



City of Columbia, Missouri

Meeting Minutes

City Council

Monday, October 19, 2020
7:00 PM

Regular

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, October 19, 2020, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members THOMAS, PITZER, PETERS, TREECE, FOWLER, TRAPP, and SKALA were present. The City Manager, City Counselor, City Clerk, and various Department Heads and staff members were also present.

The minutes of the regular meeting of September 21, 2020 were approved unanimously by voice vote on a motion by Mr. Trapp and a second by Mr. Skala.
The regular meeting minutes of October 5, 2020 were not yet complete.

Ms. Fowler asked that B278-20 and B279-20 be moved from the consent agenda to old business.

The agenda, including the consent agenda with B278-20 and B279-20 being moved to old business, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Trapp.

II. SPECIAL ITEMS

SI16-20

COVID-19 Update.

Ms. Browning provided a staff report.

Mayor Treece asked Ms. Browning how the chart she had described was populated. He wondered if it had been done through REDCap and the computer system. Ms. Browning replied yes, and noted it had also involved the case investigations and contact tracing done by her office.

Ms. Browning continued with the staff report.

Mayor Treece asked where Boone County was regionally and statewide in terms of the positivity rate. Ms. Browning replied she understood the statewide rate was 21.1 through October 18. The Boone County rate was definitely better than the statewide rate. She noted the Missouri Hospital Association had this region at about 13 percent. Some counties in Missouri were in excess of 60. Mayor Treece asked if those counties had mask requirements. Ms. Browning replied no.

Ms. Browning continued with the staff report.

Mayor Treece asked if diversion was based upon the percentage of beds hospitals had reserved for COVID, the intensity of COVID cases, or something else. He understood Cox in Springfield had a COVID floor, which was now full. He wondered if there were other hospital beds or if those were being used for other primary, secondary, etc. items. Ms. Browning replied she understood the number of COVID cases was increasing and that the hospitals were indicating those cases were there longer. As a result, the beds were not turning over as quickly as they would have under normal circumstances. In addition, the cases were sometimes complex in terms of care. She pointed out one of the worries was staffing and the fact they were entering into flu season as they tended to

see more hospitalizations during that time.

Ms. Browning continued with the staff report.

Mr. Pitzer asked if they had any calculations for only Boone County hospitals. Ms. Browning replied no. She explained calculations were done every day, and the hospitals were reporting they were okay. She pointed out they tended to move people around within the hospital or divert patients if needed. She commented that hospitals tended to divert people regionally every so often. As a result, they needed to look at the region to get a sense of what was happening in Boone County. She understood at least one hospital, today, was worried.

Mayor Treece asked how many hospitals were in the central region. Ms. Browning replied she was not sure of the exact number.

Ms. Browning continued with the staff report.

Mayor Treece asked if the City would continue to do random inspections or revert to more complaint-driven inspections. Ms. Browning replied it was two-fold. She explained that when they had met with the Columbia Chamber of Commerce and industry representatives, they had indicated the need to penalize those that were not doing things right because most people were doing things right. She stated she agreed most people were doing things right. They had been doing it on a complaint-driven basis, but the problem was that they generally received the complaint the following day when they could do nothing about it in terms of observation. As a result, they had decided to move to spot checks. They had found a few businesses that were not complying with the rules, but most were doing pretty good. She stated she did not want to say they would move solely to complaint-driven inspections because it was not a snapshot in time.

Ms. Browning continued with the staff report.

Mr. Trapp asked about the racial disparity data with regard to positive cases, hospitalizations, or deaths. He wondered if it had improved. Ms. Browning replied early in the summer, before the students had returned to town, the ratio involving people of color had been much higher, particularly within the black and Hispanic communities. Since the students, who were largely white, had returned to town, it had lowered the percent total involving people of color. She stated the number of positive cases reported for the black community was 621, which was eleven percent of the total while people of color equaled about nine percent of the population.

Ms. Fowler asked if there was any discussion at the local, regional, or national level with regard to a point in time when the impacts of COVID started to take into account the long term health impacts. She stated she had heard about damage to the heart muscle as a result of COVID in certain populations. She asked Ms. Browning if she foresaw a time when that would be taken into consideration in terms of assessing their resources and capacities for it. Ms. Browning replied she had not seen any formal process for capturing that information, but understood some studies were underway. She commented that there were people in Boone County who were known as the "long haulers" and were having problems that had extended over time. She noted there were some cognitive issues in addition to cardiac and other issues. There were a variety of problems associated with it.

Mr. Pitzer explained one of the things the Council had received feedback on was the closing of bars and restaurants at 10:30 p.m. and how long that restriction might be in place. He asked Ms. Browning if there was anything she would be comfortable with that would permit them to operate longer given the totality of the trends she had just described. He wondered if it might be occupancy limits, additional mitigation efforts, submission of plans for approval, etc. Ms. Browning replied they had tried to work with bars and restaurants as they were developed plans, particularly in terms of bar service. She stated if they would have held where they had been two weeks ago, she would have considered a change to 11:00 p.m. to see how they progressed at that level, but since that trend had not held due to a spike in the numbers, she did not feel she should make that change. She explained she wanted to see the 14-day average of new cases be

stable at a minimum, but would prefer the average drop. She also wanted to see the hospitalization numbers decrease. Mr. Pitzer understood Ms. Browning would not be comfortable with a structure by which operating plans were submitted in order to extend operating hours. In terms of capacity, Ms. Browning understood Springfield had limited capacity to 50 percent, but in talking with the Fire Marshal, she had been told capacity was based upon people essentially standing next to each other so 50 percent capacity would be a sizable number. She stated she was open to just about anything, and pointed out she only wanted to keep people safe. They knew that the longer people were gathered indoors, yelling, and talking over music, the greater the risk.

Mayor Treece understood the health order already provided people the opportunity to submit a plan. Ms. Browning stated that was correct. Mayor Treece asked if any plan submitted would allow someone to exceed the 10:30 p.m. closing time. Ms. Browning replied she felt it would create an issue if they allowed someone to be open until 11:30 p.m., but not everyone. Mayor Treece understood the plan would apply to reorganizing spaces so people were able to socially distance. Ms. Browning stated that was correct. She explained they would need to think about what they would do to contain the spread in a collective effort if they were to extend the closing time to a later time.

Mayor Treece asked Ms. Browning if she could identify whether community transmission had occurred at a bar or restaurant that was subject to the 10:30 p.m. curfew via REDCap, contact tracing, etc. Ms. Browning replied yes to a degree. She explained a question asked during the interview process was where the person had been, especially in terms of the places they regulated, which included food establishments, bars, daycares, and swimming pools. She noted this had been done since the end of July, and they had noticed an increase in positive cases as a result of contacts for employees and patrons associated with certain facilities. Mayor Treece understood they could track to that level. Ms. Browning replied yes, but pointed out it was not a perfect science because people had to be honest in what they told them.

Ms. Peters understood that if they had many more COVID cases, they could end up going backwards, and she would prefer to remain stable. Everyone understood the bars and restaurants were open until 10:30 p.m., and that they should wear a mask. She preferred not to have a lot of variation in the rules, and was concerned about going back and forth with those rules. She was sympathetic to the restaurants and bars, but noted she was happy to not have to go backwards. Ms. Browning agreed it would be great if they did not have to go backwards. Ms. Peters did not feel anyone wanted to go backwards, and stated she appreciated the ongoing health order as it was stable.

Mr. Skala asked if any special notice would be provided prior to the election to ensure people were aware of the mask mandate that might normally not be aware of it. Ms. Browning replied she understood the Boone County Clerk had put out a notice that had included it. She thought masks had been available at the previous election and might be available this time as well. She commented that her staff had put together information to disseminate via REDCap to anyone in quarantine or isolation that might still need to vote. She explained someone from the Boone County Clerk's Office and an election judge would go to the person's home in order to allow them to vote.

SI17-20

Community Stakeholder Update.

Mr. Seewood provided a staff report.

Mayor Treece asked Mr. Seewood if he had communicated what he had told them to the stakeholder group and how they had responded if he had. Mr. Seewood replied communication had been a lot smoother during the individual meetings, which involved a maximum of five people, but when they had pulled the entire group together, there had been a misstep, and a few voices had dominated the conversation at that time. As a result, there had not been enough discussion as to what was happening. Mayor Treece asked Mr. Seewood if they were working through that. Mr. Seewood replied they needed to.

Mayor Treece asked if tangible recommendations of this group would be brought to the

Council for consideration. Mr. Seewood replied he hoped so. He commented that one of the things that had been mentioned at the group meeting was the desire to have a work session with the City Council. They wanted to sit down with the Council to discuss their concerns and what they wanted to see done. He explained the group was passionate about moving the process forward.

Mr. Skala stated he was receptive to the idea of a work session with the City Council as he felt it could be useful. He also wanted to remind Mr. Seewood and members of the group that he held office hours every Saturday prior to the first and third Monday City Council meetings. On one occasion, several members had met and discussed these issues with him, but it had only happened once. He noted several members of the Council offered office hours to some degree, and he thought they could improve on the intentional connection theme in that manner. He invited anyone involved in the stakeholder process to take advantage of those meeting times. Mr. Seewood stated staff would share office hours with the stakeholders so they knew who they could contact and when.

Mr. Thomas thanked Mr. Seewood for taking on this challenging task. As a Council, they sometimes heard what might be an unrepresentative impression of what had been happening, and asked Mr. Seewood to characterize the level of satisfaction of the majority of the participants with this process and their confidence in the process going forward. Mr. Seewood replied he thought that would be difficult to say. He explained that when they had held the 25 individual meetings, there had only been two meetings that had gone awry, and at the larger group meeting, about ten people had spoken. He believed it was hard to garner what people actually felt because they had not heard it. He thought they needed more communication to determine exactly what was going on.

Ms. Fowler commented that she disagreed with some of the statements made by Mr. Seewood as she had listened in on the October 6 discussion and an earlier session. She pointed out she had inserted herself as it had not been the intention of staff to allow her to listen. She felt there was widespread dissatisfaction among the participants right now, and hoped there was a way forward. She agreed there might have been ten speakers, but there had been a lively conversation in the chat which had included more than ten people and people that might have been reluctant to speak. She felt there had been widespread disappointment and anger that the draft report had not been shared with the members of the larger stakeholder group on October 6. She understood they had been given selected pages, and as a result, those involved had felt their time had not been well used since they had not been given the full report along with time to read it in advance. She commented that she wanted this to be a success, but did not want them to pretend it was going well. Mr. Seewood stated he had not said that. Ms. Fowler understood. She explained many in the community wondered why they were unhappy when there had been a process, and she believed that was because the larger community was not receiving enough information as to what went well and what had not gone well. She felt they needed to validate and address the concerns she had heard. She stated she was hoping the meeting involving representatives of the stakeholder groups and the Council would happen sooner than later. She commented that they were at a pivotal point whereby they needed to reestablish trust with those that had been participating so they would continue to participate. Mr. Seewood stated he agreed, and felt one positive was that out of the 72 people that had participated, only one had indicated they would no longer participate in the process. Everyone else was saying that while they might be hesitant, they were ready to move forward and wanted to move forward. Ms. Fowler commented that she hoped they were able to hold on to them. Mr. Seewood stated he was sure they would. He understood the process had been contentious, but noted he had been involved in other processes that had been even more contentious, and as a result, he did not think they were at the point where it was not fixable. The report had been provided to everyone, and they all had the opportunity to comment on it. He pointed out he felt they had the opportunity for better conversations

as well.

Ms. Fowler understood the full video of this meeting was available and recommended her colleagues listen to that video from the 2 hour 21 minute mark to the 2 hour 45 minute mark if they only had a limited amount of time as they would be able to hear the concerns. She noted she had heard some eloquent statements, particularly from a student-athlete, in terms of the trauma of being an African-American. She stated it had struck her due to not only his self-awareness of how that fit into the larger context, but also in how he was able to amplify and state how others in the group were feeling in terms of the repetitive trauma they had experienced as people of color in the community. Mr. Seewood agreed, and pointed out he felt it every day. Ms. Fowler stated she understood, but noted they were trying to serve a larger group of citizens, i.e., the nine percent of the population that were struggling with being asked repetitively, year after year, to explain their concerns to them. The very nature of asking them year after year felt disrespectful. Mr. Seewood commented that he did not disagree. Ms. Fowler felt that because they were operating in that context, they needed to be sensitive to it going forward. They could not pretend it did not exist. Mr. Seewood explained they had started this process because so many people had indicated a desire to talk to them and to be heard, and they felt the opportunity to reengage those voices was important. In reviewing past reports, no one had discussed the mental health issue. It was new and something every group had discussed in terms of how the issue of mental health and policing needed to be separated. If they had not reengaged, it might not have been included. He commented that there had been a lot of people that had chosen not to participate because it had been done before, but he pointed out there had been a lot of new and young voices that had not had the opportunity to be heard. He explained that group was now being engaged by the City, which he believed was important. He stated he felt there was the opportunity to do some impactful things, and noted one of the reasons he had come to Columbia to take this job was because he knew there was an opportunity to do things most communities could not or would not do.

Mayor Treece agreed they had heard new voices at the podium and at the columns protesting after the tragic death of George Floyd, many of which had never attended a council meeting. He thought it would be valuable to hear more about the concerns of the group beyond the 3-5 minutes they were allowed during public comment or general comment at the meetings. He commented that no one opposed the government kicking the can down the road more than he did, but felt any new voices needed to be brought into the process in a meaningful way. He stated he was curious as to how they would move forward. He understood people were passionate about these issues, and it was often difficult to discuss. He was hearing that it might be premature to hold a work session on November 2 as it might not be representative of the stakeholder group. He wondered how they might repair the process, and whether it could be repaired.

Mr. Skala wondered why they could not do these things in parallel. He was not sure he understood the repair process in terms of the dynamics of the group, but felt that could happen at the same time they scheduled a work session in order to allow for a connectedness with the Council. He believed they would have to solve some of the problems within their own group in terms of how they interacted, but thought there would be an appetite for bringing some of these issues directly to the Council outside of the formal trappings of this meeting whereby they were limited to three minutes. He felt it would be a useful exercise regardless.

Ms. Peters asked Mr. Seewood for his thoughts on holding a work session on November 2. She wondered if it was too early. She commented that she thought they all wanted to hear what the group had to say, but she also wanted to respect the time of everyone. Mr. Seewood replied he thought it was a great idea, and noted the difficulty of doing it on November 2 involved organizing. He stated the group wanted to speak to the Council, and explained that could have been a disconnect in the process as the process had not included the Council sooner. He reiterated they wanted to talk to the Council and make

the Council aware of their concerns. He noted they would challenge the Council in terms of what they felt the Council was not doing, and noted it was an opportunity to have that discussion.

Ms. Fowler suggested scheduling this meeting at a time convenient for the stakeholders versus them. She also suggested they not sit at the dais and that they sit with them in the largest space they could find so as many people could be accommodated as possible. Mayor Treece agreed they needed to find a location that was accessible in the current health environment. Mr. Seewood commented that he felt the hardest part was related to COVID as it was difficult to get a large group of people together in a meeting area as there were 72 stakeholders.

Mayor Treece understood there was a disconnect with the process in terms of moving the protest into policy. They needed to identify the problem they were trying to fix and determine how to fix it. Mr. Seewood agreed.

Mr. Skala commented that before this group had been organized and before the exigencies surrounding the death of Mr. Floyd, there had been community conversations with regard to community policing, and most of those conversations had been held at Second Baptist Church. He noted some on the Council had attended some of those meetings, and that this process was another layer. He commented that it might have been a misunderstanding, but his understanding was that this group should discuss these dynamic issues without the Council being there to influence or stifle the free exchange of ideas, and then at some point in the future, the Council would engage in the process as well. Mr. Seewood stated that was correct. The idea had been for them to meet with the groups first, and to then bring them to the City Council.

Mayor Treece asked for the process slide to be displayed. Mr. Seewood displayed it and explained it was not necessarily what they had been doing, but it was his take on what they could do. Mayor Treece asked if the facilitators or the City team had gone into this with any preconceived notions or preemptive framework, or if it was something they allowed the stakeholder process reveal to them. Mr. Seewood replied the plan had been to go into the process completely open and allow the stakeholders to discuss how to move it to the next steps and what those next steps might look like. The issue was that when they had asked the question, they had never really formalized an answer so it had never been defined.

Mr. Thomas stated he liked the idea of parallel processes. He also suggested they ensure all of the stakeholders were aware of the fact that they could individually, or as a small group, sign up for a scheduled public comment at the start of a council meeting to communicate with the Council as a whole over time. He was not sure how they could easily have 72 people in a room to allow for the exchange of ideas in the near future, especially if they were reevaluating the process. He felt that was something that could happen at the same time in order to allow some of the ideas to come out to the Council and into the public space.

Mayor Treece commented that he heard the Council saying staff should go back to the stakeholders and find a meeting place that was not within City Hall whereby they could allow for people to be socially distanced. They needed to decide if they would all be there or if it would only be some of them. He stated he was not opposed to a special meeting involving all of them, but understood it might inhibit the exchange of ideas. He asked Mr. Seewood to bring back some ideas. Mr. Seewood replied he would.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

REP55-20 North 763 Community Improvement District - Board of Directors
Membership.

Mayor Treece stated he wanted to reappoint Roger Moser and Robert Walters to the North 763 Community Improvement District (CID) Board, and asked if anyone objected. No one on the Council objected.

BC9-20 Board and Commission Applicants.

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

BOARD OF ADJUSTMENT

Sharp, Paul, 1814 Cliff Drive, Ward 6, Term to expire November 1, 2025

CITIZENS POLICE REVIEW BOARD

Boykin, Wayne, 1901 E. Riviera Drive, Ward 2, Term to expire November 1, 2023

Hackworth, Alex, 1407 Ross Street, Ward 6, Term to expire November 1, 2023

Pierson, Dillon, 2507 Iron Gate Drive, Ward 2, Term to expire November 1, 2023

CLIMATE AND ENVIRONMENT COMMISSION

Khanna, Sanjeev, 6203 Bentpath Drive, Ward 5, Term to expire November 30, 2022

Mayor Treece asked that the vacancy for the Columbia Housing Authority Board be readvertised.

COLUMBIA VISION COMMISSION

Kleiner, Amy, 5905 Freeport Way, Ward 3, Term to expire December 15, 2021

COMMISSION ON CULTURAL AFFAIRS

Almony, Robert, 301 Rothwell Drive, Ward 4, Term to expire October 31, 2023

Driskel Hawxby, Lisa, 3809 Larkspur Court, Ward 6, Term to expire October 31, 2023

Hammen, Janet, 1844 Cliff Drive, Ward 6, Term to expire October 31, 2023

Thomas, Natalie, 827 Greenwood Court, Ward 4, Term to expire October 31, 2023

Vianello, Lili, 1005 Wayne Road, Ward 5, Term to expire October 31, 2022

HOUSING AND COMMUNITY DEVELOPMENT COMMISSION

Jefferson, Barbara, 305 N. Fifth Street, Ward 1, Term to expire November 1, 2023

Rose, Tom, 5204 E. Tayside Circle, Ward 5, Term to expire November 1, 2023

PUBLIC TRANSIT ADVISORY COMMISSION

Larrick, John, 11 N. Glenwood Avenue, Ward 1, Term to expire March 1, 2022

SUBSTANCE ABUSE ADVISORY COMMISSION

Haxton, Chastity, 3101 Old 63 South, Apt. C003, Ward 6, Term to expire October 31, 2023

Khanna, Vinita, 6203 Bentpath Drive, Ward 5, Term to expire October 31, 2023

Roelands, Jennifer, 206 William Smith Place, Ward 5, Term to expire October 31, 2023

Mayor Treece stated he wanted to readvertise the Tax Increment Financing Commission vacancies.

YOUTH ADVISORY COMMISSION

Gautam, Shuba, Ward 5, Term to expire June 1, 2021

IV. SCHEDULED PUBLIC COMMENT**SPC57-20 Bill Easley - Virus, Recycle and Police.**

Bill Easley commented that they needed curbside recycling back and that low income people needed more trash bags. He noted he was tired of hearing about violence as it was unnecessary. He stated the Health Department had closed down bars and restaurants in the past due to dirtiness, and wondered why they did not shut down all

businesses for 30 days. He understood people were concerned about businesses going broke, but felt the businesses were rich enough to make it. He stated he was tired of hearing about people getting sick and dying. He suggested shutting the community down and reiterated the need for recycling. He stated he did not feel police officers did anything and pointed out the citizens paid their salaries. He commented that he had been at Lowe's one day and had seen a fire truck and two police vehicles, and on another day, he had seen three police vehicles at Moser's for a shoplifting. Last year, he had seen an officer at the VA Hospital. He wondered why an officer was there instead of being out in the public protecting and serving the community. He felt police officers should patrol more often and pull over more people that broke the law as there were shootings, moving violations, and safety violations all of the time. He wondered what the officers were being paid to do. He noted he wanted to see law and order, but did not feel officers should throw people on the ground or utilize chokeholds. He also did not believe roll carts were necessary as they were difficult to maneuver for those that were disabled and in wheelchairs. He felt it was easier to pick up a trash bag and take it to the curb.

SPC58-20 Kristin Hill - Roll Carts.

Kristin Hill commented that she believed the citizens of Columbia wanted the ban on roll carts and automated trucks to be lifted, for the roll cart system to be implemented now, and for the refuse workers to be safe. In just two months, during the pandemic, volunteers had amassed over 1,000 signatures. Included in these numbers were people that had moved to Columbia and were appalled by the City's antiquated trash and recycling system. She noted the citizens that had signed the petition had come to them as they had indicated where they would be and when they would be there. This group did not pay people to collect signatures. They were a small group of volunteers with full-time jobs, kids and families that had spent nearly all their free time gathering information the Council already knew while also being cautious about COVID. She suggested the Council repeal the ban and move the City forward with an actual and usable plan to fix the trash problem so they could then move forward with fixing the recycling problem, which was now also infuriating citizens. She commented that if anyone on the Council was still hesitant about the issue, they should check their emails and voicemails and ask the workers what they wanted. She stated anyone interested in signing the petition could meet her in the lobby as she would be there for a few minutes.

SPC59-20 Mitch Skov - City's Response to COVID-19/Coronavirus.

Mitch Skov withdrew his request to speak.

SPC60-20 Roy Lovelady - Chokeholds.

Roy Lovelady stated he lived in the Third Ward, and commented that exceptions meant that anything forbidden was allowed. He noted exceptions had been used to introduce a case in which a statement being made was not true or valid. He asked the Council to imagine a policy that read "chokeholds, strangles, or similar holds, which restrict the flow of blood to the brain or the person's ability to breathe were prohibited except where the officer reasonably believed there was imminent threat or serious physical injury to themselves or a third party, and this action was the only reasonable means of time to stop the threat." He understood Columbia did not do chokeholds except for the instances in which he had been a witness and a victim. He stated chokeholds had been invented in the Judo fighting style in 1982, and since then, there had only been two accidental deaths. In Columbia, there had been zero deaths, and in the United States, this year alone, there had been 13 known deaths, which included George Floyd. He pointed out they did not know how many other incidents might have been unreported. He commented that there were two specific kinds of chokeholds. The carotid chokehold, which, when applied, cut the blood flow to the brain causing a person to pass out within 10-20 seconds. If held too long, it could cause brain damage. A second type of

chokehold cut off breathing and the airflow by applying pressure to the windpipe. He stated definitions were important because he had been informed that the incident involving him had not involved a chokehold. Since he had demonstrated a chokehold with his arm being up, he had been told that was not a chokehold. He noted he had also witnessed his mother being placed in a chokehold and thrown to the ground during a mental breakdown. He pointed out neither incident had been reported as involving a chokehold in the police reports. He believed chokeholds were happening in Columbia. He commented that black and brown residents and other marginalized groups did not trust the Columbia Police Department (CPD) to keep them safe, and many times felt threatened and/or targeted. He suggested chokeholds be prohibited without exception, and for a definition of imminent threat to be identified because it was subject to discretion. He pointed out his black and brown skin alone could be an imminent threat. He stated the data did not show any incidents happening in Columbia, but believed there would be some if body cameras were on all of the time. He understood there was not any training on chokeholds in Columbia, and wondered why anyone, even if under imminent threat, would be allowed to utilize a chokehold. He commented that his research had indicated daily training was necessary to place a proper chokehold on anyone. He stated most people in the black and brown community did not know how to file a use of force report. He explained the process, which involved a police officer review and the Citizens Police Review Board (CPRB) if deemed necessary by the officer, and pointed out it was not transparent. He suggested the issue be addressed now, before an actual death occurred, since chokeholds were happening in Columbia. He asked everyone to stand together to send a message indicating the CPD was doing everything justifiably and that they were ahead of the curve. He thanked Missouri Jobs for Justice and Local 995 along with other unions for supporting him and People's Defense.

With regard to the stakeholders meeting, he commented that a lot of what had been reported was not true. He stated the stakeholders were angry and upset. Today was the day they were supposed to have spoken to the Council, but due to the chaos, the voices of many people had been pushed under the rug. He explained the process had been a waste of time as those leading it were not listening and did not have a plan of attack or a timeline. It was breaking the trust of those they were calling the stakeholders. In order to correct the process, the missing pieces needed to be addressed. He noted the City Manager needed to be involved, and police officers that had the ability to speak and would work toward fixing the problem needed to be involved. He reiterated he was upset as the current process was not working.

V. PUBLIC HEARINGS

None.

VI. OLD BUSINESS

B236-20 Rezoning property located on the northwest corner of the Green Meadows Road and Green Meadows Circle intersection from District R-1 (One-family Dwelling) to District PD (Planned Development); approving a statement of intent; approving "The Godfrey PD Plan"; granting a design adjustment relating to front entrance placement (Case No. 127-2020).

Mayor Treece noted B236-20 had been withdrawn by the application.

B278-20 Authorizing a right of use permit with Missouri Network Alliance, LLC, d/b/a Bluebird Network, for the installation and maintenance of fiber optic cable within portions of the Seventh Street, Cherry Street and Eighth Street rights-of-way.

Discussion shown with B279-20.

B279-20 Authorizing a right of use permit with Missouri Network Alliance, LLC, d/b/a Bluebird Network, for installation and maintenance of fiber optic cable within portions of certain City rights-of-way.

The bills were given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala commented that he was the Council representative on the Broadband Business Planning Task Force and noted there had been some concerns raised about redundancy along with the City's role in terms of fiber in the ground, and asked Mr. Teddy if he had any information with respect to that. Mr. Teddy replied he was not prepared to address that. He explained City staff reviewed the plans and issued the associated work permits. Mr. Skala understood they wanted to get all of the work done at the same time to the extent possible if trenching was involved. He assumed that was not being done in these situations, and that these were new proposals to put fiber into the ground in areas the City was not currently working. Mr. Teddy stated the downtown project would provide internet services, and the larger scale project would provide service to small wireless devices.

Mayor Treece asked how many feet were involved. Mr. Teddy replied the downtown project involved 660 feet, and the other one that was throughout the City involved 13,428 feet, which was about 2.5 miles. He noted the agreement approved at the July 6, 2020 Council Meeting had been for approximately 27 miles.

Michael Morey explained he was the CEO of Bluebird Network, which was a fiber optic provider for services throughout the Midwest. They had a 9,800 mile fiber network and were headquartered in the City of Columbia at the corner of Broadway and Stadium Boulevard. Within the City of Columbia, they had about eight miles of fiber currently in operation. In addition, they were the #2 provider of internet access to schools in the State of Missouri.

Ms. Fowler explained she asked for this to be pulled due to the difficulties one of the neighborhoods in her Ward had experienced on July 31. She appreciated the fact Bluebird Network had reached out to her for a different reason because it had provided her the opportunity to discuss that issue. She noted there had been a failure to notify the neighbors ahead of time of the trenching that had occurred on July 31. In addition, some errors had been made, including the disconnection of internet service to one house and the striking of the gas line a couple of times causing Ameren to have come to site to repair the line. She stated she would like to remedy those problems for any trenching in the future. She noted Mr. Morey had provided her door hangers and had represented that they would be placed on the doors a certain number of days ahead of time. She also understood there would be information on the door hangers with regard to how to contact Bluebird Network. She explained she wanted a City contact on the door hanger as well. She believed the City had a right-of-way coordinator or technician that did this work, and wanted to provide the citizens someone to speak with should they have issues. She wanted to ensure they were in agreement and that they wanted to remedy the situation whether it was Bluebird Network or one of its subcontractors. Mr. Morey replied the subcontractor on this project was Eli Directional Drilling, and noted they would be happy to add a City contact to the hanger with the permission of the City. To date, they had only included the contractor's contact information on it. If the City provided a name and number of a City contact, they would be happy to include it.

Ms. Fowler asked Mr. Glascock for some kind of information on how citizens could reach the City if they had concerns. Mr. Glascock replied they could provide that information.

Ms. Fowler stated she appreciated Mr. Morey addressing the situation and understood he would send her a copy of the hanger so she could amplify it through social media. She thanked Mr. Morey for his quick response. Mr. Morey indicated it was not a problem,

and noted for the items under consideration, they were hoping to get the permits approved today so they could expedite the service of high speed wireless access farther into the community for a carrier.

Mr. Trapp commented that Bruce Alspaugh, who was Chair of the Broadband Business Planning Task Force, had raised the issue of whether the Bluebird Network might be interested in leasing dark fiber from the City instead of building duplicative fiber and risking the incidents Ms. Fowler had referenced. Mr. Morey stated they leased dark fiber from the Utilities Department, and were happy to do that any time it was possible. In most cases, the fiber that was available was not where they needed it to be. He noted they much preferred to use the City's fiber when it was available. This particular deployment required very dense fiber and many strands of fiber in many different areas. The new type of deployment of wireless services, which was called small cell, brought wireless service much closer to each residence and provided much higher bandwidth to the residence, and it required a very high amount of dark fiber. In this case, it was not possible for them to use the fiber that was deployed. He reiterated they were very happy to use it when it was available and that they preferred to use it.

Matt Pritchard explained he was with AT&T and would be one of the carriers involved in this project. He commented that this permit had actually been a part of a larger package, and the City had come back to them asking for consideration of a different location. Part of the issue that had come out of the pandemic had been access to broadband, whether it was wireless or not. These small cells would help augment their existing network so they could provide faster services.

Ms. Peters understood the internet access on Ashland Road was terrible, which was a problem for students, and asked how close these small cells would come to that area or if this project would help with that issue. Mr. Pritchard replied he did not have the engineering plans so he could not answer that tonight. Ms. Peters asked if there was some way she could find out. Mr. Pritchard replied he would check with the engineers and get back to her.

Bruce Alspaugh, 2815 Skyview Road, stated he was with the Broadband Business Planning Task Force and commented that there had been a tremendous amount of digging in City right-of-way the past few months to install these communication cables for 5G cellular service. He was hearing reports of damaged underground utility lines and understood Bluebird Network had put out a press release in August indicating they would be extending their network by an additional 60 miles in Columbia to connect 5G small cell devices as well as select businesses. He noted they were seeing the consequences of this in terms of underground utilities being hit because the right-of-ways were overcrowded. He commented that 60 miles was a lot to be digging up and hoped this would spark a discussion at the Council level with regard to whether a closer look at the processes was warranted. When items like these were passed via the consent agenda, they ended up paying the consequences. He understood the Council had established a permitting process whereby utility companies were supposed to pay for a permit from the Community Development Department before they dug to cover the cost of right-of-way inspection. He wondered if that process was working, whether notification letters were being sent to residents, and if there was a cost to the City to inspect and repair damages when underground utilities were hit. He understood Bluebird Network had the contract to connect AT&T 5G devices, which was the reason they were trenching within the rights-of-way, and wondered what would happen if Socket Internet received the contract to light up the Verizon devices. He noted they would dig and place their conduit on top of the Bluebird Network conduit, and pointed out this could happen again if another company was provided the contract to light up T-Mobile devices. He commented that this was the reason their rights-of-way were becoming overcrowded. He pointed out the electric utility already owned a dark fiber network that covered about 38 percent of the City. It had originally been put in to monitor the electric grid and had been extended over the years to broadband providers. In looking at the maps, he understood a company like

Bluebird Network would lease the City fiber and construct their own extension from it to reach the end customers. He stated he had seen some of the Bluebird Network installation himself earlier today when he had been driving down Worley Street, between Garth Avenue and Providence Road, and had talked to a subcontractor, DDR Boring, when they were installing an extension along Worley Street. He noted DDR Boring was one of many subcontractors installing extensions to the fiber network, and explained the DDR Boring person he had spoken with had freely admitted they had hit several underground utilities in the process of constructing this project. He understood the primary contractor was Eli Directional Drilling who was handing out the work orders to the many subcontractors. With the Worley Street project, he wondered why they could have not just utilized the utility poles to connect the devices so they did not have to dig. He felt the only way to get the attention of Bluebird Network and similar companies was to either not approve the ordinances or to hold off for a bit so staff could determine if a better alternative could be reported back to Council. He suggested staff work with Bluebird Network to see if they would consider paying the City to install the extensions to the City dark fiber network and to run fiber down the power poles so digging was not required. He felt there were advantages to having Bluebird Network paying the City to put in the fiber. They would pay the dark fiber lease instead of the \$1.91 per foot per year in perpetuity and the City would have direct oversight of the contractor so if they did a bad job, the City could hire someone else. In addition, the City would own the extensions and could lease them to Bluebird Network for the full distance. When it came time to light up the Verizon, T-Mobile, and US Cellular devices, they could just lease to those companies instead of digging again. He encouraged the Council to consider a process whereby the Task Force would have the opportunity to examine and make recommendations on these right-of-use bills before they landed on the consent agenda. As companies applied for permits from the Community Development Department, he felt the Task Force should be able to look at those permits to get a better picture of what was happening within City right-of-way.

Mr. Trapp commented that he thought Mr. Alspaugh had raised some interesting ideas. He was not sure of the technical possibility of it within this particular project, but felt it was something they should look into as there were likely some advantages to having one municipal fiber network. He thanked Bluebird Network and AT&T for their investments in broadband technology within the community as it was vital. He wished they could see more of it. He noted his problematic neighborhood was Valley View, and pointed out the lack of internet services inhibited the economy and their ability to grow. It had also emphasized the digital divide, which was problematic in the COVID environment. He commented that he did not want to hold off on approving this tonight, but felt they should consider extending or densifying their network and leasing arrangements via the Task Force or through regular staff procedures if it was economically feasible because it could create some efficiencies and help build their own municipal network for future opportunities.

Mr. Skala commented that he did not intend to get in the way of this, and noted he thought it was within the purview of the Broadband Business Planning Task Force to consider things such as the colocation on poles and trenching within the rights-of-way. He stated he agreed with Mr. Trapp to the extent it was a City investment. He noted he would ask Bluebird Network and the City Manager about their thoughts on entertaining the suggestion of the involvement of the City. He reiterated he did not want to stand in the way of this, and felt the Task Force would take up some of these issues in the future.

Mr. Glascock stated the City had an interest in fiber, but they did not have the manpower to lay the fiber per the schedule of Bluebird Network. He noted staff was also waiting on the Task Force to bring back recommendations prior to moving forward as they did not want to get ahead of them.

Mayor Treece commented that now more than ever, when more people were telecommuting, learning online, and participating in virtual meetings, they wanted to avoid duplication while also incentivizing the build out that extended fiber in a dramatic way. He thought that they needed to be open to the opportunities as they came forward.

B278-20 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, FOWLER, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B279-20 was given third reading with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, FOWLER, TRAPP, SKALA. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

- B276-20 Rezoning property located on the west side of Scott Boulevard and north of Route K from District PD (Planned Development) to District R-1 (Single-family Dwelling) (Case No. 164-2020).
- B277-20 Approving the Final Plat of "Moon Valley Subdivision - Block III" located at the terminus of Moon Valley Road (Case No. 08-2020).
- B280-20 Authorizing the acquisition of easements for the replacement of a sanitary sewer under Providence Road, south of Nifong Boulevard.
- B281-20 Authorizing Amendment No. 1 to the agreement for professional services with Siemens Industry, Inc. for the development of an Integrated Resource Plan and Master Plan.
- B282-20 Authorizing Amendment No. 2 to the agreement for professional engineering services with Weaver Consultants Group, LLC for the Columbia Sanitary Landfill Horizontal Expansion Permitting Project - Phase II.
- B283-20 Accepting conveyances for utility purposes.
- B284-20 Accepting a conveyance for drainage purposes; accepting Stormwater Management/BMP Facilities Covenants.
- B285-20 Authorizing a community assistance program agreement with the Missouri Department of Conservation for management of the fish population and enforcement of Department of Conservation rules and regulations relating to fishing at selected lakes in the City of Columbia's park system.
- B286-20 Authorizing construction of the FY 2019 sanitary sewer main and manhole rehabilitation project; calling for bids through the Purchasing Division.
- B287-20 Authorizing an annexation agreement with Valerie Stevens for property located on the northeast corner of the intersection of Highway HH and Deer Valley Lane (Case No. 170-2020).
- R127-20 Setting a public hearing: proposed installation of audible pedestrian signals with countdown timers and the reconstruction of sidewalk ramps at the intersection of Route 763 (Rangeline Street) and Smiley Lane.
- R128-20 Setting a public hearing: proposed installation of traffic calming devices on William Street between Paris Road and Walnut Street, and Hinkson Avenue between Paris Road and Old 63 North.
- R129-20 Setting a public hearing: proposed construction of improvements at the Rock Bridge Park to include replacement of the existing playground

structure and swings, installation of an asphalt overlay and restriping the basketball court, construction of a small shelter, installation of ADA compliant walkways and bike racks, and the replacement of park signage and baseball backstop.

- R130-20 Setting a public hearing: proposed construction of improvements at Fairview Park and the Bonnie View Nature Sanctuary to include replacement of pedestrian wooden walking bridges, reconstruction of wooden benches, installation of educational signage along the trail system, expansion of the garden plot area, installation of water hydrants and a gravel walking path to the garden plots at Fairview Park, and parking lot improvements and lighting upgrades, installation of a play structure and a wooden pedestrian bridge across Scott's Branch Creek, and construction of pools to slow the flow of water and the installation of bouldering to prevent erosion along the Scott's Branch Creek at the Bonnie View Nature Sanctuary.
- R131-20 Authorizing community housing development organization (CHDO) agreements with Columbia Missouri Community Housing Development Organization, d/b/a Job Point, and Central Missouri Community Action for the construction of owner-occupied affordable and energy efficient housing units within the Cullimore Cottages development.
- R132-20 Authorizing an electric distribution line relocation agreement with Boone Electric Cooperative as part of the Discovery Parkway extension project.
- R133-20 Authorizing the temporary closure of a portion of the sidewalk, parking lane and vehicular lanes on Fifth Street, between Elm Street and Stewart Road, to facilitate the replacement of chilled water and domestic water utilities adjacent to the University of Missouri Power Plant.
- R134-20 Accepting the donation of high rise kits and accessories from Firehouse Subs Public Safety Foundation to be used by the Fire Department.
- R135-20 Authorizing a first amendment to an artist's commission agreement with Roy F. Fox for Traffic Signal Cabinet Art to be located at the corner of Eighth Street and Ash Street.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, FOWLER, TRAPP, SKALA. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

VIII. NEW BUSINESS

- R136-20 Establishing a Growth Impact Study Working Group to assist in the research and preparation of a Growth Impact Study in FY 2021.

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Mr. Thomas thought the proposal looked good. He noted he would prefer nine members, but thought they had settled on seven when they last discussed this. He understood the only thing to decide was the time frame for advertising the positions and what that process might entail. He assumed this would be included with the next round of board and commission appointments. Ms. Amin stated that could be done if that was what the

Council wanted. She pointed out the resolution did not specify who was making the appointments and how the appointments would be made. Any clarification the Council wanted to provide would be great.

Mayor Treece thought the questions before them were how to appoint the members, whether they wanted to advertise for it, etc.

Mr. Skala commented that he felt the real issue was how the process would move forward, and thought they had more or less come to some sort of conclusion to advertise and see who the candidates were before deciding if an additional mechanism was needed, such as a matrix to pick amongst the candidates. He thought they had anticipated having some candidates apply so they had an initial pool to decide who might best serve the group.

Mr. Thomas asked for the time frame for awarding the contract to a consultant. Mr. Teddy replied he thought if the Council made it a goal to advertise and to make appointments at the second meeting in November, they would likely have someone selected to work with them. Mr. Thomas understood they would want to make appointments in four weeks. Mr. Teddy stated he thought that would be ideal timing, but pointed out that if it went a couple of weeks longer, it would not be fatal. He noted the consultant would initially be busy with research and getting to know the City and its data. The sooner they could get people on board who were the local experts to help coach them, the better.

Mr. Thomas asked when the deadline for applications would be. Ms. Amin replied that if these vacancies were advertised with the next round of vacancies, it would be listed on the website on Wednesday and in the papers on Sunday, and applications would be due by November 6 with appointments to be made at the second meeting in November. She suggested the Council ask those they wanted to apply to do so because if there were not enough applicants or if the applicants did not provide the desired balance, they would be pushing the timeline for making appointments.

Mayor Treece asked Mr. Thomas and Mr. Pitzer if they were okay with that. Both indicated they were.

The vote on R136-20 was recorded as follows: VOTING YES: THOMAS, PITZER, PETERS, TREECE, FOWLER, TRAPP, SKALA. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

IX. INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

- B288-20 Authorizing the City Manager to apply to state and federal agencies for coronavirus emergency funding; ratifying grant applications and agreements; authorizing the City Manager and City Counselor to execute certifications and assurances; authorizing the City Manager to execute grant agreements; authorizing electronic filings.
- B289-20 Rezoning property located on the north side of Eastwood Drive and on the west side of Lakewood Drive (2509 and 2513 Eastwood Drive; 1401, 1403, 1405 and 1407 Lakewood Drive) from District R-2 (Two-family Dwelling) to District R-MF (Multiple-family Dwelling) (Case No. 175-2020).
- B290-20 Granting the issuance of a conditional use permit to Owen Skinner to allow for the construction of an accessory dwelling unit on property located at 300 S. Greenwood Avenue (Case No. 174-2020).
- B291-20 Granting design adjustments relating to the proposed Final Plat of MPC Station #94 located on the northeast corner of Providence Road and

- Locust Street (104 and 126 S. Providence Road) to allow a lot line to bisect an existing structure (i.e., parking lot) and elimination of a corner lot truncation (Case No. 151-2020).
- B292-20 Approving the Final Plat of "MPC Station #94" located on the northeast corner of Providence Road and Locust Street (104 and 126 S. Providence Road) (Case No. 151-2020).
- B293-20 Approving a Major Amendment to the PD Plan for "Lot 5-D of The Colonies" located on the east side of Colony Drive and approximately 400 feet south of Chapel Hill Road (Case No. 176-2020).
- B294-20 Authorizing a right of use agreement with WiTel Communications, LLC (f/k/a Williams Communications, Inc.) for underground communications purposes.
- B295-20 Authorizing a first amendment to the intergovernmental cooperation agreement with The Curators of the University of Missouri for integrated shuttle bus service on campus.
- B296-20 Amending Chapter 14 of the City Code to remove parking restrictions on a portion of Switzler Street and Trinity Place.
- B297-20 Authorizing construction of improvements at the Rock Bridge Park to include replacement of the existing playground structure and swings, installation of an asphalt overlay and restriping the basketball court, construction of a small shelter, installation of ADA compliant walkways and bike racks, and the replacement of park signage and baseball backstop; calling for bids through the Purchasing Division for a portion of the project.
- B298-20 Authorizing construction of improvements at Fairview Park and the Bonnie View Nature Sanctuary to include replacement of pedestrian wooden walking bridges, reconstruction of wooden benches, installation of educational signage along the trail system, expansion of the garden plot area, installation of water hydrants and a gravel walking path to the garden plots at Fairview Park, and parking lot improvements and lighting upgrades, installation of a play structure and a wooden pedestrian bridge across Scott's Branch Creek, and construction of pools to slow the flow of water and the installation of bouldering to prevent erosion along the Scott's Branch Creek at the Bonnie View Nature Sanctuary; calling for bids through the Purchasing Division for a portion of the project.
- B299-20 Authorizing a collective bargaining agreement with Columbia Police Officers Association, Fraternal Order of Police Lodge #26.
- B300-20 Authorizing an agreement with ArbNet for acceptance of a grant to fund travel expenses for two (2) tree collection trips to Arkansas for plant propagation; amending the FY 2021 Annual Budget by appropriating funds.
- B301-20 Authorizing a financial assistance agreement with the Missouri Department of Natural Resources for the Phase I construction of the Perche Creek Trail from the MKT Trail to Gillespie Bridge Road; amending the FY 2021 Annual Budget by appropriating funds.

X. REPORTS**REP63-20 Requesting Assistance from Boards and Commissions for CAAP Implementation.**

Mayor Treece commented that he thought this was a good idea, and asked if staff wanted the Council to select the commissions or if they wanted the commissions to self-select where they intersected on climate action issues. Mr. Glascock replied the boards and commissions worked at the discretion of the Council, and staff wanted to work with the four identified in the report at the very least. They were the Bicycle/Pedestrian Commission, the Public Transit Advisory Commission, the Tree Board, and the Youth Advisory Council. He noted Ms. Buffaloe would reach out to those groups if the Council approved them working with them.

Mr. Thomas stated he was supportive of the idea of engaging those commissions, but felt there were other commissions that had more leverage and capacity to actually change things to assist in accomplishing the goals of the Climate Action and Adaptation Plan (CAAP). He identified the Planning and Zoning Commission (PZC) as one of those commissions as they reviewed and potentially changed zoning laws and the Water and Light Advisory Board (WLAB) as another as they oversaw the operations of the energy utility. He also identified the CATSO Coordinating Committee, which did long range transportation planning. He realized they did not want a laundry list, but if there were a limited number of boards and commissions they wanted to talk with, he thought those three should probably be on it. Mr. Glascock agreed they probably should. He explained he was not sure of the schedule, but these were likely the ones Ms. Buffaloe would be working with this year. He pointed out this would be a long-term process and he assumed she would get to all of them eventually.

Ms. Fowler stated she would suggest Mr. Thomas' recommended commissions be substituted for what had been proposed if this was the plan for the first year. She felt what the WLAB, CATSO, and PZC did was far more consequential to the day-to-day lives of the citizens, and it would allow for the opportunity to do more early planning if they were serious about implementing the CAAP. She noted she was also concerned about the impacts of demolition and the only board or commission that she was aware of that had the opportunity to talk about demolition was the Historic Preservation Commission (HPC), and even they would fall behind the importance of the PZC, the WLAB, and CATSO. Mr. Glascock commented that Ms. Buffaloe had evaluated the boards and commissions and had likely chosen these for a reason. He noted he did not want to disrupt her work plan, and would push back on Council getting involved in the operations of the City versus the policy side. Ms. Fowler commented that the boards and commissions were the purview of the Council, and they were putting a board and commission to work with another board and commission. She stated she valued the enthusiasm of Ms. Buffaloe in the work she did and how she did it, but felt they had an oversight responsibility.

Ms. Buffaloe commented that she and Ms. Amparan, the Chair of the Climate and Environment Commission (CEC), had created a spreadsheet showing the alignment of boards and commissions with the 161 actions in terms of primary, secondary, and tertiary responsibilities. She explained they also wanted to create a system where the boards and commissions could all report back without being overburdened, and thought they could pilot this effort with the four boards and commissions identified in terms of getting on each other's agendas and reporting back to Council. The intent was to take on a few of the priority actions they had with some of the more advisory commissions that might not be burdened with holding hearings on certain issues within the next few months. She noted it was not the intent to ignore those boards or commissions because she and Ms. Amparan had discussed the urgency of their work, but they also needed to determine what the process might look like, and come back to Council with what that process might look like for all boards and commissions aligning on different actions. It

was not the intent to not work with those boards and commissions. They only wanted to start with these four because their upcoming agendas were not as heavy in terms of workload.

Mr. Pitzer understood at one point there had been suggestions of items at the airport, and asked Ms. Buffaloe if they had spoken with the Airport Advisory Board. Ms. Buffaloe replied her staff had been consulted when the terminal design was being put together in terms of green building perspectives, but they had not been consulted in terms of the CEC providing feedback. Mr. Pitzer wondered if that was something they wanted them to be involved with.

Mayor Treece stated he thought one of the benefits of the Mayor's Task Force on Climate Action and Adaptation Planning was the intersectionality of the people that had served on it. He thought they had a wealth of boards and commissions, all of which likely had something they could contribute to it. He stated the four identified were not the ones he would have selected for that intersectionality, but he also knew the PZC and WLAB had fairly heavy loads at this time. He commented that he did not want to recreate what had already been done because they already had an elaborate matrix by department and priority, but wondered if informing those boards and commissions would help them look at it from a different perspective and an eye toward climate change. He provided water and electric demand loads, planning and zoning design standards, and the airport terminal design as examples. He was not sure of the best way to do this, but agreed with the City Manager in that it was job of the Council to set that tone.

Mr. Skala commented that he was protective of some of these groups, such as the PZC. They had their hands full with the review of the comprehensive plan and other items. He agreed they had a wealth of information and it was legitimate for them, the WLAB, and CATSO to take up some of these issues, but understood the four commissions that had been selected had particular intersections with respect to action items and the strategy behind the CEC. He asked if that was an accurate observation. Ms. Buffaloe replied yes, and explained they all had some priority actions that were currently going on. In addition, in reviewing their previous agendas over the last six months, it appeared as though there were some commonalities in terms of discussion. Mr. Skala understood this would be a pilot to see how these groups interacted and worked together in terms of some of the action items that had already been identified. Ms. Buffaloe stated that was correct.

Mr. Pitzer explained he had brought up the airport because it was happening now and would not be touched for a while since it was a 50-year project. They had this climate action policy, and his expectation was that in the process of developing plans for something of that nature, it was the responsibility of the City Manager to ensure their policies were being followed and enacted as best as they could. He asked if that thought process was occurring in the design now, and felt that was more appropriate than having multiple boards and commissions interact with each other. Mr. Glascock replied yes.

REP64-20

Chokeholds.

Mr. Thomas asked that they allow public comment as part of this report. He understood they had the open public comment period coming soon after, but felt there were people here who might want to respond before they made any decision as a Council as to how they might want to proceed. Mayor Treece replied he did not want to conflate the decision as to whether to bring an ordinance back with any comment on that potential ordinance. He noted they had not advertised public comment and felt it needed to be a Council decision as to whether to bring forward an ordinance. If they were to move forward with an ordinance, they would allow comment as to whether they would pass the ordinance. Mr. Thomas stated he thought they might receive some good guidance in deciding whether to move forward with an ordinance and what it might say if they listened to members of the public that had a sincere interest in the issue. Mayor Treece commented that he was not saying no, but suggested they get through the discussion of Council first. He noted he might ask for a show of hands as to who might want to speak

after hearing the discussion they had. Mr. Thomas was agreeable to that.

Chief Jones provided a staff report.

Mr. Thomas commented that his impression of the ordinance included with this report was that it was a simple prohibition on the use of neck restraints, and asked if that was a correct interpretation. Ms. Thompson replied yes. It was a prohibition on the use of both the chokehold and the carotid restraints without exception. It would not allow the use of that as a type of force so that would leave the officer with one less type of force that could be used given the circumstances.

Mr. Thomas asked Chief Jones why he felt that was less restrictive than what they currently had. Chief Jones replied he was referring to the policy provided by Mr. Thomas from the professor. Mr. Thomas understood, and noted he thought Chief Jones was referring to the draft ordinance. Chief Jones explained they had discussed two things. One was a policy, and that fit what they did with one exception. The City's policy required the "and" in terms of it being the only reasonable means at the time to stop the threat. He felt that made the City's policy more restrictive than the sample policy.

Mr. Thomas understood Chief Jones had said that by definition chokeholds and vascular neck restraints were deadly force, and stated he did not feel that was correct. He understood several police departments had the use of chokeholds and vascular neck restraints within an overcoming resistance strategy. Chief Jones commented that it was correct for the City's policy because it said they could only use it in response to a threat of serious bodily injury or death, which was the definition of deadly force. They had to meet that threshold to use deadly force. He noted they could say it was deadly force in their policy if that would provide clarification. Mr. Thomas explained it was not clear to him as it said it was prohibited except when an officer reasonably believed there was imminent threat of death or serious physical injury to himself or a third party and the action was the only reasonable means at that time to stop that threat. It did not communicate to him the officer was using a strategy of deadly force. It might to those working in that business, but not to him, and he thought a clarification might make it clearer. He commented that as one of the People's Defense members had said earlier, it was written with such a large loophole that it would be almost impossible to find an officer in violation if the officer stated she or he believed there was imminent threat of death, and he felt that was the problem. He did not disagree that officers needed to use deadly force in certain situations. His concern was that a tactic such as this should not be used when other options were available. If it was supposed to be a deadly force option only, he thought the policy should say that. Chief Jones stated that was a fair comment.

Mr. Thomas commented that the best practice recommendation they had received from Dr. Engel indicated that chokeholds and vascular neck restraints were prohibited, but in reviewing an incident of one of the prohibited strategies being used by an officer, the availability of other legal means of deadly force should be taken into account. He felt that put the emphasis in the right place.

Mr. Thomas stated he was very concerned there was not training on the use of chokeholds, and asked if that was something that could be corrected by adding it to the training program. Chief Jones replied he would not recommend training a technique and then telling people not to use it. Mr. Thomas commented that at the moment they had the opposite in terms of no training and allowing officers to use it. Chief Jones clarified it could only be used to kill someone. He explained it was not pretty, clean, mechanical, or surgical. It involved people fighting for their lives. In the heat of that type of instance, asking them to consider whether they would receive a ticket via City ordinance was unreasonable in his opinion. If it was applied as deadly force, and he did not disagree that they could better clearly define it was deadly force, deadly force was either justified or it was not. If it was, there was still a civil and criminal process. If it was not, there were civil and criminal penalties. He did not think they were that far off in what they were talking about. Mr. Thomas agreed. Chief Jones stated he did not want anyone to think it was a surgical process. Uses of force were not clean, tidy, or surgical. As a result,

there were times they would see a police officer grab someone by the arm or around the neck. He reiterated it was not clean, pretty, or surgical, and said they could not lose sight of that because people's lives were at stake. Taking an option away could lead to an officer with less experience to move to a more lethal force option in that deadly force category. He stated they had to be careful of that. He reiterated he did not think they were that far off from each other. He also did not think it was a "this or that" side issue. He really felt it was trying to do what was good to protect people, both police officers and citizens. No one wanted anyone to get hurt.

Mayor Treece commented that he thought they all agreed they wanted to ban chokeholds, and he supported the currently policy that banned chokeholds and was not sure it should be changed. The amendment Mr. Thomas had requested did not appear to have the imminent threat to a police officer's life included in the language, and asked Mr. Thomas if he read it the same way. Mr. Thomas replied no, and stated he thought it clarified if it was a deadly force situation. Mayor Treece stated he was referring to the ordinance the City Counselor had drafted. Mr. Thomas agreed that was an outright ban, and noted he was not necessarily advocating for that. Mayor Treece asked Mr. Thomas if he supported the consensus policy that said "except in situations where deadly force was authorized." Mr. Thomas replied he did not know, and explained he did not want to commit to what he supported at the moment. He stated he wanted to hear more discussion.

Mayor Treece asked when deadly force was authorized based on current CPD policy. Chief Jones replied when it was to prevent or engage someone who was presenting an imminent threat of serious bodily injury or death. Mayor Treece asked what the other reasonable means were to stop the threat. Chief Jones replied deadly force in any form. Mayor Treece asked if they banned responses to resistance in any of form. Chief Jones replied no. Mayor Treece understood there were other less lethal responses. Chief Jones agreed. Mayor Treece understood it might include a boot knife, TASER, gun, brick, etc. Chief Jones explained that when it came to the deadly force category, it was either likely to cause serious bodily injury or death, or it was not, and if it was, it was deadly force period. Mayor Treece understood that was the case whether death was achieved or not. Chief Jones noted the result was not what they were looking at. They were looking at what the likely outcome was when the force was applied.

Mayor Treece asked about the difference between a chokehold or a vascular, carotid restraint and joint manipulation. Chief Jones replied they were two different things altogether. He commented that with joint manipulation, they were trying to gain compliance via pain. Mayor Treece understood it included putting someone's arm behind their back. Chief Jones agreed. He noted it could include bending a wrist or other manipulations of the joint or pressures that would cause pain compliance. Mayor Treece asked if the scenario described by Mr. Lovelady during scheduled public comment had been a chokehold or joint manipulation. Chief Jones replied he and Mr. Lovelady had talked offline and he was not aware of all of the circumstances. He had described to Mr. Lovelady what a vascular neck restraint was in terms of stopping blood flow to the brain to cause someone to pass out and what a chokehold was in terms of cutting off someone's airway. His and Mr. Lovelady's definition of a chokehold were different, and maybe that needed to be better defined. He reiterated a chokehold was when a person was cutting off the airway of another person, and the other was when one was cutting off blood flow to the brain, even temporarily.

Mayor Treece stated he had reviewed the CPD use of force annual report for 2019 and there had been 300 incidents of use of force in response to resistance out of a year that had 6,167 arrests and 87,785 calls to service. It was 5.8 percent of arrests and less than a third of one percent of calls of service or self-initiated calls. He pointed out those 300 use of force incidents had been broken down in the report as well, and 204 of those incidents had involved the drawing or exhibition of a firearm, which had de-escalated the situation. Chief Jones explained CPD tracked that as a use of force when some would

argue that it was a show of force. Mayor Treece understood 150 of the 300 incidents involved balance displacement, and asked what that was. Chief Jones replied a leg sweep, a straight arm bar, tackling someone, or shoving someone over. Mayor Treece continued that 73 incidents involved joint manipulations and 59 had involved handcuffing. He assumed the handcuffing did not necessarily result in an arrest. Chief Jones stated that when an arrest occurred they could always assume someone was handcuffed. He pointed out they had changed handcuffing. Although it was still tracked, it was a temporary detention and not considered a use of force. He commented that different people interpreted it in different ways, but they still tracked it so they had the data since they felt it was important data. He explained an officer who might have probable cause to arrest someone might detain them and then decide not to take them to jail, but it was still tracked as involving handcuffs. Mayor Treece understood 48 incidents were categorized as utilizing other physical force and noted he was not sure what that might entail. He continued it included 30 incidents of laser/arc display, 24 incidents of the use of a stun gun, 19 incidents with strikes, 14 incidents or pepper spray, six incidents of pressure point techniques, one incident of chemical gas, and two incidents of displaying a canine dog, two incidents of impact weapons, such as a baton, and zero incidents of kinetic energy, canine bites, firearm discharges, or armored personnel carrier.

Mayor Treece commented that he was trying to get at the problem they were trying to solve, and asked if the CPD had policies on each of the other use of force techniques. Chief Jones replied they fit within a continuum, which was a tool used for training purposes. He stated they went with a plus one theory. He explained that when he showed up somewhere, he was not there to challenge someone. If he was presented with force, his response to that force or resistance would be one level higher than it. He was not there for a fist fight. Mayor Treece understood it was often disproportionate to the amount of resistance the officer might encounter. Chief Jones noted it should be slightly above the resistance because they wanted to overcome the resistance instead of going head to head.

Mayor Treece asked if there was any training on an action that was prohibited within the CPD. Chief Jones replied not that he was aware of. Mayor Treece asked if there was a proper way to perform a chokehold or an improper way to perform a chokehold. He assumed exercising and executing a chokehold for over eight minutes would be an inappropriate technique. Chief Jones pointed out that under the CPD policy any application of a chokehold was inappropriate. Mayor Treece referred to "except if there is an imminent threat" in the current policy or "when deadly force is authorized" per the consensus policy, and asked how they trained for that split second decision of imminent threat or deadly force being authorized. He understood training on an effective chokehold technique might be contrary to what they all wanted, which was that chokeholds not be used. Chief Jones commented that a point he would make with regard to whether a chokehold was being applied appropriately to kill someone was that if it was misapplied and someone suffered serious physical injury or death, the outcome was the same. If the CPD trained them in a technique they were expected not to use, except for the extreme situation that might happen one day although he hoped it would not, they would be equipped to do something appropriately that they would always deem to be inappropriate. He stated he would not train someone do to something when the likely outcome was serious physical injury or death, even when misapplied. Using the analogy of Chief Jones of an officer using a car as a battery ram, which was something an officer was not trained for, Mayor Treece understood it would be a less lethal option than the other imminent threat deadly force options available and be the plus-one. Chief Jones stated it would still be a deadly force application because it was deadly force, but depending on the totality of the circumstances, it might be less likely that if he hit someone with a car that it would kill them as opposed to him getting out of the car and shooting them. They did not know the outcome of either situation, but they were both likely to cause physical serious injury or death. He pointed out they all knew there were certain types of deadly force that were

less likely to cause that outcome.

Mayor Treece asked how an officer made that split second decision based on all of the training that had been provided. Chief Jones replied it was based upon training, experience, their senses, etc. as they were all human. There were so many things an officer would consider before using force. He explained that was the reason they had de-escalation written into the policy. There were times when things would present themselves, like a gun to the face with a finger on the trigger, when everything else went out of the window and it was about survival. Officers could not be trained for that day or be mentally prepared for that day, even though they tried. It boiled down to whether they could survive and if they could do it in a way that did not kill someone if at all possible. He noted that sometimes that was not an option they had.

Mayor Treece asked if a civilian, who was attacked on a sidewalk, could use a chokehold or any other means necessary to defend himself of an imminent threat. Chief Jones replied the civilian could apply any of the deadly force categories for an imminent threat of serious bodily injury or death, and the court would decide whether or not it was justifiable. He noted the only exception to that was first degree murder because first degree murder was premeditated.

Mayor Treece stated he struggled with whether police officers had fewer rights than the average citizen who could use that same technique or if they had more rights based upon their training, discretion, and the imprimatur of law. Chief Jones commented that the civil and criminal courts looked at the totality of circumstances to decide whether the force was reasonable.

Mayor Treece asked Chief Jones if he had read the consensus policy. Chief Jones replied he had. Mayor Treece asked Chief Jones if he felt it was stronger or weaker than what they had now. Chief Jones replied he thought they were saying the same thing. He stated the CPD had a policy that prohibited chokeholds and neck restraints, and part of the reason for that was that the officers were not trained on it so the officers were unable to be proficient at it. He explained he had been trained on the lateral vascular neck restraint in the academy, but he had never used it. If he were to apply it today, he might or might not do it correctly, and the outcome of doing it incorrectly would be deadly force. He noted this had been prohibited prior to him becoming the Police Chief so he was not sure of the reasoning, but pointed out he agreed with the outcome. Mayor Treece asked if it was a CALEA approved policy. Chief Jones replied yes.

Mr. Skala commented that he agreed in some areas, but not all areas, and one of the areas of disagreement had to do with the issue of training. He explained he had been in the military and they were trained in techniques because they were trying to do something different, i.e., disable or kill someone. He believed training was important. He noted the use of a firearm in a deadly force situation required a considerable amount of training. He stated he was not sure he agreed with the argument that because it was prohibited, the officers should not know about it. He did not feel that made a lot of sense.

Mr. Skala understood there were issues of transparency in terms of body cameras and police reports, and felt citizens were really struggling with the potential for a renegade police officer, i.e., someone that abused the situation to the extent they were using a chokehold. In the George Floyd situation, Mr. Floyd had already been handcuffed. He did not feel there had been any excuse for any type of lethal force in a situation of that nature. He asked Chief Jones for comments with regard to cameras and reporting. Chief Jones replied every citizen contact, unless something failed with the camera, was recorded on a body worn camera per policy. If there was a failure and a use of force, there was likely at least one other police officer present and recording. Generally, when they had a use of force incident, it would be very difficult to hide it unless it was a one-on-one encounter, the camera to the car was shut off, and the body worn camera was shut off. If the body worn camera was shut off, it was a policy violation. The uses of force were reported and reviewed by the chain of command. If there was not a complaint associated with it, it would end with an Assistant Chief. If it was serious in deployment,

such as a shooting or TASER deployment, or if it was an outside complaint, it would go to him for a decision, and that was appealable to the Citizens Police Review Board (CPRB) and the City Manager. He stated there were a lot of checks and balances in the process. In addition, if it occurred, it would not go on for long because they had an early intervention system built into the use of force reporting and policy violation. He explained early intervention would indicate something was going on with that particular officer if there had been a couple of body worn camera failures, and they would then go through a process to determine if they needed to mitigate. He commented that if an officer or squad utilized uses of force more than others, the Internal Affairs Sergeant would have the opportunity to talk to the other supervisors to determine if it was an issue of training, type of assignment, or something else. He noted they had the ability to check this at several different levels, and there was the complaint policy on top of all of that, which was only as effective as those that were willing to complain. He understood some did not trust the police so they had to have both the complaint process and internal controls. He pointed out all of their policies were vetted in front of the public. In addition, they were allowed to provide input. He commented that a positive that had come from the demonstrations was that people were more involved and attending those sessions. He stated this was done in an effort to be more transparent and collaborative. He reiterated that there were a lot of checks in place.

Mr. Trapp thanked Chief Jones for meeting with him and Mr. Thomas and in trying to understand the concerns of those they represented. He believed some of the disconnect was due to jargon and the short-hand way of speaking as they had a very progressive policy of preemptively banning those techniques. He commented that some of the work he had done was batterer intervention, and when they looked at the lethality factor, choking was high as a risk factor due to the huge potential for death or serious injury that was intrinsically involved. They also worked with batterers to not call it choking and to call it strangulation instead as that was a more accurate descriptive word for what it was. Choking was a euphemism for strangling people, and when they made it clear it was deadly force, it was also clear that they were talking about the same thing. He believed the disconnect was the use of risk of serious injury or death and deadly force interchangeably as that did not leap out to a layperson reading the policy. As a result, the explanation of Chief Jones seemed far more reasonable than reading the policy in isolation. He stated Chief Jones made a good point in that the enforcement ability of the City was very limited with regard to criminality and was not a factor in the decision of an officer in these kinds of life and death situations where there were greater consequences legally. In considering whether it was more appropriate to have an ordinance or a policy, he felt it was clearly on the side of policy. He commented that they both had the job to win the trust of the community and to enhance the cooperative relationship between the police and the community whereby there was a disconnect. He hoped this discussion would provide an opportunity to better understand each other's perspectives and to educate the community, and to consider changes that would make the community comfortable with the policies they had. He thought making the policy clear that it was deadly force and was appropriate when it was the only reasonable application of deadly force would do that to a degree. He pointed out he believed strangling someone was less lethal than shooting someone. He commented that this conversation reminded him of the awesome responsibility police officers had, and stated Chief Jones and the CPD officers had his respect for taking on this difficult task. He thought they could do better in terms of communication and felt a policy revision that could clear the issue up would alleviate his concerns. He noted he was curious as to the comments of the community as he did not feel they were that far apart. He reiterated he believed they needed to do more in terms of communication and potentially make a policy revision. In general, he appreciated that they used low levels of all force and strove for transparency and accountability, but pointed out there were areas they needed to do better. He did not feel this was one of those areas.

Mayor Treece asked Mr. Trapp if he was suggesting the CPD revise their policy. Mr. Trapp replied yes. Mayor Treece asked Chief Jones how the policy could be changed. He wondered if it could be done by the stroke of a pen or if it could be made to be effective immediately. Chief Jones replied he would want public input. He explained the process for policy changes included interested parties and also vetting by the City Counselor, Assistant Police Chief, and Police Chief. He noted the Human Resources Department and the City Manager were also involved. He stated he would want to follow the process as it had some checks within it along with public input, which he thought was important.

Ms. Fowler stated what she had heard after the death of George Floyd in May was a request by the community for an absolute ban. As a result, she wanted an ordinance with an absolute ban to come forward for consideration. If the Police Chief had an alternative ordinance he wanted to bring forward with other explanatory words, she was amenable. She felt the draft ordinance included undermining language within Subsection (b) and suggested "Notwithstanding any provision in this code or police department policy to the contrary" be stricken so it was an ordinance that was an absolute ban of a chokehold with no exceptions or notwithstandings for consideration. She was agreeable to an alternative ordinance being heard at the same time if someone wanted to bring it forward. She stated the community had asked for an absolute ban and she wanted to give them that ordinance.

Ms. Peters understood interested parties reviewed the CPD policies and asked who they were. Chief Jones replied they were the people that showed up when they posted and advertised it. Ms. Peters asked where it was advertised and posted. She noted she had never seen a press release or other notice. Chief Jones replied it was placed on the CPD Facebook page, and noted he would have to check on what all they did. He stated they had more interest recently. He reiterated he was not sure of all of the avenues taken to advertise it. Ms. Peters asked that it include a press release.

Ms. Thompson commented that removing the phrase "notwithstanding any provision in this code or police department policy to the contrary" would allow the CPD to enact a policy that was contrary to the ordinance. The purpose of the phrase was to indicate this ordinance would supersede anything else. She explained that when they had looked at all of the various purported bans across the country, by and large, they had seen exactly the kind of policy Columbia had on the books or the language from the model policy provided by Mr. Thomas of when deadly force was authorized even though they were publicly being reported in the newspapers as a ban. It did not mean they could not clean up the language to make it more clear to ensure it met the objectively reasonable standard, which was the legal standard by which any use of force was examined by the courts.

Ms. Fowler stated that if the language "notwithstanding any provision in this code or police department policy to the contrary" was actually a protection to ensure there was an absolute ban, she wondered if it could be rephrased so it was not confusing because that was not what it said to her. She also wanted an ordinance with an absolute ban to be brought forward for their consideration. If the Council or Police Chief wanted to bring forward an alternative ordinance, it was fine, but she also wanted the absolute ban ordinance to be brought forward.

Mr. Skala assumed the existing policy and language would prevail if an absolute ban ordinance was not passed by the Council. He wondered why they would want to bring forward an alternative unless they wanted to change the language to the existing policy.

Ms. Fowler explained they had been talking for an hour as to the reasons why the vocabulary of the existing ordinance was really a protection for the citizens and she was trying to be responsive to the request of many citizens by bringing forward an ordinance which involved an absolute ban. She stated she was open to the idea of an ordinance that cleaned up the language they already had if that was desired and reiterated she wanted to be responsive to the request of the community by allowing people to come

forward and provide input as to an absolute ban.

Mayor Treece stated he was hearing from some on the Council that the policy was better left in the CPD policy manual with some potential revisions. He wondered if it might be better for the Police Chief to amend the CPD policy with the input they had heard tonight along with an ordinance indicating any change in the City's existing ban on chokeholds or strangulation would come to the Council for approval so they knew it would not be changed.

Mr. Skala stated he was comfortable clarifying the existing language. He noted he was not opposed to having a total ban ordinance come before them either, but felt it would behoove the CPD and City Manager to clarify some of this language to determine if they really had a problem. He understood some in the community wanted exactly what Ms. Fowler had asked for so he was willing to entertain that after the consideration of the suggestions made to clarify the existing policy. This would ensure the alternative was something better than what they had now if they decided to consider an ordinance with an outright ban.

Mr. Thomas suggested they allow the public to speak. Mayor Treece asked if there was any objection to allowing people to speak. Mr. Skala replied no.

Traci Wilson-Kleekamp explained she was with Race Matters, Friends, and thanked them for this conversation. She felt they needed to have a renewed conversation with regard to transparency along with who was able to decide how they were policed. She thought that tied into the conversation with regard to community policing as the community was the one that was supposed to decide how they would be policed. She noted the way they had handled the conversation was not in the open. There had been a community policing report in December during a work session, and the following meeting had been included as part of a work session. At some point, the Council would need to get transparent and have these conversations as a part of the council meeting agenda so they could be discussed openly. She commented that there was a lot of information out there about chokeholds, and felt they should have a robust conversation about them. She appreciated the fact Ms. Fowler understood the community had indicated they did not want chokeholds to be utilized.

Sterling Brown commented that a comparison had been made between shooting someone and choking someone. In addition, there had been discussion as to whether the utilization of a chokehold was an application of deadly force or defined as a use of deadly force. He asked who reported the use of force and whether it was the burden of the citizen to report when they felt excessive force was used. He also asked if they were asking officers to self-report use of force as he questioned how often the use of a chokehold would be reported by the officer. He wondered about the other uses of force that were available as well as officers had a billy club, a TASER, etc. The chokehold was a manually applied restraint to someone's airways or vascular passages. He wondered why there would be an exception clause for a chokehold to be utilized as a tool when they could not define it or train officers on it. He commented that people behaved at their jobs based on the policies and procedures, and they also knew what they could get away with. He stated Mayor Treece, Chief Jones, and the police officers needed to be involved in the stakeholder process he and others had been involved with for this and other conversations. He stated he also did not feel they should have to scour Facebook to determine when and where policy augmentation meetings would occur as that was not very transparent.

Rebecca Shaw, 2615 Vail Drive, noted Mr. Lovelady had wondered during his comments earlier this evening whether his dark skin already made him a threat to someone, and explained that when they were talking about an officer in fear of having to apply deadly force, they had to take into consideration what constituted fear to each individual. If someone had a bias they might be unaware of, they were already fearful for their life in that situation even if that person did not pose a threat to them. She suggested that be looked into a little further whenever discussing these policies. She commented that the

definition of a chokehold had been in question because it was defined differently by the public than it was an officer. She asked if they had a solid definition of a chokehold or restraint, and whether it was in the policy and really known by the officers. If Mr. Lovelady had an arm up, but still felt he could not breathe and said he could not breathe, she wondered if the officer was pursuing a chokehold on him. If an airway was restricted, she would say absolutely by her definition if he felt he could not breathe. She noted they were asking a lot of someone who felt they were harmed by a police officer to go to the police to report it. She suggested some sort of community liaison for taking these reports. She thought they should find a way to offer safety and security to someone that felt they were harmed.

Eugene Elkin, 3406 Range Line Street, commented that he thought a chokehold was an absolute as had been expressed by Ms. Fowler. He noted that some years back they had discussed TASERS and had asked that they not resort to a higher use of TASERS. If there were 70 or more choices, he asked that the officers be trained on what they were and be tested on them. He stated they needed a mental health person available for the decision making of different situations. Officers tended to be tired as they worked late nights, and post-traumatic stress disorder (PTSD) was an issue. He commented that they needed police officers and for those officers to know what was right and wrong. A chokehold could lead to the lack of oxygen to the brain potentially causing someone to be braindead instead of physically dead. He asked for empathy to be applied in the decision.

Mayor Treece asked what Council wanted to do as he did not want to supplant a public hearing. Mr. Skala replied he wanted to see some of this discussion considered by the CPD and City Manager, and for them to bring back edits or changes in the policy that might clarify the situation. He assumed they would consider an ordinance expressly prohibiting all of that language, and if that ordinance failed to receive a majority, they would resort back to the language that had been clarified by the CPD and City Manager in terms of policy.

Mayor Treece asked Mr. Thomas for his thoughts. Mr. Thomas replied it seemed to him that there were three outcomes to this. One would be an outright prohibition as had been drafted by the City Counselor and had been included in the packet that Ms. Fowler had requested be brought forward. The other was to continue with the policy they currently had, which indicated the restraints were prohibited "unless," and that associated caveat was really unenforceable in terms of deniability if the officer claimed that was the situation. The third was the consensus policy and the University of Cincinnati's Police Department policy, which said the restraint was prohibited, but in the case of a violation, the disciplinary committee would review the violation as to whether it was a deadly force situation. He stated he thought they needed more discussion and understood a couple of people were still hoping to speak tonight, which they could during the open public comment after the Council finished going over the reports. He commented that they could ask the Police Chief to come forward with a recommendation, and noted he was supportive of the suggestion of Ms. Fowler to bring forward an actual ordinance to force the discussion in that manner.

Ms. Peters stated she liked the policy utilized by the University of Cincinnati. She agreed that there were three options and felt the current policy was confusing and had too many exceptions. The University of Cincinnati's policy indicated that use of force was not allowed, and if it was utilized, it would need to be addressed by a review board because it should not have been utilized. She believed it was more clear and specific. She noted she was agreeable to an ordinance for an outright ban to come forward, but pointed out she would have trouble voting for it. She reiterated she felt cleaning up the existing policy would be a good idea. She stated she was also happy to hear more conversation on the issue since they all had different lived experiences relating to it.

Mr. Pitzer commented that he did not feel there was much difference between what Mr. Skala, Mr. Thomas, and Ms. Peters were saying in terms of addressing the policy

language and continuing the conversation.

Mayor Treece stated he felt this belonged in the CPD policy and believed the policy could be clarified. He agreed with Mr. Trapp in terms of the communication disconnect. He wondered if they should allow for that process to move forward first and to then strengthen it with a potential change to the use of force policy, and for that change to come to the Council for review and approval in addition to the City Manager. He commented that elected bodies made political statements all of the time, and he was worried about making a political statement that was not well thought out or realistic based on the on the ground scenarios described by the Police Chief. He thought the bigger issue was the disconnect between certain members of the community and the CPD, and specifically the process that had been going on since August. He noted he was not sure how to fix that. He thought a tangible action item would be to address this policy in a way that inspired confidence.

Mr. Thomas stated he was not sure why they could not have parallel tracks. He suggested asking the Police Chief to revise the policy as he saw fit based on everything discussed tonight and for that to be brought back to them. He also suggested asking the City Counselor to bring forward an outright ban and for them to discuss both items at the same time.

Mayor Treece commented that if clarity was the goal, he was not sure the current drafted ordinance was clear. He felt it should be more clear for the officers that had to follow it and the public with which they wanted to be transparent. If Council wanted to proceed with an ordinance, he thought it should be different than the one that had been provided.

Mr. Thomas commented that he and Ms. Fowler understood the community wanted to see an ordinance that prohibited neck restraints without any caveats, and he was sure staff could produce that.

Mr. Skala stated he felt a policy revision should be a prerequisite to bringing forward an outright ban so there was some comparison to make. The outcome of that decision would reflect whether or not the improved version was accepted or the outright ban was accepted. He thought some work needed to be done before they got to that point.

Mr. Thomas noted there also needed to be a lot more opportunity for public input. Mr. Skala agreed.

REP65-20

Correspondence from the Youth Advisory Council regarding Utility Disconnections.

Amira McKee stated she was the Chair of the Youth Advisory Council (YAC) and explained she and the Vice Chair had written this letter on behalf of the body to voice their concerns regarding utility disconnections and their particular impact on the youth of Columbia. She noted many of their concerns and reasonings were outlined in the letter, but she wanted to place particular emphasis on a few items. She commented that much of the YAC was composed of Columbia Public School (CPS) students and that consistent access to power was essential for CPS students to receive any kind of secondary education in a virtual environment, whether it involved charging a school issued laptop or iPad or connecting to a router. CPS administrators and staff, some of whom the YAC had met with at their October 13 meeting, had worked to provide many services that minimized the inequities exacerbated and challenges created by the pandemic. These resources, however, required access to power to find and utilize. As a result, the YAC felt the power utility disconnections would obstruct access to public education for students from low-income families. She noted they were also concerned the utility disconnections would impact the health of students and their families during this public health crisis. Following the City's mask ordinance and the Boone County Health Department guidelines often require citizens to wash their hands and wash reusable masks, both of which required consistent access to water. From the perspective of students in Columbia, controlling the spread of the virus was necessary to ensure they could return to in-person schooling without endangering themselves, their teachers, or

their families. While utility assistance could certainly be helpful in minimizing these hardships, they felt the education of a student should never be wholly dependent on their family reaching out and seeking these particular resources. She urged the Council to further suspend utility disconnections until the COVID pandemic was resolved, and to consider a policy to indefinitely suspend disconnections for families with children under the age of 18.

Mayor Treece thanked Ms. McKee for the well written letter. He asked who the Vice Chair was. Ms. McKee replied Shruti Gautam. Mayor Treece stated he was always amazed by the leadership on the YAC and appreciated them taking on this issue.

Mr. Trapp asked for an update and about the policy of Boone Electric. Mr. Glascock replied he did not know whether Boone Electric was doing disconnects. Mayor Treece understood there was a dashboard with the current statuses. Mr. Glascock pointed out the City had thirteen billing cycles per month so that would change quite often.

Ms. Peters understood the dashboard was on the City's website. Mr. Glascock stated that was correct.

Mr. Skala asked if the number of family members and whether there were any students was considered in the process of negotiating the terms of utility payments. Mr. Glascock replied he did not think it was part of the discussion. He understood it was based upon income and what one was able to pay.

REP66-20 Administrative Public Improvement Project: Cosmo Park Sports Field
Lighting Controls.

Mayor Treece understood this was below the threshold, and asked if there was any objection to using the administrative public improvement process for this project. No one objected.

REP67-20 Public Utility Right of Way Users - Plan Review, Permitting, and Inspection
Processes.

Mr. Teddy provided a staff report.

Mayor Treece asked if the City had any recourse with the permit holders for not completing work such as the repair of a sidewalk or grass not being reseeded. Mr. Teddy replied staff made every effort to communicate the problems as they learned of them. This year, in August and September, they had some issues with providers in various wards. He noted they were somewhat limited in what they could do, especially if it was in the utility easement versus the City's own right-of-way. He explained they tried to encourage the contractor, who was working on behalf of the providers, and the providers themselves to do the right thing by the citizen whether it was restoring the yard or restoring service if service had been interrupted.

Mr. Pitzer understood telecommunication and utility providers were essentially regulated at the State level. Mr. Teddy stated that was correct. He provided video service providers as an example in terms of what the City could do. They could require notice, but only on certain types of facilities. Mr. Pitzer understood the City could not prohibit anyone from doing that type of work. Mr. Teddy stated that was correct if there was a proper easement or if a right-of-way permit had been issued.

Mr. Pitzer explained he had received several complaints with regard to maintenance of the pedestal boxes, and understood that was a State regulation issue. Mr. Teddy stated that was correct. He noted those did not rise to the level where the City could require notice. He pointed out the City asked the utility to provide notice when they obtained right-of-way work permits. In the Country Club area example, he stated they continued to try to get them to restoration. Mr. Pitzer understood the City did not have any real authority though. Mr. Teddy stated that was correct.

Ms. Fowler stated she appreciated the report and would share it with the neighbors that had been impacted along Ridgeway Avenue. She wondered if she could follow up with the City Manager's Office in the next couple of days to ensure they knew who to contact

at the City for the door hanger and for the afterhours phone number as she wanted to ensure that was in place prior to Bluebird Network moving forward in distributing their door hangers. Mr. Teddy noted one thought was to have the 874-CITY number on it since it was the general contact center number. Ms. Fowler pointed out no one answered that number at night or on the weekends. Mr. Teddy understood. Ms. Fowler noted the 24-hour number needed to be on the door hanger as well. She stated she would follow up over the next day or two.

REP68-20 **Monthly Finance Report.**

Mayor Treece noted the report included an update on the CARES Act funding, and understood no money had flowed yet on those requests. Mr. Glascock stated that was correct.

Mr. Glascock stated Boone Electric Cooperative, Ameren, and the City of Centralia were all doing disconnects in response to a question earlier by Mr. Trapp. In addition, the CARES funding that CMCA was managing looked into both income and family size. He noted that had been another question.

Mayor Treece stated he liked receiving this financial update. Mr. Glascock asked if the Council had anything they wanted them to add. Mr. Pitzer replied he was not sure they had seen what staff was working on. He understood the monthly report had been referenced in the audit report they had received, and thought staff was working with the Finance Advisory and Audit Committee (FAAC) to determine what that monthly report would look like. Mr. Lue stated that was correct. Mr. Pitzer explained the Council had received an update a couple of months ago, which was a good start, and adding the input received from the audit and the FAAC would be beneficial as well. He felt they were on the right track.

REP69-20 **Amendment to the FY 2020 Annual Budget - Intra-Departmental Transfer of Funds.**

Mayor Treece understood this had been provided for informational purposes.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mary Sapp, 3405 Creasy Springs Road, commented that earlier this evening they had heard a report from the pro-roll cart folks indicating they had collected 1,000 signatures on their petition, which was one-third of what they needed to get the item on the ballot. She noted the group in 2016 that had gotten the prior issue on the ballot had worked hard to collect the 3,400 signatures that were needed. She stated that she had heard excuses from the pro-roll cart folks with regard to being impacted by the virus in terms of their ability to collect signature, and did not feel that was the reason. She commented that her group had collected the vast majority of their signatures at public venues, such as the farmers market, the post office, and the ARC, and understood the pro-roll cart folks had been to those same venues. They simply had not been able to get enough people willing to sign a petition in favor of roll carts. She thought it was ironic that the two primary proponents for roll carts on the Council were ignoring the previous vote of constituents in their wards. She noted she resided in Ward 2, and 58 percent of those in Ward 2 had voted to put the ordinances in place to prohibit roll carts. It had been the largest percentage of all of the wards. In Ward 4, 55 percent had voted to put those restrictive ordinances in place. She felt those that voted knew what they were voting for, and urged the Council to listen to their constituents by considering those earlier votes as they were more definitive than emails by a small vocal group. If the Council took unilateral action to put the issue on the ballot, she believed it would be a slap in the face to those that had previously worked so hard to get signatures on petitions and people out to vote. She urged the Council to not subvert the democratic process by putting this on the ballot without sufficient citizen signatures on a petition or by changing the ordinances themselves. She commented that she had listened to the pre-council meeting and

understood they were struggling with the decision of how to get more money. She noted roll carts would involve the spending of \$12 million, and felt it was totally unnecessary. She wondered how they could consider something of that nature when budgets were so tight.

Kim Parker, 803 Alton Avenue, stated the citizens of Columbia were once again facing the debate of roll carts, which had been voted on already. She noted there was a small group of people that had not gained enough signatures to place the issue on the ballot again, and yet, there seemed to be a push from within the City to overrule the vote that had been taken in March of 2016. She wondered why the rush and where the transparency was. She commented that the City had passed major amendment changes to the trash collection system that had not yet been implemented. They did not have any data or statistics from the proposed changes designed to improve the current system. She understood the proposed changes moved to a pay-as-you-throw system that many citizens and solid waste employees might appreciate. She reiterated that there were many unanswered questions. During a time when the City was struggling with the budget, she wondered about the costs associated with implementing roll carts and believed the citizens had a right to know. She felt \$12 million had been estimated to start the roll cart system, and wondered how much more would be spent after that and how high their rates would increase. She also wondered how the aging material recovery center would be addressed. She asked why the City was allowing the public to believe roll carts would solve the recycling problem when they would do nothing to solve that problem. She stated the City would soon have a cost of service study compiled for the Solid Waste Division, and the last cost of service study had only included roll cart communities as comparable communities. She believed comparable cities should include cities that utilized the bag system as well as that would better reflect the will of the people. She commented that the citizens of Columbia deserved real facts and figures in terms of cost for any major changes to the operations. She again asked why there was a rush to push a roll cart system through without proper vetting and for transparency in that matter.

Maria Oropallo, Briarwood Lane, understood there were differences between ordinances and policies. In terms of chokeholds, she had heard references to an ordinance and policy. She pointed out they were two separate things and asked that they be more clear on that issue. For her, a ban on chokeholds should be an ordinance as it was the will of the municipality. She commented that how the Police Chief dealt with policy was a different issue, and she wanted to ensure they approached things in that manner so it was more clear. The City saying there was a ban on chokeholds sent a message to the residents in terms of who they were as a people and what they valued. A policy was the internal work. She thought the message from Council needed to be the bigger, broader message. She reiterated her request to be more clear. Although they existed simultaneously, they came from different places and were for the benefit of different people, i.e. the citizens for the Council and the officers for the Police Chief.

Rebecca Shaw, 2615 Vail Drive, thanked Ms. Fowler for the comments she had made earlier with regard to the stakeholder process. She explained she had been unable to participate in the stakeholder chat because CoMo for Progress had not been invited. She stated she was okay with that because her voice was not the one that necessarily needed to be heard. She noted she had watched the video and had read the chat log, and as a result, she did not believe what had been presented by Mr. Seewood was what had been happening in those meetings. She pointed out these discussions had been held in 2017 and during the Mayor's Task Force on Community Violence, and that a lot of this information was out there. The City was asking people to come back again and again, and to provide the same information. She noted they wanted change, to feel safe

in their community, and to ensure the police officers were policing equitably. She stated they needed to stop and listen to the voices that were there, and not say there was one loud person in the group that had not provided anyone else the chance to talk as that one loud person might be the one they needed to listen to. She commented that she was genuinely taken aback the fact that they had activists in this town that had been here and doing the work for 10-15 years that they wanted to shut up. She asked for that not to be done.

Mayor Treece asked what change or packages of change the Council should consider. He wondered how they should obtain the information. Ms. Shaw replied every politician spoke about transparency. She questioned why the policy meetings for the CPD were not posted in other places. Not everyone had internet access. She pointed out she had missed those announcements, and felt she scaled social media fairly well. She noted she had only been aware of one meeting that had been held in the middle of the day. She stated access needed to be provided to those that worked during the day. She commented that Chief Jones made himself available and listened, but felt they were missing the officers on the ground and any connection with them. The trust issue had been in the City for years. If someone needed to report a use of force violation, they should not ask them to go to the same police department that hurt them. Mayor Treece noted those that had come to the Mayor's Office were provided forms to complete. Ms. Shaw wondered who was aware of that information, and suggested that information be provided to the public. She thought they should know of any online form or any different way in which to complete the form. She stated she would not know what to do if she felt as if she had been violated. She would have had to ask a community member. She noted they should be able to go to their government with problems and have answers available. She commented that they had been going back and forth with regard to community policing for 4-10 years. Mayor Treece asked Ms. Shaw if she felt it was better now than it had been 4-10 years ago. Ms. Shaw replied it was for some people in the community. She stated if she was a person of color, she would not feel safe going out and walking past 3-4 police cruisers that were parked on her street. She noted she had the privilege of not feeling she could be harmed for speeding. She was not sure of a way to educate the community further on this issue. It was a deep personal journey people had to want to do. It could not be forced on someone. She stated she believed conversation was where that happened, to include direct one-on-one conversations and small group conversations. She explained she and her daughter had a conversation as to why police were hurting people, and she believed it had to do with the fear of the unknown if they had not been exposed to people of color or people of other cultures on a regular basis. She understood there was not a question on the application for police officers with regard to whether one feared a black person, but it might be a question they needed to ask.

Roy Lovelady commented that he understood any complaint filed by a citizen or report filed by a police officer would go through the Police Chief. He wondered if someone else could be involved so they felt their voices were truly being heard. If the Police Chief decided it was not an issue he wanted to address, it would never make it to this forum and they would have to go through other processes. He explained he had done a lot of research on chokeholds, and understood that one had to be trained in order to do a chokehold. He noted he understood the angle of officers wanting to utilize a chokehold if they were trained on it. He noted he was concerned about not training them, and the officers still utilizing it.

Mayor Treece asked Mr. Lovelady if he thought they should train on something they were not supposed to do or if they should not train on it and hope it was never used. Mr. Lovelady stated he felt it should be banned. Mayor Treece asked Mr. Lovelady if he felt that way knowing it could lead to more lethal force. Mr. Lovelady replied he felt it was alleged that it would result in more lethal force being utilized. He commented that he

understood officers received other training to include de-escalation, and wondered how de-escalation was reported since they were trained on it. In terms of the cameras, he understood it was optional for the officer to turn it on, and wondered how they could get the cameras to be turned on immediately. He explained he had been involved in a situation whereby the video had been deleted or lost, and believed that happened more often when an officer might be at fault or the video showed the citizen in a better situation.

Mr. Lovelady commented that the stakeholder process had not been successful as the trust issue had been broken. He explained with COVID, they had created an agenda and had determined how to address it. The issue with policing was ten years in the making, and they had still had not determined how to address it. They were continually told data was being collected.

Dani Perez stated she was frustrated as a Latinx woman standing before an all-white and mostly male Council. She commented that she was also frustrated by the language for the sacred space of police officers, but that same compassionate language was not available for black and brown people. She explained she was frustrated by the long conversation the Council had with a white police officer, but when the decision was made to allow public comment, only three people had been allowed to speak even when another three people wanted to speak, and at least one of those people had been a person of color. While she agreed with consistency and staying stable with regard to COVID-19, she was frustrated that a lot of bars, restaurants, and small businesses, many of which were owned by people of color and women, did not have any relief. She stated they instead had spent money on a stakeholder process that had upset many people. She commented that she was a privileged Latinx woman and she was still frustrated. She noted 11 percent of the COVID cases involved the black and brown community when only nine percent of the population was black and brown. She asked if a stakeholder process was really necessary to understand that. She explained she had noticed the body language of some of those on the Council every time a certain speaker, who was black, spoke with regard to chokeholds. She noted she had also noticed this with other black speakers and women at times as well. She stated she did not feel it was intentional, but it was frustrating for her to see. She commented that she was frustrated by the fact the Council was not listening to black and brown voices, but was willing to spend money to put the issues neatly in a box while wasting 31 hours of people's time reliving trauma. She believed many black and brown people were intimidated and unheard, which was why they did not attend the meetings. She pointed out she only saw Ms. Fowler and sometimes Mr. Thomas out talking to the community, and asked where the rest of the Council was. She also asked the Council to consider those that might be evicted or have their utilities disconnected because their businesses were going under. She reiterated she was privileged and asked the Council to consider those with darker skin than her or those with disabilities or other oppressions. She also reiterated that they should not waste money on a stakeholder process that only involved a select few people. The way the City had gone about it was wrong, and it was the way white people tended to do things. She believed Columbia was a town of good intentions, but one that did not follow through when it was needed the most. She stated she had not voted them in or worked to pay their salaries so they could be comfortable. It was uncomfortable work, and the Council needed to listen to them. She suggested office hours that were accessible. She asked the Council to let themselves be uncomfortable and to talk to them without cutting them off.

Traci Wilson-Kleekamp stated she was with Race Matters, Friends, and noted she would cancel the meeting she had scheduled with Mr. Seewood for later this week. She explained she was canceling it because Mr. Seewood had so egregiously misrepresented the stakeholder meeting. She commented that she would not tolerate that kind of dishonesty as it hurt the community, and it had been hurting the community for years.

She stated city managers tended to hire people that were incompetent because they had the contract authority to do so. She noted they did not need white savior people to tell them what they needed to do as they were not broken people. The system was broken and everything they had heard tonight involved structural problems. She stated the public utility was being run like a cash/bail system, which she felt was sick. If the City wanted to fix this problem, she suggested they come to them to ask them how they wanted to work on the issue. She did not feel they should pay people to tell them what to do. She commented that she felt this had been handled incorrectly, and thought Mr. Seewood should have met with everyone to get to know the different groups and determine what it was they wanted to address and how. She noted the consultants utilized had already written a report and had not planned to tell those involved during the meeting. It had taken two hours of meeting time to find out a report had already been written, and that those involved would learn about it when it was submitted. She suggested the City hire new consultants and listen to black people. If the City wanted to connect with the black community, she believed they needed to hire consultants that had experience doing research with a racial lens. She suggested people not be hired due to their identity so they could perform looking diverse as that did not help. She stated she had sent the Council a heartfelt email regarding this situation, and pointed out they were not practicing transparency even though it was discussed all of the time. She gave the example of a woman that had attended a CPRB meeting indicating she had been treated badly, and noted she did not know what had happened to that woman. It had not been followed up on. She commented that community policing was about building relationships with people and doing no harm, and policy was about practice. It was about how people were engaged everyday while doing business. She stated they all only wanted to be treated like human beings, and wondered why that was so difficult. She asked the Council to get to work.

Sterling Brown, 901 Thames Court, commented that he felt this particular stakeholder process would smolder into a burning wreckage. In early June, when the protests were happening, Lieutenant Hestir had been dispatched to organize a meeting with the People's Defense. That meeting had not happened and what had come of it was this stakeholder meeting process. He understood a number of calls had been made to individual stakeholders around town to include some groups. He noted he had been one of those stakeholders. In a conversation with Mayor Treece at a prior council meeting, he had stated that any meeting or process that did not bring results would not be successful as many would think the can was continuing to be kicked down the road since meetings of this nature had occurred in the past without results. In terms of this process, he had been asked to provide heartfelt answers so they could be used in a qualitative manner, but had not received the questions in advance. He felt that was not appropriate and had then been given the questions. Afterwards, everyone had then received the questions, even those that had already met with the consultants. As a group, they felt course correction had occurred, but it had not because when they had the group meeting, only four pages of a 15 page report had been shared with them. He had learned tonight from one of the consultants that it was their intent to not provide the full report to the stakeholders. There was nothing more punitive or despicable than looking at a grown person in their eye while insulting their intelligence. He had been told the report had not been provided because there were trust issues, and pointed out that was the reason there were trust issues. It had been extraordinarily foolish and disingenuous. If the City wanted to fix the process, he felt Mayor Treece, Mr. Glascock, and Chief Jones needed to participate. He commented that Lieutenant Hestir should not be sent to the meeting to participate with his screen off or anyone else that did not attempt to represent the CPD. He wondered if the police officers had even been interviewed as a stakeholder. He felt it was a sham. If it was truly an attempt to build something, it would not be successful without the support and involvement of leadership. He stated at least 14 members of the

stakeholder process could have provided a better product than the consultants had utilized costing the City \$27,000.

Eugene Elkin, 3406 Range Line Street, suggested the use of Douglass High School as a location for a future stakeholder meeting in terms of space and the ability to distance due to COVID. He commented that he felt empathy was needed as any of them could have a chokehold used on them, and recommended chokeholds be banned.

Mr. Elkin understood the homeless car camp ended this Saturday so the homeless would be back on the streets until the churches were able to accommodate them. He suggested the Council utilize their salaries to help the homeless.

Mr. Elkin commented that he had traveled to State Farm Parkway and could not locate the dumpsters. He asked the Council to review the trash situation.

Mayor Treece noted written comments had been received and that those items would be filed with other items associated with this meeting. He pointed out they had also been distributed to the Council.

Traci Wilson-Kleekamp of Race Matters, Friends had sent a letter with several questions. Mayor Treece stated he would try to provide a thoughtful response.

Diane Meeker had encouraged the Council to implement an ordinance that would ban chokeholds and neck restraints under any circumstance.

Matt McCormick, the President of the Columbia Chamber of Commerce, had provided communication regarding COVID.

Mr. Skala understood several people had suggested the Council be more involved and pointed out he held office hours for two hours, 9:30-11:30 a.m., on the Saturdays prior to the first and third Mondays of the month at one of the local coffee shops. It was on a first come, first serve basis and he would even buy the coffee. He noted it was an opportunity for citizens to chat with regard to anything they would like. He pointed out the City's website provided contact information for each Council Member whereby a meeting mutual in time for both parties could be arranged. He suggested citizens take advantage of the opportunity. He explained he would be as forthcoming as possible and would listen to what they had to say if they would also listen to what he had to say.

Mr. Thomas stated he wanted to ask the Human Rights Commission (HRC) to review the Breathe Act and make a recommendation to the Council as to whether to adopt a resolution endorsing that proposed federal legislation.

Mr. Thomas asked for the consideration of a memorial street name to be applied to Prospect Street. He noted Jordan Hoyt was a resident that had been killed in a car crash at West Boulevard a couple of years ago, and she and her family had lived in the neighborhood immediately adjacent to the crash site for a couple of generations. He explained they had requested a way to memorialize her. He stated he had discussed this situation with Mr. Teddy as there were a couple of ways to move forward. The recommendation of Mr. Teddy and the one preferred by the family was for a memorial street name. The addresses would remain as Prospect Street for the residents, but Jordan's Way would be printed on a sign and mounted below in a different color background on Prospect Street. He understood per his conversation with Mr. Teddy that there was not really a defined process for doing this, but if the Council supported the idea, staff would move forward. He noted there were precedents and provided Sterling Wyatt as an example of someone memorialized in the Old 63 area.

Ms. Peters and Mr. Skala felt it was reasonable.

Ms. Fowler stated she was not objecting to memorials, but felt there were likely some unanticipated consequences. She understood there were other neighborhoods that wanted to remain streets, either actually or as a memorial. She thought this was an

opportunity to talk about the bigger pictures and to establish a process. She felt they would want to listen to any community input on the issue which could include something they had not considered. She encouraged the initiation of a process, whether or not it entailed an ordinance. She thought they should also conduct outreach through Bill Cantin to all of the neighborhood associations. She felt they should find out how much interest there was for not only Jordan's Way, but for other street names. She thought they should have a clear process if they wanted to do this. Mr. Thomas stated he was agreeable to that.

Mayor Treece thought these situations should also be rare. He stated there were tragic events in the community all of the time, and any one of them could request something similar every other Monday. It would then be diminished for everyone. He felt they needed to be sensitive to that situation as well.

Mr. Thomas understood they had consensus to move ahead with this item.

Mr. Skala stated the points of Ms. Fowler and Mayor Treece were well taken, and suggested they develop a policy at the same time they were moving forward with this process. He understood Mr. Teddy had suggested there was no established policy, which he felt demanded them to establish one.

Ms. Thompson commented that if this was something they wanted to move forward with, it would have to be done by a resolution of Council. It would need to be something more formal than just the consensus of Council.

Mr. Thomas asked if that was what had happened with Sterling Wyatt, and suggested that same process be utilized. He understood a resolution would be brought forward at the next meeting. Ms. Thompson stated some background information would be needed, and pointed out she was not sure it would be available at the next meeting. Mr. Thomas asked if he should put the members of the family in touch with her. Ms. Thompson replied Mr. Thomas should coordinate it and provide the information he wanted highlighted to her.

Ms. Fowler asked that they be mindful of how often neighborhood associations met, and allow sufficient time for their involvement in the process. She stated she would do her best to let the neighborhood associations she interacted with that this was coming and ask them to pay attention to an opportunity to comment.

Mr. Trapp asked Ms. Amin for the deadline to place an item on the April 2021 election. Despite Ms. Sapp's comments, he felt COVID was a real detriment toward the petition process. He appreciated the fact they had taken risks to collect over 1,000 signatures, but thought they might want to pass an ordinance to put it on the ballot as an act of Council. He felt it would be appropriate to have an election to uncreate the situation since an election had been held to create the situation. He reiterated he believed collecting petition signatures was problematic and that it was a mischaracterization to say it was a lack of public support. He pointed out he had not been to the farmers market, and did not feel he was the only one. Ms. Amin stated the ordinance would have to be introduced the first meeting in January, which she believed was January 4. Since it was around the holidays, she suggested some sort of directive or motion be done by the first meeting in December so staff had time to draft it.

Mr. Trapp stated this was something he would likely bring forward. The Council could then vote it up or down.

Ms. Amin pointed out the dates provided were for the April election.

Ms. Fowler commented that having been one of the people that had spent all of her free time collecting signatures with regard to a downtown development that had been approved without sufficient sewer capacity only to have to do it again a second time, she did not want to minimize the effort of the group that had placed the issue of roll carts on the ballot in 2016. She stated Election Day was the most opportune time to collect signatures assuming they abided by the rules the County Clerk's Office had with regard to keeping a reasonable distance from a polling place as there would be hundreds if not

thousands of people that would go to a polling place. She noted she had also conducted a visibility campaign so many feet from a polling place in the past, and felt there were opportunities there. She thought they needed to be careful, as a legislature, to overturn a decision by the voters even with changed circumstances. She pointed out they had on the ballot this election an act by the State Legislature to overturn a will of the voters just two years ago, and she was troubled that they were contemplating a similar action when there was a path forward via the petition process. She felt that was a good process and one that needed to be followed.

Ms. Peters asked for the plans moving forward to engage the black and brown community. She pointed out she understood they, as a Council, were now wanted when she had previously been told they had not been wanted until later in the process. She asked how they planned to move forward. She wondered if they were waiting a month to review a product from Mr. Seewood or if there was a different route.

Mayor Treece stated he thought the stakeholder process was irretrievably broken. He noted the he and the Council had been discouraged from participating in the listening sessions. It had the opposite effect of what they had intended. He thought the City Manager needed to cancel the agreement with the consultants, and that they should start over with the listening session they should have had from the very beginning as they were all frustrated they were getting this in three and five-minute increments every other Monday with no real potential changes being suggested for which the Council could take action. The consultants they had paid \$27,000 to could have at least been in the room to hear the passion they had heard tonight. He asked those that were in support of that action to express that now.

Ms. Peters asked if they wanted to try to move forward with a town hall meeting so they were able to listen to each other in the same room. She understood it would have to be in a location that was large enough for them to all be able to spread out and one that had the microphones or other equipment whereby they could all hear each other.

Mayor Treece commented that the problem was that there were 50 different opinions as no one person knew everything about this issue despite what that one person thought. He noted they all had ideas, and it was sometimes difficult to express in what form that change should occur. He stated he wanted to listen and reduce it to tangible policies that would make a meaningful difference. He felt they needed to identify the problem they were trying to solve. He suggested they start over with a different process that accommodated the frustrations they had heard tonight.

Mr. Skala commented that \$75,000 had initially been set aside to engage the National League of Cities Racial Equity and Leadership group or others to take a racial equity lens look at all of their ordinances. Ultimately, that process had morphed into this alternate solution involving a stakeholder group. He noted he was concerned as to what had happened to that \$75,000, and was not sure of a solution. He pointed out the Council had been actively discouraged from participating in the stakeholder process. He commented that when this had been a discussion group with meetings held at local churches, Council Members had taken part in those meetings. He understood they might need to rethink the process and explained he still felt they needed to take a racial equity look at their ordinances to ensure they had the proper basis for dealing with some of the issues.

Ms. Fowler stated she agreed with Mayor Treece in that the process was broken and that trust had been damaged, but felt they needed to find a way forward. She commented that her way forward in the short-term was for them to be available at a time that worked for the stakeholders that wanted to meet with them and that they spend a lot of time listening to their experiences and less time talking. She thought they should let them tell the Council what they wanted the next step to be, whether it was bringing in the CPD or management. She did not want to predetermine the outcome because she was still learning and because it was a deeply personal process to understand as had been noted by Ms. Shaw. She felt they had the opportunity to ask when and where they wanted the

Council to be, and they would then listen. They could then figure out how to pick up the pieces and move forward in a process that was meaningful to those that were black and brown.

Mr. Thomas endorsed the comments of Ms. Fowler. He noted there had been a lot of complaints about it being a listening session, but felt it was important to listen. He thought they needed to do it without imposing a structure on what they listened to and that they needed to be open to what people had to say.

Mr. Trapp commented that a theme he had heard tonight was that the City had come forward with a process that had already been designed and that the stakeholders wanted to be the ones that designed the process. He thought they should ask the stakeholders how they thought this should move forward.

Ms. Fowler understood what they had planned to discuss at the November 2, 2020 pre-council meeting was no longer ripe to talk about, and suggested they discuss the board and commission process. She thought they needed to discuss how they did some things in combination and how they did things as a study group. She felt they should talk about their expectations as a Council with regard to boards and commissions, and potentially reestablish what those were in terms of attendance, quorum, combination issues, etc.

XII. ADJOURNMENT

Mayor Treece adjourned the meeting without objection at 11:41 p.m.