating budget.



City Commission Agenda Report

City of Kalamazoo

Date: **1/4/2021**

Item: **H.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Prepared by: Laura Lam, Deputy City Manager

DATE: January 4, 2021

SUBJECT: First Amendment Assembly Sub-Committee Final Report

RECOMMENDATION:

It is recommended that the City Commission endorse the First Amendment Assembly Sub-Committee final report and direct the City Manager to pursue next steps identified in the report and provide periodic updates at future City Commission Business meetings.

BACKGROUND:

At the August 17, 2020 Business Meeting, Commissioner Hess, seconded by Commissioner Knott, moved to appoint Vice Mayor Griffin, Commissioner Cunningham, and Commissioner Praedel to work with the City Manager to develop a definition of success for the City's response to public protests, demonstrations, and rallies that can be used to guide the planning and execution of that response; and that a report be provided to the City Commission by August 28. This Sub-Committee was created to develop a roadmap to prepare for future protests and demonstrations in response to concerns regarding the Kalamazoo Department of Public Safety's (KDPS) handling of protests and marches this past summer.

In addition to the three Commissioners, the Sub-Committee included City Manager Ritsema, City Attorney Robinson, Deputy City Manager Chamberlain, Deputy City Manager Lam, Director Bonner, former Chief Thomas (through September 29th meeting), Chief Coakley, and Assistant Chiefs Boysen and Huber.

As directed, the Sub-Committee released a preliminary report on August 28. In September, the City Commission supported the continuation of the Sub-Committee to finalize a communication strategy and work through remaining topics for discussion. The City Manager reported out on the Sub-Committee's progress at the November 2 Business Meeting and committed to bringing the Committee's final report forward to the City Commission to seek endorsement.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

Discussion

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Sub-Committee members informally engaged with City staff, KDPS officers and community members to identify key issues and possible solutions/improvements. City staff also hosted virtual focus group discussions with event organizers, legal observers, and media representatives and shared draft materials for review and input.

FISCAL IMPACT:

Endorsement of this report is not expected to have any fiscal impact.



MEMO

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager

DATE: December 17, 2020

SUBJECT: Sub-Committee Final Report

BACKGROUND

At the August 17, 2020 Business Meeting, Commissioner Hess, seconded by Commissioner Knott, moved to appoint Vice Mayor Griffin, Commissioner Cunningham, and Commissioner Praedel to work with the City Manager to develop a definition of success for the City's response to public protests, demonstrations, and rallies that can be used to guide the planning and execution of that response; and that a report be provided to the City Commission by August 28. This Sub-Committee was created to develop a roadmap to prepare for future protests and demonstrations in response to concerns regarding the Kalamazoo Department of Public Safety's (KDPS) handling of protests and marches this past summer.

In addition to the three Commissioners, the Sub-Committee included City Manager Ritsema, City Attorney Robinson, Deputy City Managers Chamberlain and Lam, Director Bonner, former Chief Thomas (through September 29th meeting), Chief Coakley, and Assistant Chiefs Boysen and Huber. In addition, Sub-Committee members informally engaged with KDPS officers and community members to identify key issues and possible solutions/improvements. Attachment A provides a detailed list of meeting dates and outcomes.

As directed, the Sub-Committee released a preliminary report on August 28. In September, the City Commission supported the continuation of the Sub-Committee to finalize a communication strategy and work through remaining topics for discussion. The City Manager reported out on the Sub-Committee's progress at the November 2 Business Meeting and committed to bringing the Committee's final report forward to the City Commission to seek endorsement.

Scope of Work

Through extensive discussion, the group arrived at the following scope of work that included five main areas:

- Guiding Principles / Definition of Success
- First Amendment Assembly Communication Strategy
- Protocol for Operations Planning
- Policy / Training
- Accountability

Defining Success – Guiding Principles

KDPS Policy 430 (First Amendment Assemblies) indicates that, “KDPS respects the rights of people to peaceably assemble. It is the policy of KDPS not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.”

When asked to define success, Sub-Committee members identified the following elements:

Safety

- Ensure the community and participants are safe during events and can go home safe.
- Proactively prevent violent confrontations and escalation.
- Use force only when necessary and in accordance with all policies and laws.

Community Relationships

- All people are treated with respect and dignity.
- Better success in communication before, during, and after events, between KDPS, City Administration, City Commission, event organizers, the media, and the public.
- KDPS’ presence is there to protect the right to peacefully protest.
- There are clear, shared expectations for media, observers and medics during First Amendment Assemblies.

Equitable Approach

- Policy, protocol, and rules are content neutral and applied equitably to everyone.
- Ensure there is an equitable approach to enforcement.

Accountability

- Laws are upheld.
- Measures and practices are established to ensure clear, objective accountability to policies and protocol.

Additionally, a Sub-Committee member contacted the Michigan Municipal League Research Lab to inquire about best practices and was guided to the National League of Cities Incidence Response Toolkit: https://www.nlc.org/sites/default/files/2019-06/REAL_IncidenceResponseToolkit_Final.pdf. The toolkit identifies five values to lead with during incidents: empathy, transparency, authenticity, partnership/collaboration, consistency. These values emerged in the Sub-Committee's discussions, as well as in conversations that Sub-Committee members had with community members and City staff and should be incorporated into the ways in which the City responds to incidents.

First Amendment Assembly Communication Strategy

A major deliverable of the Sub-Committee is the First Amendment Assembly Communication Strategy, included as Attachment B. This strategy aims to incorporate a variety of audiences, including City Commissioners, community leaders, event organizers, media, and the public. It includes specific details to be communicated prior to, during, and following events with clarification on what information needs to be shared with who (audience), when (detailed timelines, frequency), and how (methods of communication). Below is a summary of key elements included in the strategy.

Communication Materials & Key Tactics

- Communication before, during and after an event is key
- Creation of a comprehensive Stakeholder Contact List
- Easy to access for organizers and participants to public information on how to plan and hold an assembly, reserve a park, plan for a march, etc.
- Information on basic legal rules for assemblies
- Training for city staff and KDPS on First Amendment assemblies
- Increased communications with media & public
- Implicit bias training for staff

Before an event

- City staff and event organizer(s) will work together, when possible, to identify and plan necessary logistics
 - Expected number of attendees, location, permitting (if required), road closures, etc.
 - Identify possible scenarios necessary to keep everyone safe
- Communicate with City Commission, community stakeholders, media and others prior to an event

During an event

- City staff will remain in contact with event organizer(s)
- Safety issues will be monitored and addressed
- Communicate with City Commission, community stakeholders, media and others during event as necessary
 - E.g., road closures, detours, etc.

After an event

- Debrief with city staff and event organizer(s) after event to review the assembly
- A report of this debriefing will be sent to City Commissioners to ensure transparency and accountability

Core Messages

Another deliverable of the Sub-Committee is a series of core messages, Attachment C, that serve to guide our actions and our communications. The core messages highlight safety; diversity, equity, and inclusion; and strong communities as major themes. These messages align with Imagine Kalamazoo 2025 strategic goals and were developed from the values created by the Sub-Committee and shared in the August 28th report.

Web Landing Page

Sub-Committee members want to convey the City's support of individuals that choose to exercise their First Amendment rights to express their opinion through non-violent, peaceful assemblies and demonstrations. The City has added a web landing page, www.kalamazoo-city.org/assemblies, that includes helpful guidance for event organizers, members of the media, and legal observers. On the landing page, community members can access checklists for organizing events, instructions for reserving public parks, a Questions and Answers page, and other useful guides. Staff will continue to expand and revise this resource as needed.

Protocol for Operations Planning

KDPS Policy 430 lays out the process by which the department develops incident specific operational plans. It was acknowledged by the Sub-Committee that the department should remain responsible for creating and implementing operational plans for events. Members of the Sub-Committee strongly recommended that KDPS and City Administration actively seek to consult with event organizers and impacted community members on event details and plans. This protocol has been incorporated into the Communication Strategy, including how communication should continue before, during and after the event, with specific timelines and clear expectations.

Policy / Training

KDPS is in the process of updating Policy 430 to ensure it aligns with the First Amendment Assembly Communication Strategy and includes best practice research. KDPS intends to finalize Policy 430 revisions following the completion of the Independent Review by the OIR Group. KDPS also will incorporate additional training for officers regarding members of the press and legal observers during First Amendment assemblies. The City Manager's Office staff are engaging with media and community partners to strengthen relationships, improve communication, and explore the possibility for joint trainings.

Accountability

Accountability continued to emerge as a strong theme throughout each of the Sub-Committee discussions. The group acknowledges that, in a strong City Manager form of government, the City Commission holds the City Manager accountable, and the City Manager holds the entire city organization accountable, including the Public Safety Chief and KDPS. The group identified a goal of creating a structure of accountability that is objective and measurable. The First Amendment Assembly Communication Strategy establishes clear expectations to support the goal of accountability with a commitment to conduct after action review and adjust the strategy and/or future actions accordingly.

CONCLUSION / NEXT STEPS

The work of the Sub-Committee over the past several months has yielded several significant deliverables that will improve the City's support of, and response to, protests, demonstrations, and rallies. In addition to these deliverables, the Sub-Committee has laid a solid foundation for City staff, in partnership with community, to continue the work. Next steps are listed below for the Administration and KDPS. The City Manager will provide periodic updates at City Commission business meetings on these efforts.

Implementation of Communication Strategy: Begin implementing steps outlined in the Communication Strategy, followed by evaluation and adjustment. The City Manager's Office will be responsible for adjusting Communication Strategy and future plans based on lessons learned.

Completion of Independent Review: The OIR Group was selected to perform a use of force study and an independent review of the Public Safety Department's handling of the events of May 30 - June 2 and on August 15. Community input sessions have been scheduled via Zoom for January 11 and 25, 2021, at 6:00 pm to create an opportunity for the OIR Group to hear directly from the public, and future engagement opportunities will be offered. It is anticipated that the review will be completed in spring of 2021. The results of the review will be shared broadly, with findings incorporated into City practices and policies.

Commitment to Community Conversations and Strengthening Partnerships: A KDPS-Community listening session is being planned for early 2021. This event will largely focus on community members sharing their experiences and thoughts related to the department and the City. Additional listening sessions will follow based on topics and issues identified by our community.

Additional research: There are several cities, such as Madison, Wisconsin, that are currently evaluating use of force alternatives and de-escalation techniques related to civil unrest. City staff will continue to monitor the results of these efforts to see what might be applicable to Kalamazoo.

ATTACHMENT A – Sub Committee Meetings and Outcomes

Meeting Date	Desired Outcomes	Deliverable, Decision, or Recommendation
8/20/20	- Shared understanding of current laws and policies that guide the City's response to the community's right to assembly - Shared understanding of the sub-committee's scope of work and key deliverables for interim measures - Clear expectations set for the role of staff, Commissioners, and community members to deliver on scope of work by August 28 deadline.	- Definition of success for events - Identification of issues to address
8/24/20		Review of KDPS Policy 430, relevant legal guidance, community and staff feedback; finalize scope of work
8/26/20		Develop draft outline of preliminary report
8/28/20		Review and finalize preliminary report
9/29/20	- Review / discussion of Attorney Robinson's Protests and Press memo issued on 9/4 and related research - Shared understanding of what the Sub-Committee has done and what work remains - Discussion around planning for potential civil unrest related to the election	- Media outreach to be conducted to explore interest in joint training; no recommendation at this time to pursue formalized credentialing program - Clarify pros and cons of potential tactics for handling protests - Develop Nov. election ops and communication plan
10/7/20	- Shared understanding of the status to plan for potential civil unrest related to the election - Shared understanding of opportunities connected to Fetzer Institute; discussion around alignment with the Sub-committee's work; next steps - Review and discuss pros and cons of potential tactics for handling protests	- Explore resources provided by Fetzer to assist with Nov. election ops and communication plan - Use future meeting(s) to dive deeper into specific protest scenarios to better understand thinking behind use of tactics.
10/14/20	- Shared understanding of what is acceptable within various protest scenarios - Shared understanding of the status to plan for potential civil unrest related to the election	- Committee did not recommend substantial changes to protest tactics; reinforced communication is absolutely critical before, during, and after events - Develop clear and comprehensive communication strategy
10/21/20	- Assist in the development of a First Amendment Assembly Communication Strategy - Shared understanding of the status of operational plan for the election	Further refine communication strategy based on past experiences and feedback
10/28/20	- Further refine the First Amendment Assembly Communication Strategy - Shared understanding of the operational and communication plan for the November election	Continue to refine communication strategy; seek contacts of stakeholders that can provide input to further enhance it.

ATTACHMENT A – Sub Committee Meetings and Outcomes

11/10/20	• Determine clear path to bringing final report to City Commission in December • Further refine the First Amendment Assembly Communication Strategy	• Determine areas that require additional engagement, research, and refinement.
11/18/20	• Shared understanding of how best to utilize upcoming opportunity for community input on communication strategy • Determine clear path to bringing final report to City Commission for 12/21 December City Commission meeting	• Committee provided input to shape focus groups; future listening sessions • Set 12/21 as goal for Commission meeting
12/1/20		• Shared feedback from event organizer focus group • Committee provided input on landing page materials
12/9/20		• Shared feedback from legal observer and media focus groups

City of Kalamazoo First Amendment Assembly Communication Strategy

Overview

The City of Kalamazoo’s preliminary subcommittee report released on August 28 identified the need to develop a First Amendment Assembly Communications Strategy to clarify expectations, enhance accountability and transparency, and define communications needs.

This memorandum outlines potential key tactics to help the City communicate before, during and after events with clarification on what information needs to be shared with who (audience), when (detailed timelines, frequency) and how (methods of communication).

Different communication tactics may be used for different types of events (e.g., communications for a planned large assembly will be different than for a small gathering in front of a governmental building) but the goal of this document is to provide the community, organizers, and city staff the necessary tools to effectively communicate, develop a shared understanding, and have a successful First Amendment assembly.

Audiences

- City Commissioners
- City staff & Kalamazoo Department of Public Safety (KDPS)
- Community leaders
 - Ex. Boards and committees, such as Citizen Public Safety Review and Appeals Board (CPSRAB)
- Event organizers
- Legal observers
- Kalamazoo residents
- Media

Key Tactics

Communications materials and ongoing tactics

1. **Core messages**
Using the City of Kalamazoo’s strategic goals and themes found in its Strategic Vision (Appendix A), a set of core messages will be developed and utilized in communications related to First Amendment assemblies.
2. **Stakeholder contact list**
The City of Kalamazoo will compile its various stakeholder lists into one comprehensive list to enable faster communication. This list will be managed by the City Manager’s Office.
3. **Assembly landing page**
To help provide information and foster transparent communications, a new landing page on the City of Kalamazoo’s website will feature information, safety protocols and expectations for First Amendment

assemblies. Information will also be provided for how event organizers can schedule a meeting or communicate with City or KDPS staff prior to an event.

4. Assembly one-pagers for event organizers, legal observers and media

One-pager information sheets will be maintained by the City to outline current rules for assemblies. This can be provided to the event organizer to inform participants, legal observers and media of protocols and expectations. This will also include a checklist of details for organizers to consider and provide easy access to City resources to help organizers plan.

5. Assembly guideline promotion

New resources, such as the First Amendment assembly landing page on the City's website, will be promoted using the City of Kalamazoo and KDPS social media channels to increase awareness among residents and local leaders.

6. City of Kalamazoo/KDPS training

The City of Kalamazoo and KDPS will conduct training with relevant City employees on assemblies and their roles in ensuring safety, fairness, equity, transparency, etc.

7. Media relationships

The City of Kalamazoo will offer to work with local media to strengthen relationships and discuss potential tactics such as training opportunities and best practices (note: the City of Kalamazoo will not pursue a local media credentialing program).

8. Implicit bias training

All City of Kalamazoo employees will be required to complete implicit bias training.

Before First Amendment Assemblies

1. Event organizer outreach

When KDPS becomes aware of a planned assembly, KDPS will make attempts to reach out to coordinate a meeting with the event organizer. Each outreach attempt with organizers will be documented.

KDPS will attempt to coordinate an in-person meeting between event organizers, the City of Kalamazoo, KDPS and other relevant parties. During this meeting, KDPS will explain safety protocols and expectations. To ensure all information is gathered, the City of Kalamazoo will develop a checklist that gathers key information, including:

- a. Nature of the event
- b. Organizer name(s) and contact information
- c. Estimated number of people expected to attend
- d. Permitting information, if required
- e. Number of officers on duty
- f. Participating jurisdictions
- g. Staging locations
- h. Possibilities for disruption, counter-protests, etc.
- i. Confidential details not to be shared with the public beforehand to allow for advance planning

2. City Communications toolkit

Develop a brief toolkit with core messages, Q&A, etc. for City staff to use in internal and external communication for events.

3. Media outreach

City Manager's Office will coordinate outreach with local news media outlets to establish communication before scheduled events. Staff will provide start times, locations, safety information, protocols, etc.

4. City Commission briefing

City Manager's Office staff will provide a First Amendment Assembly briefing update for City Commissioners, which will include an overview of groups involved in the assembly and the expected date, time and locations.

5. Stakeholder outreach

City Manager's Office staff will provide relevant information to community leaders, neighborhood associations, etc. about planned assemblies as appropriate. Staff will be intentional in identifying the most effective communication methods for the intended audience.

During First Amendment Assemblies

1. Community updates on closures, traffic issues, and other relevant concerns

KDPS will publish updates on road closures, traffic issues and other relevant concerns to the community on the KDPS and City of Kalamazoo social media channels as well as to local print, radio and TV media.

2. Safety signage

In the areas where an assembly is expected to take place, KDPS will place signage outlining laws, permitted/closed areas, and safety protocols as feasible/when possible.

3. City Commissioner briefing

City Manager's Office staff will provide updates to City Commissioners as necessary.

4. Communications with event organizers

As needed, City and KDPS staff will attempt to communicate with event organizers during an event when possible.

After First Amendment Assemblies

Communication should occur as soon as possible after events as needed. Depending on the size and circumstances of the event, media briefings and/or debriefs may not be warranted.

1. Media

City Manager's Office and KDPS will keep the media apprised via a media briefing after the event, within 24 hours, if possible. This could be through the issuance of a written statement or a briefing event with interviews (virtual or in person).

2. Debrief

The City of Kalamazoo, KDPS, event organizers, community stakeholders and other relevant parties will attempt to hold a debriefing call to discuss the assembly. A report of this debriefing will be provided to

City Commissioners to ensure transparency and accountability. The City Manager’s Office will be responsible for adjusting Communication Strategy and future plans based on lessons learned.

Appendix 1

Excerpt from the City of Kalamazoo Strategic Vision document (p. 6-7)

Strategic Goals

Shared Prosperity	Abundant opportunities for all people to prosper.
Connected City	A city that is networked for walking, biking, riding, and driving.
Inviting Public Places	Parks, arts, culture, and vibrant streets.
Environmental Responsibility	A green and healthy city.
Safe Community	Creating a safe environment for living, working, and playing.
Youth Development	A city with places and supports that help young people thrive.
Complete Neighborhoods	Residential areas that support the full range of people’s daily needs.
Strength Through Diversity	An inclusive city where everyone feels at home.
Economic Vitality	Growing businesses and stabilizing the local economy to the benefit of all.
Good Governance	Ensuring the City organization has the capacity and resources to effectively implement the community’s Strategic Vision in a sustainable way

The three Themes of Kalamazoo’s Strategic Vision are:

Connected & Accessible Community

Developing strong connections between a diverse range of people and places.

Equity & Opportunity for All

Limited resources and opportunities must be shared; and the inclusion of all people in every neighborhood must share in decision making processes.

Vibrant & Friendly Environment

Protect and improve the quality of our local natural environment, and create strong communities with targeted community driven investments

View additional detail at imaginekalamazoo.com/goals.

City of Kalamazoo First Amendment Assemblies Core Messages

Safety:

- Our top priority is providing a safe community for everyone who lives, works, and visits Kalamazoo.
- We support the First Amendment and your right to express your opinion through non-violent, peaceful assemblies and demonstrations.
- A safe community means safer neighborhoods and a culture that promotes respect for one another.

Diversity, equity and inclusion:

- The City of Kalamazoo and KDPS embraces the diversity of our community and we are committed to creating a welcoming, inclusive city where everyone feels at home.
- The City of Kalamazoo and KDPS works hard to ensure all policies regarding First Amendment assemblies are applied and enforced equitably.
- The City of Kalamazoo and KDPS have launched several diversity, equity and inclusion initiatives related to hiring, training and cultural awareness.

Strong communities:

- The mission of the City of Kalamazoo and KDPS is to build a strong community with vibrant small businesses, accessible parks and recreational opportunities, and a connected community where people can walk, bike, drive, or use public transportation.
- We are committed to effective communications, transparency, and accountability.
- We are committed to listening to, and collaborating with, the residents and leaders in our community to help us make decisions, garner feedback, and constantly improve.