

Roll Call

A regular meeting of the Kalamazoo City Commission was held on Monday, February 1, 2021 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of the Michigan Open Meetings Act (PA 267 of 1976) as amended by PA 254 of 2020.

COMMISSIONERS PRESENT:

Mayor David Anderson
Vice Mayor Patrese Griffin
Eric Cunningham
Jeanne Hess
Erin Knott
Chris Praedel
Jack Urban

COMMISSIONERS ABSENT:

None

All members present indicated they were physically located in the City of Kalamazoo.

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

Adoption of the Agenda

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

Public Comments

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

Tamara "TC" Custard, City resident, asked the City Commission to hold the City Manager accountable for not being honest about the separation of former Public Safety Chief Karianne Thomas from the City. Ms. Custer asked for more information about the Continuum of Care and its role in addressing homelessness.

Jeff Messer, City resident, asked that item G-8, decertification of Harkins Court, be moved to the Regular Agenda. Mr. Messer noted the Parks and Recreation Advisory Board had discussed tearing up the pavement on the decertified Harkins Court and planting vegetation, while the agenda report stated the pavement would remain and removable bollards would be installed so that the court could be used for vehicles during special events. Mr. Messer remarked that many of the events at MLK Park were last minute, informal events, but those events would now need to get permission from the Parks and Recreation Department if they wanted to be able to use the paved area. Mr. Messer asked City Attorney Robinson to explain the difference between vacating and decertifying a street.

Caitlin, a City resident, asked why Jim Ritsema was still the City Manager after he lied about the separation of former Chief Thomas from the City.

April asked about the application of Section 36-170 of the Code of Ordinances.

Victoria, a City resident, asked what the City has been doing to protect the homeless from winter weather and the COVID-19 pandemic.

Tina Fisher, City resident, asked why empty buildings in the City were not being used for the homeless. Barb Miller, City resident, asked why the City Commission was raising the issue of City Manager Ritsema's performance again when it had voted to accept his apology in December. Ms. Miller urged Commissioners to talk with the City Manager and each other, and she urged Commissioners to consider City Manager Ritsema's accomplishments during his tenure in Kalamazoo. Al Heilman, City resident, spoke about his experience as a City Commissioner and urged the Commission to not discuss the City Manager without him present. Dorothy Appleyard, City resident, stated Committee of the Whole meetings were not increasing communication between the City Commission and the public. Bailey, a City resident, expressed concern about the City's homeless population and asked the City to open an emergency shelter for those living in encampments. Laurie, a City resident, urged City to open vacant buildings and an emergency shelter for the homeless. Tony Tone, City resident, expressed displeasure with the City Manager and asked the City Commission to terminate his employment.	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 documents on behalf of the city: - approval of a three-year contract extension in the amount of \$152,100 with Eagle Claims for workers compensation claims management services for City operations. - approval of a one-year contract extension with Earth Works Lawn and Landscape for the 2021 Property Maintenance 13 & 26 Frequency Mowing Contract Extension in the amount of \$116,350. - approval of Contract 20-5496 and a purchase order with the Michigan Department of Transportation for construction of the Portage Street Improvements Project – Stockbridge Avenue to Michigan Avenue in the amount of \$5,099,839.91. - approval of Contract 20-5474 and a purchase order with the Michigan Department of Transportation for the G Avenue/Gull Road Roundabout Project, in the amount of \$155,400. - first reading of an ordinance to rezone properties generally located along East Main Street and East Michigan Avenue in the Eastside Neighborhood; and schedule a public hearing for February 15, 2021.	Consent Agenda 2021-00 2021-00 2021-00 2021-00 2021-00

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| 2021-00 | <ul style="list-style-type: none"> - first reading of an ordinance to amend certain sections of chapter 38 of the Kalamazoo City Code to change the rates charged for drinking water. |
| 2021-00 | <ul style="list-style-type: none"> - first reading of an ordinance to amend certain sections of chapter 28 of the Kalamazoo code to change the rates charged for wastewater service. |
| 2021-00 | <ul style="list-style-type: none"> - approval of the Mayor's appointments to the following boards, commissions, and committees: <ul style="list-style-type: none"> - the reappointment of Andrew Grayson to the Historic District Commission for a term expiring on January 1, 2024. - the reappointment of Dana Underwood to the Historic District Commission for a term expiring on January 1, 2024. - the reappointment of Ashley Cole-Wick to the Natural Features Protection Review Board for a term expiring on March 31, 2023. - the reappointment of Alan Sylvester to the Natural Features Protection Review Board for a term expiring on March 31, 2023. - the appointment of Nick Griffith to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2022. - the appointment of Joshua Sledge to the Retirement and Perpetual Care Investment Committees for a term expiring on March 31, 2022. |
| 2021-00 | <ul style="list-style-type: none"> - approval of the following appointments and reappointments to boards and commissions: <ul style="list-style-type: none"> - the reappointment of James Lippincott to the Board of Review for Assessments for a term expiring January 31, 2024. - the reappointment of Richard Skalski to the Board of Review for Assessments for a three-year term expiring January 31, 2024. - the appointment of Dr. Jason Beasley to the Environmental Concerns Committee for a term expiring on January 1, 2024. - the reappointment of Joe Bower to the Environmental Concerns Committee for a term expiring on January 1, 2024. - the reappointment of Dr. Gail Walter to the Environmental Concerns Committee for a term expiring on January 1, 2024. - the reappointment of Paul Teini to the Parks and Recreation Advisory Board for a term expiring on January 1, 2024. |

Commissioner Cunningham, seconded by Commissioner Hess, moved to approve the consent agenda requests and authorize the City Manager to sign all documents on behalf of the City.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Regular Agenda items were considered next.

City Attorney Robinson explained “decertification” of a street removed it from the list of streets that qualified for Act 51 funding from the state; “vacating” a street removed a street from public use and conveyed it to private property owners. City Attorney Robinson noted the City would retain control of the Harkins Court but lose state funding for its maintenance.

Deputy City Manager Chamberlain explained Harkins Court was an alley that ran along the north side of Martin Luther King Jr. (MLK) Park. Deputy City Manager Chamberlain stated the proposal at hand was to close the alley to through traffic but install removable bollards so the paved area could be accessed for event purposes. Deputy City Manager Chamberlain indicated the long-term plan was to possibly incorporate the alley property into MLK Park.

Commissioner Cunningham stated he was the City Commission Liaison to PRAB, and he expressed agreement with Deputy City Manager Chamberlain’s explanation of the proposal. Commissioner Cunningham noted one of the concerns behind the proposal was for the trees on the north side of the park. Commissioner Cunningham thanked the members of PRAB for their work and the Junior Girls for adopting MLK Park.

In response to a question from Vice Mayor Griffin, Deputy City Manager Chamberlain encouraged people who wanted to hold events in the park to contact the Parks and Recreation Department so that staff could make sure all of the desired amenities were available.

Commissioner Praedel stated the confusion about this item might be due to the apparent conflict between the short-term plans for the alley and the long-term vision for the park.

Commissioner Urban, seconded by Commissioner Cunningham, moved to adopt a **RESOLUTION** to decertify 352’ of Harkins Court from Church Street to Rose Street in accordance with Act 51 of Public Act 1951.

Prior to a vote on the motion, Commissioner Urban commended PRAB for trying to incorporate the alley into the park, rather than letting it be an afterthought, and he expressed support for saving the trees.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Commissioner Anderson

NAYS: None

Consent Agenda (cont’d)

Regular Agenda

2021-00

Resolution 21-13
Decertifying Harkins
Court Between Church
and Rose Streets

New Business

Items of New Business were considered next.

2021-00

Discussion of the New Business Items

Mayor Anderson stated the City Commission had received an attorney/client privileged communication from the City Attorney, and he suggested the Commission go into closed session to discuss that communication before having a public discussion on Item L-1.

In response to a question from Commissioner Hess, Mayor Anderson stated the participants in the closed session would be the Mayor, Vice Mayor, City Commissioners, City Attorney Robinson, outside legal counsel, and City Clerk Borling. Mayor Anderson indicated others could be asked to participate.

Vice Mayor Griffin expressed support for going into closed session with the participants indicated by the Mayor before having a public discussion.

In response to a question from Commissioner Cunningham, Vice Mayor Griffin indicated she wanted to have a conversation first with just the named participants before adding anyone else.

In response to a question from Commissioner Cunningham, City Clerk Borling stated the Human Resources Director was given the information for the closed session and could join that meeting if the Commission so desired.

Closed Session

Commissioner Cunningham, seconded by Knott, moved that the City Commission go into closed session to discuss an attorney-client privileged communication exempt from disclosure by state statute.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

Mayor Anderson explained that the closed session participants would be leaving the business meeting and entering a separate virtual meeting for the closed session, and when the closed session was over they would leave that virtual meeting and come back to the business meeting.

City Clerk Borling provided instructions to Commissioners on how to access the closed session virtual meeting.

The City Commission went into closed session at 7:44 p.m.

The City Commission returned to open session at 11:38 p.m.

2020-00

Statement Regarding the Closed Session

City Attorney Robinson read the following statement:

The City Commission acted in compliance with the Open Meetings Act and has not reached any decisions. In the course of the closed session they asked many questions regarding the legal issues involved in repairing and rebuilding trust and communication between the City Manager, the City Commission, and the community. Efforts will be made to look for solutions to provide accountability and evaluation of job performance as well as other tools and methods to move forward with deliberate intent.

Commissioner Cunningham, seconded by Commissioner Urban, moved that the committee of Mayor Anderson, Commissioner Hess, and Commissioner Cunningham research an outside consultant group to assist the Commission and appointees as a whole with creating new evaluation tools for appointees. One evaluation tool will be used for 2020, and another evaluation tool will be used for 2021 and ongoing.

Prior to a vote on the motion, Commissioner Cunningham stated previous appointee evaluations had not been fruitful. Commissioner Cunningham remarked the new tools would be more useful and provide better guidance to future Commissions, with benchmarks and a quantitative approach.

Commissioner Urban stated he liked the idea of creating two evaluation tools, one for 2020 and the other for 2021 and beyond.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Cunningham, Hess, Knott, Praedel, Urban, Vice Mayor Griffin, Mayor Anderson

NAYS: None

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

Commissioner Cunningham thanked his colleagues for the closed session dialogue and the attorneys for answering questions. Commissioner Cunningham expressed hope that a mechanism would be developed to hold all appointees accountable.

Commissioner Hess expressed appreciation for the dialogue with her colleagues. Commissioner Hess noted it was both Black History Month and American Heart Month. Commissioner Hess offered assurances that both the City and Kalamazoo County were working to address the homelessness situation.

Mayor Anderson stated doing good work was difficult and sometimes messy. Mayor Anderson stated the Commission would need to work together to make progress.

The meeting adjourned at 11:46 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on

Approved by: _____
David F. Anderson, Mayor
Dated:

2020-00

Motion to Engage a
Consultant re: Appointee
Evaluation Tools

City Commissioner
Comments

Adjournment