



Agenda

Special Meeting of the City Commission

City of Kalamazoo

Monday, February 18, 2013

6:00 p.m.

City Hall – Community Room, Second Floor - 241 West South Street

1. CALL TO ORDER/ROLL CALL
2. COMMUNICATIONS
3. NEIGHBORHOOD PRESENTATIONS
 - Western Michigan University Student Association
Sean Nicholl, President
Anna Salvaggio
Jonathan Jackson
 - Edison Neighborhood Association
Bill Wells, President
Tammy Taylor, Executive Director
 - Parkview Hills Neighborhood Association
Joan Dombrowski, President
4. CITIZEN COMMENTS
5. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS
6. ADJOURNMENT



Agenda

Regular Meeting of the City Commission

City of Kalamazoo

Monday, February 18, 2013

7:00 p.m.

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: **Reverend John McNaughton**
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. The public is invited to attend the following meetings of boards and commissions:
 - a. The **Kalamazoo Historic District Commission** will meet on Tuesday, February 19, 2013 at 5:00 p.m., in the Community Room at City Hall.
 - b. The **Kalamazoo Municipal Golf Association** will meet on Tuesday, February 19, 2013 at 7:00 p.m., in the Third Floor Conference Room at City Hall.
 - c. The **Environmental Concerns Committee** will meet on Wednesday, February 20, 2013 at 4:30 p.m., in the Community Room at City Hall.
 - d. The **Kalamazoo Transit Authority Board** will meet on Friday, February 22, 2013 at 8:15 a.m., in the Metro Transit Conference Room, located at 530 N. Rose.
 - e. The **Investment Committee of the Retirement System** and the **Perpetual Care Investment Committee** will meet on Wednesday, February 27, 2013 at 8:45 a.m., in Room 207A at the Kalamazoo County Administration Building, located at 201 W. Kalamazoo Avenue.

- f. The **Housing Board of Appeals** will meet on Thursday, February 28, 2013 at 2:00 p.m., in the City Commission Chambers at City Hall.
2. The City is accepting applications for appointment to various city Commission advisory boards and commissions. Interested citizens are encouraged to contact the City Clerk's Office at 337-8792 to request an application form or to obtain additional information on board vacancies.

E. PUBLIC HEARINGS

**F. CONSENT AGENDA
(Action: Motion to approve items "1-11")**

1. Consideration of a recommendation to approve a one-year contract extension for the purchase of fluorosilic acid from Alexander Chemical Corporation in the amount of \$130,000.
2. Consideration of a recommendation to approve a sole source purchase with Etna Supply Company of Grand Rapids, Michigan for water meters, in the amount of \$158,300.
3. Consideration of a recommendation to adopt a RESOLUTION to levy the 0.6 special transit tax in 2013, as approved by the voters on November 6, 2012. The special transit tax levy will generate \$877,929 for use in Kalamazoo Metro Transit's 2013 Operating Budget.
4. Consideration of a recommendation to adopt a RESOLUTION appointing Thomas C. Skrobola, Management & Budget Services Director and Chief Financial Officer, as Hearing Officer, and authorizing the City Clerk to send hearing notices to establishments in the City of Kalamazoo holding liquor licenses that have past due personal property taxes.
5. Consideration of a recommendation to approve a five-year extension of a lease with Off-Site Kalamazoo, LLC in the annual amount of \$36,900 (\$184,500 over five years) to house the City's Records Center and Archives.
6. Consideration of a recommendation to approve a working agreement between the Kalamazoo Transit Authority Board of Directors and the Kalamazoo City Commission effective January 1, 2013, through December 31, 2013.

7. Consideration of a recommendation to approve the minutes from the following City Commission meetings: the Committee of the Whole Meetings on June 1, and August 31, 2012; the Special Meetings on June 18, 2012, January 14, 2013, February 4, 2013 and February 7, 2013; the Neighborhood Meetings on June 18, July 16, and August 20, 2012; and the Business Meetings on June 4, July 16, July 30, August 6, and August 20, 2012 and January 22 and February 4, 2013.
8. Consideration of a recommendation to approve the following appointment and term extension for advisory boards and commissions:
 - a. the appointment of **Donna Keller** to the Board of Review for Assessments for a term expiring on January 31, 2014.
 - b. the appointment of **Jason Enos** to the Zoning Board of Appeals as an alternate member for a term expiring on March 31, 2015.
 - c. the extension of **Carol Fricke's** term on the Transit Authority Board until December 31, 2013.
9. Consideration of a recommendation from the Mayor to create a Downtown Noise Task Force and to confirm the appointment of Martha Aills, Grant Fletcher, Joe Hertel, Jon Hoadley, Gwen Lanier, Bob Lewis, and Patti Owens to this task force.
10. Consideration of a recommendation to approve the sale of 718 Elizabeth Street to Deborah Woodward for \$40,000 and authorize the City Manager to sign all related documents.
11. Consideration of a recommendation to approve the sale of 906 Reed Avenue to Susan Morales Reyes for \$7,300 and authorize the City Manager to sign all related documents.

G. REGULAR AGENDA

H. REPORTS AND LEGISLATION

1. City Clerk's Report
2. City Manager's Report

I. UNFINISHED BUSINESS

J. POLICY ITEMS

1. City Manager Search Update

- K. NEW BUSINESS**
- L. CITIZEN COMMENTS**
- M. MISCELLANEOUS COMMENTS AND CONCERNS BY COMMISSIONERS**
- N. CLOSED SESSION**
- O. ADJOURNMENT**

ADDITIONAL INFORMATION

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission meetings are held the first, third Mondays at 7:00 p.m. and are shown live on the Public Media Network on Channel 98. The meetings are rebroadcast on Tuesday at 1:00 a.m. and 2:00 p.m., Saturday at 11:00 a.m. and Sunday at 8:00 p.m. on Channel 98.

GUIDELINES FOR PUBLIC PARTICIPATION AT CITY COMMISSION MEETINGS

Welcome to the Kalamazoo City Commission meeting, and thank you for your participation in Kalamazoo local government. The City Commission recognizes that citizens who make the effort to attend a Commission meeting often feel passionately about an issue. The following guidelines are not meant to discourage individual expression; rather, they exist to facilitate the orderly conduct of business and to ensure that all citizens who wish to address the City Commission are able to do so in an atmosphere of civility and respect, without fear or intimidation.

1. Out of respect for business being conducted during the meeting, please turn off all cell phones and pagers prior to the start of the meeting.
2. In an effort to maintain order and to allow a respectful discussion, please do not make comments from the audience area. Audience members should also refrain from applause or other audible noise at times not formally recognized as appropriate by the meeting chair.
3. Citizens have opportunities to address the Commission at the following times during a meeting:
 - a. Consideration of Regular Agenda items. Citizens are permitted to speak to the Commission on Regular Agenda and Unfinished Business prior to the City Commission voting, except those votes setting a public hearing. (Note: The Consent Agenda is a list of items proposed for City Commission approval to be voted upon all at one time. This is a time-saving procedure as most Consent Agenda items are housekeeping measures. A citizen may request an item be removed from the Consent Agenda for individual consideration or discussion.) Comments must be germane to the specific item under consideration.
 - b. The Citizen Comment period near the end of the meeting is for comment on Agenda or Non-Agenda items.

4. To address the City Commission, please sign in at the podium near the Clerk's station and then proceed to the podium directly in front of the dais when invited by the meeting chair. Before beginning your comments, please clearly state your name for the record and whether you reside within the city limits. Comments are limited to four minutes.
5. Citizen comment periods are a time for citizens to make comments; they are not intended as a forum for debate or to engage in question-answer dialogues with the Commission or staff. Commissioners are encouraged not to directly respond to speakers during citizen comment periods. At the conclusion of a speaker's remarks, the Mayor or individual Commissioners may refer a question to City staff, if appropriate. Also, individual Commissioners may choose to respond to speakers during "Miscellaneous Comments and Concerns of Commissioners."
6. Signs, placards and banners are permitted in Chambers during open meetings but only along the perimeter of the room (side and back walls) and only if they do not obstruct the vision of others.

If you have any questions, please feel free to contact the City Clerk's Office at 269.337.8792



Commission Agenda Report

Date: **02/18/13**

Item **F1**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor Mckinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager
Reviewed By: Sue Founé, Public Services Deputy Director
Prepared By: Thomas Spitzner, Water Operations Supervisor

DATE: January 10, 2013

SUBJECT: Purchase of Fluorosilic Acid for Water Treatment

RECOMMENDATION

It is recommended that the City Commission approve a one-year contract extension for the purchase of fluorosilic acid from Alexander Chemical Corporation, Lisle, Illinois, in the amount of \$130,000.00. The term of this contract begins on March 1, 2013 and expires on February 28, 2014. The 2013 portion of this contract is \$110,000.

BACKGROUND

The City of Kalamazoo has been adding fluoride to the public drinking water supply since 1952. This decision was based on several studies and the recommendation of the State of Michigan Department of Public Health.

The addition of fluoride to public water supplies in the United States has been shown in numerous studies to significantly improve overall dental health and substantially reduce the incidence of dental caries. The use of fluoride in public drinking water supplies has also been characterized by the Center for Disease Control and Prevention (CDC) as one of the top ten public health advancements in the last 100 years. Local, state, and federal representatives from the American Dental Association (ADA) have also expressed their strong support of continuing this important health benefit.

Recent studies have been conducted that have prompted the United States Department of Health and Human Services to issue an advisory regarding the maximum allowable dosage of fluoride to individuals. City staff have discussed this issue with the United Environmental Protection Agency (USEPA) and the Michigan Department of Environmental Quality (MDEQ) representatives as well. Currently, the USEPA is evaluating the need to modify the maximum 4.0 mg/L contaminant level (MCL) for fluoride in drinking water. They have not given a specific timeline of when a review or possible modification to the MCL for fluoride may be finalized.

Based on the 2010 Water Quality Monitoring Report, fluoride levels measured within the City of Kalamazoo's water distribution system varied from 0.11 mg/L to 1.43 mg/L. The upper level of this measured level is well within the range USEPA is currently reviewing for a new MCL for fluoride. The typical dosage level maintained at the City's water pumping stations is 0.7 to 0.9 mg/L of fluoride addition. The City will continue to monitor the regulatory situation and will ensure it continues to comply with all requirements of the Safe Drinking Water Act (SDWA) and any other state or federal requirements.

The City will continue to assess the best way to deliver safe drinking water to all its customers including how to best deliver fluoride in a safe and consistent manner. As more controls and monitoring of parameters are needed, the City will ensure that equipment and instrumentation is adequate to provide for the correct dosage of all parameters added to the City's potable water supply.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funds in the amount of \$110,000 for the purchase of fluorosilic acid are included in the 2012 Water Division Treatment Budget.

ALTERNATIVES:

Fluorosilic acid could be purchased from another vendor or the City could elect to use a different compound to add fluoride to the drinking water. Based on assessments by the Purchasing Director, such alternatives would be more costly to the City.

Another alternative would be to discontinue addition of fluoride to the drinking water. Given the health benefits and documented benefit the overall dental health of City water customers, discontinuing the use of fluoride is not recommended. While addition of fluoride to the City's water supply is not required, it is regulated by the MDEQ. If the City would discontinue the use of fluoride, proper and adequate notification would have to be made to the DNRE.

ATTACHMENTS

None



Commission Agenda Report

City of Kalamazoo

Date: **02/18/13**

Item **F2**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Sue Founé, Public Services Deputy Director
Prepared By: Douglas J. Nord, Customer Service/Finance Manager

DATE: January 28, 2013

SUBJECT: 2013 Water Meter Purchase

RECOMMENDATION

It is recommended that the City Commission approve a sole source purchase with Etna Supply Company of Grand Rapids, Michigan for water meters, in the amount of \$158,300.

BACKGROUND

Sensus Metering Systems are the sole water meters installed throughout the City's water system. Sensus meters are known for their high quality and readily available interchangeable parts. The installation of Sensus meters have simplified operations as well as improve staffs efficiency. Since 2008, the City Commission has approved request by Public Services staff to designate Sensus Metering Systems local distributor Etna Supply Company as a single sole source supplier of all City of Kalamazoo water meters. ETNA has agreed to honor the same 2012 per unit pricing for 2013.

In order to comply with Federal and State regulations that require reduced levels of lead in water system replacement components, the Public Services Department is proactively purchasing lead free "accustream" meters. This purchase will also allow the Department of Public Services to meet the demands for new connections to the public water supply system and replacement of existing meters in the system.

COMMUNITY RESOURCES CONSULTED

This recommendation did not require advisory board consultation or additional public input.

FISCAL IMPACT

Funding for this purchase is included in the Department of Public Services 2013 Capital Improvement Budget. As new and replacement meters are dispensed from inventory, individual water budget codes will reimburse the inventory account.

ALTERNATIVES

One alternative would be to purchase water meters through the competitive bidding process. However, for the reasons of interchangeability of parts, standardization, and efficiency of operations, this is not the recommended alternative.

ATTACHMENTS

Sole Source

**CITY OF KALAMAZOO
SOLE SOURCE PURCHASE DOCUMENTATION**

Sole Source Purchase: A purchase may be awarded without competition when the User Department advises in writing, after conducting a good faith review of the marketplace, that there is only one available vendor for the required good or service.
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DATE: January 22, 2013

DEPARTMENT / DIVISION: Public Services -Water

REQUESTOR: Doug Nord

VENDOR: Etna Supply Company

BRIEF DESCRIPTION OF COMMMODITY OR SERVICE REQUESTED:
Water Meters

WHAT IS THE COMMODITY OR SERVICE BEING USED FOR: New connections to the public water system and replacement of existing meters in the system.

TOTAL COST: (Including delivery/installation) \$158,300 budgeted for 2013

OTHER VENDORS / SOURCES CONTACTED:

1. None
2. _____
3. _____

HOW DOES THE REQUESTED PURCHASE MEET ONE OF THE SOLE SOURCE REQUIREMENTS BELOW:

The City of Kalamazoo water system is exclusively Sensus water meters. The use of one meter standardizes the system with high quality equipment and provides interchangeability of parts and simplifies operations to improve efficiency.

PLEASE ATTACH A WRITTEN QUOTATION FROM VENDOR. A PURCHASE MUST MEET ONE OF THE FOLLOWING CIRCUMSTANCES TO BE DETERMINED BEING A SOLE SOURCE AND NOT REQUIRING COMPETITION:

1. There is a lack of responsible competition for a commodity or service which is vital to the operation and the best interest of the City;
2. A vendor possesses exclusive and/or predominant capabilities;
3. A product or service is unique and easily established as one-of-a-kind;
4. There is a patented feature providing a superior utility not obtainable from similar products;
5. A proprietary right exists and the product is available from only one prime source and not merchandised through wholesalers, jobbers or retailers.

Date: **02/18/13**

Item **F3**



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Prepared By: William J. Schomisch, Transportation Director

SUBJECT: 0.6 MIL SPECIAL TRANSIT TAX LEVY FOR 2013

DATE: February 5, 2013

RECOMMENDATION

It is recommended that the City Commission adopt a RESOLUTION to levy the 0.6 special transit tax in 2013, as approved by the voters on November 6, 2012. The special transit tax levy will generate \$877,929 for use in Kalamazoo Metro Transit's 2013 Operating Budget.

BACKGROUND

As a result of the voter-approved three year 0.6 mil levy approved on November 6, 2012, the Board is required to approve the annual collection of the special transit tax to be levied under the General Property Tax Act. The resulting \$877,929 in revenue collections will provide the required local share for the City of Kalamazoo for the operation of the Kalamazoo Metro Transit System for calendar year 2013 as identified in Metro Transit's proposed CY2013 Operating and Capital budget.

The City Commission approved Metro Transit's budget at its formal meeting on Monday, January 7, 2013. The Transit Authority Board approved Metro Transit's 2013 Operating Budget at their meeting on January 25, 2013.

ALTERNATIVES

The City of Kalamazoo has relied on a voter-approved Special Transit Levy since 1986. Other city priorities have dictated that the city's General Fund cannot support Metro Transit's Annual Operating Budget, thus the reason for a voter-approved special levy. As such, there are no other local funding alternatives at this time.

ATTACHEMENT

Resolution

RESOLUTION OF THE CITY COMMISSION

RESOLUTION NO. _____

A RESOLUTION LEVYING A SPECIAL MILLAGE FOR 2013 FOR THE PURPOSE OF PROVIDING PUBLIC TRANSPORTATION SERVICE AS AUTHORIZED PURSUANT TO PUBLIC ACT 55 OF 1963, AS AMENDED, AND CERTIFYING THE AMOUNT OF TAXES TO BE LEVIED TO THE TAX COLLECTING OFFICER OF THE CITY OF KALAMAZOO.

WHEREAS, the Kalamazoo Transit Authority was created pursuant to Public Act 55 of 1963, as amended, to operate a transit system and to determine whether there should be a special millage levied for the purposes of operating the public transportation system in the City of Kalamazoo; and

WHEREAS, The Kalamazoo Transit Authority placed on the ballot at the November 6, 2012 general election the question of whether the Authority should levy a special millage for the purpose of providing public transportation as authorized by Public Act 55 of 1963, as amended, and

WHEREAS, the electorate approved the levying of such a special millage for 0.6 mil for three (3) years; and

WHEREAS, the Kalamazoo Transit Authority is willing to levy said special millage and to provide the revenue to the City of Kalamazoo in return for the City of Kalamazoo providing the assets, employees, and management to continue the operation of the transit system in the City of Kalamazoo and surrounding areas; and

NOW, THEREFORE, BE IT RESOLVED, that there shall be levied and collected a special millage of 0.6 mil on all taxable property in the City of Kalamazoo for providing public transportation in 2013; and

BE IT FURTHER RESOLVED, that said special millage shall be collected in the same manner and at the same time as City of Kalamazoo taxes are collected in 2013, and that the City Treasurer and all appropriate officials of the City of Kalamazoo are hereby directed and authorized to take any necessary action to carry out this resolution and to collect said special millage, subject to prior City Commission approval; and

BE IT FURTHER RESOLVED, that the amount of taxes to be levied pursuant to said special millage is hereby certified to the City Treasurer for the City of Kalamazoo in the appropriate amount of \$877,929.

The above resolution was offered by Commissioner _____ and supported by Commissioner _____.

AYES:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____ 2013. 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 said Act.

Scott A. Borling, City Clerk



Commission Agenda Report

Date: **02/18/13**

Item **F4**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Thomas C. Skrobola, Management & Budget Services
Director and Chief Financial Officer
Prepared By: Wade Carlson, City Treasurer

DATE: February 18, 2013

SUBJECT: Liquor License Renewals

RECOMMENDATION

It is recommended that the City Commission adopt a resolution appointing Thomas C. Skrobola, Management & Budget Services Director and Chief Financial Officer, as Hearing Officer, and authorizing the City Clerk to send hearing notices to establishments in the City of Kalamazoo holding liquor licenses that have past due personal property taxes.

BACKGROUND

The Treasurer's Division identified seven licensed liquor establishments in the City that owe a combined total of \$27,420.40 in delinquent personal property taxes. The Michigan Liquor Control commission renews the liquor licenses of these establishments annually on May 1st. The City can object to the renewal of any establishment that has not paid, or made arrangement to pay, their delinquent taxes. The City Ordinance outlines a procedure that must be followed if we intend to object to the license renewal. These steps are as follows:

- Issue letters to the license holder advising that they are delinquent on their taxes. In the letter, they are advised to pay and/or contact the City Treasurer to pay, or make arrangements to pay, their delinquent taxes. This step was completed in January. The City collected over \$10,300.00 to date from these letters. Three businesses paid in full and one made a partial payment. Another business contacted the City Treasurer to advise that they were working on financing that would allow them to pay the delinquent tax by the end of February. The remaining two businesses have not responded to the letter.
- Recommend that the City Commission adopt a resolution appointing Thomas C. Skrobola, Management & Budget Services Director and Chief Financial Officer, as Hearing Officer and directing the City Clerk to mail a Notice of Hearing to each

licensed establishment that has not responded to the above letter. The Notice of Hearing will advise them of a hearing date and inform them that the City Commission may object to their license renewal if the delinquent taxes are not paid or arrangements for payment have not been made. The Hearing Officer will hear the position of the licensee and receive any evidence they may have.

- Following the hearing, the Hearing Officer will make a recommendation to the City Commission concerning whether to formally oppose the renewal of any license where the delinquent tax issue is still unresolved. The Commission has the final authority in this process.

It is important to proceed in a timely fashion. If the Commission should choose to object to the liquor license renewal, the Michigan Liquor Control Commission must receive all required documentation before March 31, 2013.

COMMUNITY RESOURCES CONSULTED

No community resources were consulted.

FISCAL IMPACT

This effort will have a positive impact on the City's budget as we stand to collect unpaid taxes that are owed. There is no staffing impact other than the time commitment to follow the procedure outlined above.

ALTERNATIVES

The Commission could choose to not adopt the recommended resolution. However, doing so would deny the City the opportunity to use the non-renewal of a liquor license to induce the two establishments to pay their taxes.

ATTACHMENTS

Resolution

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

A RESOLUTION APPOINTING THE MANAGEMENT & BUDGET SERVICES DIRECTOR/CHIEF FINANCIAL OFFICER AS HEARING OFFICER, AND AUTHORIZING THE CITY CLERK TO SEND NOTICES OF HEARINGS TO ESTABLISHMENTS IN THE CITY OF KALAMAZOO HOLDING LIQUOR LICENSES THAT HAVE PAST DUE PERSONAL PROPERTY TAXES

Minutes of a regular meeting of the City Commission of the City held on the _____ day of _____, 2013, at or after 7:00 o'clock p.m., local time, at City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, THE Michigan Liquor Control Commission (MLCC) issues various types of liquor licenses to establishments with the City of Kalamazoo; and

WHEREAS, the MLCC periodically receives and reviews applications for the renewal of these licenses; and

WHEREAS, Michigan law provides that municipalities may object to the renewal of liquor licenses when the establishment seeking the renewal has past due real and/or personal property taxes; and

WHEREAS, the City of Kalamazoo has identified four establishments with past due taxes; and

WHEREAS, the rules of the MLCC require that a municipality that wishes to object to the renewal of a license in these circumstances must appoint a hearing officer to make a formal determination and communicate the same to the City Commission, which shall then make its recommendation to the MLCC on the issue of whether the establishments listed below do or do not owe past due taxes to the City of Kalamazoo.

NOW THEREFORE, BE IT RESOLVED the Management Services Director and Chief Financial Officer, Thomas C. Skrobola, is hereby appointed as a hearing officer to make a determination on the issue of whether the

establishments listed below owes past due taxes to the City of Kalamazoo; once that determination is made, he shall then make the appropriate recommendation to the City Commission regarding action it should take with the MLCC.

BE IT FURTHER RESOLVED that the Office of the City Clerk shall provide written notice of the date, time, location and reason for the hearing to the following establishments:

Benucci's Chicago Oven & Grill, 3717 E Cork (\$4,170.12)
Old Dog Tavern/Sean & Amy Smith, 402 E Kalamazoo Ave (\$141.97)
Brewster's/Wilcox Restaurant Services, 5135 Portage (\$12,080.17)
Trophy House Grill, 440 E North St (\$909.94)

The above resolution was offered by _____ and supported by _____

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2013. 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 the Act.

Scott A. Borling, City Clerk



Commission Agenda Report

City of Kalamazoo

Date: **02/18/13**

Item **F5**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners
FROM: Scott A. Borling, City Clerk
DATE: February 11, 2013
SUBJECT: Five-Year Lease Extension for the City of Kalamazoo Records Center

RECOMMENDATION

It is recommended that the City Commission approve a five-year extension of a lease with Off-Site Kalamazoo, LLC in the annual amount of \$36,900 (\$184,500 over five years) to house the City's Records Center and Archives.

BACKGROUND

The City Records Center is the home of the Division of Records Management, Research, and Archives (DRMRA). Located at 3003 South Burdick Street, this 9,000 ft² facility houses approximately 7,000 ft³ of inactive records, 6,217 maps and drawings, 4,810 photographs, 2,534 reels of microfilm and over 3,750 ft³ of books and papers in the City Archives. Office space provides staff and citizens an area for reading and research. This facility also contains a significant area (1,500 ft²) dedicated to the Elections Division for equipment and supply storage.

The City has leased 3003 South Burdick Street since March of 2003. This original lease expired on February 28, 2008, and a five year extension was approved at that time. It is recommended the City exercise its option to extend the lease for a second five-year term beginning on March 1, 2013 and expiring on February 28, 2018. All provisions of the original lease will remain in force during the extension period, and the rent will remain the same (no increase).

The original lease provides that the City may terminate the lease at any time during the extension periods for any reason upon 60 days' written notice. Thus, the City is not locked-in to this arrangement. The City Attorney's Office has reviewed the lease provisions and drafted the lease extension document.

COMMUNITY RESOURCES CONSULTED

No community resources were consulted.

FISCAL IMPACT

The current lease payments of \$36,900 per year or \$3,075 per month will continue through the second extension period, with no additional increases during the term of the extension. Rent payments for the Records Center are included in DRMRA and Elections Division budgets for FY2013.

ALTERNATIVES

The City Commission could chose not to approve the lease extension. The City has options for the storage of inactive records and the City Archives, and those options are being considered and explored. However, the current lease expires on February 28th, and the current situation needs to continue until a better option can be identified and implemented. As was mentioned above, the City may terminate the lease for any reason upon 60-days' written notice during the extension period. Thus, the City will retain its options regarding the storage of inactive records and the City Archives.

ATTACHMENTS

Lease Extension

SECOND EXTENSION OF LEASE

This Second Extension of Lease is entered into between OFFSITE KALAMAZOO, L.L.C., of 3003 South Burdick Street, Kalamazoo, Michigan ("Landlord") and the CITY OF KALAMAZOO, of 241 West South Street, Kalamazoo, Michigan ("Tenant"), with reference to the following recitals:

Recitals:

- A. Landlord and Tenant executed a certain lease agreement dated December 2, 2002 ("Lease") pertaining to the lease by Tenant of the property at 3003 South Burdick Street, Kalamazoo, Michigan for use by Tenant's Records Management Division to house and store certain records and archives ("Records Center"). The original term of the Lease ran from March 1, 2003 to February 29, 2008.
- B. On December 17, 2007, under the terms of Article II, Section 2.04 in the Lease, Landlord and Tenant agreed to extend the term of the Lease for an additional 5-year period from March 1, 2008 to February 28, 2013 ("First Extension").
- C. The parties desire to enter into to this Second Extension of the Lease regarding the Records Center for an additional term of 5 years from March 1, 2013 through February 28, 2018.

THEREFORE, in consideration of Tenant's request and other good and valuable consideration, the parties agree as follows:

- 1. **TERM OF LEASE.** Under Article II, Section 2.04 of the Lease Tenant elects to extend the Lease for a second five-year term effective from March 1, 2013 through February 28, 2018. In accepting the extension Landlord waives the 90-day notice requirement under this section of the Lease Tenant was to provide for such extension.
- 2. **BASE RENT.** Article I, Section 1.01(H) of the Lease is amended to provide that the total amount of the base rent for the 5-year term is One Hundred Eight-Four Thousand, Five Hundred Dollars (\$184,500), payable as follows:
 - 1st year: \$36,900 annually or \$3075 per month
 - 2nd year: \$36,900 annually or \$3075 per month
 - 3rd year: \$36,900 annually or \$3075 per month
 - 4th year: \$36,900 annually or \$3075 per month
 - 5th year: \$36,900 annually or \$3075 per month
- 3. **INTEGRATION AND AFFIRMATION.** Except for the modifications to Sections 1.01(H) and 2.04 of the Lease, the parties affirm that all other sections and provisions of the Lease (including the First Extension), which are not inconsistent with this Second Extension, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have signed triplicate counterparts hereof as of this _____ day of _____, 2013.

WITNESS TO TENANT

TENANT
City of Kalamazoo

By:

Its: Kenneth P. Collard
City Manager

WITNESS TO LANDLORD

LANDLORD
Offsite Kalamazoo, LLC

By:

Its: H. Alfred George
Member



Commission Agenda Report

City of Kalamazoo

Date: **02/18/13**

Item **F6**

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Prepared By: William J. Schomisch, Executive Director

SUBJECT: One Year Working Agreement Between the Transit Authority Board and the Kalamazoo City Commission

DATE: February 5, 2013

RECOMMENDATION

It is recommended that the City Commission approve a Working Agreement between the Kalamazoo Transit Authority Board of Directors and the Kalamazoo City Commission effective January 1, 2013, through December 31, 2013.

BACKGROUND

With establishment in 1985 of the Kalamazoo Transit Authority Board of Directors, and the passage of a special public transit levy in the City of Kalamazoo, it was agreed that an annual Working Agreement would be enacted between both the Transit Authority Board of Directors and the Kalamazoo City Commission.

Past Working Agreements authorized the City to collect the annual transit millage levied by the Transit Authority Board of Directors for continued public transit operations. In turn, it empowers the City to continue day-to-day operation of the transit system using the voter-approved levy revenue.

In the Working Agreement, the following areas are outlined as decisions that must be concurred upon by both parties:

- 1) The annual budget, except for budget matters related to collective bargaining issues;
- 2) Any fare increases;
- 3) Any route changes, as that term is defined by the Federal Transit Administration (FTA);
- 4) Any capital expenditures in excess of \$10,000.

With the passage of the November 6, 2012, City transit levy, the System has a local three year funding source through 2015. The 0.6 mil levy, to be collected in July 2013, will generate approximately \$877,929 in revenue for CY2013. That amount has been identified in Metro Transit's 2013 Operating and Capital Budget.

ALTERNATIVES

Since the passage of the first special transit levy in the City of Kalamazoo in 1986, the City has relied on the levy to provide the local share required for service provision. The City is not in a position to fund public transit services through its General Fund, which makes the special transit levy critical to Metro Transit's annual operating budget. Together with federal, state and farebox revenues, the System will be able to maintain current service levels through 2013.

As such, no other alternatives were considered now that the special transit levy was approved by the voters on November 6, 2012.

ATTACHMENTS

One Year Working Agreement

WORKING AGREEMENT
Between the
KALAMAZOO TRANSIT AUTHORITY BOARD OF DIRECTORS
And the
CITY OF KALAMAZOO

THIS AGREEMENT, dated _____, between the CITY OF KALAMAZOO (City), a municipal corporation, and the KALAMAZOO TRANSIT AUTHORITY BOARD OF DIRECTORS (Authority), a body corporate incorporated pursuant to the provisions of Act No. 55 of the Public Acts of Michigan of 1963, as amended, is as follows:

WHEREAS, the City owns and operates a public transit system to provide public transportation in the City of Kalamazoo and surrounding area; and

WHEREAS, the City, because of financial constraints, cannot contribute money from its general fund to subsidize the operation of the transit system; and

WHEREAS, the City and Authority both recognize the great need and desirability of continuing public transit services in the City of Kalamazoo and surrounding area; and

WHEREAS, the voters of the City of Kalamazoo were asked on November 6, 2012, to approve a new three-year millage that would support all fixed route public transit services in the City of Kalamazoo for the period 2013-2015; and

WHEREAS, both the City and Authority believe that the public interest and welfare is best served by the City continuing to operate the public transit system; and

WHEREAS, the City and the Authority are empowered to enter into an agreement by Act No. 35 of the Public Acts of 1951;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Authority shall levy a tax on July 1, 2013, in the amount of 0.6 mil, which is projected to generate approximately \$877,929 in revenue. The City shall collect the tax for the Authority at the same time and in the same manner that it collects City taxes. Per the Transit System's adopted 2013 Operating Budget, the City shall use the \$877,929 of said tax revenue for operating the public transit system in 2013.
2. The City shall continue to own the assets and provide the employees to operate the public transit system in the City of Kalamazoo and surrounding area during the one-year period covered by this agreement.
3. The Authority must approve the following items before their adoption by the City:
 - (a) The annual public transit system operating and capital budget, except for budget matters related to collective bargaining issues.
 - (b) Any rate (fare) increases.
 - (c) Any route changes, as that term is defined by the Federal Transit Administration.
 - (d) Any capital expenditures in excess of \$10,000.

4. The Transportation Director, all administrative staff, and all employees of the public transit system shall remain City of Kalamazoo employees.
5. The Transportation Director shall continue to report to the City Manager, but shall work closely with the Authority to promote cooperation and communication between the Authority and the City.
6. This Agreement does not affect any existing agreement between the City of Kalamazoo and any collective bargaining unit involved in the operation of the public transit system, nor any existing agreement between the City and any other jurisdiction, agency or institution to provide public transit service.
7. Because the City will remain the employer of the transit system employees, the City will have full and sole authority in all matters relating to the collective bargaining agreement, including the negotiation and establishing of wages. While the Authority may provide input to the City on such matters, it will not have any right of approval.
8. This Agreement shall expire on December 31, 2013. Provided, however, the Authority shall be obligated to continue to transmit to the City any revenue from the July 1, 2013, levy that may be collected after December 31, 2013.

CITY OF KALAMAZOO

Date

Kenneth P. Collard
City Manager

TRANSIT AUTHORITY BOARD OF DIRECTORS

Date

Carolyn Fricke
Chairperson

Roll Call

The City Commission met as a Committee of the Whole on Friday, June 1, 2012 at 7:32 a.m. in the Community Room at City Hall, 241 W. South Street.

COMMISSIONERS PRESENT: Mayor Bobby Hopewell
Vice Mayor Hannah McKinney
David Anderson
Bob Cinabro
Barbara Miller

COMMISSIONERS ABSENT: Stephanie Bell*
Don Cooney**

Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and Deputy City Clerk Shelby Moss.

Commissioners
Excused

Commissioner Anderson, seconded by Commissioner Cinabro, moved to excuse the absences of Commissioner Bell and Commissioner Cooney. With a voice vote, the motion passed.

*Commissioner Bell arrived at 7:35 a.m.

**Commissioner Cooney arrived at 7:37 a.m.

Presentation on
Potential Charter
Amendments

City Attorney Robinson delivered a presentation on potential amendments to the City Charter. A copy of the PowerPoint slides and proposed language for the charter amendments were filed with the papers for this meeting.

Vice Mayor McKinney recommended that the commission think about moving forward on the "housekeeping" charter amendments, but felt the proposed amendments regarding terms, separate election for Mayor, and wards needed more time. Vice Mayor McKinney suggested Commissioners review the records of the Charter Review Committee from the late 1990's.

Commissioner Cooney commented that wards were complicated, but more issues were addressed when everyone had a voice.

In response to Commissioner Bell's question City Attorney Robinson stated there would be no additional costs to the City if the Mayor were elected as a separate office. City Attorney Robinson indicated the office of Vice-Mayor could also be elected separately.

City Manager Collard advised the Commission to treat the re-introduction of wards, four-year terms, and the separate office of mayor as equally serious matters.

Commissioner Cinabro suggested the Commission move forward with the "housekeeping" amendments and conduct more analysis of the Charter Review Committee's work from 1997-1998. Commissioner Cinabro also suggested the commission carefully consider the juncture the City was at in regards to other changes such as the Early Retirement Incentive.

Commissioner Bell stated wards gave everyone a voice and two year terms were more conducive to participation in City Commission elections by residents. Commissioner Bell indicated a separate elected office of Mayor may portray the mayor as having more power than the other Commission seats.

Presentation on Potential Charter Amendments (cont'd)

Mayor Hopewell expressed a desire to move forward on the "housekeeping" amendments and stated he understood why Commissioners wanted to wait on the other amendments. Mayor Hopewell stated he was excited about the potential for changes and hoped these amendments would be ready for presentation to voters by next year.

In response to a question from Commissioner Miller's Mayor Hopewell suggested the amendments regarding commission terms, wards and separate office of mayor be presented to voters in February or May of 2013

In response to Commissioner Miller's question regarding the Administrative Committee, City Attorney Robinson explained the Committee was not governed by the City Charter but by the City Commission Rules that could be adjusted on an as-needed basis.

Next, an opportunity was given for Commissioners to discuss community issues, but no issues were discussed.

Community Issues

Next, an opportunity was given for citizen comments the following people addressed the City Commission:

Citizen Comments

Creed Stegall, City resident, commented on the need for more neighborhood association awareness in the community.

Birleta Bean-Hardeman, City resident, commented on changing the City Commission terms from two years to four year terms.

The meeting adjourned at 9:38 a.m.

Adjournment

Respectfully submitted,

Shelby A. Moss
Deputy City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

Roll Call

The City Commission met as a Committee of the Whole on Friday, August 31, 2012 at 7:30 a.m. in the Community Room at City Hall, 241 W. South Street.

COMMISSIONERS PRESENT: Mayor Bobby Hopewell
 Vice Mayor Hannah McKinney
 David Anderson
 Bob Cinabro
 Don Cooney

COMMISSIONERS ABSENT: Stephanie Bell*
 Barbara Miller

Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioners Excused

Commissioner Anderson, seconded by Commissioner Cooney, moved to excuse the absences of Commissioners Bell and Miller. With a voice vote, the motion passed.

Review of September 4th City Commission Agenda

City Manager Collard reviewed the agenda for the Regular Business Meeting on Tuesday, September 4, 2012.

*Commissioner Bell arrived at 7:34 a.m.

Commissioner Bell requested that Item F-2, a contract extension with Apple Bus for paratransit service, be moved to the Regular Agenda.

Discussion followed regarding the commitments made by Apple Bus to hire drivers formerly employed by Pride Care.

Update on the Employee Retirement Initiative

City Manager Collard provided an update on the Employee Retirement Initiative (ERI) and reviewed expenditure and revenue items from the 2012 2nd Quarter Budget Report.

Public Safety Chief Jeff Hadley reported over 20 employees from the Public Safety Department had left since the beginning of the year, and he stated the promotion of new people into leadership positions had created a new energy. Chief Hadley reported on the Youth Leadership Academy and the Citizen Academy. Chief Hadley discussed the new COPS division and the reduction of neighborhood CPO's. Chief Hadley noted the City was working with David Kennedy on a contract to implement his violence reduction initiative.

Human Resources Director Jerome Post thanked his staff for their hard work on the ERI over the past few months. Director Post reported the recruitment pools had been representative of the community in terms of diversity, but that diversity had not translated into new hires that were representative of the community. Director Post indicated the City's diversity statistics remained stable, but they would regress if the current hiring trends continued.

In response to questions from Commissioner Bell and Mayor Hopewell, Director Post stated minority applicants were falling out of the process during testing and the interviews. Director Post reported people were having difficulty demonstrating their technical knowledge of Microsoft Word and Excel, as well with as typing speed. Director Post remarked the Public Safety math tests had been changed to eliminate time allotments for each section of the test in favor of a time allotment for the test as a whole.

In response to a question from Commissioner Bell, Director Post stated the City did not eliminate job candidates from all positions applied for if they failed in the hiring process for one position. Director Post offered anecdotal evidence that local job fairs seemed to be improving minority recruitment for Public Safety positions.

Cooney suggested the City look to the community for ways to provide training in Word and Excel, and he noted the importance of having a workforce that mirrored the community. Commissioner Cooney discussed the City Manager search process and commended Chief Hadley for working with David Kennedy.

In response to comments made by Commissioner Cooney, Director Post stated City Manager Collard had played a significant role with the ERI and had provided tremendous leadership for the City organization.

Vice Mayor McKinney stated it was hard to imagine that by 2015 the City would need to make more budget cuts, but those cuts would be necessary. Vice Mayor McKinney remarked that despite the significant impact of the ERI on the City's expenditures there remained a fundamental, structural problem with regard to funding for local governments. Vice Mayor McKinney stated the retirement of the City Manager and Deputy City Manager needed to happen in a strategic way.

City Manager Collard noted there would be a proposed mid-year amendment to the FY2012 Budget and a wage increase for non-bargaining unit employees on the September 4th agenda.

Mayor Hopewell commented on the importance of diversity, the need to let people know why they were not being hired, and the development of leadership within the organization. Mayor Hopewell stated the City needed to communicate the seriousness of its fiscal situation with citizens prior to any discussion about revenue increases. Regarding City Manager search process, Mayor Hopewell reminded Commissioners that the directive given by the Commission was to begin the search process and to proceed without gaps in the process.

Commissioner Bell suggested the City solicit testimonies from current, or recently retired minority City employees to assist with the recruitment of minorities in the community.

Next, an opportunity was given for Commissioners to discuss community issues, but no issues were discussed.

Update on the
Employee Retirement
Initiative (cont'd)

Community Issues

Citizen Comments

Next, an opportunity was given for citizen comments, but no comments were offered.

At 8:53 a.m. Commissioner Cinabro left the meeting.

Closed Session

Commissioner Cooney, seconded by Commissioner Anderson, moved that the City Commission go into closed session to discuss pending litigation.

Prior to a vote on the motion Mayor Hopewell indicated the City Commission would not be returning to open session.

With a roll call vote the motion passed.

AYES: Commissioners Anderson, Bell, Cooney, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Adjournment

The meeting adjourned at 8:55 a.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

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Roll Call	<p>A special meeting of the Kalamazoo City Commission was held on Monday, June 18, 2012 at 6:34 p.m. in the Community Room at City Hall, 241 W. South Street.</p>
	<p>COMMISSIONERS PRESENT: Vice Mayor Hannah McKinney David Anderson Stephanie Bell Robert Cinabro Don Cooney Barbara Miller</p>
	<p>COMMISSIONERS ABSENT: Mayor Bobby Hopewell</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioner Excused	<p>Commissioner Cooney seconded by Commissioner Anderson, moved to excuse the absence of Mayor Hopewell. With a voice vote the motion passed.</p>
Corrective First Reading of an Ordinance to Rezone the K-College Campus	<p>An opportunity was given for citizens to comment on a correction to the record regarding the first reading of an ordinance to rezone the Kalamazoo College Campus to Zone IC (Institutional Campus), but no comments were offered.</p>
	<p>Commissioner Miller seconded by Commissioner Anderson moved to perfect a procedural oversight by placing on the record and offering for first reading an ordinance to rezone the Kalamazoo College Campus to Zone IC (Institutional Campus), with conditions, and to affirm the public hearing scheduled on June 18, 2012, at or after 7:00 p.m.</p>
	<p>With a roll call vote this motion passed.</p>
	<p>AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor McKinney</p>
	<p>NAYS: None</p>
Citizen Comments	<p>Next, an opportunity was given for citizens to make general comments, but no comments were offered.</p>
Commissioner Comments	<p>Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners, but no comments were offered.</p>
Adjournment	<p>The meeting adjourned at 6:14 p.m.</p>
	<p>Respectfully submitted,</p>
	<p>Scott A. Borling City Clerk</p>

For City Commission approval on February 18, 2013

Approved by: _____

Bobby J. Hopewell, Mayor

Dated: February 18, 2013

Roll Call

A special meeting of the Kalamazoo City Commission was held on Monday, January 14, 2013 at 7:00 p.m. in the Community Room at City Hall, 241 W. South Street.

COMMISSIONERS PRESENT: Mayor Bobby Hopewell
Vice Mayor Hannah McKinney
David Anderson
Robert Cinabro
Don Cooney
Barbara Miller

COMMISSIONERS ABSENT: Stephanie Moore

Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Commissioner
Excused

Commissioner Anderson, seconded by Commissioner Cinabro, moved to excuse the absence of Commissioner Moore. With a voice vote the motion passed.

Evaluation of
Executive Search
Firms for the City
Manager Recruitment
Process

Mayor Hopewell reviewed the recommendation from the executive search firm Consultant Evaluation Panel.

In response to a question from Commissioner Miler, Mayor Hopewell stated the search firms were pleased the City had developed a position profile already, and he indicated price adjustments could be negotiated prior to signing a contract.

Discussion followed regarding the City's position profile and the need to ask the search firms how they would use that profile to develop their own profiles.

In response to a question from Commissioner Anderson, Mayor Hopewell, Vice Mayor McKinney, and Commissioner Cooney described how they evaluated the search firms.

Commissioner Cinabro indicate he was ready to select a search firm and questioned whether interviews would add value to the decision making process. Commissioner Cinabro stated any of the three firms recommended by the Evaluation Panel would be acceptable, but he was leaning towards Bob Murray & Associates.

Commissioner Anderson asked the members of the Evaluation Panel to discuss their recommendation on the next steps in the selection process.

Vice Mayor McKinney and Commissioner Cooney expressed a preference for interviewing the top three firms to get a sense of compatibility between the City and the project leaders for each of the firms.

Mayor Hopewell indicated he was prepared to make a selection, but he would not object to interviewing the firms. Mayor Hopewell stated he did not want to stretch out the process and suggested videoconferencing as a way to avoid delays over logistics.

Commissioner Anderson expressed support for interviewing the search firms while using a process that was as truncated as possible.

In response to a question from Commissioner Cooney, Human Resources Director Jerome Post explained the search firms would bear the cost to come to Kalamazoo for interviews as this was a purchasing process. In contrast, Director Post stated it was more likely, although not a requirement, that the City would pay travel expenses for City Manager candidates to come interview. Director Post indicated it was reasonable to expect firms to be available for interviews with two or three weeks lead time.

City Attorney Robinson stated he had researched the use of videoconferencing to allow Commissioners who were not physically present to participate in a meeting, and the law did not offer definitive answers to some key questions. City Attorney Robinson indicated it was his opinion that City Commissioners could participate and vote in a Commission meeting via videoconferencing as long as a quorum of the Commission was physically present at the meeting location, and the chair of the meeting was physically present. City Attorney Robinson strongly recommended the City Commission adopt a rule setting the parameters for videoconferencing prior to using this technology in a meeting. City Attorney Robinson indicated the search firm interviews would not require special rules, as representatives from the firms, not City Commissioners, would be the ones participating from a remote site.

Commissioner Anderson suggested the following motion: that the City Commission offer an invitation to the three recommended search firms to interview on a date specific; that the interview questions be sent to the firms in advance; and that the City Commission select a firm within a very short time frame after the interviews.

City Attorney Robinson suggested the motion include specific language about the interview date, the mode for the interviews and the timeframe for selecting a firm.

Discussion followed about Commissioner Anderson's suggested motion, the use of videoconferencing, and the date and time of the interviews.

Commissioner Cooney expressed a preference for allowing search firms to participate via videoconferencing.

Vice Mayor McKinney requested the motion say "preferably in person" with respect to the firms' mode of participation.

At the request of Mayor Hopewell, City Clerk Borling repeated the motion as suggested by Commissioner Anderson, with the revisions offered by City Attorney Robinson Vice Mayor McKinney, and Commissioner Cooney.

When given an opportunity to comment on a recommendation to invite the three search firms recommended by the Evaluation Panel to interview with the City Commission on February 4, 2013, the following citizens addressed the City Commission:

Evaluation of
Executive Search
Firms for the City
Manager Recruitment
Process (cont'd)

Evaluation of Executive Search Firms for the City Manager Recruitment Process (cont'd)

Patti Owens, City resident, recommended the City Commission interview the search firms via videoconference and noted there would be very little personal interaction with the firm once the process was started.

Discussion followed about possible meeting venues that would accommodate videoconferencing.

Commissioner Miller, seconded by Commissioner Anderson, moved to invite the three search firms recommended by the Evaluation Panel to interview with the City Commission on February 4, 2013, preferably in-person or via videoconference, and that the City Commission make a final selection on February 4th following the interviews.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Discussion of the Interview Process for the Executive Search Firms

In response to a question from Mayor Hopewell, Commissioners agreed that decisions from this point forward regarding the City Manager search process be made by the entire City Commission.

Commissioner Anderson inquired about the process for determining the interview questions and for arranging the logistics of the interview. Discussion followed.

Mayor Hopewell recommended the City Commission take action on January 22nd to approve the interview questions and stated Commissioners could submit additional questions or topics for questions to Director Post prior to the meeting.

In response to a question from Mayor Hopewell, Director Post indicated the reference checks on the search firms would be completed by the end of the week.

Vice Mayor McKinney suggested the Evaluation Panel meet on Thursday, January 17th to discuss the logistics of the interviews and make a recommendation for the City Commission to consider as a Policy Item on January 22nd.

Mayor Hopewell suggested the Evaluation Panel also make a recommendation regarding the meeting schedule for February 4th, especially with regard to the availability of Commissioners Cinabro and Moore.

Commissioner Miller requested that "City Manager Search Update" be added to the business meeting agendas as a standing item until the search process was complete. There were no objections.

City Attorney Robinson advised the City Commission to formally approve the assignment given to the Evaluation Panel.

Commissioner Anderson, seconded by Commissioner Cinabro, moved to direct the Consultant Evaluation Panel to discuss the logistics of the search firm interviews scheduled for February 4th and to bring a recommendation to the City Commission on January 22nd regarding the length of each interview, the time and location of a special meeting to conduct the interviews, and any changes to the time of the Regular Business Meeting that may be necessary to allow for the interviews, discussion by the City Commission, and a final selection.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Next, an opportunity was given for citizen comments, but no comments were offered.

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners, but no comments were offered.

The meeting adjourned at 8:26 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

Consultant Evaluation
Panel Directed to Develop
Recommendation re:
Interview Logistics

Citizen Comments

Commissioner
Comments

Adjournment

Roll Call

A special meeting of the Kalamazoo City Commission was held on Monday, February 4, 2013 at 7:00 p.m. in the Community Room at City Hall, 241 W. South Street.

COMMISSIONERS PRESENT: Mayor Bobby Hopewell
Vice Mayor Hannah McKinney
David Anderson
Robert Cinabro
Don Cooney
Barbara Miller
Stephanie Moore

COMMISSIONERS ABSENT: None

Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.

Interviews of
Executive Search
Firms for the City
Manager Recruitment
Process

The City Commission interviewed the following executive search firms regarding their qualifications to recruit candidates for the City Manager position: Bob Murray and Associates, Colin Baenziger and Associates, and Strategic Government Resources. At the beginning of each interview the firms were given an opportunity to make a 10-minute opening statement. Commissioners then asked each firm the following predetermined questions:

1. Tell us about your firm and how it's different from other executive search firms. What makes you unique?
2. As you know, the profile for this position has already been completed. How would you use that profile to recruit for the position of City Manager? Do you think additional work is needed on the profile?
3. Tell us what resources you typically use when recruiting a City Manager. Do you have unique recruiting networks?
4. What methods do you use to ensure diversity in the candidate pool?
5. What issues do you see being obstacles in finding qualified candidates in this recruitment?
6. Name the three characteristics you think will be the most important in the successful candidate for this position, and explain how those characteristic match the profile developed.
7. Describe for us any experience you have recruiting positions in the State of Michigan and your perceptions of how the Michigan market is similar or different from others.
8. Do you believe it is better for an incumbent City Manager to fill key vacancies prior to his or her departure, or do you believe it is better for an incoming Manager to make those selections? Please explain your answer.
9. Give us an example of a recruitment you conducted that had great urgency to it. How were you able to expedite the recruitment process? Do you have the current capacity and resources to act swiftly if you were asked to do so?
10. What is your success rate of placements? Do you guarantee your placements?

Renee Narloch, Vice President of Bob Murray and Associates, delivered opening remarks and then answered the predetermined questions and follow-up questions from City Commissioners.

Bob Murray and
Associates Interview

In response to a question from Mayor Hopewell, Ms. Narloch stated the week of February 11th was earliest she could meet with Commissioners and staff to complete the profile.

In response to a question from Commissioner Moore, Ms. Narloch stated at least one out of every seven candidates in the final candidate pools developed by Murray and Associates were minorities.

In response to a question from Commissioner Anderson, Ms. Narloch stated she would discuss the salary range at the beginning of the process and would let the Commission know if the City's salary range was competitive. Ms. Narloch stated she could advertise the position with a salary range or ask candidates for a salary history.

Ms. Narloch provided closing remarks.

Colin Baenziger, Principal of Colin Baenziger and Associates, delivered opening remarks and then answered the predetermined questions and follow-up questions from City Commissioners.

Colin Baenziger and
Associates Interview

In response to a question from Mayor Hopewell, Mr. Baenziger stated Kalamazoo's recreational opportunities, family atmosphere, and the university were advantages for attracting City Manager candidates, and the primary disadvantage was the weather.

In response to a question from Commissioner Miller, Mr. Baenziger stated his typical search process lasted 90 days.

In response to a question from Commissioner Anderson, Mr. Baenziger stated he would be able to make salary recommendations based on both national data and current salaries of city managers in Michigan.

In response to a question from Commissioner Cooney, Mr. Baenziger stated he would want to interview both the City Commission a group and the Commissioners individually.

In response to a question from Commissioner Anderson, Mr. Baenziger stated the timing of the recruitment relative to the November election could play a role in attracting good candidates.

Mr. Baenziger made closing remarks.

Ron Holifield, Principal of Strategic Government Resources (SGR), delivered opening remarks and then answered the predetermined questions and follow-up questions from City Commissioners.

Strategic Government
Resources Interview

In response to questions from Commissioner Anderson, Mr. Holifield stated SGR was selective chose which requests for proposal to pursue, and Kalamazoo would be the flagship search for SGR in Michigan. Mr. Holifield explained the Equal Employment Opportunity statement included

Strategic Government
Resources Interview
(cont'd)

in the proposal was not a legal requirement, but SGR felt it was a matter of ethics.

In response to questions from Mayor Hopewell, Mr. Holifield indicated the normal search process lasted four months following the development of the profile. Mr. Holifield reported the following diversity statistics for SGR staff: 4 white males, 4 white females, and 1 black female for its regular recruiting staff; 100% white males for its contracted staff; and 30% minorities and 10% females for the trainers. Mr. Holifield stated he had learned that the Kalamazoo airport was easy to navigate, and the architecture downtown was great.

Mr. Holifield provided closing remarks.

Citizen Comments

Next, an opportunity was given for citizen comments, but no comments were offered.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

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Roll Call	<p>A special meeting of the Kalamazoo City Commission was held on Thursday, February 7, 2013 at 2:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell David Anderson Robert Cinabro Don Cooney Barbara Miller</p>
	<p>COMMISSIONERS ABSENT: Vice Mayor Hannah McKinney Stephanie Moore*</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Cinabro, seconded by Commissioner Anderson, moved to excuse the absences of Vice Mayor McKinney and Commissioner Moore. With a voice vote the motion passed.</p>
Approval of a Contract with Bob Murray and Associates for the Recruitment of City Manager Candidates	<p>Commissioner Miller, seconded by Commissioner Cinabro, moved that the Mayor, on behalf of the City, be authorized to execute a professional service contract to assist in the recruitment of City Manager candidates with MBN Services, Inc., d/b/a Bob Murray & Associates, for \$15,500 and expenses not to exceed \$7,500 for a total contract not exceeding \$23,000.</p>
	<p>Prior to a vote on the motion, Commissioner Miller asked the Mayor to request a timeline with dates from Renee Narloch, Vice President of Bob Murray & Associates.</p>
	<p>Mayor Hopewell noted Ms. Narloch reduced the contract amount by \$1,000 because the City had already developed the City Manager position profile. Mayor Hopewell indicated the dollar amount in the motion reflected this reduction.</p>
	<p>With a roll call vote the motion passed.</p>
	<p>AYES: Commissioners Anderson, Cinabro, Cooney, Miller, Moore, Mayor Hopewell</p>
	<p>NAYS: None</p>
Citizen Comments	<p>Next, an opportunity was given for citizen comments, but no comments were offered.</p>
Commissioner Comments	<p>Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.</p>
	<p>*Commissioner Moore arrived at 2:05 p.m.</p>
	<p>Commissioner Miller requested the City Attorney give a presentation about potential charter amendments on February 18th.</p>

Mayor Hopewell indicated he would work with the City Attorney and City Clerk to place this item on the agenda.

The meeting adjourned at 2:07 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

Adjournment

Roll Call	<p>A neighborhood meeting of the Kalamazoo City Commission was held on Monday, June 18, 2012 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.</p>
	<p>COMMISSIONERS PRESENT: Vice Mayor Hannah McKinney Stephanie Bell Robert Cinabro Don Cooney Barbara Miller</p>
	<p>COMMISSIONERS ABSENT: Mayor Bobby Hopewell David Anderson*</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Miller seconded by Commissioner Cooney, moved to excuse the absences of Mayor Hopewell and Commissioner Anderson. With a voice vote the motion passed.</p>
	<p>*Commissioner Anderson arrived at 6:01 p.m.</p>
Communications	<p>An opportunity was given for miscellaneous communications, but no communications were offered.</p>
Neighborhood Communications	<p>Representatives from the following neighborhood associations were present and addressed the City Commission:</p>
	<p><u>Stuart Area Restoration Association</u> Zach Greening, Executive Director Sharon Carlson, Board Chairperson</p>
Stuart Area Restoration Association	<p>The Stuart Area Restoration Association representatives:</p> <ul style="list-style-type: none"> - noted neighborhood volunteers performed had performed the duties of the Executive Director after Matthew Baldwin-Wilson resigned in October 2011. - introduced Zach Greening as the new Executive Director for the neighborhood. - expressed appreciation to the City Commission for continued funding and support. - thanked the City for keeping citizens apprised of how the organizational restructuring was proceeding. - stated two projects on Willard Street were part of the Neighborhood Stabilization Project 2. - reported crimes like petty theft and vandalism were on the rise and suggested the City create incentives for having Public Safety Officers reside in the neighborhood.

- requested that Elm Street and its sidewalks be repaved and replaced.
- suggested the City publish a directory of City services to communicate how services were being redistributed among departments during the organizational restructuring.

Stuart Area
Restoration
Association (cont'd)

Commissioner Anderson remarked on the increase of petty theft in the Stuart Neighborhood and indicated he had talked with Public Safety Chief Jeff Hadley about this. Commissioner Anderson suggested neighborhood residents were feeling less connected to the Public Safety Department after losing their dedicated Community Police Officer (CPO).

Ms. Carlson reported the Association was reorganizing a neighborhood watch and stated she was encouraging residents to report all crimes, even small ones, so patterns could be tracked.

In response to a comment by Commissioner Anderson, Ms. Carlson reported the Beautification Committee had spent 80 volunteer hours working on plantings at the street corners along Kalamazoo Avenue.

An opportunity was given for citizen comments, but no comments were offered.

Citizen Comments

An opportunity was given for miscellaneous comments by City Commissioners, but no comments were offered.

Commissioner
Comments

The meeting adjourned at 6:11 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

Roll Call	<p>A neighborhood meeting of the Kalamazoo City Commission was held on Monday, July 16, 2012 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.</p>
	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Hannah McKinney David Anderson Robert Cinabro Barbara Miller</p>
	<p>COMMISSIONERS ABSENT: Stephanie Bell Don Cooney</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Anderson seconded by Commissioner Cinabro, moved to excuse the absences of Commissioners Bell and Cooney. With a voice vote the motion passed.</p>
Communications	<p>An opportunity was given for miscellaneous communications, but no communications were offered.</p>
Neighborhood Communications	<p>Representatives from the following neighborhood associations were present and addressed the City Commission:</p>
	<p><u>Community Youth</u> Sidney Ellis Jr., Counselor in Training Julia Prichard, Counselor in Training</p>
	<p><u>Douglas Neighborhood Association</u> Elizabeth Rice, Vice Chair Marian Pridgeon, Secretary</p>
Community Youth Representatives	<p>The Community Youth representatives described their roles and responsibilities as Counselors-In-Training (CIT's) at the Douglas Community Center and Winchell Camp.</p>
	<p>In response to a question from Commissioner Miller, Ms. Prichard stated CIT's were able to go on field trips, like Roller World.</p>
	<p>In response to a question from Commissioner Miller, Ms. Prichard and Mr. Ellis described their future plans.</p>
Douglas Neighborhood Association	<p>The Douglas Neighborhood Association representatives:</p> <ul style="list-style-type: none"> - described the formation of their new neighborhood association. - reviewed the Association's mission statement. - reported Zach Greening from the Stuart Neighborhood and Steve Walsh from the Vine Neighborhood had assisted with the Association's board elections.

- thanked the Public Safety Department for its enforcement activities regarding the X-Train.
- indicated the Association wanted to establish a comprehensive neighborhood watch program.
- requested the City officially change the name of the Neighborhood from "Fairmont" to "Douglas."

Douglas Neighborhood Association (cont'd)

In response to a question from Commissioner Anderson, Ms. Pridgeon stated the Association was finalizing its bylaws and working with the Community Planning and Development Department to obtain funding.

The Vine Neighborhood Association representative:

Vine Neighborhood Association

- stated the Building Blocks program was expanded to 5 blocks and reported 40 solar lamp posts had been installed in the neighborhood.
- distributed and reviewed a document entitled *Solar Postlight Project Impact Statement*.
- thanked Rick Suwarsky in the Community Planning and Development Department for his help with the Building Blocks projects.
- reported young people in the Summer Youth Employment Program were working for the Neighborhood on the Safe Ways to School initiative.
- stated there was a slow growth of families moving into the Neighborhood.
- thanked Public Safety Officers for checking in on the Neighborhood in the absence of a Neighborhood Liaison Officer.
- reported the South Westnedge Market had applied for a liquor license. Mr. Walsh asked the City Commission to take a very careful look at this application and noted the presence of two other liquor stores in or near the Neighborhood.

In response to a question from Commissioner Miller, Mr. Walsh reported incremental steps were being made to address the Oak Street Market property.

Commissioner Anderson described the new approach being taken by Habitat for Humanity and asked Mr. Walsh about the Neighborhood's willingness to work with Habitat. Mr. Walsh stated the Association was more than willing to work with Habitat and viewed Habitat as a community partner.

Commissioner Cinabro commended Mr. Walsh for his work with the Oak Street Market property.

Citizen Comments

An opportunity was given for citizen comments, but no comments were offered.

Commissioner
Comments

An opportunity was given for miscellaneous comments by City Commissioners, but no comments were offered.

Adjournment

The meeting adjourned at 6:31 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

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blank intentionally.*

Roll Call	<p>A neighborhood meeting of the Kalamazoo City Commission was held on Monday, August 20, 2012 at 6:00 p.m. in the Community Room at City Hall, 241 W. South Street.</p>
	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell David Anderson Robert Cinabro Don Cooney Barbara Miller</p>
	<p>COMMISSIONERS ABSENT: Mayor Bobby Hopewell Stephanie Bell</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Cinabro seconded by Commissioner Anderson, moved to excuse the absences of Mayor Hopewell and Commissioner Bell. With a voice vote the motion passed.</p>
Communications	<p>An opportunity was given for miscellaneous communications, but no communications were offered.</p>
Neighborhood Communications	<p>Representatives from the following neighborhood associations were present and addressed the City Commission:</p>
	<p><u>Arcadia Neighborhood Association</u> Mark Longstroth, President Ken Larson, Board Member</p>
	<p><u>Parkview Neighborhood Association</u> Joan Dombrowski, President</p>
Arcadia Neighborhood Representative	<p>The Arcadia Neighborhood representative:</p> <ul style="list-style-type: none"> - reported problems with rental housing were a constant issue and requested the City maintain a high level of inspections. - expressed concern about the City implementing state standards for housing inspections, which would reduce the number of inspections performed compared to the number required under the City's current Housing Code.
	<p>In response to a question from Commissioner Anderson, Mr. Longstroth stated the Neighborhood was all one zoning designation. Commissioner Anderson suggested it might be good for the City to remind realtors of the zoning restrictions in the Arcadia Neighborhood.</p>
Parkview Neighborhood Representative	<p>The Parkview Neighborhood Association representative:</p> <ul style="list-style-type: none"> - thanked the Public Safety Department, the Mayor and Commissioners for attending the National Night Out event.

- reported the Neighborhood was not getting a response from Consumers Energy regarding failed streetlights in the Neighborhood.
- expressed concern about the water quality at Parkview Hills and showed examples of iron stains from the water. Ms. Dombrowski stated the problem seemed to have begun in April, 2009.

Parkview
Neighborhood
Representative
(cont'd)

In response to a question from Ms. Dombrowski, City Manager Collard indicated Public Services Director Bruce Merchant was the correct person to talk with about the water quality issues.

An opportunity was given for citizen comments, but no comments were offered.

Citizen Comments

An opportunity was given for miscellaneous comments by City Commissioners, but no comments were offered.

Commissioner
Comments

The meeting adjourned at 6:12 p.m.

Citizen Comments

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

Roll Call	<p>A business meeting of the Kalamazoo City Commission was held on Monday, June 4, 2012 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Hannah McKinney David Anderson Robert Cinabro Don Cooney Barbara Miller</p>
	<p>COMMISSIONERS ABSENT: Stephanie Bell*</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Anderson, seconded by Commissioner Cooney, moved to excuse the absence of Commissioner Bell.</p>
Invocation	<p>The invocation, given by Catherine Dance, Vineyard Outreach Ministry, was followed by the Pledge of Allegiance.</p>
	<p>*Commissioner Bell arrived at 7:04 p.m.</p>
Introduction of Guests	<p>Mayor Hopewell recognized the presence of former City Commissioner Lance Ferraro and Kalamazoo County Commissioners Carolyn Alford and Jack Urban.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda with the following changes:</p>
	<p>Commissioner Cooney requested that Item F-8, first reading of an ordinance to rezone the Kalamazoo College campus, be moved to the Regular Agenda.</p>
	<p>Mayor Hopewell requested that Item F-6, a Payment in Lieu of Taxes for the Northside Association for Community Development, and Item F-7, the designation of a polling facility for voting precinct 11, be moved to the Regular Agenda.</p>
Communications	<p>City Manager Collard invited the public to attend meetings of various boards and commissions.</p>
Public Hearing re: a Tax Abatement for Schupan and Sons, Inc.	<p>At 7:07 p.m. Mayor Hopewell opened a public hearing to receive comments on an application from Schupan & Sons, Inc. for a PA 198 Industrial Facilities (Tax) Exemption Certificate (IFEC) for three years for personal property valued at \$941,423.20 and six years for real property valued at \$1,017,052.46 in existing Industrial Development District No. 95 located at 4200 Davis Creek Court.</p>
	<p>Andy Knowlton, CFO for Schupan and Sons, Inc., thanked the City Commission for supporting the company over the years, described the company's facility expansion project, and expressed support for the proposed resolution.</p>

At 7:09 p.m. Mayor Hopewell closed the public hearing.

Commissioner Miller, seconded by Commissioner Cooney, moved to adopt a **RESOLUTION** approving the application from Schupan & Sons, Inc. for a PA 198 Industrial Facilities (Tax) Exemption Certificate (IFEC) for three years for personal property valued at \$941,423.20 and six years for real property valued at \$1,017,052.46 in existing Industrial Development District No. 95 located at 4200 Davis Creek Court.

Resolution 12-40
Approving a Tax
Abatement for
Schupan and
Sons, Inc.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller,
Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the City:

Consent Agenda

- approval of a contract with Michigan Paving and Materials for the 2012 Major Streets Paving Program in the amount of \$830,955.
- approval of three-year contracts for mowing and trimming services for City parks and greenspaces, various municipal buildings, islands and right-of-ways with: a) Stap Brothers Lawn and Landscape Service, Inc., in the amount of \$325,362 and, b) with Green Cut Lawn Care, LLC, in the amount of \$40,080; and c) authorize the City Manager to sign all documents on behalf of the City of Kalamazoo.
- approval of a contract with James E. Fulton & Sons, Inc., for the for the installation of new water main and sewer main in Corporation Alley and Exchange Place in the amount of \$169,369.
- approval of a professional service agreement with The Foster Group in the amount of \$122,500 to include: a) Water and Wastewater rate updates for 2013; b) Wastewater "True-Up" study for fiscal year 2011; c) Participation in the Utility Advisory Board and other financial, management and general assistance; d) Assistance with updating the Utility Financial Plan; and, e) Expert witness services.
- adoption of a **RESOLUTION** accepting MDOT Grant Contract #2012-0453 in the amount of \$115,582 for the Local Ridesharing Program for FY2012
- approval of the sale of 915 Trimble Avenue to Andrea Hackley for \$59,800.
- acceptance of a grant from the Mayors' Riverfront Park Endowment Fund for \$20,000 for electrical improvements at Mayors Riverfront Park.

Resolution 12-41

Consent Agenda
(cont'd)

- acceptance of a grant from the Kalamazoo Community Foundation/Dr. and Mrs. Harley Sears Memorial Fund for \$2,000 to fund an overnight camping experience for youth and authorize the City Manager to sign all appropriate documents.
- approval of the minutes from the Neighborhood and Regular City Commission meetings of May 21, 2012.
- approval of a recommendation to hold for consideration until June 18, 2012 the following actions: a) approve the purchase of 232 West Belmont Street from the County Treasurer for \$3,800.76, b) appropriate funding from the Designated Park Land Reserve account in the General Fund for the purchase and; c) authorize the City Manager to sign all related documents.

Commissioner Cinabro, seconded by Commissioner Anderson, moved to approve the consent agenda requests.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda Items were considered next.

Resolution 12-42
re: a Payment in
Lieu of Taxes for
the North Street
Commons Project
(NACD)

Mayor Hopewell expressed pride in the Northside Association for Community Development (NACD) for its work on the North Street Commons project.

In response to a request from Mayor Hopewell, City Manager Collard explained state law and City ordinance allowed certain types of housing developments to make a specially calculated Payment in Lieu of Taxes (PILOT) to the City instead of being assessed property taxes according to the value of the property and the millage rate.

An opportunity was given for citizens to comment on a resolution granting a PILOT to the Northside Association for Community Development for the North Street Commons project, but no comments were offered.

Commissioner Cooney, seconded by Commissioner Bell, moved to adopt a **RESOLUTION** granting a Payment in Lieu of Taxes to the Northside Association for Community Development for the North Street Commons project located at 309 W. North (06-15-163-310), pursuant to Section 35-4 of the Kalamazoo City Code.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

In response to a request from Mayor Hopewell, City Clerk Borling described the process that led to the identification of the Eastside Community Center as the polling location for the Eastside Neighborhood.

Commissioner Cooney thanked City Clerk Borling for working hard to identify a polling facility located within the Eastside Neighborhood.

An opportunity was given for citizens to comment on a resolution designating the polling facility location for Precinct 11, but no comments were offered.

Commissioner Bell, seconded by Commissioner Cooney, moved to adopt a **RESOLUTION** designating the polling facility location for Precinct 11 to be used during the statewide primary election on August 7, 2012 and for each election thereafter.

Prior to a vote on the motion, Commissioner Bell thanked City Clerk Borling for making the Precinct 11 polling facility accessible to neighborhood residents and for removing a barrier to voting for these citizens.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Regarding the first reading of an ordinance to rezone the Kalamazoo College campus, Vice Mayor McKinney disclosed that her employment with Kalamazoo College created a conflict of interest, and she would not discuss or vote on this item.

When an opportunity was given for citizens to comment on the first reading of an ORDINANCE to rezone the Kalamazoo College campus and the setting of a public hearing regarding the ordinance, the following people addressed the City Commission:

Cindy Ortega, attorney for Kalamazoo College, expressed support for the proposed ordinance and requested the City Commission schedule the public hearing for June 18th.

Claire Milne, City resident, requested that the public hearing be postponed due to late changes that were made to the proposed master plan and the lack of notice to residents about these changes.

J. Lia Gaggino, City resident, described the proposed vacation of Thompson Court and new parking lot in the revised master plan.

Greg Diment, Chief Information Officer for Kalamazoo College, stated recent changes to the plan were made in response to residents' concerns. Mr. Diment stated the new elements of the plan would not be implemented for several years, and those projects would require

Resolution 12-43
Establishing a
Polling Location for
Precinct 11

First Reading of an
Ordinance to Rezone
the Kalamazoo
College Campus

First Reading of an Ordinance to Rezone the Kalamazoo College Campus (cont'd)

additional city approvals. Mr. Diment asked that the City Commission schedule the public hearing for June 18th.

Roger Parzyck, City resident, asked that the vacation of Thompson Court and the addition of a new parking lot at the end of Bulkley Street be removed from the master plan.

Elizabeth Fitzgerald, City resident, asked that the public hearing be delayed so residents could learn more about recent changes to the plan.

Commissioner Anderson, seconded by Commissioner Miller, offered for first reading an ORDINANCE to rezone the Kalamazoo College Campus from RS-5 (Residential, Single Family), RM-15C (Residential, Multi-Family, Campus Area), RM-36 (Residential, Multi-Family, High Density) and CCBD (Commercial, Central Business District) to IC (Institutional Campus), with conditions, and moved to schedule a public hearing for June 18, 2012.

Prior to a vote on the motion, Commissioner Cooney stated the City did not want to hurt anyone's property values or quality of life but affirmed Kalamazoo College was both a valued community asset and a community partner. Commissioner Cooney indicated the consideration of this ordinance should not be delayed, and he asked the College and area residents to engage in more dialogue prior to June 18th.

Commissioner Anderson noted the action before the City Commission was to offer the ordinance for first reading and set a public hearing.

In response to questions from Commissioner Anderson, City Attorney Robinson explained the campus master plan was a "wish list" of development projects, and Kalamazoo College would need to follow any approval processes required by statute and ordinance for individual projects.

Commissioner Cinabro noted he was a Kalamazoo College alumnus but indicated this relationship to the college did not create a conflict of interest.

Mayor Hopewell advised Kalamazoo College administrators to consider whether the vacation of Thompson Court was important enough to be included in the campus master plan.

Commissioner Cooney requested clarification on K-College's future plans for the Thompson Court area and clarification on which future steps would and would not require City Commission action.

With a roll call vote the motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Mayor Hopewell

NAYS: None

ABSTAIN: Vice Mayor McKinney

City Clerk Borling reported the City Commission had received a request from Zach Greening, Executive Director of the Stuart Area Restoration Association (SARA), to waive Section 3-1 of the Code of Ordinances for the months of June and July regarding the placement of signs on City property.

City Clerk's Report

Without objection Mayor Hopewell referred this request to the City Attorney and City Manager to develop a recommendation.

Next, an opportunity was given for general citizen comments.

Citizen Comments

Zach Greening, City resident, withdrew his request to waive Section 3-1 of the Code of Ordinances regarding placement of signs on City property.

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Comments

Commissioner Bell discussed the large number of applicants for positions in the Summer Youth Employment Program and asked the City Commission to find resources to expand the program. Commissioner Bell highlighted several upcoming events around the community. Commissioner Bell thanked Public Safety Chief Jeff Hadley for the "crack down" on late night cruising.

Commissioner Cinabro thanked Chief Hadley for addressing the Kalamazoo Rotary. Commissioner Cinabro commented on the Greek Fest and Little League Softball World Series.

Commissioner Cooney commented on the Summer Youth Employment Program and suggested the formation of a committee of business leaders, City representatives, and local foundations to discuss ways to expand the program.

Mayor Hopewell commented on the Super Saturday events and the start of the farmers market at the Douglas Community Center. Mayor Hopewell announced he would be out of town and would return on June 18th.

The meeting adjourned at 8:13 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

	<p>A business meeting of the Kalamazoo City Commission was held on Monday, July 16, 2012 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Hannah McKinney David Anderson Robert Cinabro Barbara Miller</p> <p>COMMISSIONERS ABSENT: Stephanie Bell Don Cooney</p> <p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Cinabro, seconded by Commissioner Anderson, moved to excuse the absences of Commissioners Bell and Cooney.</p>
Invocation	<p>The invocation, given by Associate Pastor Brian Ake, Kalamazoo Missionary Church, was followed by the Pledge of Allegiance.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda as presented.</p>
Communications	<p>City Manager Collard invited the public to attend meetings of various boards and commissions.</p>
Public Hearing re: an Ordinance to Amend the Downtown Design Review Process	<p>At 7:05 p.m. Mayor Hopewell opened a public hearing to receive comments on an ORDINANCE to amend section 6.5C of the Zoning Ordinance pertaining to Downtown Design Review and a RESOLUTION amending the Downtown Design Review Guidelines.</p> <p>At 7:06 Mayor Hopewell closed the public hearing.</p>
Ordinance 1897 re: the Downtown Design Review Process	<p>Commissioner Cinabro, seconded by Commissioner Miller, moved to: a) adopt an ORDINANCE to amend section 6.5C of the Zoning Ordinance pertaining to Downtown Design Review; and b) adopt a RESOLUTION amending the Downtown Design Review Guidelines.</p>
Resolution 12-54 Amending the Downtown Design Review Guidelines	<p>With a roll call vote this motion passed.</p> <p>AYES: Commissioners Anderson, Cinabro, Miller, Vice Mayor McKinney, Mayor Hopewell</p> <p>NAYS: None</p>
Consent Agenda	<p>Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the City:</p> <ul style="list-style-type: none"> - approval of a one-year contract extension with Emergency Vehicle Products for fire apparatus maintenance and refurbishment in the amount of \$160,000.

- adoption of **RESOLUTIONS** approving 6 applications for Neighborhood Enterprise Zone certificates in the Edison Neighborhood Enterprise Zone, for new construction in the Marketplace Plat, as well as approving the transfer of 1 existing certificate.
- acceptance of a donation from MAVCON Properties in the amount of \$5,000 to be used by the Kalamazoo Historic Preservation Commission for a historic preservation project in the city of Kalamazoo.
- approval of the sale of 1510 N. Church Street to Aaron Williams for \$45,000 and authorize the City Manager to sign all related documents.
- approval of the settlement of a sewer backup claim in the amount of \$13,382.40.
- adoption of a **RESOLUTION** recognizing Community Living Options as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.

Resolutions 12-55, 12-56, 12-57, 12-58, 12-59, 12-60 and 12-61

Resolution 12-62

Commissioner Miller, seconded by Vice Mayor McKinney, moved to approve the consent agenda requests.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cinabro, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Regular Agenda items were considered next.

Regular Agenda

An opportunity was given for citizens to comment on an **ORDINANCE** to amend City Code 22-27, regarding retail fraud, but no comments were offered.

Ordinance 1898 re: Retail Fraud

Commissioner Anderson, seconded by Vice Mayor McKinney, moved to adopt an **ORDINANCE** to amend City Code 22-27, regarding retail fraud, to conform to the comparable state law.

Prior to a vote on the motion, Commissioner Miller thanked City Attorney Robinson for keeping the Code of Ordinances up-to-date.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cinabro, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Ordinance 1899
re: Drunk Driving

An opportunity was given for citizens to comment on an ORDINANCE to amend City Code 36-129(1) to remove outdated language from the drunk driving ordinance, but no comments were offered.

Commissioner Anderson, seconded by Vice Mayor McKinney, moved to adopt an **ORDINANCE** to amend City Code 36-129(1) to remove outdated language from the drunk driving ordinance.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cinabro, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

City Manager's
Report

City Manager Collard presented the following reports and updates:

- Departmental Reports and Project Updates
- The *Inside the City* newsletter, July 2012 edition
- June 2012 Purchases

City Commission
Policy re: Fraud and
Abuse by City
Commission
Appointees

Internal Auditor Ann Videtich reviewed a proposed City Commission policy regarding fraud and abuse by City Commission appointees.

An opportunity was given for citizen comments regarding a City Commission policy regarding fraud and abuse by City Commission appointees, but no comments were offered.

Commissioner Cinabro, seconded by Commissioner Anderson, moved to adopt the City Commission Fraud and Abuse Policy for Appointees as City Commission Policy No. 10.7.

Prior to a vote on the motion thanked Internal Auditor Videtich for her work on the policy.

Commissioner Anderson thanked Internal Auditor Videtich and noted this policy applied only to the five employees directly appointed by the City Commission.

Commissioner Miller thanked the Internal Audit Committee for its work on the policy.

With a roll call vote the motion passed.

AYES: Commissioners Anderson, Cinabro, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Citizen Comments

Next, an opportunity was given for general citizen comments.

Frank Warren, City resident, remarked on the Korean War memorial service being moved from Bronson Park to the Celery Flats in Portage.

Sandra Dawson-Hunt, City resident, on the poor taste and smell of City water in her neighborhood.

Citizen Comments
(cont'd)

Phil Bassett, City resident, expressed opposition to the City's practice of adding fluoride to the drinking water.

Arlene Larson, City resident, commented on the noise and dust created by the development project on Blakeslee Street and the trees that had been removed from this site. Ms. Larson also commented on a fluoride spill that occurred in January and expressed opposition to the City's practice of adding fluoride to the drinking water.

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner
Comments

Commissioner Cinabro asked the City Administration to report back to the Commission on the Korean War Veterans' request to use Bronson Park. Commissioner Cinabro requested the City Attorney draft an ordinance regulating the use of fireworks in the City.

Commissioner Anderson offered remarks on the following topics: the elimination of the Personal Property Tax, the presentations by young people at the Neighborhood Meeting, the Public Safety Youth Academies, the cleanup of Portage Creek by the U.S. Environmental Protection Agency (EPA), and the retirement of Theresa Fluty from the Public Services Department.

City Manager Collard and Public Services Director Bruce Merchant clarified that the fluoride spill reference by Ms. Larsen occurred at a City well field, and the fluoride had not entered the water system.

In response to a question from Commissioner Miller, Director Merchant stated negative effects from fluoride occurred after people had experiences prolonged exposure to the chemical.

Mayor Hopewell and City Manager Collard clarified that groups were able to use city parks for free unless they wanted to reserve parks for exclusive use or if they wanted the City to provide services such as staff assistance, water, and electrical power during their events.

The meeting adjourned at 7:50 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____

Bobby J. Hopewell, Mayor

Dated: February 18, 2013

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Roll Call	<p>A business meeting of the Kalamazoo City Commission was held on Monday, July 30, 2012 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Hannah McKinney David Anderson Stephanie Bell Don Cooney Barbara Miller</p>
	<p>COMMISSIONERS ABSENT: Robert Cinabro</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Anderson, seconded by Commissioner Miller, moved to excuse the absence of Commissioner Cinabro.</p>
Invocation	<p>In lieu of an invocation, a moment of silence was observed for the victims of the recent shooting in Aurora, Colorado. This moment silence was followed by the Pledge of Allegiance.</p>
Introduction of Guests	<p>Earlene McMichael, of Kalamazoo Crossroads Career Network, described the Employment, Education, and Entrepreneurship Fair on August 11th at the Christian Life Center. Materials distributed by Ms. McMichael were filed with the papers for this meeting.</p>
Proclamation	<p>Commissioner Cooney proclaimed August 1-8, 2012 <i>Big League Softball World Series Week</i>.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda as presented.</p>
Communications	<p>City Manager Collard invited the public to attend meetings of various boards and commissions.</p>
Consent Agenda	<p>Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the City:</p> <ul style="list-style-type: none"> - approval of a contract with Michigan Paving and Materials of Kalamazoo for the 2012 Local Streets Paving Program and Wellington Road water main replacement in the amount of \$995,550.61. - approval of a three year contract with Williams & Works for surveying services in the amount of \$205,587.50. - approval of a) an agreement for the development of a comprehensive business plan for the consolidation of 9-1-1 Emergency Dispatch Center and authorize the City Manager to sign all related documents; and, b) the expenditure of \$41,370 as the city's share of the plan with L.R. Kimball.

- acceptance of a FY 2011 Assistance to Firefighters Grant award on behalf of Kalamazoo Department of Public Safety from the Federal Emergency Management Agency in the amount of \$29,514.80.
- appointment of **Rachel Hughes-Nilsson** to the Planning Commission as recommended by the Mayor for a term expiring on March 31, 2015.
- approval of the following appointments and reappointments to advisory boards and commissions as recommended by the City Clerk:
 - the appointment of **Herman Smith** to the Kalamazoo Municipal Golf Association Board of Governors for a term for a term expiring on January 1, 2015.
 - the appointment of **James Houston** to the Zoning Board of Appeals for a term expiring on March 31, 2013.
- approval of a recommendation to hold until August 6, 2012 consideration of the sale of 507 Lay Boulevard to Lindy Ackerman for \$31,500, and authorization for the City Manager to sign all related documents.
- approval of a recommendation to hold until August 6, 2012 consideration of the sale of the adjacent city-owned properties at 911 and 915 N. Park Street to Brandi J. Crawford for \$3,200 and authorization for the City Manager to sign all related documents.
- approval of a recommendation to hold until August 6, 2012 consideration of the sale of a city-owned vacant lot located at 414 E. Frank Street to Julia A. Wilbon for \$30 and authorization for the City Manager to sign all related documents.

Consent Agenda
(cont'd)

Commissioner Bell, seconded by Commissioner Cooney, moved to approve the consent agenda requests.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Next, an opportunity was given for general citizen comments.

Citizen Comments

Beth Lewis, City resident, remarked on the the Farmers' Market.

Alfonso Harris, City resident, spoke regarding the Kalamazoo community's assets and expressed a desire to serve on a City advisory board.

Citizen Comments
(cont'd)

Frank Warren, City resident, spoke about public disturbances in Bronson Park.

Asha Khazad, City resident, invited Commissioners to a picnic at Milham Park for "ex-mental patients."

Ervin Armstrong, City resident, thanked the City for supporting the Summer Youth Employment Program.

Jerry Pipoly, City resident, spoke regarding his new martial arts school and asked the City for help in locating a building for the school.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Bell stated Galilee Baptist Church hired young people from their church to do work in the community over the summer; invited people to the Ultimate Family Reunion on August 4th; invited people to an open house for Mothers of Hope at the Douglas Community Center on August 2nd.

In response to a question from Commissioner Miller, City Clerk Borling stated signs would be posted at Mayor's Riverfront Park and the Carver Center directing people to the new polling locations for Precincts 1, 3 and 11.

Commissioner Cooney invited citizens to the Ultimate Family Reunion on August 4th.

Adjournment

The meeting adjourned at 7:39 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

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	<p>A business meeting of the Kalamazoo City Commission was held on Monday, August 6, 2012 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell David Anderson Stephanie Bell Robert Cinabro Don Cooney Barbara Miller</p> <p>COMMISSIONERS ABSENT: Vice Mayor Hannah McKinney</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioners Excused	<p>Commissioner Bell, seconded by Commissioner Anderson, moved to excuse the absence of Vice Mayor McKinney. With a voice vote the motion passed.</p>
Invocation	<p>The invocation, given by Elder Daniel Cunningham, Greater Faith Ministries, was followed by the Pledge of Allegiance.</p>
Proclamation	<p>Commissioner Cinabro read a proclamation honoring <i>Kalamazoo Department of Public Safety Explorer Post #265 – State Champions</i>. Deputy Chief Sam Harris and Captain Brian Uridge received the proclamation.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda with the following change:</p> <p>City Manager Collard requested that Item F-1, bus service contract with Western Michigan University (WMU), be moved to the Regular Agenda.</p>
Communications	<p>City Manager Collard invited the public to attend meetings of various boards and commissions.</p>
Consent Agenda	<p>Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the City:</p> <ul style="list-style-type: none"> - approval of a one-year contract extension for ready mixed concrete with Consumers Concrete Corporation for roadway, sidewalk, and other construction project needs in the amount of \$148,300. - approval of a contract with Davis Construction, Inc. for the relocation of water main under the railroad tracks east of Pitcher Street on Michigan Avenue in the amount of \$100,101 and approval of an increase in the 2012 Water Capital Budget of \$124,601 to reflect reimbursement by the Michigan Department of Transportation.

- | | |
|--|------------------------------------|
| <ul style="list-style-type: none"> - approval of a two-year contract with Consumers Energy Company for the reading of water and sewer meters in the amount of \$276,246. | Consent Agenda
(cont'd) |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION to amend the existing city PA 198 tax abatement policy dated June 4, 2007. | Resolution 12-63 |
| <ul style="list-style-type: none"> - adoption of RESOLUTIONS 1, 2, and 3 for the purpose of approving the 2011 Kalamazoo Mall Sidewalk Maintenance Assessment at a per front foot cost of \$13.752; and adoption of Resolution 3 schedules a public hearing for September 4, 2012. | Resolutions 12-64,
12-65, 12-66 |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION authorizing a November 6, 2012, general election ballot question for voter approval of a special 0.6 mill levy renewal to finance Metro Transit operations in the City of Kalamazoo for 2013 through 2015. | Resolution 12-67 |
| <ul style="list-style-type: none"> - adoption of a RESOLUTION setting forth the salary of the City Clerk effective August 8, 2012. | Resolution 12-68 |
| <ul style="list-style-type: none"> - first reading of an ORDINANCE to amend Section 4.1 – Use Table and Section 12.3 – Definitions and Use Categories of the Zoning Ordinance, related to manufacturing uses in the CCBD (Commercial-Central Business District) zone; and, schedule a public hearing for August 20, 2012. | |
| <ul style="list-style-type: none"> - acceptance of a JAG award of \$74,054 from the U.S. Justice Department and authorize the City Manager to sign the Grant award and special conditions document. | |
| <ul style="list-style-type: none"> - acceptance of Region 5 Grant funding in the amount of \$7,556 on behalf of Kalamazoo Department of Public Safety. | |
| <ul style="list-style-type: none"> - approval of the sale of 507 Lay Boulevard to Lindy Ackerman for \$31,500 and authorization for the City Manager to sign all related documents. | |
| <ul style="list-style-type: none"> - approval of the sale of the adjacent city-owned properties at 911 and 915 N. Park Street to Brandi J. Crawford for \$3,200 and authorization for the City Manager to sign all related documents. | |
| <ul style="list-style-type: none"> - approval of the sale of a city-owned vacant lot located at 414 E. Frank Street to Julia A. Wilbon for \$30 and authorization for the City Manager to sign all related documents. | |

Commissioner Miller, seconded by Commissioner Cooney, moved to approve the consent agenda requests.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Mayor Hopewell

NAYS: None

Regular Agenda

Regular Agenda items were considered next.

Bus Service
Agreement with WMU

Bob Miller, WMU Associate Vice President for Community Relations, thanked City Manager Collard, Deputy City Manager Barnett-Moore, and Transportation Director Bill Schomisch for working out an agreement for bus service.

An opportunity was given for citizens to comment on a proposed three-year contract for bus service with WMU, but no comments were offered.

Commissioner Cinabro seconded by Commissioner Bell moved to approve a three-year agreement with Western Michigan University to provide unlimited access to Metro Transit services for all current students, faculty and staff, from August 1, 2012 through July 31, 2015 in the amount of \$1,560,800.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Mayor Hopewell

NAYS: None

East Campus
Neighborhood
Enterprise Zone

Community Planning and Development Director Jeff Chamberlain described the process for designating the East Campus Rehabilitation Neighborhood Enterprise Zone.

When given an opportunity to comment on the commencement of the Neighborhood Enterprise Zone process for the proposed East Campus Rehabilitation Neighborhood Enterprise Zone, the following people addressed the City Commission:

Bob Miller, non-resident and WMU's Associate Vice President for Community Relations, discussed the University's partnership with the City to redevelop East Campus and thanked City staff for their work.

Commissioner Miller, seconded by Commissioner Anderson, moved to approve the commencement of the Neighborhood Enterprise Zone process for the proposed East Campus Rehabilitation Neighborhood Enterprise Zone.

Prior to a vote on the motion, Commissioner Anderson noted that patience would be required for this project, but it was exciting to think of the possibilities for redevelopment and reuse of East Campus.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Mayor Hopewell

NAYS: None

City Planner Augustine briefly described the proposed ordinance to allow Mobile Food Vendors to operate in the City. City Planner Augustine discussed the process that had been used to develop the ordinance.

First Reading of a
Food Truck
Ordinance

In response to a question from Commissioner Cinabro, City Planner Augustine stated a resolution setting the license fee and defining the areas in which food trucks could operate would accompany the ordinance when presented for adoption on August 20th. City Planner Augustine indicated the resolution would allow food trucks to park in any legal parking space in a manufacturing or commercial district, excluding state trunklines.

In response to a question from Commissioner Miller, City Planner Augustine stated the ten licenses would be issued on a first come, first served basis, upon submission of a complete application. City Planner Augustine stated the question of alcohol service would be a question for the Public Safety Department or Michigan Liquor Control Commission. City Planner Augustine explained the permitting of food trucks to operate in front of restaurants when they were closed was designed to allow food trucks to fill a time gap, during the hours when food was unavailable in the downtown area.

Commissioner Anderson expressed support for the presence of food trucks in Kalamazoo. Commissioner Anderson questioned if 10 licenses was too limiting.

In response to Commissioner Anderson, City Planner Augustine reminded Commissioners the proposed ordinance was being treated as a pilot program that would be evaluated and modified if necessary.

When given an opportunity to comment on an ordinance to amend Section 25-63 through 25-68 of the City Code of Ordinances related to Mobile Food Vendors, the following people addressed the City Commission:

John Schmitt, City resident and member of the Downtown Development Authority, expressed support for the proposed ordinance.

Asha Kazhad, City resident, expressed support for the proposed ordinance.

Jay Woodhams, non-resident and food truck operator, expressed support for the proposed ordinance.

Commissioner Bell, seconded by Commissioner Anderson moved to offer or first reading an ORDINANCE to amend Section 25-63 through 25-68 of the City Code of Ordinances related to Mobile Food Vendors and schedule a public hearing for August 20, 2012.

Prior to a vote on the motion, Mayor Hopewell thanked Director Chamberlain and City Planner Augustine for their sensitivities to the issues involved and the concerns of stakeholders.

First Reading of a
Food Truck
Ordinance (cont'd)

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller,
Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Citizen Comments

Next, an opportunity was given for general citizen comments.

Asha Khazad, City resident, spoke about his right to sell his self-published newspaper at City Hall.

Phil Bassett, City resident, expressed opposition to the City's practice of adding fluoride to the drinking water.

Alphonso Harris, City resident, spoke about peaceful community events like the Mothers of Hope Ultimate Family Reunion.

Susan LaFaive, 517 Hilpert, expressed opposition to the City's practice of adding fluoride to the drinking water.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Bell thanked the City and major sponsors for their support of the Mothers of Hope Ultimate Family Reunion on August 4th. Commissioner Bell urged people to vote and to attend the National Night Out events.

Commissioner Anderson highlighted items on the consent agenda, including the transportation contract with WMU, the contract with Consumers Energy for meter reading, amendments to the tax abatement policy, and the Metro Transit millage request.

Commissioner Cooney congratulated the Mothers of Hope for a successful Ultimate Family Reunion. Commissioner Cooney noted the proceeds from Ribfest were donated to The ARK. Commissioner Cooney offered condolences to the victims of the near Milwaukee.

Mayor Hopewell invited people to attend the public meeting on Thursday, August 9th regarding the City Manager position profile.

City Manager Collard stated the City's water supply was not poisoned and noted many chemicals could be both helpful and harmful to humans, depending on the form and quantity of the chemical.

Closed Session

At 8:08 p.m. Commissioner Cooney, seconded by Commissioner Miller, moved that the City Commission go into closed session to discuss pending litigation.

Prior to a vote on the motion, Mayor Hopewell announced the City Commission would not be coming back into open session following the closed session.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller,
Mayor Hopewell

NAYS: None

The meeting adjourned at 8:09 p.m.

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

Adjournment

	<p>A business meeting of the Kalamazoo City Commission was held on Monday, August 20, 2012 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Hannah McKinney David Anderson Stephanie Bell Robert Cinabro Don Cooney Barbara Miller</p> <p>COMMISSIONERS ABSENT: None</p>
	<p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Invocation	<p>The invocation, given by Elder Daniel Cunningham, Greater Faith Ministries, was followed by the Pledge of Allegiance.</p>
Introduction of Guests	<p>Mayor Hopewell welcomed Daniel Brusilovsky, founder of Teens in Tech, who was in Kalamazoo to see the City, meet with venture capitalists, and visit local companies.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda as presented.</p>
Communications	<p>City Manager Collard invited the public to attend meetings of various boards and commissions.</p>
Public Hearing re: Ordinance for Manufacturing Uses in the CBD	<p>At 7:05 p.m. Mayor Hopewell opened a public hearing to receive comments on an ORDINANCE to amend Section 4.1 – Use Table and Section 12.3 – Definitions and Use Categories of the Zoning Ordinance, related to manufacturing uses in the CCBD (Commercial-Central Business District) zone.</p> <p>At 7:06 p.m. Mayor Hopewell closed the public hearing.</p>
Ordinance 1900 re: Manufacturing Uses in the Central Business District	<p>Commissioner Bell seconded by Commissioner Anderson moved to adopt an ORDINANCE to amend Section 4.1 – Use Table and Section 12.3 – Definitions and Use Categories of the Zoning Ordinance, related to manufacturing uses in the CCBD (Commercial-Central Business District) zone.</p> <p>Prior to a vote on the motion, Commissioner Miller and Mayor Hopewell expressed support for the ordinance and thanked the City Planner for her work.</p> <p>With a roll call vote this motion passed.</p> <p>AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell</p> <p>NAYS: None</p>

At 7:07 p.m. Mayor Hopewell opened a public hearing to receive comments on an ORDINANCE to amend Section 25-63 through 25-68 of the City Code of Ordinances, related to Mobile Food Vendors and a RESOLUTION setting the areas of operation for mobile food vendors and the fee for mobile food vendor licenses.

Dean Houck, City resident and owner of the Michigan News Agency, suggested the City create a food truck zone and questioned whether the ordinance addressed the concerns of downtown businesses and restaurants and if people were actually aware of the contents of the ordinance.

Nicole Angelo, City resident, spoke in favor of the proposed ordinance and asked if the ordinance would allow food trucks to operate in front of her business on Lovell Street.

At 7:13 p.m. Mayor Hopewell closed the public hearing.

Commissioner Anderson seconded by Commissioner Cooney, moved to adopt a) an **ORDINANCE** to amend Section 25-63 through 25-68 of the City Code of Ordinances, related to Mobile Food Vendors; and, b) a **RESOLUTION** setting areas of operation for mobile food vendors and fee for mobile food vendor license.

Prior to a vote on this motion, Mayor Hopewell suggested the proposed ordinance be amended to eliminate the requirement for proof of restroom access

Commissioner Cinabro, seconded by Commissioner Bell, moved to amend the proposed ordinance to delete paragraph B(5) from Section 25-66, which would require proof of restroom access within 200 feet of a parked mobile food vehicle.

Prior to a vote on the motion to amend, Commissioner Anderson stated the City Commission did not read aloud every ordinance prior to adoption and stated there had been many meetings with stakeholders during the development of this particular ordinance.

With a roll call vote the motion to amend passed unanimously.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Prior to a vote on the main motion and in response to questions from Commissioner Cooney, City Planner Andrea Augustine confirmed that under the proposed ordinance food trucks would not be allowed to operate within 150 feet of restaurants during their hours of operation. City Planner Augustine explained there were no specific food truck zones, but restrictions on where trucks could operate created *de facto* zones. City Planner Augustine stated the ordinance did not place limits on the hours of operation for food trucks. However, food trucks were required to

Public Hearing re:
an Ordinance
Allowing Food
Trucks

Ordinance 1901 re:
Food Trucks

Resolution 12-69 re:
License Fees and
Areas of Operation
for Food Trucks

Motion to Amend
the Ordinance

Ordinance 1901 re:
Food Trucks (cont'd)

operate from legal parking spaces, and on most City streets there was no parking between 2:00 and 6:00 a.m.

Resolution 12-69 re:
License Fees and
Areas of Operation
for Food Trucks
(cont'd)

In response to a question from Commissioner Cinabro, City Planner Augustine stated the number of mobile food vehicle licenses was limited to 10 per year, and this number would remain the same until the City Commission amended the ordinance.

In response to a question from Commissioner Bell, City Planner Augustine described the application process and stated the City was depending on the market to create variety in the products and experiences offered by mobile food vendors.

Mayor Hopewell thanked City Planner Augustine for her work and stated the City frequently found itself in the position of balancing the needs and interests of businesses with the City's need to advance the community's interests as a whole.

With a roll call vote the motion to adopt the amended ordinance and the resolution passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller,
Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items with authorization for the City Manager to sign on behalf of the City:

- first reading of an ORDINANCE to regulate the use of consumer fireworks and amend the Fire Code so as to comply with the State law addressing fireworks.
- approval of a request from Western Michigan University to publicly display fireworks at Hyames Field on Saturday, September 8, 2012 during halftime of the CommUniverCity Night football game.

Commissioner Cinabro, seconded by Commissioner Miller, moved to approve the consent agenda requests.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Bell, Cinabro, Cooney, Miller,
Vice Mayor McKinney, Mayor Hopewell

NAYS: None

City Manager's
Report

City Manager Collard presented the following reports and updates:

- Departmental Reports and Project Updates
- Inside the City Newsletter, August 2012 Edition
- July 2012 Purchases

Next, an opportunity was given for general citizen comments.

Citizen Comments

Alphonso Harris, City resident, spoke regarding the need for public restrooms downtown.

Iris Potter, City resident, expressed opposition to the Prairie Garden development on Blakeslee Street.

Arlene Larson, City resident, expressed opposition to the Prairie Garden project.

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Comments

Commissioner Bell reported Mothers of Hope had instituted women's groups that met two days per week.

Commissioner Cinabro highlighted that only 15 organizations nationwide received the Employer Support Freedom Award from the Department of Defense. Commissioner Cinabro thanked City Attorney Robinson for bringing forward amendments to the fireworks ordinance.

Commissioner Miller thanked City Manager Collard for working with staff to get a STOP sign placed at the intersection of Rambling Road and Winchell Avenue. Commissioner Miller commented on the Girls' Leadership Academy.

Commissioner Cooney remarked on the death of Bob Medema.

Mayor Hopewell remarked on the death of Bob Medema and thanked Chief Hadley and the detectives of the Public Safety Department for their swift work to solve this murder case and the Department's excellent clearance rate for solving these types of cases.

The meeting adjourned at 7:45 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

	<p>A business meeting of the Kalamazoo City Commission was held on Tuesday, January 22, 2013 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell David Anderson Don Cooney Barbara Miller Stephanie Moore</p> <p>COMMISSIONERS ABSENT: Vice Mayor Hannah McKinney Bob Cinabro</p> <p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Commissioner Excused	<p>Commissioner Miller, seconded by Commissioner Anderson, moved to excuse the absences of Vice Mayor McKinney and Commissioner Cinabro. With a voice vote the motion passed.</p>
Invocation	<p>The invocation, given by Pastor Debbie Eisenbise, Skyridge Church of the Brethren, was followed by the Pledge of Allegiance.</p>
Presentation of Social Justice Youth Awards	<p>Judy Woolsey, Assistant to the CEO of Schupan and Sons, presented the Schupan and Sons Social Justice Youth Award to Shannon Wee.</p> <p>John Pinkster, Director of South Operation for Life EMS, presented the Life EMS Social Justice Youth Award to Cia Elder.</p> <p>Mason Coleman, Community President of Fifth Third Bank, presented the Fifth Third Bank Social Justice Youth Award to Kiera Parkman.</p> <p>Dr. Lewis Walker of the Lewis Walker Institute for the Study of Race and Ethnic Relations presented the Dr. Lewis Walker Community Service Youth Award to Ollie Barnes IV.</p>
Presentation of Life Saving Awards to Bus Drivers	<p>Public Safety Chief Jeff Hadley and Transportation Director Bill Schomisch presented Kalamazoo Department of Public Safety Life Saving Awards to Metro Transit Coach Operators Debby Kerr and Donna Wright for providing CPR to a bus passenger who was having a heart attack. Lisa Bonnie of the American Red Cross presented a recognition certificate to Ms. Kerr and Ms. Wright.</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda as presented.</p>
Communications	<p>City Manager Collard invited the public to attend meetings of various boards and commissions.</p>
Public Hearing re: Rezoning of 1718 S. Park Street	<p>At 7:29 p.m. Mayor Hopewell opened a public hearing to receive comments on an ORDINANCE to rezone 1718 S. Park Street from Zone RS-5 (Residential, Single-Dwelling District) to Zone CO (Commercial, Office District).</p>

Ed Fletcher, owner Rx Optical, spoke in favor of the proposed rezoning.

Mark Daneman, an attorney representing Benjamin and Ashley Daneman of 1719 S. Park Street, spoke in opposition to the proposed rezoning. Documents submitted by Mr. Daneman were included with the papers for this meeting.

City Planner Andrea Augustine discussed the proposed rezoning of 1718 S. Park Street and how the rezoning would fit with the City's Master Land Use Plan. City Planner Augustine indicated City staff considered a lab to be an accessory use allowed use in CO zone. Planner Augustine noted even with the rezoning approval the applicant would need to go through the site plan review process and comply with all requirements of the code.

Matt Fletcher, City resident and owner of 1718 S. Park Street, spoke in favor of the rezoning request.

Ashley Daneman, City resident, spoke in opposition to the proposed rezoning.

At 7:47 p.m. Mayor Hopewell closed the public hearing.

City Attorney reported the documents submitted by Mr. Daneman included a protest petition as provided for in state law, and he indicated the petition, if determined to be valid, would require a two-thirds affirmative vote to adopt the rezoning ordinance.

Planner Augustine recommended the City Commission postpone action on the ordinance so staff could determine the validity of the protest petition.

In response to a question from Commissioner Moore, City Planner Augustine stated no written or verbal comments on the rezoning had been received other than the comments from the Danemans.

Commissioner Anderson noted the rezoning process was long, and there were multiple opportunities for citizens and adjacent property owners to provide input and express their opinions.

Commissioner Cooney and Mayor Hopewell encouraged the rezoning applicant to reach out to the Danemans and discuss their concerns prior to February 4th.

Commissioner Moore, seconded by Commissioner Anderson, moved to postpone until February 4, 2013 consideration of **ORDINANCE** to rezone 1718 S. Park Street from Zone RS-5 (Residential, Single-Dwelling District) to Zone CO (Commercial, Office District).

Prior to a vote on the motion, Commissioners Cooney and Moore expressed hope that the two sides could work out their issues.

Mayor Hopewell thanked City Attorney Robinson for advising the Commission about the protest petition.

Public Hearing re:
Rezoning of 1718 S.
Park Street (cont'd)

Rezoning of 1718 S.
Park Street Postponed
Until February 4th

Public Hearing re: a
Tax Abatement for
Graphic Packaging

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

At 7:56 p.m. Mayor Hopewell opened a public hearing to receive comments regarding a RESOLUTION to approve an application from Graphic Packaging International, Inc. for a PA 198 Industrial Facilities (Tax) Exemption Certificate (IFEC) for three years for personal property valued at \$15,700,000 in existing Industrial Development District No. 1 and Plant Rehabilitation District No. 3 located at 1500 North Pitcher Street.

Rusty Miller, non-resident and a manager at Graphics Packaging, expressed support for the proposed resolution.

At 7:59 p.m. Mayor Hopewell closed the public hearing.

Resolution 13-09
Approving a Tax
Abatement for
Graphic Packaging

Commissioner Cooney, seconded by Commissioner Miller, moved to adopt a **RESOLUTION** approving an application from Graphic Packaging International, Inc. for a PA 198 Industrial Facilities (Tax) Exemption Certificate (IFEC) for three years for personal property valued at \$15,700,000 in existing Industrial Development District No. 1 and Plant Rehabilitation District No. 3 located at 1500 North Pitcher Street.

Prior to a vote on the motion, Mayor Hopewell thanked Graphics Packaging for investing in the community.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

Consent Agenda

Consent Agenda items were presented as follows with a recommendation to approve the items and authorize for the City Manager to sign on behalf of the City:

- approval of a contract in the amount of \$159,593 with Insituform Tech USA, for the installation of sanitary sewer liners in various locations within the City.

Resolution 13-10

- adoption of a Notice of Intent **RESOLUTION** for the issuance of General Obligation Limited Tax Bonds in an amount not to exceed \$4.2 million for the purpose of financing FY2013 capital projects.

- adoption of the Kalamazoo County Hazard Mitigation Plan in accordance with the requirements of the Federal Emergency Management Agency, the Michigan State Police, and the Federal Mitigation Assistance Program.

- approval of a revised Wellhead Protection Grant Assistance Contract from the Michigan Department of Environmental Quality (MDEQ) to receive \$44,400 for designated wellhead protection projects for the period October 1, 2012 through September 30, 2013.
- acceptance of grants, totaling \$10,000, from the Michigan Preservation Services Fund and the Kohler Fund of the National Trust for Historic Preservation and a grant from the Stucki Family Foundation in Kalamazoo for a fundraising feasibility study for the Fountain of the Pioneers repair project.
- approval of the following appointments to advisory boards and commissions:
 - the appointment of Kris Mbah to the Community Development Act Advisory Committee as an at-large member for a partial term expiring on March 31, 2013.
 - the appointment of Andre Campbell to the Parks and Recreation Advisory Board as a youth representative for a term expiring on January 1, 2016.

Consent Agenda (cont'd)

Commissioner Cooney, seconded by Commissioner Anderson, moved to approve the consent agenda requests and authorize the City Manager to sign on behalf of the City.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

Regular Agenda items were considered next.

Regular Agenda

Community Planning and Development Director Jeff Chamberlain described a proposed six-month moratorium on internally illuminated, off-premise signs greater than 200 square feet.

Moratorium on Digital Billboards

Commissioner Anderson thanked Director Chamberlain for his response to the community's concerns about this issue. Commissioner Anderson stated there was a lot of information to process regarding the issue of digital billboards, as evidenced by the volume of information that had been presented to Commissioners by citizens in the span of just two weeks.

When an opportunity was given for citizens to comment on a RESOLUTION issuing a moratorium on internally illuminated, off-premises signs greater than 200 square feet for a duration of six months, the following people addressed the City Commission:

Moratorium on
Digital Billboards
(cont'd)

Jeanene Dodson, CEO of Adams Outdoor Advertising (Adams), stated the rezoning and permit applications that Adams had submitted should not be affected by the moratorium. Letters of support submitted by Ms. Dodson were filed with the papers for this meeting.

Natalie Patchell, City resident, expressed support for the proposed moratorium.

Brian Peterson, City resident, expressed support for the proposed moratorium and for a complete ban on digital billboards.

Kevin Green, real estate manager for Adams, described the Adams variance request and noted the company had been working closely with City staff about this request for 14 months.

Lynn Houghton, City resident, spoke in favor of the proposed moratorium.

Greg Veeck, City resident, expressed support for the proposed moratorium.

Chris Patchell, City resident, expressed support for the proposed moratorium.

Justin Escher, employee for Adams Outdoor Advertising, remarked that his income from Adams was reinvested in the community.

Randy Ellis, City resident, remarked on the brightness of the internally illuminated sign at the Sunny Mart on Westnedge Avenue near Cork Street.

Pat Lennon, attorney for Adams Outdoor Advertising, expressed concern about the moratorium and stated it was unfair to implement a moratorium at this point in the Adams' variance and permit application processes. Mr. Lennon noted Adams was willing to table the application for 60-90 days to allow for community discussion and compromise.

Don Marek, City resident, expressed support for the proposed moratorium.

Doug Duncan, City resident, expressed support for the proposed moratorium.

Steve Csiszar, City resident, expressed support for the proposed moratorium.

Mike Seals, City resident, expressed support for Adams on behalf of the East Side Neighborhood Association.

Commissioner Cooney, seconded by Commissioner Moore, moved to adopt a **RESOLUTION** issuing a moratorium on internally illuminated, off-premises signs greater than 200 square feet for a duration of six months.

Prior to a vote on the motion, and in response to questions from Mayor Hopewell, Director Chamberlain reported there had been on-and-off conversations with Adams about billboards since 2004, when the Zoning Board of Appeals approved a variance for Adams for additional billboards. Director Chamberlain indicated the conversation with Adams about digital billboards had started 14 months earlier, and City staff had encouraged Adams to reach out to the community to educate citizens about the new technology. Director Chamberlain stated the Zoning Board of Appeals (ZBA) would proceed with the Adams variance application, and four recently-submitted sign permit applications for digital billboards would move forward if the City Commission did not approve the moratorium. Director Chamberlain described the public process that would be followed during the moratorium to get input from stakeholders vis-à-vis City ordinances and digital billboards.

Commissioner Cooney expressed support for the moratorium.

In response to a question from Commissioner Moore, Ms. Dodson indicated she did not know how many Adams employees lived in the Northside Neighborhood.

Commissioner Anderson expressed support for the moratorium and encouraged people to keep the focus of the community discussion on the regulation of digital billboards.

Mayor Hopewell suggested an alternative to a moratorium would be for Adams to withdraw their variance application. Discussion followed.

Mr. Lennon stated Adams would be willing to ask the ZBA to table the variance application for an additional 90 days to allow for outreach, education, and compromise.

In response to a question from Mayor Hopewell, Director Chamberlain explained how billboards were handled under the Zoning Code.

In response to a question from Commissioner Moore, Director Chamberlain stated staff needed the time provided by a moratorium to analyze internally illuminated billboards and to think about how this new technology would fit in Kalamazoo. Director Chamberlain compared digital billboards to cell towers that became an issue in the 1990's and noted the City used a moratorium at that time to evaluate the new technology.

Commissioner Moore expressed support for the moratorium and remarked that the approval of a moratorium would not mean digital billboards would be banned.

Commissioner Anderson noted a tabling of the variance application by the ZBA would not affect permit applications that had been submitted.

Resolution 13-11
Establishing a
Moratorium on
Digital Billboards

City Manager's
Report

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

City Manager Collard presented the following reports and updates:

- Departmental Reports and Project Updates
- November 2012 Purchases
- December 2012 Purchases

Report on a
Countywide
Transportation
System

City Manager Collard discussed the *Countywide Public-Transportation System White Paper* dated December 2012 and described the main components of the three phases.

Commissioner Anderson commended City Manager Collard, Transportation Director Bill Schomisch, County Administrator Peter Battani, and Kalamazoo County Transportation Authority (KCTA) Executive Director Sean McBride for their work on this report. Commissioner Anderson stated he was encouraged that this level of discussion was taking place around such a large system that provided a significant service to the community. Commissioner Anderson reported all workgroups and subcommittees that reviewed this report were supportive, and he asked the City Commission to accept the report.

City Manager Collard noted the actions recommended by this report were not too different than the action steps in the countywide transportation plan created in August 2010. City Manager Collard asked the City Commission to adopt a joint recommendation for achieving the goal of an integrated, countywide transportation system.

Acceptance of
the Countywide
Transportation
System White
Paper

Commissioner Anderson, seconded by Commissioner Miller, moved to accept the white paper described as the joint recommendation for achieving the goal of an integrated, countywide transportation system.

An opportunity was given for citizens to comment on this motion, but no comments were offered.

Prior to a vote on the motion, Miller thanked Commissioners Anderson and Cinabro for their work on the report, and she expressed hope for a consolidation agreement in the future. Commissioner Miller reminded City Commissioners to give greatest consideration to City residents during consolidation discussions as City residents were the primary users of the transportation system.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

Human Resources Director Jerome Post reported Bob Murray & Associates would interview on February 4th via videoconference and the other two firms would interview in person. Director Post indicated the references for Colin Baenziger & Associates and Strategic Government Resources had checked-out well. Director Post stated he would call the references for Bob Murray the next day.

City Manager
Search Process
Update

Mayor Hopewell provided an update on the City Manager search process and presented the following recommendations of the Consultant Evaluation Panel regarding the logistics of the interviews:

- that the search firms be interviewed at a special City Commission meeting beginning at 4:00 p.m. in the Community Room at City Hall.
- that the firms be interviewed in alphabetical order with one exception: if only one of the firms is participating via videoconference, that firm should go first.
- that each interview last 40 minutes with 5 minutes between each interview.
- that the City Commission business meeting be held at its regular time of 7:00 p.m.
- that each firm be asked the same set of predetermined questions, which will be developed by the Human Resources Director and City Attorney based on topics approved by the City Commission.
- that Commissioners be allowed to asked follow-up questions during the interviews.
- that each interview include an opening statement by the firm (no more than 10 minutes), an opportunity for Commissioners to ask the predetermined questions, an opportunity for Commissioners to ask additional or follow-up questions, and a closing statement by the firm (no more than two minutes).
- that deliberation, discussion, and a decision will take place after all three firms have been interviewed, with these activities continuing during the 7:00 business meeting under "Policy Items" if time becomes an issue.
- if the City Commission takes action during the special meeting, there will be an opportunity for citizens to comment on that action. If the Commission does *not* take action at this meeting, there would be a time for general citizen comments at the end of the meeting.

Mayor Hopewell reviewed the suggested topics for interview questions and indicated Director Post would develop the actual questions based on the approved topics.

Approval of
Search Firm
Interview
Logistics and
Question Topics

Commissioner Miller seconded by Commissioner Moore moved to approve the recommendations of the Evaluation Panel regarding the logistics for the executive search firm interviews on February 4, 2013 and to approve the following topics for questions to be asked during the interviews:

- methods for obtaining diversity in candidate pools;
- how the search firms create their position profiles for recruiting;
- what makes each search firm unique;
- how the search firms will match candidates to the position profile and select candidates to present to the City Commission;
- the avenues and resources that will be used for recruiting;
- the search firm's access to special/proprietary recruiting networks;
- the firms' experience and ability to recruit in Michigan;
- the ability of the firm to act swiftly; and
- the firms' philosophy/opinion about the filling of top level positions or leaving them vacant

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

Citizen Comments

Next, an opportunity was given for general citizen comments.

Jeff Weismann, City resident, asked the City Commission to support the Friends of Historic East Campus in their efforts to save the historic buildings on the East Campus of Western Michigan University.

Ed Tarkowski, non-resident, stated his rental property on James Street had been condemned after a meth raid and stated there needed to be better communication with property owners during the condemnation process.

Commissioner
Comments

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Moore offered comments on the Martin Luther King, Jr. celebrations, the inauguration of President Obama, the bus drivers honored earlier in the meeting, initiatives undertaken by the Douglas Community Association Youth Advisory Council, and an upcoming career fair at Mt. Zion Baptist Church.

Commissioner Cooney commented on the Martin Luther King, Jr. holiday and the inauguration of President Obama.

Mayor Hopewell reported he had given the keynote address for the Martin Luther King, Jr. celebration at Lake Michigan College in Benton Harbor.

Commissioner Anderson, seconded by Commissioner Miller, moved that the City Commission go into closed session to discuss pending litigation.

Closed Session to Discuss Pending Litigation

Prior to a vote on this motion Mayor Hopewell indicated the City Commission would return to open session to take action following the closed session.

An opportunity was given for citizen to comment on this motion, but no comments were offered.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

The City Commission went into closed session at 9:49 p.m.
The City Commission returned to open session at 9:59 p.m.

Commissioner Moore, seconded by Commissioner Cooney, moved to approve the settlement of the Evans v Magnan matter in the amount of \$130,000 and authorize legal counsel for the City and its employee to execute and file all necessary documents.

Settlement of the Lawsuit Evans v Magnan

An opportunity was given for citizen to comment on this motion, but no comments were offered.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Mayor Hopewell

NAYS: None

The meeting adjourned at 10:00 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013

	<p>A business meeting of the Kalamazoo City Commission was held on Monday, February 4, 2013 at 7:00 p.m. in the City Commission Chambers at City Hall, 241 W. South Street.</p>
Roll Call	<p>COMMISSIONERS PRESENT: Mayor Bobby Hopewell Vice Mayor Hannah McKinney David Anderson Bob Cinabro Don Cooney Barbara Miller Stephanie Moore</p> <p>COMMISSIONERS ABSENT: None</p> <p>Also present were City Manager Ken Collard, City Attorney Clyde Robinson, and City Clerk Scott Borling.</p>
Invocation	<p>The invocation, given by Reverend John McNaughton, was followed by the Pledge of Allegiance.</p>
Recognition of Guests	<p>Mayor Hopewell recognized the presence of County Commissioners Jack Urban and</p>
Adoption of the Agenda	<p>By unanimous consent the City Commission adopted its meeting agenda as presented.</p>
Communications	<p>City Manager Collard invited the public to attend meetings of various boards and commissions.</p>
Consent Agenda	<p>Consent Agenda items were presented as follows with a recommendation to approve the items and authorize for the City Manager to sign on behalf of the City:</p> <ul style="list-style-type: none"> - approval of a one-year contract extension with Rieth-Riley Construction Company for the purchase of asphalt paving materials in the amount of \$341,780.
Resolution 13-12	<ul style="list-style-type: none"> - adoption of a RESOLUTION recognizing Irish Rocket Football as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license. - authorization for the City Clerk to sign <i>Election Coordinating Committee Reports and Agreements</i> between the City of Kalamazoo, the Kalamazoo County Clerk, Kalamazoo Public Schools, Comstock Public Schools, Portage Public Schools, Parchment Public Schools, Kalamazoo Valley Community College, and Kalamazoo Regional Educational Service Agency for the conduct of elections for these school districts. - approval of the release of the 2013 Draft Action Plan for a 30-day public comment period beginning on February 11, 2013 as required by the U.S. Department of Housing and Urban Development.

- approval of the minutes from the following City Commission meetings: the Special Meeting on December 3, 2012; the Neighborhood Meeting on December 17, 2012; and the Business Meetings on December 3, 2012, December 17, 2012, and January 7, 2013.
- approval of recommendation to hold until February 18, 2013 consideration of the sale of 718 Elizabeth Street to Deborah Woodward for \$40,000 and authorization for the City Manager to sign all related documents.
- approval of recommendation to hold until February 18, 2013 consideration of the sale of 906 Reed Avenue to Susan Morales Reyes for \$7,300 and authorization for the City Manager to sign all related documents.

Consent Agenda
(cont'd)

Commissioner Anderson, seconded by Commissioner Cinabro, moved to approve the consent agenda requests and authorize the City Manager to sign on behalf of the City.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cinabro, Cooney, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

City Manager Collard did not have a formal report for the Commission, but Mayor Hopewell asked him to address the slippery condition of City streets during and immediately following recent snow storms.

City Manager's Report

City Manager Collard explained the roads were more slippery than usual because the first large snow events happened late in the season after the road surfaces had frozen, which made the snow stick. City Manager Collard stated City plow crews were performing well, and there was plenty of salt and funding for personnel.

Items of old business were considered next.

Old Business

City Planner Andrea Augustine stated City staff had evaluated the protest petition submitted by Mark Daneman on January 22nd, and the petition was deemed invalid. City Planner Augustine reported there had been a productive conversation between Ashley and Benje Daneman and Matt Fletcher, the rezoning applicant, which resulted in a commitment from Mr. Fletcher and the City to communicate with the Danemans and other residents prior to and during the site plan review process to get their concerns out on the table. City Planner Augustine indicated City staff would be willing to facilitate that discussion.

Ordinance 1906
Rezoning 1718 S.
Park Street

When an opportunity was given for citizens to comment on an ORDINANCE to rezone 1718 S. Park Street from Zone RS-5 (Residential, Single-Dwelling District) to Zone CO (Commercial, Office District), the following people addressed the City Commission:

Ordinance 1906
Rezoning 1718 S.
Park Street (cont'd)

Benje Daneman, City resident, expressed opposition to the proposed rezoning.

Mark Daneman, non-resident, expressed opposition to the proposed rezoning.

Matt Fletcher, the rezoning applicant, offered to install screening at the east end of the subject property and stated he would work with the Danemans and the City throughout the project.

Frank Warren, City resident, expressed support for the proposed rezoning.

Commissioner Moore, seconded by Commissioner Cooney, moved to adopt an **ORDINANCE** to rezone 1718 S. Park Street from Zone RS-5 (Residential, Single-Dwelling District) to Zone CO (Commercial, Office District)

Prior to a vote on the motion, Commissioner Miller expressed support for the motion and stated the City Commission would expect staff to enforce the site plan.

Commissioner Cinabro expressed support for the rezoning and noted City staff and the applicant, Mr. Fletcher had a heightened awareness of the neighboring residents' concerns.

Vice Mayor McKinney stated Rx Optical needed support as a local business, and she urged the company to reach out to area residents. Vice Mayor McKinney expressed faith in the site plan review process and indicated it would be a shame if either Rx Optical or the residents left the City. Vice Mayor McKinney noted there would be conflicting, adjacent land uses in urban areas like Kalamazoo, and everyone needed to "make it work."

Commissioner Cooney commented on the good will that had been generated by the meeting between the Danemans and the rezoning applicant and expressed confidence that the parties would work out their differences. Commissioner Cooney thanked Rx Optical for its contributions to the community.

In response to a question from Mayor Hopewell, City Planner Augustine described the site plan review process. City Planner Augustine noted site plan review was not typically open to the public, but Mr. Fletcher had made a commitment to meet with the neighbors during the review process to discuss issues like setbacks. City Planner Augustine indicated City staff would work with both Mr. Fletcher and residents to achieve the best possible outcome.

Mayor Hopewell stated he was glad the conversation took place between the Danemans and Rx Optical, but this conversation should have happened at the beginning of the process, neighbor to neighbor. Mayor Hopewell indicated City staff would work with both parties and suggested the site plan review process may need to be adjusted.

With a roll call vote this motion passed.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

Mayor Hopewell reported the City Commission had interviewed three executive search firms at a special meeting earlier in the day, and he suggested the Commission deliberate and make a selection.

Commissioners ranked the three search firms as follows:

Mayor Hopewell

1. Strategic Government Resources
2. Bob Murray & Associates
3. Colin Baenziger & Associates

Vice Mayor McKinney

1. Strategic Government Resources
2. Colin Baenziger & Associates
3. Bob Murray & Associates

Commissioner Cooney

1. Bob Murray & Associates
2. Colin Baenziger & Associates
3. Strategic Government Resources

Commissioner Miller

1. Bob Murray & Associates
2. Colin Baenziger & Associates
3. Strategic Government Resources

Commissioner Anderson

1. Strategic Government Resources
2. Bob Murray & Associates
3. Colin Baenziger & Associates

Commissioner Cinabro

1. Bob Murray & Associates
2. Strategic Government Resources
3. Colin Baenziger & Associates

Commissioner Moore

1. Bob Murray & Associates
2. Strategic Government Resources
3. Colin Baenziger & Associates

Commissioners thanked all three firms for submitting proposals and interviewing.

Selection of an Executive Search Firm to Recruit Candidates for the City Manager Position

Selection of an Executive Search Firm to Recruit Candidates for the City Manager Position (cont'd)

An opportunity was given for citizens to comment on the proposed selection of Bob Murray & Associates as the executive search firm to recruit for the City Manager position, but no comments were offered.

Commissioner Moore, seconded by Commissioner Cooney, moved to enter negotiations with Bob Murray and Associates to conduct the City Manager search.

With a roll call vote this motion passed unanimously.

AYES: Commissioners Anderson, Cooney, Miller, Moore, Vice Mayor McKinney, Mayor Hopewell

NAYS: None

In response to a question from Mayor Hopewell, City Commissioners expressed their expectation that the City Manager search process would move forward.

Mayor Hopewell confirmed the next step was to enter negotiations and indicated the contract with Bob Murray & Associates would be brought to the City Commission for approval.

Citizen Comments

Next, an opportunity was given for general citizen comments.

Charles LeBlanc, City resident, requested that change machines be installed at the Kalamazoo Transportation Center, that the bus routes be reviewed, and that more bus shelters be erected.

Lee Holdridge, non-resident, spoke about his arrest for having a sticker on his bike and the toxicity of fluoride. Mr. Holdridge submitted an article entitled *Developmental Fluoride Neurotoxicity: A Systematic Review and Meta-Analysis*, as copy of which was filed with the papers for this meeting.

Frank Warren, City resident, thanked the City Commission for supporting Rx Optical.

Commissioner Comments

Finally, an opportunity was given for miscellaneous comments and concerns of City Commissioners.

Commissioner Moore offered comments on the Walker Institute Youth Sports Program, a community forum on February 28th entitled "Know Your History, Know Your Rights," a clinic for free legal advice at the Douglas Community Center on February 18th, Community Revival Services at Galilee Baptist Church on February 11-13, a job fair at Michigan Works! on February 16th, and a job fair at Mt. Zion Baptist Church on April 12-13. Commissioner Moore also remarked on Black History Month.

Commissioner Cinabro reported the City Planner had asked him to participate in the task force that was being assembled to address the issue of digital billboards.

Commissioner Cooney remarked on the Kalamazoo Central/Loy Norrix basketball game and noted February was Black History Month.

Commissioner
Comments (cont'd)

Mayor Hopewell expressed condolences to the Kalamazoo College family on the recent death of a student from meningitis, and he expressed condolences to the family of Karen Peckham-Morris, a friend who recently passed away. Mayor Hopewell remarked on Black History Month and invited people to attend the Mayor's Legacy Ball.

The meeting adjourned at 8:16 p.m.

Adjournment

Respectfully submitted,

Scott A. Borling
City Clerk

For City Commission approval on February 18, 2013

Approved by: _____
Bobby J. Hopewell, Mayor
Dated: February 18, 2013



Commission Agenda Report

City of Kalamazoo

Date: **02/18/13**

Item **F8**

TO: Mayor Hopewell, Vice Mayor McKinney and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: February 12, 2013

SUBJECT: Board and Commission Appointments

RECOMMENDATION

It is recommended that the City Commission approve the following appointment and term extension to advisory boards and commissions:

- the appointment of **Jason Enos** to the Zoning Board of Appeals as an alternate member for a term expiring on March 31, 2015.
- the extension of **Carol Fricke's** term on the Transit Authority Board until December 31, 2013.

BACKGROUND

The City Commission must approve the appointments, reappointments, and term extensions of members on the Transit Authority Board and the Zoning Board of Appeals. The City Clerk's Office receives applications for these boards and forwards them to the staff liaisons and chairperson. It is the responsibility of the TAB and ZBA to recommend appointments, reappointments, and term extensions for these boards. The attached memo to the TAB gives the reasons for the term expiration request. The Appointee Nomination Report from the ZBA details that nominee's qualifications and the selection process used to make the nomination.

COMMUNITY RESOURCES CONSULTED

None

FISCAL IMPACT

There is no fiscal impact directly associated with this appointment.

ALTERNATIVES

The City Commission could choose to approve this appointment, not approve it, or postpone action to a date certain.

ATTACHMENTS

Nomination Reports
Memo to the TAB



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The City Assessor recommends that the City Commission approve the following appointment to the Board of Review for Assessments:

- The appointment of **Ms. Donna Keller** for a remainder of a three-year term expiring January 31, 2014. The seat is vacant due to the resignation of member Ann Schwendener.

SPECIAL REQUIREMENTS FOR THIS POSITION

The only requirement for this position is to be a city resident.

SELECTION PROCESS

Applicants Considered

The City Clerk's office has all applications on file.

Interview Process and Final Recommendation

The Board of Review is unique among the city's advisory boards in that it meets for approximately three weeks in March every year to hear tax assessment appeals, and one day in July and one day in December to correct clerical errors and mutual mistakes of fact. Historically, the board has not considered membership issues due to the number of appeals heard and the resulting time constraints. In lieu of a recommendation from the board, the City Assessor typically recommends nominees for appointment to the Board of Review. Deputy City Assessor's Nelson and Falkenberg have reviewed the application and have conducted an interview with Ms. Keller. City Assessor Aaron Powers is recommending the appointment of Ms. Keller.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Ms. Keller does not presently serve on any other city boards, but has worked as a temporary worker in the Elections Division of the City Clerk's office.

Residency

The applicant resides in the city and is a residential property owner.

Term Limits

The applicant will serve the remainder of an unexpired term until January 31, 2014, at which time she would be eligible to apply for a full three-year term, and then another full three-year term in 2017 before reaching the established term limit.

Training, Experience, Education and Skills

Ms. Keller is employed part-time by the non-profit agency Girls on the Run, and may again work as a city election staffer. Neither of these would interfere with her service on the Board of Review. Her established ability to learn new concepts and tasks quickly suggest that she would be very suitable for the Board of Review. She is highly recommended by our Elections Supervisor.

Contribution to Diversity

Ms. Keller is a white female non-senior who lives in the Winchell area, and would replace a white female senior who lives in the Arcadia area. Ms. Keller will be the youngest board member and lives in an area not otherwise represented by a board member.

NOMINATION RATIONALE

These appointment will continue to keep diversity within our board in several areas. We will be represented by 5 areas within the City and the board will continue being ethnic, age and gender diversified.

CITY CLERK'S CERTIFICATION

The nominee's qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Advisory Boards and Commissions Appointee Nomination Report

City of Kalamazoo

RECOMMENDATION

The Zoning Board of Appeals (ZBA) recommends the City Commission approve the following appointment:

- The appointment of **Jason Enos** as an alternate for a partial term expiring on March 31, 2015.

SPECIAL REQUIREMENTS FOR THIS POSITION

Zoning Board of Appeals members must be residents of the City of Kalamazoo and should have knowledge of the City including some familiarity with the Zoning Ordinance, as well as knowledge of the current issues in the community.

SELECTION PROCESS

Applicants Considered

The Nominating Committee was comprised of Nick Boyd, Zadie Jackson and James Houston. The Nominating Committee reviewed applications from Daloma Poe and Jason Enos.

Interview Process and Final Recommendation

Nominating Committee conducted interviews with each of the candidate; each interview was one half hour in the length. The interviews were held at the Stockbridge Facility and City Hall.

On January 10, 2013, the Zoning Board of Appeals approved a recommendation from the Nominating Committee to appoint Jason Enos as an alternate.

NOMINEE QUALIFICATIONS

Dual Board Memberships

Jason Enos is not presently serving on any other City boards.

Residency

Jason Enos currently resides in the South Westnedge Neighborhood

Term Limits

This would be Mr. Enos's first partial term on the ZBA. Mr. Enos will be eligible to serve two more full terms after this partial term.

Training, Experience, Education And Skills

Jason Enos has lived in the City of Kalamazoo over ten years. He is familiar with the City's zoning districts and the Zoning Ordinance.

Contribution To Diversity

The appointment of Mr. Enos will result in the Board having a representative from the South Westnedge Neighborhood.

NOMINATION RATIONALE

Mr. Enos's analytical ability, GIS skills and education in urban and regional planning will be beneficial to the board and in evaluating properties for which variances have been requests.

CITY CLERK'S CERTIFICATION

The nominee's qualifications regarding dual board memberships, residency, and term limits have been reviewed and verified by the City Clerk's Office.

Scott A. Borling, City Clerk



Transit Authority Board of Directors Agenda Report

City of Kalamazoo

TO: Transit Authority Board of Directors
FROM: William J. Schomisch, Transportation Director
SUBJECT: REAPPOINTMENT OF A BOARD MEMBER
DATE: January 18, 2013

PROPOSED MOTION

The Transportation staff recommends Transit Authority Board of Directors approval of the reappointment of Ms. Carol Fricke to the Board and recommends concurrence by the City Commission.

STAFF RECOMMENDATION

Approval

BACKGROUND

Ms. Carol Fricke has fulfilled two complete full terms, the second of which expired on December 31, 2011. However, the City Commission appointed Ms. Fricke to serve throughout 2012 on a non-precedent setting basis. Staff is recommending the Board request the City Commission to reappoint Ms. Fricke to a new one year term for 2013. Ms. Fricke has expressed a desire to continue to serve on the TAB.

Upon the Board's approval of this reappointment, the City Commission will be requested to concur with the recommendation from the Board at their meeting in February 2013.

ESTIMATED IMPLEMENTATION DATE

January 1, 2013

ATTACHMENT

None



Commission Agenda Report

City of Kalamazoo

Date: **02/18/13**

Item **F9**

TO: Vice Mayor McKinney, and City Commissioners
FROM: Mayor Bobby J. Hopewell
DATE: February 15, 2013
SUBJECT: Confirmation of Appointments to the Downtown Noise Task Force

RECOMMENDATION

It is recommended that the City Commission create a Downtown Noise Task Force and confirm the appointment of Martha Aills, Grant Fletcher, Joe Hertel, Jon Hoadley, Gwen Lanier, Bob Lewis, and Patti Owens to this task force.

BACKGROUND

On September 17, 2012 the Downtown Development Authority (DDA) considered a request from the Downtown Development Area Citizens' Council to address the issue of, "late night noise and the growing number of venues and their late night entertainment." Several citizens addressed the DDA and some suggested limiting the ending time for events at the Arcadia Creek Festival Place to 10:00 p.m. Sunday-Thursday and 11:00 p.m. on Friday and Saturday. Discussion followed regarding the City's noise ordinance and how to address the concerns of the Citizens' Council. The DDA then approved a motion "to request that the Mayor convene a group of stakeholders to address the late night noise issue."

In response to this request I would like to establish a Downtown Noise Task Force to discuss the issue of late night noise and to propose a solution. The solution may include changes to City ordinances, amendments to the City's policies and procedures related to downtown events, or the implementation of creative ideas that will surface during our discussions.

The recommended members represent a cross-section of interests and a fair representation of the interest that have a stake in this discussion. Martha Aills is a downtown resident and former economic development specialist with the City. Grant Fletcher is a member of the Downtown Kalamazoo Association Charities Board of Directors. (Grant has agreed to chair the task force.) Joe Hertel is a resident of the Westnedge Hill Neighborhood. Jon Hoadley is a former downtown resident and currently lives on the border of the Oakwood and Winchell Neighborhoods. Gwen Lanier is a resident of the Northside Neighborhood and a member of Mothers of Hope.

Bob Lewis is a manager of the Union Caberet and Grille on the Kalamazoo Mall. Patti Owens is a downtown resident and a principal with Catalyst Development.

COMMUNITY RESOURCES CONSULTED

An effort has been made to create a task force that is representative of the stakeholders affected by this late night noise in the downtown area, including downtown businesses, the managers of the Festival Site (Downtown Kalamazoo Association Charities), festival and event coordinators, downtown residents, festival attendees, downtown entertainment venues and restaurants, and the City.

FISCAL IMPACT

There is no direct fiscal impact associated with the confirmation of these appointments.

ALTERNATIVES

The City Commission could choose not to confirm these appointments.

ATTACHMENTS

None

Date: **02/18/13**

Item **F10**



Commission Agenda Report

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Jeff Chamberlain, Director, CP&D
Prepared By: Dorla Bonner, CD Compliance Specialist, CP&D

DATE: January 23, 2013

SUBJECT: Sale of 718 Elizabeth Street through the Neighborhood Stabilization Program 1

RECOMMENDATION:

It is recommended that the City Commission approve the sale of 718 Elizabeth Street to Deborah Woodward for \$40,000, and authorize the City Manager to sign all related documents.

BACKGROUND

Under the Housing and Economic Recovery Act (HERA) of 2008, Congress appropriated \$3.94 billion for Neighborhood Stabilization Program 1 (NSP1) funding. Based on a formula developed by the U.S. Department of Housing and Urban Development (HUD), the City of Kalamazoo received \$1,700,000 of NSP1 funding through the Michigan State Housing Development Authority (MSHDA).

The overall purpose of the Neighborhood Stabilization Program is to address the negative effects of abandonment and foreclosure on neighborhoods through demolition, acquisition, rehabilitation and homebuyer assistance. Community Planning and Development (CP&D) staff have utilized NSP1 funds to acquire and rehabilitate tax-foreclosed properties for sale to moderate to low income households.

Following the extensive rehabilitation of 718 Elizabeth Street, including lead abatement and energy efficiency upgrades, the property appraised at \$48,000. The house was listed at this price on July 22, 2011. MSHDA recommends a price reduction after 180 days, which occurred on February 24, 2012. The broker for this property did a comparable study and suggested the price be lowered to \$40,000. Ms. Woodward's purchase offer is for \$40,000.

COMMUNITY RESOURCES CONSULTED

The City of Kalamazoo's NSP1 application was based on the City's 2005 – 2009 Consolidated Plan, which analyzed community housing and development needs and which was developed in conjunction with the 13-member Community Development Act Advisory Committee (CDAAC). A Public Hearing was held on the NSP1 program during CDAAC's regularly scheduled meeting of May 14, 2009.

FISCAL IMPACT

Proceeds from the sale are considered NSP1 Program Income. HUD requires that grantees utilize program income on NSP1 eligible activities. CP&D staff anticipates using NSP1 program income to demolish blighted homes in the NSP1 targeted areas.

ALTERNATIVES

The City Commission may elect to deny the request to sell 718 Elizabeth Street. This alternative is not recommended as a key outcome of NSP1 is to transform dilapidated, foreclosed properties into quality housing opportunities for moderate to low income individuals and families.

ATTACHMENTS

Purchase Agreement



**AUTHORIZED BUY & SELL AGREEMENT ("Agreement") OF THE
GREATER KALAMAZOO ASSOCIATION OF REALTORS®**



Date 1.3, 2013 2:00 A.M. P.M. (TIMES ARE KALAMAZOO, MICHIGAN TIME.) MLS No. 12047954

AGENCY

The undersigned Buyer and Seller each acknowledge that they have read and signed the Real Estate Agency Disclosure.

The agency relationships at the time of execution of this Agreement are as follows:	
<u>JAGDA</u> , Listing Broker represents: <input checked="" type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) <input type="checkbox"/> Neither (Transaction Coordinator)	<u>JAGDA</u> , Selling Broker represents: <input checked="" type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Buyer Only <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) <input type="checkbox"/> Neither (Transaction Coordinator)
<u>Andrey De Vaule</u> , Listing Salesperson represents: <input checked="" type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) <input type="checkbox"/> Neither (Transaction Coordinator)	<u>Andrey De Vaule</u> , Selling Salesperson represents: <input checked="" type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Buyer Only - Addendum # _____ <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) - Addendum # _____ <input type="checkbox"/> Neither (Transaction Coordinator) - Addendum # _____

OFFER

- PRIOR OFFERS:** This offer terminates any prior offers or counteroffers between the parties for The Property.
- PROPERTY DESCRIPTION:** Buyer agrees to buy from Seller The Property located at 718 Elizabeth Street in the Kalamazoo (CITY/VILLAGE/TWP. OF) of Kalamazoo County, Michigan, and legally described as: Austin Tomlinson Addition: The South 92' of the West 32' of the East (CITY/VILLAGE/TWP. NAME) (COUNTY NAME) subject to existing zoning ordinances. TAX ID # 39000616235065.
- SALE PRICE:** forty thousand + No/100 (\$ 40,000 -) Dollars

The Property shall include all buildings, improvements, appurtenances, fixtures and, if now in or on the property, the following: antennas and/or satellite dishes including all accessories and complete rotor equipment (unless rented); all landscaping, including all plantings; landscape lighting; ceiling fans; lighting fixtures, light bulbs and their shades; built-in sound system wiring and built-in speakers; security systems; fireplace doors, screens and grates; wood burners and fireplace inserts; drapery and curtain hardware; window shades and blinds; wall-to-wall carpeting; screens, storm windows and doors; stationary laundry tubs; all water conditioning equipment (unless rented); water heaters (unless rented); sump pumps; heating and air conditioning equipment (excluding window units); LP tanks (unless rented); water pump and pressure tank; underground sprinkling systems; built-in kitchen appliances; awnings; mail boxes; garage door openers and transmitters; attached work benches; all attached shelving; stationary outdoor grills; storage sheds; pool and pool equipment; fencing; affixed outdoor play equipment; affixed: smoke/fire detectors, carbon monoxide detectors, thermostats, timers, and under-cabinet appliances; invisible fencing and controllers; hot tub and/or spa and all related equipment, and

refrigerator, range, washer + dryer

but shall exclude RENTED ITEMS and _____

- CLOSING:** Sale shall be closed on a day and time mutually agreeable to Buyer and Seller, but not earlier than AS SOON AS POSSIBLE and not later than AS SOON AS POSSIBLE. Buyer shall pay any closing fee charged by a title company, except Seller shall pay said closing fee and wood destroying insect inspection fee(s) if required by a VA lender. Seller shall pay real estate transfer taxes at the time the deed is delivered.
- POSSESSION:** Buyer shall be entitled to possession of The Property as follows: (Check one box)
 At the completion of closing. OR
 Seller shall pay to Buyer at closing, a non-refundable delayed possession fee of \$ _____, and shall have the right to possession of The Property until 11:59 p.m. on the _____ day after the day of closing.

Seller shall not be entitled to possession after the time agreed above. Unless otherwise provided in writing and signed by Buyer and Seller, Seller shall provide possession of The Property free from the rights of any other person or entity, including, but not limited to, tenants.

At the time of transfer of possession of The Property, Seller shall have removed all personal property (unless otherwise stated in this or an additional written agreement), made arrangements for final payment on all utilities, and shall deliver all keys to Selling Broker or Buyer.

The Property shall be free and clear of trash and debris; buildings and improvements shall be left in broom-clean condition. Seller shall maintain The Property in its present condition until time of possession in this transaction, normal and reasonable wear excepted. Seller shall pay for utilities and for any repairs due to damage caused by the Seller to the Property after closing and before transfer of possession. Seller is responsible for obtaining any insurance Seller deems necessary covering Seller to the time of transfer of possession.

If Seller fails to give possession to Buyer as provided, Seller shall pay Buyer \$ _____ for each day that Seller retains The Property beyond the agreed time and shall be liable for all court costs and reasonable attorney fees incurred by Buyer in obtaining possession and collecting the amount due.

- ATTACHMENTS:** No Yes Attachments and/or addendum #: _____

* lot 1 of lot 65

7. **DISCLAIMER:** Buyer understands and agrees that the real estate Brokers and Salespersons do not warrant: (i) The Property's boundaries, the size of the land, the size of the buildings and improvements; (ii) the condition of The Property; or (iii) that appropriate permits were obtained for repairs or other work performed on buildings or improvements. Buyer understands and agrees that the real estate Brokers and Salespersons also do not assume any responsibility for the representations made by Seller. It is further understood that no representations or promises have been made to Buyer by the real estate Brokers or Salespersons, or by Seller other than those contained in this Agreement or as otherwise made or given by Seller to Buyer in the written disclosure statement(s). Buyer and Seller both understand that Brokers and Salespersons are not environmental experts. Unless expressly contained in a written instrument signed by the Brokers, Brokers and Salespersons have no knowledge of, and make no representations regarding (a) the environmental condition of The Property, (b) the existence of underground storage tanks at The Property now, or in the past, (c) whether The Property is, has been or may be listed as a site of environmental contamination, or (d) whether any such sites are located in the proximity of The Property. If Buyer or Seller requests the Brokers or Salespersons to recommend inspectors, repairmen or other professionals, Buyer and Seller agree that the Brokers and Salespersons shall not be liable for errors or omissions made by said inspectors, repairmen or other professionals.

8. **BUYER INVESTIGATIONS:** Buyer acknowledges that Buyer has been advised to carefully evaluate The Property to determine its condition. Buyer is aware that inspectors and inspection services are available to aid Buyer in these evaluations. Items Buyer should evaluate include, but are not limited to, the following: structural integrity; condition of mechanical systems; infestation by termites or other wood-destroying insects; environmental concerns such as underground storage tanks or abandoned uncapped wells; health or safety issues, including radon and mold.

Buyer further acknowledges that Buyer has been advised to carefully investigate The Property to determine its suitability for Buyer's intended use. Items that Buyer should investigate include, but are not limited to: zoning; assessed valuation, including the Principal Residence Exemption status and any possible changes to that status; the size of the land; the size of the buildings and improvements; the availability of utilities, including the cost to extend or hook-up; soil erosion or settling; the existence of wetlands; the availability of homeowner's insurance or flood insurance at a cost acceptable to Buyer.

Buyer shall have 10 days from the last dated acceptance of this Agreement ("Investigation Period") to investigate The Property. During the Investigation Period, Buyer and Buyer's representatives shall have reasonable access to The Property to conduct investigations as Buyer deems necessary. Buyer agrees to defend, indemnify and hold Seller harmless from any physical damage to persons or property resulting from such investigations. To the extent The Property is damaged due to any of Buyer's investigations or investigators, Buyer agrees to restore The Property to its original condition. Buyer is solely responsible for ordering and paying for any inspections and evaluations, except, if Buyer has elected to use VA financing, Seller shall pay for the wood destroying insect inspection at closing.

If any inspection reveals conditions unacceptable to Buyer, Buyer shall deliver to Seller a written request for corrective action(s) along with a copy of any applicable documentation/report(s) AND ANY APPLICABLE WRITTEN COST ESTIMATE(S). These must be delivered to Seller or Listing Broker within the Investigation Period. Seller shall respond in writing to Buyer or Selling Broker within five (5) days as to whether Seller will agree to pay for and/or perform said requested corrective action(s). If Seller does not accept Buyer's request, or fails to respond, Buyer shall have three (3) days from receipt of Seller's written refusal, if any, or from the expiration of Seller's allowed time, to terminate this Agreement in writing.

Alternatively, if any evaluation or investigation reveals a condition unacceptable to Buyer, Buyer may terminate this Agreement in writing provided that such termination identifies the unacceptable condition and is delivered to Seller or Listing Broker within the Investigation Period. If requested by Seller, Buyer shall provide Seller with a copy of any inspection report or documentation of unacceptable condition.

BUYER AGREES THAT THE CONTINGENCIES IN THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO DELIVER WRITTEN NOTICE OF BUYER'S PROPOSED RESOLUTION TO SELLER OR SELLER'S AGENT WITHIN THE INVESTIGATION PERIOD OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE.

IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS-IS" CONDITION AS OF THE DATE OF CLOSING.

9. **LOCATION OF BOUNDARIES AND IMPROVEMENTS:** Buyer may at Buyer's expense, obtain a survey or mortgage report of The Property. If the survey or mortgage report: (1) reveals material differences in The Property's boundaries or land area from that which was represented by Seller in writing, or (2) reveals encroachments, setback violations, or matters which would interfere with Buyer's intended use of The Property ("Survey Defects"), Buyer shall furnish Seller with a copy of the survey or mortgage report, along with a written request that Seller correct the Survey Defect(s). These must be received by Seller no later than fifteen (15) days after delivery of the title commitment referenced in Paragraph 14 to Buyer or Selling Broker. Seller shall respond in writing to Buyer within five (5) days as to whether or not Seller will correct the Survey Defect(s). If Seller does not agree to do so or fails to respond, Buyer shall have three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time, to terminate this Agreement in writing.

BUYER AGREES THAT THIS CONTINGENCY SHALL BE DEEMED WAIVED IF (1) BUYER FAILS TO PROVIDE SELLER WITH A SURVEY OR MORTGAGE REPORT OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE. IF THIS CONTINGENCY IS WAIVED AND BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE LOCATION OF THE PROPERTY BOUNDARIES AND IMPROVEMENTS, "AS IS".

10. **WELL/WATER/SEPTIC SYSTEM EVALUATIONS:** If The Property is serviced by a water well, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report from the County Health Department or the private well evaluation company listed in Paragraph 11, covering the well and tests for nitrates and bacteria in the water by either the County Health Department or other government approved laboratory. Any water evaluation beyond tests for nitrates and bacteria shall be Buyer's responsibility and Buyer's expense. If The Property is serviced by a septic system, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report covering the condition of the septic system by the local County Health Department or the private septic evaluation company named in Paragraph 11. Seller further agrees to have the septic tank pumped if required by the local County Health Department.

If the evaluation report(s) in any of the above circumstances disclose(s) a condition which Buyer reasonably deems unacceptable, Buyer shall notify Seller or Listing Broker of such condition and requested corrective action in writing within five (5) days of the date Buyer has received the applicable report(s). If Seller does not agree or fails to respond within fifteen (15) days of Buyer's requested corrective action, Buyer shall have the right to terminate this Agreement by providing written notice to Seller or Listing Broker within three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time.

BUYER AGREES THAT THE CONTINGENCY PROVIDED BY THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO PROVIDE WRITTEN NOTICE OF A CONDITION DEEMED UNACCEPTABLE WITHIN FIVE (5) DAYS AFTER BUYER HAS RECEIVED THE APPLICABLE REPORT(S) OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE.

IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS IS" CONDITION AS OF THE DATE OF CLOSING.

11. PRIVATE WELL AND/OR SEPTIC EVALUATION COMPANIES: Buyer and Seller agree that the following shall be used to evaluate the well/water/septic system per Paragraph 10: For evaluation of the well and water: NA. For evaluation of the septic system: NA. A blank line shall indicate the agreement of Buyer and Seller to use the local County Health Department.

12. SOURCE OF FUNDS: This Agreement:

A. IS NOT CONTINGENT on the sale or exchange of any real or personal property by Buyer. BUYER REPRESENTS THAT THE FUNDS NECESSARY TO COMPLETE THIS AGREEMENT (ON THE TERMS SPECIFIED) ARE CURRENTLY AVAILABLE TO BUYER IN CASH OR AN EQUALLY LIQUID EQUIVALENT.

B. IS CONTINGENT ON:

(1) THE CLOSE OF THE PENDING SALE OF BUYER'S PROPERTY located at _____ . A copy of the agreement(s) to sell or exchange Buyer's property is being delivered to Seller or Listing Broker along with this offer. Buyer shall notify Seller or Listing Broker in writing within 48 hours of any changes in the terms or progress of said agreement(s) that will delay or materially affect the consummation of this Agreement. In such an event, Seller may terminate this Agreement by written notice to Buyer or Selling Broker within 48 hours of receipt of said notice from Buyer. Failure of Buyer to notify Seller of such changes, or a default by Buyer in said agreement(s), shall be considered a default in this Agreement.

(2) OTHER: _____

13. METHOD OF PAYMENT: All moneys must be paid in US funds by cash, certified check, cashier's check, or money order. The sale will be completed upon Seller's delivery of a warranty deed conveying marketable title by the following method:

A. CASH. Buyer will pay the sales price by cash, certified check, cashier's check or money order. *personal confidential*

B. NEW MORTGAGE. This Agreement is contingent upon Buyer's ability to obtain a(n) rate or (type) mortgage loan in the amount of \$ 10,000.00 or _____ % of the purchase price. Buyer shall apply for the loan from City of Lubbock *resources* (name of financial institution - Lender) within 1 days of the last dated acceptance of this Agreement. Loan application shall include the payment of any appraisal fee, application fee, and all other costs customarily charged by Lender for loan approval. Buyer acknowledges that failure to complete the loan application as agreed shall constitute a default by Buyer. Buyer shall take no action that would impair Buyer's credit or ability to obtain the loan and shall accept such loan if offered. Buyer may waive this mortgage loan contingency by written notice to Seller or Listing Broker and pay cash as provided in sub-Paragraph A above.

Seller may terminate this Agreement by written notice to Buyer or Selling broker if Buyer fails to provide Seller or Listing Broker with evidence of loan approval by 5:00 p.m. Feb 4, 2013 ("Loan Approval Deadline Date"). If Buyer is unable to obtain written verification of Lender's approval, Buyer may provide oral verification from Lender to Seller or Listing Broker. If said loan approval is acceptable to Seller, no response shall be necessary.

If Seller reasonably determines that the evidence of loan approval is inadequate or unacceptable and if Seller therefore wishes to terminate, Seller must deliver written notice of termination of this Agreement by 5:00 p.m. on the third day after the Loan Approval Deadline Date. If Seller so terminates, Buyer may waive this mortgage contingency and void the termination by delivering written notice of such waiver to Seller or Listing Broker by 5:00 p.m. on the third day after Seller's delivery of termination. If Buyer waives this mortgage contingency and subsequently fails to close due to Buyer's failure to secure financing, Buyer shall be considered in default in this Agreement.

BUYER HEREBY INSTRUCTS LENDER TO RELEASE TO SELLING BROKER AND SELLER OR LISTING BROKER INFORMATION CONCERNING COMPLETION OF LOAN APPLICATION AND STATUS OF LOAN APPROVAL.

C. LAND CONTRACT. Buyer shall pay \$ _____ upon execution and delivery of Land Contract Form No. 2020. The balance of \$ _____ shall be payable in monthly installments of \$ _____ or more including interest at _____ percent per annum, computed monthly. The first payment shall be due thirty (30) days after closing. Buyer shall pay the entire balance, which may require a balloon payment, within _____ years after closing. Buyer shall: pay taxes and insurance directly; or add one-twelfth of estimated annual taxes and insurance to monthly principal and interest and Seller shall pay taxes and insurance. Land contract preparation costs shall be paid by Seller.

This Agreement is contingent upon Seller's review and acceptance of credit and financial information on Buyer. Buyer agrees to provide such information to Seller or Listing Broker within five (5) days of the last dated acceptance of this Agreement. Seller may rescind this Agreement by delivering written notice to Buyer or Selling Broker within ten (10) days of the last dated acceptance of this Agreement if Buyer has not furnished evidence acceptable to Seller, in Seller's sole discretion, of Buyer's credit and capacity to purchase The Property. Seller understands that the Brokers and Salespersons make no representations concerning Buyer's financial qualifications.

D. OTHER FINANCING. As per attached addendum # _____.

14. SELLERS DISCLOSURE STATEMENT: BUYER HAS HAS NOT RECEIVED A COMPLETED AND SIGNED COPY OF THE SELLER'S DISCLOSURE STATEMENT # _____ DATED OR REVISED _____. SELLER HEREBY CERTIFIES THAT, TO THE BEST OF SELLER'S KNOWLEDGE, THE INFORMATION CONTAINED IN SUCH SELLERS DISCLOSURE STATEMENT IS CURRENT AS OF THE DATE OF THIS AGREEMENT. FURTHER, SELLER AGREES TO INFORM BUYER IN WRITING OF ANY CHANGES IN THE CONDITION OF THE PROPERTY RELATING TO THE INFORMATION CONTAINED IN SUCH DISCLOSURE STATEMENT.

15. LEAD BASED PAINT DISCLOSURE STATEMENT: BUYER HAS HAS NOT RECEIVED AN EPA PAMPHLET "PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME" AND A COMPLETED AND SIGNED COPY OF THE SELLER'S LEAD BASED PAINT DISCLOSURE STATEMENT # NA.

If the Property was constructed prior to January 1, 1978, Buyer will not be obligated to the terms of this Agreement unless the above documents are received by Buyer. If the above documents are received after the last dated acceptance of the Agreement, Buyer shall have the right to terminate this Agreement within 72 hours after Buyer's receipt of the above documents if the Seller's Lead Based Paint Disclosure Statement indicates any condition unacceptable to Buyer. If Buyer fails to terminate this Agreement within said 72 hours, Buyer's right to terminate under this provision shall be considered waived. BUYER WAIVES OR REQUESTS LEAD BASED PAINT INSPECTIONS TO BE PERFORMED PER LEAD-BASED PAINT ADDENDUM # _____, WHICH IS ATTACHED HERETO.

16. **TITLE EVIDENCE:** Seller agrees to convey marketable title to The Property subject to conditions, limitations, building and use restrictions and easements of record ("Exceptions"). As evidence of marketable title, Seller shall furnish Buyer, at Seller's expense, an ALTA 98 Owner's Policy of Title Insurance, if available, in the amount of the purchase price. Seller shall order the commitment for such policy, along with copies of the Exceptions, and shall deliver same to Buyer or Selling Broker within ten (10) days after the last dated acceptance of this Agreement. If a survey or mortgage report is required by the title commitment, it shall be completed at Buyer's expense in accordance with Paragraph 9 LOCATION OF BOUNDARIES AND IMPROVEMENTS. If an ALTA 98 policy is not available or if Buyer declines the ALTA-required survey or mortgage report cost, Seller agrees to provide and Buyer agrees to accept an Owner's Policy of Title Insurance with standard exceptions.

If the title insurance commitment discloses any title defect(s) or anything in the Exceptions which would interfere with Buyer's intended use of The Property, Buyer must notify Seller or Listing Broker, in writing, of Buyer's objections within five (5) days of Seller's delivery of the title insurance commitment and Exceptions. Further, if, prior to closing, Buyer shall become aware of new title defect(s), Buyer must notify Seller or Listing Broker, in writing, within five (5) days of Buyer becoming aware of such defect(s).

If Seller receives any such notification, Seller shall have either thirty (30) days from Buyer's delivery of written objection(s) or until the latest closing date set forth in Paragraph 3 of this Agreement, whichever first occurs, to resolve Buyer's objection(s). If Seller is unable to cure the title defect(s), or unable or unwilling to resolve Buyer's objection(s) to Exceptions, within this time period, Buyer may terminate this Agreement in writing and receive a full refund of the earnest money deposit or proceed to closing, accepting the status of the title "AS IS".

17. **PRORATIONS:** Items normally prorated in real estate transactions, including association fees, rental income, taxes as discussed below, interest on any existing land contract, mortgage, or lien assumed by Buyer shall be adjusted to the date of closing in accordance with the calendar year. All rental security deposits shall be paid to Buyer at closing.

18. **REAL ESTATE TAXES:** Current real estate taxes shall be prorated to the date of closing and shall be deemed to cover the calendar year in which they become due and payable. Taxes shall be deemed due and payable as follows: Summer taxes - July 1st or August 1st; Winter taxes - December 1st. If the actual tax bill(s) for the year have not been determined by the municipality at the time of closing, taxes shall be estimated by multiplying the current taxable value by the most recently available tax rate. If The Property's Principal Residence Exemption ("PRE") status for the calendar year in which the closing occurs will change as a result of the closing, the tax rate associated with the new PRE status shall be used.

If the current PRE percentage claimed by Seller is greater than zero, Seller represents that such claim by Seller is accurate and lawful. Such representations shall survive the closing. Seller shall defend, indemnify and hold harmless Buyer from any loss, claim or damage resulting from any inaccuracy in such representations. Such loss, claim or damage shall include, but shall not be limited to, any loss, claim or damage resulting subsequently to Buyer from the tax proration calculation made at the time of closing or from the change in PRE status by the municipality for any prior years. Seller shall also be responsible for actual, reasonable attorney fees incurred by Buyer in enforcing the provisions of this paragraph, regardless of whether suit is actually filed. The representations and obligations under this paragraph may only be terminated by a separate written document signed by Buyer and Seller specifically referring to this paragraph by number.

19. **SPECIAL ASSESSMENTS:** The outstanding balance of the amount owing of the lien of any special assessments shall be paid by Seller at the time of closing, except that special assessments becoming a lien after the last dated acceptance of this Agreement shall be paid by Buyer.

20. **WATER/SEWER CHARGES:** Seller shall be responsible for water and sewer charges until date of possession. The cost of water and sewer hookups after closing shall be paid by Buyer. If The Property is not presently served by these utilities, Buyer is advised to consult with the local units of government for information regarding when and if such hookup is or may be required, feasibility and cost of such hookup, and whether any assessment will be imposed at that time.

21. **LIQUID FUEL:** Seller agrees that the existing supply of liquid heating and cooking fuel shall be depleted only in the course of normal usage. Buyer shall be entitled to all such fuel owned by Seller and located or stored upon The Property at the time of possession. Buyer acknowledges Buyer has been advised to determine whether any existing supply of L.P. is owned by Seller or the supplier.

22. **SELLER'S REPRESENTATIONS:** The following representations shall survive the closing and, except as otherwise disclosed in writing, Seller represents to the best of Seller's knowledge and belief that:

- A. There are no existing violations of any laws, statutes, ordinances, regulations, orders or requirements of any governmental authority affecting The Property.
- B. There is no pending or threatened litigation, administrative action or claim relating to The Property.
- C. The Seller is the owner of title to The Property in the condition required for performance hereunder.

If The Property is rented to tenants:

- D. As referenced in paragraph 5, Seller shall notify Buyer or Selling Broker in writing of the possession rights of any person or entity, including, but not limited to, tenants. Seller shall provide copies of all leases and security deposit information to Buyer or Selling Broker within three days of the last dated acceptance of this Agreement. This Agreement is contingent upon Buyer's written acceptance of such possession rights, leases and security deposit information within five days of receipt of such notice and copies. If Seller does not provide such notice and copies within such three days, Seller warrants that no other person or entity has possession rights. If Buyer receives such notice and copies and neither accepts nor rejects such items within the five days, Buyer shall be deemed to have accepted them and this contingency shall be deemed satisfied.
- E. Notice of the tenants occupying The Property shall be entitled to any concessions, rebates, allowances or free rent for any period after the Closing Date.
- F. After the date hereof, the Seller will not enter into any agreement pertaining to The Property or any modification of, or release from, an existing lease or rental agreement, without the prior written consent of Buyer.

23. **FINAL INSPECTION:** Buyer shall have the right to inspect The Property within seventy-two (72) hours prior to closing to make sure that the real estate and personal property are in place and in a condition that is not substantially different from the condition at the time of Buyer's offer per this Agreement, or as improved by any agreed-upon corrective action. If substantial differences have occurred, then Buyer shall immediately notify Seller and/or Listing Broker in writing, of said differences and Buyer's requested corrective action. The parties shall be deemed to have settled such differences as of close of sale. Broker(s) and/or Salesperson(s) have no responsibility for the condition of The Property.

24. **DISCLOSURE:** Buyer acknowledges Buyer has been advised that Seller and Seller's agent may not consider the existence of or terms of Buyer's offer to be confidential. Buyer and Seller further acknowledge that the sale price and terms will be disclosed to the Greater Kalamazoo Association of REALTORS[®] MLS/KARIN/SWMRIC, who may use it in the ordinary course of business.
25. **UNPLATTED LANDS:** Seller represents that this Property is not a new land division under the Land Division Act and Seller owns no other contiguous, unplatted land unless otherwise disclosed in writing. Seller is transferring to Buyer all available divisions, if any, under Section 108 of the Land Division Act but makes no representations as to the number. Buyer has not relied on any information or opinions of the Broker(s) or Salesperson(s) on this matter.
26. **LEGAL COUNSEL:** Buyer acknowledges that Broker(s) and/or Salesperson(s) have recommended that Buyer retain an attorney to pass upon the marketability of title to The Property. Both Seller and Buyer acknowledge that Broker(s) and/or Salesperson(s) have recommended that they each retain an attorney to ascertain that the requirements of this Agreement have been met.
27. **DUE ON SALE: SELLER UNDERSTANDS THAT SELLING OR TRANSFERRING THE PROPERTY DOES NOT RELIEVE SELLER OF ANY MORTGAGE OBLIGATION OR OTHER INDEBTEDNESS TO WHICH THE PROPERTY IS SUBJECT, UNLESS OTHERWISE AGREED TO BY THE LENDER OR REQUIRED BY LAW OR REGULATION.**
28. **CONSENT TO FEES:** Buyer and Seller acknowledge that Brokers may be offered placement fees, finder's fees or other consideration from others who become involved in the sale of The Property. Buyer and Seller hereby grant Broker(s) permission to receive such fees and/or consideration, unless otherwise agreed in writing.
29. **CASUALTY:** In the event that, on or before the closing date, any buildings or other improvements on The Property shall be damaged by fire, storm or other casualty, and the cost to repair same is in excess of 10% of the sales price, either party shall have the right to rescind this Agreement by written notice to the other party within seven (7) days after receiving notice of such casualty, and Buyer shall be entitled to a refund of any earnest money.
30. **ARBITRATION:** Seller and Buyer acknowledge that they have been informed that any claim or dispute between them over the disposition of any earnest money deposits, or arising out of or related to the physical condition of The Property or brokerage fees covered by this Agreement, may be arbitrated by separate agreement of the parties. Arbitration Agreement forms may be obtained from the Greater Kalamazoo Association of REALTORS[®].
31. **EARNEST MONEY RESOLUTION:** If this Agreement is not closed in the time and manner provided, the Selling Broker shall have the right, but is not obligated, to propose a final disposition of the earnest money deposit in writing to Buyer or Buyer's Salesperson and to Seller or Seller's Salesperson. Unless Broker, within thirty (30) days of the date of giving such notice, receives different instructions in a written instrument signed by both parties, or is furnished written evidence that a lawsuit has been filed relating to enforcement or termination of this Agreement or disposition of the earnest money deposit, all parties shall be deemed to have agreed to Broker's proposed disposition of the earnest money deposit. If a party objects and no mutually agreeable disposition can be negotiated, Broker may deposit the funds by interpleader with a court of proper jurisdiction or await further actions by the parties. In the event of litigation involving the deposit, in whole or in part, the non-prevailing Buyer or Seller, as determined by the court, shall reimburse the other for reasonable attorneys' fees and expenses incurred in connection with the litigation, and shall reimburse Broker for any reasonable attorney's fees and expenses incurred in connection with the interpleader action instituted.
32. **COUNTERPARTS/SIGNATURES:** This Agreement may be signed in one or more counterparts each of which will be deemed to be an original copy of this Agreement and all of which, when taken together will be deemed to constitute one Agreement. The exchange of copies of this Agreement and signature by facsimile or other similar electronic device shall constitute effective execution and delivery of this Agreement as to the parties, and may be used in lieu of the original Agreement for all purposes. Copies shall be deemed to mean any duplicate, reproduction or similar or exact imitation of the original executed Agreement. Signatures of the parties transmitted by facsimile or other similar device shall be deemed to be their original signatures for all purposes and shall be deemed valid and binding upon the parties as if their original signatures, initials and modifications were present on the documents in the handwriting of each party. Neither Buyer nor Seller shall assert the statute of frauds or non-enforceability or validity of this Agreement because of facsimile or similar electronic device copies being used, and both parties specifically waive and relinquish any such defense. Each party agrees to provide an original signed document to the other upon request.
33. **HOME PROTECTION PLAN:** Buyer and Seller have been informed that home protection plans are available. Such plans may provide additional protection and benefit to the parties.

34. OTHER PROVISIONS: Purchaser is eligible for \$30,000 grant.
Letter attached.

Seller to professionally write proof basement prior to closing. Seller also to complete repairs to condition prior to recent incidence of vandalism. Back yard light to be functioning.

35. DEFAULT: If Buyer defaults, Seller may enforce this Agreement, or may declare Buyer's right to purchase terminated, retain the deposit, and pursue Seller's legal remedies. If Seller defaults, Buyer may enforce this Agreement, or may demand return of the earnest money and pursue Buyer's legal remedies. Broker(s) and Salesperson(s) have no responsibility for the performance of this Agreement by the parties.

36. EARNEST MONEY: Buyer is depositing \$ 500- (cash) (check) (note) with Broker as earnest money evidencing good faith. Broker is required by law to deposit the earnest money in a separate custodial or trust account within two (2) banking days after this Agreement is signed by all parties. If the offer made is not accepted or if the sale is not closed due to a failure to satisfy a contingency specified herein for a reason other than the fault of Buyer, the earnest money shall be refunded to Buyer. The earnest money will be applied to the purchase price at closing.

ACCEPTANCE

WHEN SIGNED BY BOTH PARTIES, BUYER AND SELLER AGREE THAT THIS SHALL BE A BINDING AGREEMENT FOR THE SALE AND PURCHASE OF THE PROPERTY. DELIVERY OF ACCEPTANCE OF THIS OFFER AFTER SIGNING BY THE PARTIES IS NOT NECESSARY TO CREATE A BINDING AGREEMENT.

37. TIME IS OF THE ESSENCE: TIME IS OF THE ESSENCE WITH RESPECT TO THIS AGREEMENT. TIME LIMITS SHALL BE STRICTLY OBSERVED.

38. AUTHORIZATION: Buyer gives Broker until 2/4, 2013 5:00 AM/PM to obtain Seller's written acceptance of Buyer's offer.

39. FINAL AGREEMENT: THIS AGREEMENT EXPRESSES THE ENTIRE UNDERSTANDING BETWEEN BUYER AND SELLER CONCERNING THIS TRANSACTION AND SUPERCEDES ALL PREVIOUS UNDERSTANDINGS, WHETHER ORAL, WRITTEN OR ELECTRONIC, INCLUDING ANY PROMOTIONAL MATERIALS OR LISTING DESCRIPTIONS. No modifications of this Agreement shall be binding unless in writing and signed by Buyer and Seller. In signing below, Buyer and Seller acknowledge that they have read the Agreement carefully before signing and have received copies of pages 1, 2, 3, 4, 5 & 6 as well as any attachments.

40. FUTURE NOTICES: Buyer and Seller authorize Broker(s) to use the contact information set forth below for notices after the last dated acceptance of this Agreement. During the term of this Agreement, Buyer and Seller agree to notify Broker(s) of any contact information changes. The contact information set forth below shall not constitute a material part of this Agreement and any addition or modification of the same shall not constitute a rejection of an offer, the creation of a counteroffer or an amendment to this Agreement. Any future notices required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given: (i) at the time of personal delivery; or (ii) at the time sent by facsimile (with a successful facsimile confirmation sheet); or (iii) at the time sent by electronic mail. Future notices shall be given to Buyer's or Seller's Broker and shall constitute notice given to Buyer or Seller, respectively. If Buyer or Seller is not represented by a Broker, future notices shall be given to such Buyer or Seller directly.

Salesperson Name (print): Andrew DeVault Buyer: Deborah E. Woodward
Salesperson Phone: 269-3411 Fax: 269-5677710 Print Legal Name (as you wish it to appear on final papers)
Salesperson Email: adevau11@jagarealtors.com X Buyer
Buyer Street Address: 805 Stuart Avenue X Buyer
City: Kalamazoo State: MI Zip: 49007 Print Legal Name (as you wish it to appear on final papers)

SELLER'S RESPONSE: (Date/Time) Jan 4, 2013, 11:30 A.M./P.M.

41. THE ABOVE TERMS OF SALE ARE (Check one) ACCEPTED AS OFFERED SUBJECT TO COUNTEROFFER NO. _____

Salesperson Name (print): _____ X Seller: Dorla Bonner for City of Kalamazoo
Salesperson Phone: _____ Fax: _____ Dorla Bonner
Salesperson Email: _____ Print Legal Name (as you wish it to appear on final papers)
Seller Street Address: _____ X Seller
City: _____ State: _____ Zip: _____ Print Legal Name (as you wish it to appear on final papers)

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Promissory Note

\$ 500 —

Dated 1.3.13

For value received, I / we jointly and severally promise to pay to the order of JAQUA REALTORS (Broker)
at 221 South Drake Road (Broker's Address)
Five hundred + 00/100 Dollars
on or before FINAL ACCEPTANCE

This Note is made in the State of Michigan and shall be governed and construed in accordance with its laws and the maker hereof acknowledges that the Courts of the State of Michigan shall have jurisdiction over the enforcement of the terms of this Promissory Note and that the proper venue for the enforcement of same shall lie with the appropriate Court within the County of Kalamazoo, Michigan.

The undersigned acknowledges that failure to pay this Note on time constitutes a default under a certain Greater Kalamazoo Association of Realtors Buy & Sell Agreement Form No. 125876 for property located at (address) 713 Elizabeth City/ Twp., MI, upon which this Note constitutes the Earnest Deposit and that in addition to any other remedies that may exist, the Seller may declare a default and may terminate the undersigned's rights in the Buy and Sell Agreement.

This Promissory Note does not bear interest.

In the event of default, in addition to any remedies or rights of holder, the undersigned shall pay to the holder, holder's reasonable and actual attorney's fees and expenses incurred by holder in enforcement of any of its rights hereunder.

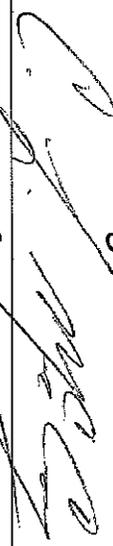
✓ Robert E. W...

Kalamazoo Neighborhood Housing Services, Inc.

*Homebuyers Education
Certificate of Completion*

*Awarded To
Deborah Woodard*

*Presented this 21st Day of May, 2012
Presented By: Kalamazoo Neighborhood Housing Services, Inc.*


*Corinthia McCoy
MSHDA Certified Counselor*



Community Planning and Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

July 10, 2012

Deborah Woodward
805 Stuart Ave.
Kalamazoo, MI 49007

Dear Ms. Woodward,

Congratulations on your eligibility approval for the Kalamazoo Homeownership Opportunity Program. We are so excited that you have chosen to participate in the Kalamazoo Homeownership Opportunity Program (KHOP). I hope that you are just as excited. Your next steps are to:

- Secure financing for your mortgage
- Select your new home
- Complete the Homebuyer Education Program

I am enclosing a letter explaining the amount of subsidy you are eligible for as well as the maximum mortgage amount that the Michigan State Housing Development Association recommends for continued affordability. The goal of KHOP is to not only help you buy a nice home, but to make sure you are able to remain in that home a long time without any financial strains.

Your initial eligibility remains valid for six months from the date you signed the application. If you have not purchased a home within those six months you will have to recertify with KNHS. Any changes in your income may affect the amount of subsidy you are eligible for.

Let me know if you would like a tour of any of the completed homes and I will connect you with the realtor. Call me if you have questions and need further explanations. Sometimes government programs can sound very complicated, but we will help you get through this.

Again congratulations and hope to hear from you soon.

Dorla Bonner

Compliance Specialist

Neighborhood Stabilization Program

(269) 337-8339

(269) 337-8429 Fax

Bonnerd@kalamazoocity.org



Community Planning and Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

To Whom It May Concern:

Deborah Woodward is eligible to purchase a home from the Kalamazoo Homeownership

Opportunities Program. She is eligible for:

_____ \$1,000 toward mortgage + \$2,000 in fees, points and closing costs.*

_____ 15% of list price + \$2,000 in fees, points and closing costs.*

_____ 20% of list price to a maximum of \$30,000 to close affordability gap. (This includes fees, points and closing costs.*

 x \$30,000 or greater depending on selected home to close the affordability gap. (This includes fees, points and closing costs.*

Their approved mortgage amount must be equal to or less than

\$98,680 or,

35% of the list price of the selected home.

**Subsidy amounts are based on the homebuyers' income.*

*** Mortgage amount is based on Michigan State Housing Development Authority guidelines and proforma. This amount may change depending on the interest rate and amount of buyer down payment. A 5% interest rate was used for this calculation.*

**The program does not pay down payments for FHA loans per FHA regulations.*

If you have questions regarding the KHOP or how the subsidy works, please call (269) 337-8339

Dorla Bonner
Neighborhood Stabilization Program
Compliance Specialist I
Community Planning and Development
(269) 337-8339
bonnerd@kalamazoocity.org



Commission Agenda Report

Date: **02/18/13**

Item **F11**

City of Kalamazoo

TO: Mayor Hopewell, Vice Mayor McKinney, and City Commissioners

FROM: Kenneth P. Collard, City Manager, ICMA-CM, P.E.
Reviewed By: Jeff Chamberlain, Director, C. P. & D.
Prepared By: Pete Eldridge, Project Coordinator, C. P. & D.

DATE: January 23, 2013

SUBJECT: Sale of City-owned developed property located at 906 Reed Avenue

RECOMMENDATION

It is recommended that the City Commission approve the sale of the city-owned property at 906 Reed Avenue to Susana Morales Reyes for \$7,300 and authorize the City Manager to sign all related documents.

BACKGROUND

The property at 906 Reed Avenue is a vacant 1,671 square foot duplex.

In 2009, the property was acquired by the Community Planning & Development Department after tax foreclosure. The Community Planning and Development Department obtained the tax foreclosed property with the intent to rehabilitate it. However, City rehabilitation was determined to not be feasible after cost estimates were obtained. The property was then made available for purchase for private rehabilitation.

Susana Morales Reyes approached the Community Planning & Development Department with the intent to purchase the property and rehabilitate the dwelling in December of 2012. There has been no other such inquires for acquisition of this property.

COMMUNITY RESOURCES CONSULTED

The property has been marketed on the City's website since March of 2012.

FISCAL IMPACT

There have been boarding costs to keep this structure secured and also seasonal mowing costs. This sale will remove these properties from the City's inventory.

ALTERNATIVES

The City Commission may elect to deny the request to sell 906 Reed Avenue. This alternative is not recommended as a key outcome of this marketing effort is to facilitate rehabilitation of these dilapidated dwelling units.

ATTACHMENTS

Purchase Agreement

PURCHASE AGREEMENT

This Agreement is entered into between SUSANA MORALES REYES, a single woman, whose address is 1519 Olmstead Road, Lot 54, Kalamazoo, Michigan, 49048 ("Purchaser"), and the CITY OF KALAMAZOO, a Michigan municipal corporation, whose address is 241 West South Street, Kalamazoo, Michigan 49007 ("the City"), and

Recitals:

- A. In 2009, through the delinquent tax reversion process of the state, the City acquired real estate, identified as Parcel No. 06-26-101-002, with the address of 906 Reed Avenue ("Property").
- B. The City has been unsuccessful in its efforts to sell the Property on terms, conditions or other circumstances that were acceptable. Continued ownership of the Property is not cost effective for the City. In these circumstances, and considering the number of vacant, abandoned or foreclosed homes throughout the community, the City adopted a policy to offer such properties for a price that reflects a recoupment of the costs the City incurred in acquiring the Property plus costs incurred in maintaining it.
- C. Purchaser has expressed a desire to purchase the Property from the City for her eventual residence after necessary rehabilitation of the Property is completed. The sale will serve the best interests of the City.
- I. Purchaser and the City desire to enter into this Purchase Agreement ("Agreement") for the mutual benefit of both parties, subject to the following terms and conditions.

NOW, THEREFORE, the parties agree as follows:

1. DESCRIPTION OF THE PROPERTY. The Property, as described above, is located in the RD-19 zoning district and covers approximately .11 acres. The legal description for the Property is as follows:

Parcel No. 06-26-101-002: Beginning on the south line of Reed Street (now Avenue) 221.67 feet West of the west line of Race Street; thence South 7 rods parallel with said west line; thence West 41.34 feet; thence North 7 rods to said south line; thence East 41.34 feet to place of beginning.
2. CONSIDERATION. Purchaser agrees to purchase the Property from the City for the sum of Seven Thousand Three Hundred Dollars (\$7,300.00) (the "Purchase Price"), and other good and valuable consideration as set forth in this Agreement. The City agrees to convey the Property by a covenant deed, in which the City covenants that it has not done or suffered anything that would have encumbered the Property during its ownership, to Purchaser simultaneously upon receipt of the Purchase Price.

3. TITLE INSURANCE. At the sole option and expense of Purchaser she may obtain a commitment to issue an owner's title insurance policy insuring Purchaser ("Title Commitment"). The Title Commitment must be acceptable to Purchaser in the reasonable exercise of her sole discretion. The City shall provide any surveys, affidavits and certificates required by the title insurance company if Purchaser elects to have the title policy without exceptions or with additional endorsements. Purchaser is responsible for paying the premium for the title policy and any added premium charged for a policy without exceptions and any such additional endorsements.

If Purchaser has obtained a Title Commitment, she shall notify the City within twenty (20) days after Purchaser's receipt of the Title Commitment whether there are any unacceptable issues ("Defects") regarding title for which City is responsible. The City shall remove each Defect for which it is responsible at its expense on or before the closing date. If the City fails or refuses to remove any Defect, then Purchaser may: (i) proceed to closing, waiving the Defect at issue; or (ii) terminate this Agreement by a written notice to City, and neither City nor Purchaser shall have any further liability to the other under this Agreement.

City agrees not to take any action between the time of execution of this Agreement and the closing that will cause any lien or encumbrance to the Property.

4. INSPECTION. Purchaser and its agents, consultants, and designees ("Purchaser's Agents") may from time to time inspect the Property prior to the closing, and may enter the Property to perform the inspections referenced in this Agreement. Promptly upon City's acceptance of this Offer, City shall provide to Purchaser, or make available for review by Purchaser and/or Purchaser's agents, copies of any prior environment assessments, title commitments or surveys for the Property.
5. CITY'S REPRESENTATIONS AND WARRANTIES. To the best of its knowledge, the City represents and warrants to Purchaser, now and through the closing date, as follows:
 - A. There are no claims, legal proceedings or investigations by governmental entities relating to the Property, other than any lien against the Property for the costs incurred by the City in acquiring or improving the Property, which will be waived at closing.
 - B. There are no agreements, contracts, or leases, written or oral, which affect the Property in any manner other than this Agreement;
 - C. There is no pending or proposed special assessment affecting or which may affect the whole or any part of the Property.
6. CONTINGENCIES. The obligation of Purchaser to close the purchase of the Property is contingent upon:

- A. Purchaser's reasonable satisfaction with the results of any inspections, environment assessments/reports or other due diligent activities done on her behalf regarding the Property;
- B. All representations and warranties of the City set forth in this Agreement being true as of the closing date;
- C. The City having timely performed its obligations by the date of closing.

If any contingency is not satisfied by the date of closing, including any extension permitted under Paragraph 10, then Purchaser may terminate this Agreement by written notice to City.

7. ENVIRONMENTAL ASSESSMENT. Within 30 days from the effective date of this Agreement, Purchaser may, at her own expense and for her own benefit, conduct all appropriate inquiry within the meaning of Part 201 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, (Act 451). If such inquiry identifies the Property as a facility, Purchaser shall complete and submit a Baseline Environmental Assessment ("BEA") to the Michigan Department of Environmental Quality ("MDEQ") as provided under Act 451 (collectively, Due Diligence Activities). Purchaser shall also maintain on file a Due Care Plan.

If Purchaser undertakes Due Diligence Activities, Purchaser shall have 5 days following completion of such activities to give written notice to the City of her election to terminate the Agreement. If written notice is not timely given to the City, Purchaser is considered to have accepted the Property in its "AS IS" condition. The closing shall then occur within the next 30 days (or within 60 days of the effective date of this Agreement), provided however, that all other contingencies under this Agreement have been met or completed. If the Purchaser notifies the City of her intent to terminate this Agreement in accordance with this Paragraph 7, neither party shall have any further rights or obligations under this Agreement.

8. CITY COMMITMENTS. The City agrees to complete the following:

- A. Provide copies of all available environmental reports for the Property. If there are any facts or conditions contained in the reports which are unacceptable to Purchaser, she shall have the right to terminate this Agreement by giving written notice to the City as provided in Paragraph 7.
- B. No official, board member, officer or employee of the City or the City is personally liable to Purchaser or its successor in interest upon a breach or default by the City for any amount payable to Purchaser or its successor or any obligation under this Agreement.

9. PURCHASER COMMITMENTS AND CITY'S RIGHTS OF REVERSION. As additional consideration for this Agreement Purchaser agrees that within 18 months

of closing date she will complete a rehabilitation of the Property as her owner-occupied residence so that the City can issue her a Certificate of Occupancy. Purchaser shall not commence any work on the Property without obtaining the requisite building permits; the latter to be obtained within 6 months of the closing date.

If Purchaser fails to complete the rehabilitation of the Property within 18 months following closing date, the City retains the right, at its option, to reacquire the Property by paying to Purchaser the original Purchase Price, plus an amount above the Purchase Price that reflects the fair market value of the Property considering any improvements Purchaser may have made. If Purchaser and City cannot agree on this added value within 30 days, then City shall, at its expense, have the Property appraised by a licensed real estate appraisal. The appraised value of the Property shall determine what amount, if any, over the Purchase Price is owed Purchaser for such improvements to the Property.

10. CLOSING. Subject to Paragraph 7, the closing shall occur on a date mutually agreeable to the parties, but in no event later than 60 days from the effective date of this Agreement. Regardless of the preceding, Purchaser shall have the right to extend the closing date for an additional 30 days to complete necessary Due Diligence Activities or to attempt to satisfy contingencies.
11. POSSESSION. Purchaser shall be entitled to sole and exclusive possession upon payment of the purchase price and receipt of the covenant deed to the Property.
12. TAXES. The Property is currently exempt from the payment of taxes. Beginning with December 31 of the year in which Purchaser acquired the Property, Purchaser shall be responsible for the taxes, if any, levied against the Property and the personal property located within the Property.
13. ENVIRONMENTAL CONCERNS. Purchaser, having the opportunity to conduct Due Diligence Activities regarding the Property, accepts the Property in "AS IS" condition. The City makes no representations regarding environmental hazards or liabilities on or relating to the Property. The City is under no obligation to perform any cleanup or other remedial action.
14. CITY APPROVAL. The approval by the City Commission for the City of Kalamazoo is required before this Agreement is effective and binding. If such approval is not made within 90 days after Purchaser has signed this Agreement, it shall be deemed null and void and of no force and effect.
15. SURVEY. Purchaser, at her option and expense, may obtain an ALTA survey of the Property ("Survey"). If there are any facts or conditions related to the Survey that adversely impact the Project, Purchaser shall provide notice to the City within 10 days after receipt of the survey, identifying in detail any unacceptable facts or conditions that Purchaser requests the City to cure. If the City is unable or unwilling to cure these facts or conditions within 30 days after receipt of the notice from

Purchaser, she shall have the option to either (i) waive such defects and proceed to closing; or (ii) terminate this Agreement.

16. TIME IS OF THE ESSENCE. The parties agree that in all matters relating to this Agreement, time is of the essence.

17. MAINTENANCE AND CLOSURE. As long as Purchaser, or any entity in which Purchaser has a controlling interest, owns the Property, Purchaser agrees to continue to maintain the property in accordance with all applicable federal, state or local laws, ordinances, specifically to include building, housing or zoning codes.

18. NOTICES. Any notice or other communication under this Agreement by one party to the other shall be in writing, signed by an authorized representative and delivered in person or by certified mail, postage prepaid with return receipt requested to the following:

Purchaser:

Susana Morales Reyes
Prior to closing
1519 Olmstead Rd., Lot 54
Kalamazoo, MI 49048

Subsequent to closing
906 Reed Avenue
Kalamazoo, MI 49001

City:

City of Kalamazoo
ATTN: City Manager
241 West South Street
Kalamazoo, MI 49007

w/copies to the City Attorney at above address

Each party shall notify the other of any changes in the address for the receipt of notices.

19. Real Estate Brokers. Neither party has retained the services of a real estate broker regarding this transaction. If a broker makes a claim for remuneration in connection with the Purchase, the party against whom the claim is made is responsible for paying any commission or other compensation for which the broker is entitled to receive.

20. Miscellaneous.

A. This Agreement shall bind and benefit the City, Purchaser and their respective successors or assigns.

- B. This Agreement may not be amended, altered or modified unless done in writing and signed by representatives of the parties who are so authorized.
- C. This Agreement may be signed in counterparts, which together shall comprise a single agreement.
- D. This Agreement and the exhibits to this Agreement contain all of the representations and statements by the City and Purchaser to one another and express the entire understanding between them with respect to the Purchase. All prior and contemporaneous communications concerning the Purchase are merged in and replaced by this Agreement.

Dated: _____

City of Kalamazoo

By: _____

Kenneth P. Collard

Its: City Manager

Dated: 01-04-12

By: *Susana Morales Reyes*
Susana Morales Reyes

Prepared by:
John W. Kneas
Assistant City Attorney
241 W. South Street
Kalamazoo, MI 49007-4707

K:Attydocs\JOHN\906 Reed Ave. Sales Agmt. - Reyes
12/21/12

Date: **02/18/13**

Item **H1**



City Clerk's Report

February 18, 2013

Correspondence Received

The City Commission has received [correspondence from Downtown Kalamazoo, Inc.](#) providing the required 30-day notice for parking rate increases. The increases will become effective on March 1, 2013.



RECEIVED

JAN 18 2013

Kalamazoo City Clerk

January 16, 2013

**Downtown
Kalamazoo
Incorporated**



Downtown
Development
Authority

Downtown
Tomorrow
Incorporated

DKA Charities
Incorporated

Mr. Scott Borling
City Clerk
City of Kalamazoo
241 W. South St.
Kalamazoo, MI 49007

Dear Scott:

The Downtown Development Authority (DDA) and the City Commission approved the 2013 DDA Budget on January 7, 2013. As a part of that process, the 2013 Parking Budget, including proposed revenue enhancements was also approved. The action approves a 5% increase in daily and monthly parking rates (see attached rate chart).

Per our parking sub-lease agreement with the City, we are required to provide the City Clerk a 30-day notice before these rates are implemented. Therefore, the parking rate increases will become effective on March 1, 2013.

Sincerely,



Steve Deisler
President
Downtown Kalamazoo, Inc.

Attachments

- c. Clyde Robinson
- Jerri Barnett-Moore
- Ex. Lieutenant Randolph
- Mark Nordin
- Leslie Hoffmann
- Deb Houseman

141 East Michigan Ave
Suite 501
Kalamazoo
Michigan 49007
269-344-0795
Fax 269-344-0898

dki@dki.org

www.downtownkalamazoo.org

PROPOSED 2013 RATE INCREASE SCHEDULE

December 26, 2012

HOURLY RATES:

	Current Hourly	Max
Lot 1 - S. Edwards & E. South	\$3.00 Flat Fee	\$3.00
Lot 2 - S. Rose & W. Cedar	\$1.00	\$3.75
Lot 5 - S. Portage & E. Stockbridge	n/a	n/a
Lot 9 - E. Water & N. Edwards	\$1.25 1st Hour \$0.75 per 30 Min thereafter	\$9.25
Lot 13 - S. Rose & W. Lovell	\$1.00	n/a
Lot 16 - W. Eleanor & N. Park	n/a	n/a
Lot 17 - N. Cooley & W. Water	n/a	n/a
Lot 18 - W. Water & N. Cooley	n/a	n/a
Lot 19 - W. Cedar & S. Burdick	\$1.00	n/a
Lot 20 - S. Rose	n/a	n/a
Lot 30 - N. Park & W. Eleanor/N. Cooley	n/a	n/a
Epic Center Ramp 2	\$1.25 1st Hour \$0.75 per 30 Min thereafter	\$9.25
Kalamazoo Mall Ramp 3	\$1.25 1st Hour \$0.75 per 30 Min thereafter	\$9.25
Arcadia Ramp 4	\$1.25 1st Hour \$0.75 per 30 Min thereafter	\$9.25
Attended and Unattended entering the facility from 5:00pm to 9:00pm Monday - Thursday and 5:00pm to 10:00pm Friday and Saturday	\$1.25 1st Hour \$0.75 per 30 Min thereafter	\$3.00
Early Bird - Ramp 2 & 4	n/a	\$3.35
Jury Svc - Ramp 2 & 4	n/a	\$3.35
1/2 Hour Validation - Attended	n/a	\$0.50
1 Hour Validation - Attended	n/a	\$0.84
\$3 After 5pm Validation - Attended	n/a	\$2.00
Part-Time Employee - Ramp 2, 3 & 4	n/a	\$1.75
Part Time Employee Full Day	n/a	\$3.80
Short Term Meter	\$1.50	n/a
Long Term Meter	\$0.20	\$2.00

With Increase	
Hourly	Max
\$3.00 Flat Fee	\$3.00
\$1.00	\$3.75
n/a	n/a
\$1.30 1st Hour \$0.80 per 30 Min thereafter	\$9.70
\$1.00	n/a
n/a	n/a
\$1.00	n/a
n/a	n/a
n/a	n/a
\$1.30 1st Hour \$0.80 per 30 Min thereafter	\$9.70
\$1.30 1st Hour \$0.80 per 30 Min thereafter	\$9.70
\$1.30 1st Hour \$0.80 per 30 Min thereafter	\$9.70
\$3.00 Flat Fee	\$3.00
n/a	\$3.50
n/a	\$3.50
n/a	\$0.53
n/a	\$0.87
n/a	\$2.00
n/a	\$1.75
n/a	\$4.00
\$1.50	n/a
\$0.20	\$2.00

MONTHLY RATES:

Current			With Increase		
General	Reserved	Resident	General	Reserved	Resident
\$52.00	n/a	\$36.00	\$54.00	n/a	\$37.00
\$45.00	n/a	n/a	\$47.00	n/a	n/a
\$27.00	n/a	n/a	\$28.00	n/a	n/a
\$80.00	\$113.00	\$54.00	\$84.00	\$118.00	\$56.00
n/a	n/a	n/a	n/a	n/a	n/a
\$52.00	n/a	n/a	\$54.00	n/a	n/a
\$52.00	n/a	n/a	\$54.00	n/a	n/a
\$52.00	n/a	n/a	\$54.00	n/a	n/a
n/a	n/a	n/a	n/a	n/a	n/a
\$52.00	n/a	n/a	\$54.00	n/a	n/a
\$52.00	n/a	n/a	\$54.00	n/a	n/a
\$82.00	\$114.00	\$57.00	\$86.00	\$119.00	\$59.00
\$82.00	\$114.00	\$57.00	\$86.00	\$119.00	\$59.00
\$82.00	\$114.00	\$57.00	\$86.00	\$119.00	\$59.00
n/a	n/a	n/a	n/a	n/a	n/a
\$65.00	n/a	n/a	\$68.00	n/a	n/a
n/a	n/a	n/a	n/a	n/a	n/a
\$50.00	n/a	n/a	\$53.00	n/a	n/a
\$84.00	n/a	n/a	\$87.00	n/a	n/a
\$200.00	n/a	n/a	\$200.00	n/a	n/a
\$175.00	n/a	n/a	\$175.00	n/a	n/a
\$380.00	n/a	n/a	\$400.00	n/a	n/a
n/a	n/a	n/a	n/a	n/a	n/a
\$34.00	n/a	n/a	\$36.00	n/a	n/a



Date: **02/18/13**
Item **H2**

CITY MANAGER REPORT
February 18, 2013

1. Departmental Reports and Project Updates

2. Special Reports:
 - a. Inside the City, January/February 2013
 - b. 4th Quarter EEO/AA Report
 - c. January 2013 Purchases

City Manager's Report

FEBRUARY 18, 2013

Administration & Finance

➤ Treasury Division

As part of the ERI/SAP, Andrew Falkenberg was promoted to Assistant Assessor/Treasurer effective 1/1/2013. Andrew will work closely with Wayne Nelson to assume his responsibilities prior to Wayne's retirement on 4/2/13.

➤ Assessing Division

The Assessor completed the 2013 real property tax roll, and notices of Assessment for 2013 were prepared. WCA Assessing, under the direction of Assessor Aaron Powers, has begun to implement the new support arrangement for the March Board of Review process for 2013 as well as general Assessing phone support and deeds processing.

➤ Budget And Accounting Division

The Accounting staff implemented an accelerated process for producing a Trial Balance for the General Fund, Major and Local Street Funds and Insurance Fund 6 weeks ahead of the normal schedule.

Staff has worked to update the ERI/SAP operational costing through 12/31/12.

Staff is working to produce a 4th Quarter Report.

The Accounts Payable team was able to help facilitate the accelerated year process by having all 2012 invoices processed within 3 weeks versus 4 weeks.

The purchase order closing process for 2012 was completed.

Accounts Payable processed 137 - 1099 and 17 - 1099R forms for 2012.

Payroll was able to complete their year-end processes (deduction changes, tax changes, leave reconciliations, etc.) efficiently and effectively. Payroll processed 1,335 W2's for 2012, which were distributed on 1/16/13.

➤ Purchasing Division

Teresa Johnson began her new assignment, in accordance with the SAP, of Purchasing Manager.

Working with City Departments bid documents were prepared and distributed through the City's website for four purchasing projects. Two contracts were prepared for award by City Commission including one supply and one construction contract.

Training was provided to City staff for entering purchase order requisitions into the EDEN enterprise resource planning computer system. This was refresher training for some individuals and new training for those recently hired and promoted. The EDEN system is completely electronic, eliminating paper requisitions.

Purchasing staff are administering prevailing wages for five construction contracts.

The City sold surplus city property totaling \$1,102.00 on PublicSurplus.com administered by the Purchasing Division

The City of Kalamazoo Purchasing Division took the lead in jointly bidding the Traffic Signal Maintenance term contract. Working cooperatively, the requirements of Kalamazoo County Road Commission were combined with the City of Kalamazoo's. Bid will be opened in February.

Community Planning & Development

➤ Planning

At the January 3, 2013 Planning Commission meeting, the Commission voted to approve a special use permit to allow a religious assembly use in the existing house located at 1701 N. Burdick Street. A public hearing was held by the City Commission on a request to rezone a parcel of land on S. Park Street to allow for the expansion of Rx Optical. The Commission continued the hearing to the February meeting to allow for further discussion on the request between the applicant and the neighborhood. Three site plans were processed during January as follows:

1. Re-use of the existing building at 300 Portage Street for the WMU medical school
2. Change in use of the house at 1701 N. Burdick Street to religious assembly
3. Install new equipment for T-Mobile on the cell tower at 3417 S. Burdick

➤ Housing

New fees for CPD will take effect on Feb 1, 2013. Training for new housing staff is nearly complete and inspector assignments have been finalized.

➤ Zoning

At the January 10th Zoning Board of Appeals meeting, the Board approved the following:

- a. A use variance for 725 Lakeway Avenue to allow the repair and restoration of a fire damaged nonconforming duplex in the Residential – Single Dwelling District.
- b. A dimensional variance for 4321 S. Westnedge Avenue to use an existing freestanding sign frame located one foot off the property line, where a two foot setback is required. This applicant also requested a dimensional variance to install a larger sign, but this second request was denied.
- c. A dimensional variance for Cytec Industries as 2715 Miller Road to allow a building expansion that will be ten feet from the property line were 25 feet is required. This was approved.
- d. A recommendation to appoint Jason Enos to the Board as an Alternate
- e. Reviewed the 2012 Annual ZBA Report and 2013 scheduled meeting dates

➤ Anti-Blight

Code Compliance - A proactive sweep was conducted in conjunction with Public Safety of Skinner Street in the Edison Neighborhood on Thursday, January 24th. Zoning, Code Compliance Inspectors and Public Safety Officer Morales walked Skinner Street from Vine Street to Fourth Street. The sweep resulted in the tagging of several inoperable vehicles, notices being sent for trash and accumulation of materials on private property, notice being sent for dilapidated condition of the exterior of a house and a zoning violation notice was sent for vehicles accumulating on a vacant lot.

➤ Building & Trades

In the month of January 2013 there were 148 permits issued, representing \$2,607,366 in construction valuation. The 2012 year-end figures for permits were: 2,937 permits, representing an end-of-year construction valuation of \$50,955,109.

➤ Community Development

The Community Development Act Advisory Committee (CDAAC) completed their Program Year 2013 application review and approved draft recommendations on January 10, 2013 for Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funding. On February 4th, the City Commission will consider approving the release of the draft 2013 Action Plan for a 30-day public comment period as required by U.S. Department of Housing and Urban Development (HUD). This is the first step in the process, providing citizens

30 days to comment on the draft Plan and more specifically, the activities proposed for funding. If approved, the public comment period will begin on February 11, 2013 and close prior to the CDAAC public hearing tentatively scheduled for March 14th. It is anticipated that the City Commission will take action on the PY2013 CDBG and HOME budgets in April.

Economic Development

- Staff prepared a report detailing the city’s cooperation, collaboration and consolidation of services efforts and submitted it to the state before the February 1 deadline, thereby ensuring receipt of the city’s Category 2 Economic Vitality Incentive Program funding.
- The closing was held for the sale of the Brownfield Redevelopment Authority-owned property at 701 East Michigan Avenue to ENMAR, LLC for the redevelopment of that site into the Arcadia Ales mixed-use project.
- Staff is participating in meetings regarding a possible redevelopment project in the South Town Commons area.
- Staff is working with a developer considering a redevelopment project at the former Public Safety Training Facility located at 116 West Cedar Street.
- Staff gave a tour of the Brownfield Redevelopment Authority-owned property located at 511 East Paterson Street to a prospective developer.
- Staff attended the Environmental Protection Agency’s Superfund/Portage Creek cleanup public meeting held on January 9.

Human Resources

- January Training Schedule

Class Title	Date	Time	Location
Hiring and Interview Training	2/1/2013	9:00 am to 12:00 pm	Harrison Conference Room A
Hiring and Interview Training	2/8/2013	9:00 am to 12:00 pm	City Hall Community Room
Requisition Training	3/13/2013	10:00 am to 12:00 pm	City Hall Community Room
NeoGov Training: Part I and Part II	2/22/2013	8:30 am to 12:00 pm	City Hall IT Training Room
NeoGov Training: Part I and Part II	2/26/2013	9:00 am to 11:30 am	City Hall IT Training Room

Information Technology

- Scheduling Application Training: IntelliTime Dynamic Scheduler Training took place with the purpose of bringing current staff up to speed on daily functionality and processes involved in the application in handling the continual changes as a result of ERI. Training took place under the latest upgrade of IntelliTime that went live in December 2012.
- Web-based Recruiting Update: The NEOGOV web-based recruiting application received its quarterly client version upgrade to v12.3 on 10/27/12.
- EDEN Update: IT staff updated the EDEN ERP application from version 5.6 to version 5.7.1. This update includes fixes to many program issues and includes new rules for year end 2012 and 2013 payroll and financials.
- Kalamazoo Transit Center: IT staff installed two 60" LCD monitors for Amtrak, Commercial Bus, and City bus schedules to be displayed in one convenient place within the Kalamazoo Transit Center.
- Metro Transit ITS Project: AVL (Automatic Vehicle Location) and GPS equipment installations are now complete on the entire Metro Transit fleet of 36 fixed route buses, 45 paratransit vans, 7 County Connect Vans, and 8 supervisor and maintenance vehicles.
- Metro Transit FleetWatch Software: FleetWatch software and wireless communication equipment is being installed on all the fixed route buses allowing vehicle maintenance data to be captured every night via a wireless network to a central database. This enables maintenance to see vehicle trends, easily export maintenance information to reports, and have immediate awareness of problems before emergency repairs on the road are necessary.
- Metro Transit Tablet PC's: Drivers on 7 County Connect vans are now using tablet PC's to log trips/runs into a database instead of filling out 3 types of hand-written log sheets. This enables much simpler, faster, and easier report generation for various required governmental and departmental reports.
- City Hall Datacenter: IT staff completely re-organized the City Hall datacenter. Some of the current and future benefits of this work are:
 - Reduction in HVAC cooling costs by cutting the spaced cooled by 50%.
 - Reduction in occupied racks by going from 5 original racks down to 3.
 - Simplified and easier troubleshooting as all equipment is centrally located.
 - Superior cable management allowing for easier troubleshooting of issues and reduced accidental outages.
 - Reduction in network switches needed for the entire datacenter. [Savings of two \$6,000 network switches.]

Parks & Recreation

➤ Administration

7,500 winter activity guides have been delivered to the schools and registration for all winter programs has begun.

The Recreation Manager attended the United Way Community Invest Teams Orientation meeting at the Fetzer Center. The goal of the Invest Teams is to increase the impact of community investments. These teams will assist in the distribution of the United Way funding to local organizations that receive funding from United Way. The Recreation Manager will serve on the Education Team, as the Youth Development expert.

➤ Parks

The LaCrone Park Phase 2 Improvement project continues despite winter weather. It is expected the project will be completed by June of 2013.

Parks staff have been busy removing snow, which has been somewhat challenging with current staffing.

The Woods Lake Park Improvement project construction documents are almost complete. When completed, they need to be sent to the Michigan Department of Natural Resources for approval before they can be bid out.

Director Fletcher attended a meeting held at the Kalamazoo County Parks Department on January 24th to discuss the possibility of having a "local" parks and recreation group that would meet on a regular basis. There was interest from all parties, so upcoming meetings and collaboration will likely come from this group. A few joint purchasing ideas were discussed as well.

➤ Recreation

The second round of the Adult Volleyball Leagues began the week of January 7th. There are 14 Co-Ed teams competing in the lower level Monday night league, 20 Women's teams on Tuesday nights, and 10 Co-Ed teams competing in the top level Thursday night division. Games are held at Milwood Middle School.

The After School Homework Help at Oakwood Neighborhood Association (ONA) began the week of January 7th. There are nine youth taking part in the tutoring program. Staff has creative ideas and incentives to encourage the participants to learn in different ways and solve problems with critical thinking skills. At the end of last year, all the participants in the program had made the honor roll at their school. The program runs five days a week from 3:30-5:30 p.m. The Parks and Recreation partner with ONA to help fund this five day per week program.

The Lunch and Learn program takes place at Milwood Elementary on Mondays, Wednesdays, and Fridays from 11:30 a.m. -2:30 p.m. and Woods Lake Elementary on Tuesdays and Thursdays from 11:45 a.m. -1:45 p.m.. This program provides 4th and 5th graders with structured activities for their lunch time and is run by City Recreation staff. Between the two schools, we serve over 100 kids per week. It's been noted the referrals at both schools have decreased over the years in which this program has been running.

➤ Farmers' Market

Conversations are happening with the People's Food Co-Op for the start-up of the Farmers' Market in the spring. Chris Broadbent, of the People's Food Co-op, has been selected for the Farmer's Market Manager position.

Public Safety

- In January, Detectives worked an Officer involved shooting case at the Best Western Hotel on E. Cork St. Extensive interviews have been done, the investigation continues.
- Detectives also worked a very serious Child Sexual Assault and Possession of Child Pornography case. The suspect has been arrested and arraigned on the charges. Making the case particularly disturbing is the suspect has been a custodian for the Kalamazoo Public School for the past 20 years, working at Edison Elementary School. Nothing in the investigation has determined there to be any victims from Kalamazoo Public Schools.
- Detectives are working on a bank robbery from January. The 5th/3rd bank on Portage Street was robbed by an elderly man with a handgun. Detectives have possible suspects and continue to investigate.
- In the first month of the year, KVET has continued the battle against drug trafficking in and about the city of Kalamazoo. KVET made 54 drug cases and 3 firearms cases in January.
- KVET investigated 9 meth labs in January.

Public Services

- Engineering met with the MDOT Enhancement division to discuss the Willard Street trail along the proposed high speed rail service on the adjacent tracks, which MDOT is purchasing from Norfolk Southern Railroad.
- Iron Removal Pilot study for station #18 completed on 1/24/2013 by ATEC Systems. Currently awaiting the results of the study.

- KL Ave Landfill Site - continuing to correspond with state and federal agencies regarding the definition and extent of the Groundwater Use Restriction Zone (GURZ). Agencies have requested additional hydro geological studies be conducted; KL Group's consultant has responded with additional analysis of current monitoring data to support the Group's current position that there is adequate data to define the GURZ.
- EPA announced that the Feasibility Study (FS) for the Allied Disposal Site will be issued for public comment within the next month or so. The schedule for the Feasibility Study completion has consistently slid over the past year or so. When it is released staff will be compiling a submittal of FS comments as well as summarizing all technical comments that had previously been submitted to EPA regarding the Remedial Investigation and a host of hydro geological issues. This submittal will then become part of the official public record. All of this information will be compiled during a 30day public comment period that will follow an official presentation of the remedial action alternatives at a formal public hearing. Staff attended recent public meeting regarding the Time Critical Removal Action of Portage Creek. This clean up action will extend for another 1-2 years; EPA hopes to complete the cleanup by the end of this year, but admits it will probably extend into 2014.
- The City received the National Groundwater Guardian Community Status for the 15th consecutive year.
- The schedule for Spring Flushing is set for April 14 to 21, 2013.
- Safety Awareness training was conducted during November and December 2012 for new Public Services personnel. MIOSHA CET division will be conducting a two hour awareness training for Part 9 - Excavation, Trenching and Shoring on February 25th. This training will be followed by 'Competent Person' training and a field practical exercise.

Transportation

➤ Ridership

The ridership report for December 2012 indicates a total of 223,481 passenger trips taken on Metro Transit fixed route service. This is a decrease of 52 passengers (-0.02%) from December 2011. Additionally, there were a total of 3446 ADA trips taken. This is a decrease of 165 rides (-4.5%). There were 5592 rides on Metro County Connect countrywide, also a decrease of 608 trips (-6.2%) from December 2011. When you include 839 Specialized Service trips, which is an increase of 274 (+48.5%) over December 2011, the system total for December 2012 was 233,358 rides provided, or a -0.2% decrease over December 2011.

Year-to-date for all of 2012 was 3,036,402, an increase of 258,402 (+9.3%) over 2011. This is the first time ridership was over 3 million since 2008.

➤ Diesel Fuel

Metro Transit purchased 9,000 gallons of diesel fuel at \$3.1148 per gallon on January 25, 2013. The average year to date price is \$3.0183. Diesel fuel is budgeted at \$3.10 per gallon for 2013.

INSIDE *the* CITY

A primary source of news and information for City employees regarding internal events, policies and procedures that affect our work for the residents.



January/February 2013 Edition

A Message from the City Manager...

When the recently adopted FY 2013 city budget proposal was unveiled in December, it was prefaced with this Winston Churchill quote:

“Success is not final, failure is not fatal; it is the courage to continue that counts.”

Churchill honed his perseverance leading in World War II. The City of Kalamazoo’s navigation through the economic downturn and structural deficits has tested our “courage to continue.” From my perspective, city employees have demonstrated that courage.

We’ve wrestled with maintaining quality, essential, city services while the city’s tax base has declined 20 percent since 2009. Our tax rate has been reduced by Headlee rollbacks; we must write-off aging, delinquent taxes; state revenue sharing is down and city staffing has declined 38 percent in the last decade.

However, the 2013 budget includes no layoffs or significant program cuts because of changes, compromises and commitments by the employees who serve this city. Municipal staff across all departments and at all levels have stepped up, working smarter, taking on new tasks, finding more efficient ways of doing things. The fact that the FY 2013 budget continues essential services with 85 fewer positions and a million dollars less in General Fund spending is a credit to good stewardship and the commitment of our city employees to Kalamazoo’s

citizens and businesses.

Administration has been committed to “holding nothing back” from citizens, while being mindful of the impact on employees. Implementing a Five-Year Fiscal Plan has allowed us to forecast future revenues and expenditures based on the best, current information available. That has allowed us to recognize fiscal challenges early enough to recommend sensible, measured responses, rather than reacting later with more drastic consequences for both citizens and staff.

Since FY 2008, we’ve been able to identify and budget more than \$10 million of reserve funds, including nearly \$2 million of Budget Stabilization and Capital Contingency money set aside in earlier spending plans.

City employees have played a significant role in helping create those reserves. For example, employee unions agreed to cost containment in health care and workers’ compensation benefits that resulted in \$9 million of savings over five years and \$1 million annually in ongoing health insurance costs.

We appreciate employees’ willingness to work with us and preserve city services. That cooperation



and fiscal planning also have allowed us to avoid the dramatic layoffs historically associated with economic downturn.

An Early Retirement Incentive gave one-third of city employees control over the decision to retire and resulted in no forced, budget-

(con’t on page 2)

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cutting layoffs. The stellar performance of the City of Kalamazoo Retirement Investment Committee guaranteed the Pension Fund was healthy enough to pay for ERI.

That program is on track to exceed savings targets essential to balance this year's budget without layoffs or more significant program/spending cuts.

By January 2014, our Strategic Alignment Plan says 219 ERI participants will have retired and be

replaced by only 129 new hires.

Still, forecasting indicates 2014-15 could require additional revenues, further spending cuts or both because taxable property values may continue to decline. We pledge to continue honest stewardship and investigating other savings opportunities like inter-governmental cooperation in Public Safety dispatching and assessor services.

City NEWS

I want to express my appreciation to city employees for their hard work, forward thinking and cooperation, all indications of your commitment to this city. And I want to assure you that administration remains committed to being honest, treating all parties with respect and doing our best for our citizens and our employees.

Staff Changes

RETIREES



City Manager's Office

Karen Suglia, Admin. Support Manager
27 years of service

Community Planning & Development

Timothy Collins, Housing Inspector II
28 years of service

Dan DeCamp, Housing Inspector II
32 years of service

Parks & Recreation

Frances Jewell, Parks & Rec Director
32 years of service

Leslie Neuman, Youth Programs Asst.
19 years of service

Public Services

Daniel Bogema, WW Ops Supervisor
28 years of service

Robert Cardiff, Distribution Servicer II
11 years of service

Vickie Hassiel, Distribution Servicer II
22 years of service

Michael Haw, Utility Electrician
28 years of service

Lee Medema, Vactor Jet Operator
26 years of service

Lloyd Penn, Distribution Servicer I
17 years of service

David Smith, Instrument Technician
28 years of service

Randy Stafford, Municipal Worker I
27 years of service

Ed Tiller, Tree Trimmer
33 years of service

NEW HIRES

Parks & Recreation

Sean Fletcher,
Parks & Recreation Managing Director

Public Services

Mike Ankney,
Municipal Worker Apprentice

Jonthon Klesko,
Municipal Worker Apprentice

PROMOTIONS AND LATERAL MOVES

Management Services

Andrew Falkenberg, GIS Mapping Specialist to Assistant Assessor/Assistant Treasurer

Teresa Johnson, Procurement Advisor to Purchasing Manager

Public Safety

Karianne Thomas, Assistant Chief to Deputy Chief

Donald Webster, Captain to Assistant Chief of Professional Standards/COPS Division

Public Services

Brian Bailey, Parks Supervisor to Public Services Supervisor

Robert Rickstad, Mason to Lead Equipment Operator III

Jon Sytsma, Vehicle Mechanic II to Vehicle Mechanic III

Scott Try, Equipment Operator II to Tree Trimmer



SPOTLIGHT: Yvonne Thrash

Yvonne Thrash could write a best seller on the attributes of the motivated worker. It wouldn't be based on academic studies or empirical research. Instead, the GED-educated Thrash learned the skills she uses as Kalamazoo Metro Transit's new operations manager the old-fashioned way. Work.

There's still a sense of pride when Thrash talks matter-of-factly about meticulously scraping discarded chewing gum from office and retail floors. That attention to detail grew her family cleaning business from conscripting a mop and vacuum from her own utility closet to employing 15 people cleaning West Michigan offices.

Today, the 48-year-old Kalamazoo native who began at Metro Transit as a part-time coach operator, credits hard work and a personal standard of excellence for her move up the ranks of local public transportation. She encourages young workers to take pride, no matter what their task. And she's a firm believer that working hard, being open to new challenges and finding better ways to do things is a good path to success in any field.

Yvonne and Ricky Thrash were already running their janitorial business in 1999 when each was hired to train as a Metro Transit coach operator. Their initial goal was to obtain their commercial driver's licenses. In those days, they worked 5:30 a.m. to noon, six days a week, behind the wheel of a bus, then punched out to go to cleaning jobs in Kalamazoo, Battle Creek and Grand Rapids. But Thrash said work was suspended at 5 p.m. weeknights when her children were in school.

"I never missed a football or basketball game or a cheerleading event for my kids," she explained. "A lot of parents can't say that. We created work that could be scheduled around the children."



Pregnancy forced Thrash to leave high school before graduating. But it didn't ultimately chart her future. She eventually landed a job as a receptionist in a prestigious, downtown Kalamazoo law firm and relished the opportunity to change factory clothes for business attire. It was there where she met the late, retired Kalamazoo County Circuit Judge C. H. Mullen. Thrash said Mullen and his wife Alice mentored and encouraged the young receptionist.

"He called me into his office one day and said, 'Where do you see yourself in five years?' I said I saw myself running my own business and making lots of money. He challenged me to do that."

Although attorneys like Mullen suggested she consider college and law school, Thrash said she didn't see a way she could have two small children, earn a living and go to school. So in 1990, her broom, mop and vacuum became a cleaning business.

Thrash credits the business with giving her the real-world experience to compensate for her lack of formal education as she moved up the ladder at Metro Transit. After seven years driving buses, she was promoted to operations supervisor and her husband moved to work in the city's parks department.

"I've been supervising people for 23 years, I had to sell our cleaning services, oversee multiple contracts and have a sense of payroll," Thrash said. "I've always stressed quality service and treating all people with dignity and respect. Now I'm finally in a position where if I see something that needs to change, I can do it."

Thrash said one of her goals is to increase Metro Transit's staff cohesiveness. A recent Secret Santa project was a beginning as employees drew the names of people in other departments and had to get to know them before exchanging a gift.

Whether it's driving a Metro bus, scraping gum off a floor or issuing a new directive or disciplining an employee, Thrash said her work-hard approach and fairness and respect philosophy serve her well.

"A young person told me the other day they want to work for the city and just needed to get their foot in the door. But then they apologized because they thought that might not be the right thing to say," Thrash recalled. "That's exactly what I want to hear. Who wants someone who doesn't want more? You can't expect to start at the top, but you can always start somewhere and strive for better."

FREE Annual Physicals

The City's Community Blue PPO covers certain evidence based preventive services and immunizations at **no cost** to employees and covered members, if performed in-network, once each calendar year.

Why is preventive care so important?

Visiting your provider regularly for checkups can help keep you healthy by detecting potential medical problems while they can be still be prevented – or easily treated. This can also prevent serious and costly health conditions down the road. Providing preventive care with no cost sharing is one way that the City is helping to improve the well-being of City employees while managing health care costs.

What types of services are considered preventive?

Preventive services may include tests or services recommended by your doctor when they're first used to detect or screen for a disease or condition. In the chart below is a complete listing of preventive services provided by the City's Community Blue PPO medical plan.

BCBSM		
Community Blue Benefits		
Preventive Services		
Benefits	In Network	Out of Network
■ Health Maintenance Exam	Covered 100% One per calendar year	Not Covered
■ Annual Gynecological Exam	Covered 100% One per calendar year	Not Covered
■ Pap Smear	Covered 100% One per calendar year	Not Covered
■ Well Baby & Well Child Visits	Covered through age 15: ▪ 6 visits through Age 1 ▪ 2 visits per age year 2-3 (Ex. 2 visits @ age 3) ▪ 1 visit per age year 4-15 (Ex. 1 visit @ age 4, 1 @ age 5)	Not Covered
■ Immunizations	Covered 100%	Not Covered
■ Fecal Occult Blood Screening	Covered 100%	Not Covered
■ PSA Screening	Covered 100%	Not Covered
■ Chemical Profile/Lab	Covered 100%	Not Covered
■ Urinalysis	Covered 100% One per calendar year	Not Covered
■ Chemistry - panel lab only	Covered 100% One per calendar year	Not Covered
■ Complete Blood Count (CBC)	Covered 100% One per calendar year	Not Covered
■ Chest X- Ray	Covered 100% One per calendar year	Not Covered
■ Cholesterol Tests	Covered 100%	Not Covered
■ EKG	Covered 100% One per calendar year	Not Covered
■ Flexible Sigmoidoscopy	Covered 100% One per calendar year	Not Covered
■ Colonoscopy	Covered 100% One per calendar year	Not Covered

What's Next?

Schedule your annual physical today and take advantage of the free preventive services provided to all covered, City of Kalamazoo members.

NO SCHOOL!!!

Hey kids! Come hang with us when school is out!!
Parents, put your worries to rest.

We will supply the fun and games, art projects, computer time, movies, and field trips.

You pack a lunch, snacks, appropriate outdoor gear, and a positive attitude.

HALF DAYS (12:30- 5:15): January 25, April 18, April 19
 \$25 - City Residents \$38 - Non Residents

FULL DAYS (8:00-5:15): February 22, March 15, March 28
 \$50— City Residents \$75—Non Residents
 Discount of \$10 for signing up for 3 days applied at time of registration.

For more information call Parks and Recreation:
 337-8191 or visit www.kalamazoo.org/parks&rec

Parks and Recreation Winter Activities

The Winter Activity Guide for all the fun programs happening in Kalamazoo is on the website .
 Registration is underway.
 Don't miss out!



Do you know anyone with a household income under \$51,000?

Families in Kalamazoo County can get free personalized tax assistance by scheduling an appointment.

Call 211 or go to freetaxes.goodwillswmi.org

CITY OF KALAMAZOO

MEMO

To: Kenneth P. Collard, City Manager, ICMA-CM, P.E.

From: Jerome Post, SPHR, Human Resources/Labor Relations Director

Prepared by: Erica Hicks, Human Resources Advisor

Subject: Report on Employment Activity – Fourth Quarter 2012

Date: January 24, 2013

Attached you will find a summary of the Quarterly Employment Report for the fourth quarter of 2012. The percentage of females and males changed slightly, as well as the percentage of whites and minorities from the previous quarter.

- 70.7% male (previously 70.1%)
- 29.3% female (previously 29.9%)
- 80.6% white (previously 79.8%)
- 19.4% minority (previously 20.2%)

As of December 31, there were 670 budgeted positions broken down as follows:

Budgeted FT	670	Filled	631	Vacant	39
Budgeted PT	28	Filled	20	Vacant	8
Total Budgeted	698	Total Filled	651	Total Vacant	47

The Minority and Female Progress reports attached analyze the *651 Total Filled* positions.

Noteworthy activity related to women and minorities

Significant hires in the Fourth Quarter included:

- One black male hired as Municipal Worker Apprentice.
- One black male hired as Service Lane Attendant.
- One black male hired as Wastewater Operator/Maintainer Apprentice.
- One white female hired as Administrative Support Specialist.
- One white female hired as Clerk Cashier II.
- One white female hired as Code Administration Records Clerk/Cashier.
- Two white females hired as Police Officer I.

Significant promotions in the Fourth Quarter included:

- One black male promoted from Public Safety Captain to Assistant Public Safety Chief.
- One black female promoted from Executive Assistant to Administrative Support Manager.
- One white female promoted from Assistant to Deputy Public Safety Chief.
- One white female promoted from Human Resources Advisor to Senior HR Advisor.
- One white female promoted from Stores/Procurement Clerk to Senior Accountant.

Significant reclassification in the Fourth Quarter included:

- One white female reclassified from Paratransit Specialist A13 to B22.
- One white female reclassified from Administrative Secretary A13 to B22.

Significant separations in the Fourth Quarter included:

- One black female retired after 25 years of service.
- One black female retired after 22 years of service.
- One black male retired after 22 years of service.
- Two black males retired after 23 years of service.
- One black male retired after 17 years of service.
- One black male retired after 9 years of service.
- One black male retired after 3 years of service.
- One black male placed on lay off after 13 years of service.
- One Hispanic male retired after 25 years of service.
- One white female retired after 35 years of service.
- One white female retired after 34 years of service.
- One white female retired after 27 years of service.
- One white female retired after 24 years of service.
- Two white females retired after 23 years of service.
- One white female retired after 19 years of service.
- One white female retired after 13 years of service.
- One white female retired after 12 years of service.
- One white female retired after 11 years of service.
- One white female resigned after 13 years of service.

Demographics of Employment Actions

R/G	% City Staff	New Hire 38 EE	Promotion/Reclass* 19 EE	Lateral 4 EE	Voluntary Demotion 1 EE	Involuntary Demotion EE	Layoff 1 EE	Voluntary Resignatn 2 EE	Invol Termination † EE	Discharge 2 EE	Retirement 47 EE	Other Termination 1 EE	Workers Comp Settlement EE
AF	.46%												
AM	.15%												
AIM	.15%												
BF	5.99%	8.70%	6.25%								4.26%		
BM	9.52%	4.35%	9.38%				100%				12.77%		
HF	.77%	2.17%	3.13%										
HM	2.30%		3.13%								2.13%		
WF	22.12%	28.26%	31.3%					50%			21.28%		
WM	58.53%	56.52%	46.9%	100%	100%			50%		100%	59.57%	100%	
Total	100.0%	100%	100%	100%	100%	0%	100%	100%	0%	100%	100%	100%	0%

* Category includes competitive promotions, self promotions, contractual promotions and reclassifications.

* Category includes reinstatements by grievances or arbitration awards.

† Category differs from Discharge because of circumstances, pre- and post-employment agreements and includes permanently laid off employees.

file

Attachments EEO Job Group Status 4Q12
 Diversity Profile 4Q12
 CM Vacancies

EEO Job Group Status
 Fourth Quarter 2012 (based on 12/31/12 data)
 With history

Female Progress

Legally-defined Job Groups	EEO Code	Working Titles	TOTAL	Incumbent Male	Incumbent Female	Incumbent Female %	Availability	4Q11	4Q10	4Q09	4Q08	4Q07	4Q06	4Q05	4Q04	4Q03	4Q02	4Q01
Officials/Managers	1.1	All E level employees and D level employees who supervise two or more employees; all appointees	41	30	11	26.8%	36.6%	33.3%	31.0%	29.5%	22.9%	22.9%	24.3%	25.0%	26.3%	26.3%	23%	25%
Supervisors/Inspectors	1.2	Supervisors, inspectors, buyers	55	38	17	30.9%	39.9%	30.6%	29.2%	28.8%	32.4%	31.9%	33.8%	34.8%	31.4%	32.4%	35%	33%
Professionals	2.1	Lawyers, accountants, HR, financial analysts, etc. D level who do not supervise	21	6	15	71.4%	59.9%	60.9%	60.0%	56.5%	61.5%	66.7%	58.1%	45.8%	45.3%	49.1%	46%	42%
Professionals (Public Safety command)	2.2	Captains, lieutenants, major, inspector	15	13	2	13.3%	10.6%	17.6%	17.6%	11.8%	11.8%	5.9%	5.3%	5.3%	4.8%	4.8%	0%	0%
Professionals in Science, Engineering and IT	2.3	Engineers, systems analysts, biologists, chemists, etc.	14	10	4	28.6%	31.1%	42.9%	46.2%	40.0%	33.3%	35.3%	36.8%	na	na	na	na	na
Technicians/Para Pro	3.1	Lab techs, TCAs, engineering techs, instrument techs, surveyors, drafters, dispatchers, para-professionals	54	29	25	46.3%	51.7%	49.3%	48.6%	47.5%	48.1%	46.7%	43.8%	44.9%	40.0%	41.0%	42%	41%
Technicians/Para Pro (Public Safety command)	3.2	Sergeants	32	29	3	9.4%	12.3%	5.9%	5.7%	11.4%	8.8%	11.1%	9.1%	6.1%	7.5%	7.5%	7%	7%
Protective Services	04	Police Officers, PSO I, PSO II, detectives, crime lab personnel	171	150	21	12.3%	10.9%	13.2%	13.1%	13.0%	11.8%	12.4%	12.8%	13.1%	10.9%	12.2%	14%	13%
Admin Support/Clerical	05	Clerks, account coordinators, secretaries, admin or exec support	58	6	52	89.7%	87.3%	95.6%	95.8%	93.3%	92.7%	95.3%	95.4%	94.3%	97.7%	94.4%	96%	97%
Skilled Crafts and Apprentices	06	H26 and above, electricians, mechanics	94	84	10	10.6%	12.8%	8.5%	7.5%	7.3%	7.7%	6.6%	6.4%	6.5%	5.7%	6.3%	7%	6%
Service Maintenance	08	Tree trimmers, laborers, bus drivers, custodians	96	65	31	32.3%	24.1%	31.4%	30.3%	32.4%	31.5%	32.7%	32.5%	33.1%	33.1%	29.8%	34%	30%

Total incumbent full-time and part-time employees 651 460 191 29.3%

Total allocated positions (670 full-time and 28 part-time) 698

Some historical percentages rounded to whole number.

Progress is indicated by increases in female and minority data.

Except for Public Safety job groups, goals are based on 2005 Michigan Department of Labor Statistics and recruitment and hiring patterns for recent vacancies.

Job Group 04 is based on data from MCOLES, Michigan Office of Fire Fighting Training, and the Bureau of Labor Statistics.

Job Group 2.2 is based on job group 3.2 incumbency. Job group 3.2 is based on job group 04 incumbency in accordance with contract bargaining agreements.

EEO Job Group Status
 Fourth Quarter 2012 (based on 12/31/12 data)
 With history

Minority Progress

Legally-defined Job Groups	EEO Code	Working Titles	TOTAL	Incumbent White	Incumbent Minority	Incumbent Minority %	Availability	4Q11	4Q10	4Q09	4Q08	4Q07	4Q06	4Q05	4Q04	4Q03	4Q02	4Q01
Officials/Managers	1.1	All E level employees and D level employees who supervise two or more employees; all appointees	41	36	5	12.2%	11.9%	10.3%	9.5%	11.4%	11.4%	11.4%	10.8%	11.1%	10.5%	7.9%	13%	17%
Supervisors/Inspectors	1.2	Supervisors, inspectors, buyers	55	48	7	12.7%	12.0%	24.2%	21.5%	24.2%	23.9%	23.6%	26.5%	21.7%	22.9%	24.3%	23%	22%
Professionals	2.1	Lawyers, accountants, HR, financial analysts, etc. D level who do not supervise	21	14	7	33.3%	15.8%	30.4%	28.0%	26.1%	23.1%	14.8%	19.4%	20.8%	15.1%	18.9%	17%	19%
Professionals (Public Safety command)	2.2	Captains, lieutenants, major, inspector	15	9	6	40.0%	27.7%	35.3%	29.4%	29.4%	29.4%	23.5%	21.1%	21.1%	19.0%	14.3%	17%	15%
Professionals in Science, Engineering and IT	2.3	Engineers, systems analysts, biologists, chemists, etc.	14	14	0	0.0%	14.7%	0.0%	0.0%	6.7%	9.5%	11.8%	15.8%	na	na	na	na	na
Technicians/Para Pro	3.1	Lab techs, TCAs, engineering techs, instrument techs, surveyors, drafters, dispatchers, para-professionals	54	50	4	7.4%	15.8%	10.7%	12.2%	12.5%	13.0%	13.3%	13.8%	15.4%	16.3%	15.4%	16%	16%
Technicians/Para Pro (Public Safety command)	3.2	Sergeants	32	27	5	15.6%	13.9%	14.7%	14.3%	20.0%	17.6%	19.4%	18.2%	18.2%	20.0%	20.0%	16%	16%
Protective Services	04	Police Officers, PSO I, PSO II, detectives, crime lab personnel	171	152	19	11.1%	15.1%	13.7%	15.4%	15.7%	15.5%	15.5%	14.4%	16.5%	16.4%	17.7%	18%	21%
Admin Support/Clerical	05	Clerks, account coordinators, secretaries, admin or exec support	58	49	9	15.5%	19.2%	25.0%	26.8%	26.7%	32.9%	34.1%	33.3%	31.8%	32.2%	35.6%	35%	33%
Skilled Crafts and Apprentices	06	H26 and above, electricians, mechanics	94	79	15	16.0%	15.1%	13.6%	12.5%	13.0%	13.1%	12.5%	12.9%	13.7%	15.0%	14.8%	15%	15%
Service Maintenance	08	Tree trimmers, laborers, bus drivers, custodians	96	47	49	51.0%	28.6%	48.6%	46.8%	43.5%	41.4%	41.8%	43.3%	43.8%	46.0%	48.1%	53%	54%

Total incumbent full-time and part-time employees 651 525 126 19.4%

Total allocated positions (670 full-time and 28 part-time) 698

Some historical percentages rounded to whole number.

Progress is indicated by increases in female and minority data.

Except for Public Safety job groups, goals are based on 2005 Michigan Department of Labor Statistics and recruitment and hiring patterns for recent vacancies.

Job Group 04 is based on data from MCOLES, Michigan Office of Fire Fighting Training, and the Bureau of Labor Statistics.

Job Group 2.2 is based on job group 3.2 incumbency. Job group 3.2 is based on job group 04 incumbency in accordance with contract bargaining agreements.

CITY OF KALAMAZOO DIVERSITY PROFILE - By EEOC Job Group

4th Quarter 2012

EEOC Job Group	Total	WM	BM	AM	HM	AIM	WF	BF	AF	HF
Official/Manager	41	28	2				8	3		
Supervisor/Inspector/Buyer	55	35	3		0		13	2	1	1
Professional	21	5	1				9	5	1	
Professional (sworn Public Safety Lts & Cpts)	15	8	4		1		1	1		
Professional (engineering, computer, sciences)	14	10					4			
Technical/ParaProf	54	27	2				23	1		1
Technical/ParaProf sworn (Public Safety Sergeants)	32	24	3		2		3			
Protective Service	171	134	9	1	5	1	18	2	1	
Clerical	58	6					43	6		3
Skilled Craft	94	71	11		2		8	2		
Service/Laborer	96	33	27		5		14	17		
TOTAL*	651	381	62	1	15	1	144	39	3	5

58.53%	9.52%	0.15%	2.30%	0.15%	22.12%	5.99%	0.46%	0.77%
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Percent males
 Percent females
 Percent white
 Percent minority

70.7%
29.3%
80.6%
19.4%

*Includes **631 FT**
20 PT

Vacancies as of 12/31/12

				Allocation	Filled	Vacant	
City Manager's Office							
05	NBU	B22	Executive Assistant	1	0	1	M. McClenney
CP&D							
1.2	KMEA	S36	Electrical Inspector	1	0	1	W. Cutler
Management Services							
City Assessor's Office							
	NBU	E81	City Assessor	1	0	1	C. Darling
Parks & Recreation							
3.1	KMEA		Parks and Recreation Programs Assistant	2	1	1	Neuman
06	AFSCME	H38	Parks and Recreation Buildings & and Grounds Technician	1	0	1	reallocation
08	AFSCME	H26	Market Servicer - 8 month	1	0	1	P. Roush
Public Safety							
2.2	KPSA		Public Safety Captain	4	3	1	Webster
04	KPSOA		Public Safety Officer	157	148	9	Bentley Caswell Chenier Damsteegt Diaz Halder Luthy Ott Zuk
04	KPSOA		Detective	19	18	1	Treu
04	KPSOA		Lab Technician	4	3	1	Bombich
3.1	KPSOA		CSO Dispatcher PT	4	0	4	Conner-Beck Darcy Caswell Deleeuw Heckelman
Public Services - Water							
Customer Service & Contracts							
05	KMEA	S26	Stores Procurement Clerk	2	1	1	Webster
Engineering							
1.1	NBU	D71	Assistant City Engineer	1	0	1	F. Nagler
2.3	NBU	C43	Senior Civil Engineer	4	3	1	Renaldi
3.1	KMEA	S32	Engineering Technician I	2	1	1	Northam
Field Services							
06	AFSCME	H34	Vactor Jet Operator	2	1	1	Medema
06	AFSCME	H30	Equipment Operator II	6	4	2	Polmateer Vacant
06	AFSCME	H28	Mason	2	1	1	Rickstad
06	AFSCME	H24	Apprentice Municipal Worker	9	5	4	Buszka Rix Vendeville Woods
Fleet							
06	AFSCME	H38	Master Mechanic	4	3	1	Gibson
Public Works							
06	AFSCME	H30	Equipment Operator II	3	2	1	Try
Wastewater							
1.1	NBU	D72	Water Superintendent	1	0	1	vacant
06	KMEA	S44	Utility Electrician	1	0	1	Haw
06	AFSCME	H24	Water Operator/Maintainer Apprentice	8	7	1	Guild
Transportation							
1.2	NBU	B31	Disp	1	0	1	Branch
1.2	NBU	B31	Equipment Maintenance Supervisor	5	4	1	Delmark
1.2	NBU	B31	Customer Service Specialist	1	0	1	Vander Kley
3.1	NBU	B22	Marketing Assistant	1	0	1	Sullivan
05	KMEA	S14	Clerk Typist	1	0	1	Sullivan
06	ATU	T4	Class A Mechanic	3	2	1	Quick
08	ATU	T2	Utility Worker	3	2	1	reallocated
08	ATU	T3	Part-time Bus Driver	20	18	2	Spencer
				Total vacancies		47	
				Part-time		8	
						39	
				minus overallocations		1	
				Total full-time vacancies		38	



INTEROFFICE MEMO

To: Kenneth P. Collard, City Manager, ICMA-CM, P.E.

From: Teresa T. Johnson, Purchasing Manager

Date: February 6, 2013

Subject: January 2013 Purchases

I am forwarding for the City Commission, and your information, a summary of the purchases and change orders between \$50,000 and \$100,000 administratively approved during January 2013.

c: Thomas Skrobola, Director of Management Services, CFO

January 2013 PURCHASES ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000

DESCRIPTION	VENDOR		AMOUNT	COMMENT
	Location	MBE/WBE?		
Purchase 18,000 gallons of diesel fuel	Petersen Oil Company Greenville, MI	No	\$56,340.00	Accepted low bid
Ferric Chloride Term Contract	PVS Technologies Chicago, IL	No	\$60,900.00	Term Contract Extension
2013 Eden Support Maintenance	Tyler Technologies Renton, WA	No	\$63,027.93	Sole Source
Engineering Services for a Building Demolition at KWRP	Jones & Henry Toledo, OH	No	\$54,000.00	Pre-qualified firm
Storage Area Network Equipment	Dell Marketing LP Round Rock, TX	No	\$83,852.46	Cooperative Purchase
Janitorial Services at Metro Transit	New Fresh Cleaning Services Battle Creek, MI	MBE	\$60,544.59	Accepted low responsive bidder due to contract cancelation
Liquid Chlorine Cylinders Term Contract	Alexander Chemical Company Downers Grove, IL	No	\$90,675.00	Term Contract Extension
Consulting Services for Healthcare Management	Mercer Health and Benefits Grand Rapids, MI	No	\$82,692.00	Contract Extension
City Assessor Contract	WCA Assessing Westland, MI	No	\$90,545.00	Term Contract

January 2013

CHANGE ORDERS ADMINISTRATIVELY APPROVED BETWEEN \$50,000 AND \$100,000

DESCRIPTION	Location	VENDOR MBE/WBE?	COMMENT
There were no change orders between \$ 50,000 and \$ 100,000			