



# City of Columbia, Missouri

## Meeting Minutes

### City Council

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Monday, November 19, 2018  
7:00 PM

Regular

Council Chamber  
Columbia City Hall  
701 E. Broadway

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#### I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, November 19, 2018, 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 PETERS, TREECE, RUFFIN, SKALA, THOMAS, and PITZER were present. Council Member TRAPP was absent. The City Manager, City Counselor, Deputy City Clerk, and various Department Heads and staff members were also present.

Mayor Treece explained the November 5, 2018 meeting minutes were not yet complete.

Mayor Treece noted the Council had received a request by the applicant to withdraw PH45-18, the public hearing on an annexation, along with B292-18 under the introduction and first reading section of the agenda, which would be removed from the agenda.

Mr. Skala asked that B279-18 be moved from the consent agenda to old business.

Mr. Ruffin noted he intended to request R185-18 be tabled when they got to that item on the agenda.

Upon his request, Mayor Treece made a motion to allow Mr. Pitzer to abstain from voting on B281-18. Mr. Pitzer noted on the Disclosure of Interest form that he had a professional conflict of interest. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Thomas asked that B277-18 and B278-18 be moved from the consent agenda to old business.

The agenda, including the consent agenda with B277-18, B278-18, and B279-18 being moved to old business and B292-18 being removed from the agenda, was approved unanimously by voice vote on a motion by Mayor Treece and a second by Mr. Skala.

#### II. SPECIAL ITEMS

SI14-18

Strategic Plan Annual Update 2018.

Ms. Rhodes, Ms. Buckler, Ms. Button, Ms. Messina, Chief Burton, Mr. Glascock, and Mr. Cobbins provided an update on the various sections of the City's Strategic Plan, which included Operational Excellence, Economy, Social Equity, Public Safety, Infrastructure, and Community Outreach.

Mr. Skala asked for clarification with regard to public involvement for the park in the Whitegate area. Mr. Glascock replied he believed public engagement would be done in conjunction with the development of the park itself. Mr. Skala understood there would be public engagement during the improvement process.

Ms. Peters asked for clarification as to the location of the municipal center on which they would soon begin construction. Mr. Glascock replied it was the project Chief Burton had mentioned and noted it would be located in north Columbia.

The update continued and a video highlighting the successes of the Strategic Plan was played as well.

### III. APPOINTMENTS TO BOARDS AND COMMISSIONS

#### BC11-18 Board and Commission Applicants.

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

##### AIRPORT ADVISORY BOARD

Graham, Chuck, 102 W. Green Meadows Road, Ward 5, Term to expire December 1, 2021

Hunter, BJ, 4310 Montpelier Place, Ward 5, Term to expire December 1, 2021

##### COMMUNITY LAND TRUST ORGANIZATION BOARD

LaBrunerie, Alexander, 601 W. Nifong Boulevard (business), Ward 4, Term to expire December 1, 2022

Mendenhall, Richard, 2212 Shepard Boulevard, Ward 6, Term to expire December 1, 2021

Stanton, Anthony, 315 LaSalle Place, Ward 1, Term to expire December 1, 2022

##### DISABILITIES COMMISSION

Asher, Jonathan, 313 N. William Street, Ward 3, Term to expire June 15, 2020

Liebig, Andrew, 407 Mimosa Court, Apt. A, Ward 6, Term to expire June 15, 2019

##### MAYOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

Hawf, Christopher, 1104 Hulen Drive, Ward 4, Term to expire November 30, 2021

Kinser, Lisa, 604 Clinkscales Road, Ward 1, Term to expire November 30, 2021

Miller, Susan, 3705 Forum Boulevard, Apt. 417, Ward 5, Term to expire November 30, 2021

Nilon, Avila, 1303 Parkridge Drive, Ward 4, Term to expire November 30, 2021

Ogle, Matthew, 2415 Bluff Boulevard, Ward 6, Term to expire November 30, 2021

Schlemeier, Sarah, 3704 Iguana Drive, Ward 2, Term to expire November 30, 2021

##### PERSONNEL ADVISORY BOARD

Andrade, Amanda, 1608 Whitburn Drive, Ward 5, Term to expire November 30, 2021

Barth, Jennifer, 2803 Pine Tree Lane, Ward 5, Term to expire November 30, 2021

Mayor Treece stated he wanted to delay making appointments to the Tax Increment Financing Commission and asked that the vacancies be re-advertised.

### IV. SCHEDULED PUBLIC COMMENT

#### SPC65-18 Lynn Maloney - The dismantling of the Community Outreach Unit.

Ms. Maloney commented that she felt it was ironic to hear the Strategic Plan update praising the community outreach unit and its efforts in community policing as the trust that had been built by the outreach unit had plummeted over the past week. She explained Chief Burton had dismantled the community outreach unit under the supervision of Mr. Matthes. She believed the City Manager had failed with regard to the directive of Council to create a plan for department-wide community-oriented policing and felt action by the Council in addressing this willful subordination should be sought. In the spring of 2017, the community outreach unit had shown members of Race Matters, Friends a draft plan for department-wide community-oriented policing and had asked for feedback. She wondered if Council knew a plan had been drafted nearly two years ago, and felt they might not have known since it had not been included in any plan since then. In February, 2018, the Council had directed Mr. Matthes to create a plan for department-wide community-oriented policing, and understood Mr. Matthes had rejected

the application of the leader of the community outreach unit to create the plan requested. Instead, he had hired an officer with no experience in community-oriented policing to draft the plan. In August, 2018, the City Manager submitted the plan that he and Sergeant Fox had developed in response to the Council directive, but it had not included a plan for department-wide community policing and had excluded any contribution of the successful community outreach unit team. She understood the response of Council had been to ask the City Manager for a revised report, which was scheduled to be presented in December. Meanwhile, Deputy Chief Schlude had sent an email to Columbia Police Department officers indicating the community outreach unit would be disbanded and an entirely new unit would be created. The current community outreach unit officers would not be included in the new community response unit unless they applied. She noted the new community response unit would have half as many officers as the former community outreach unit, and would not engage in community-oriented preventative policing. In addition, the unit would likely not include the officers that had created the successful community outreach unit. She commented that when a journalist reporting on the dismantling of the community outreach unit had contacted the City Manager prior to publishing the story, the City Manager had claimed he had not been contacted, but noted they had documentation indicating that was not true. Through a records request, they had received job postings for the new community response unit that had been issued internally by the Police Department with a closing date of October 26. While the Council was waiting for the City Manager to create a plan to implement community-oriented policing, he and the Police Chief had been dismantling the community outreach unit and creating a new community response unit without their knowledge. She reiterated the new community response unit would not be doing community-oriented policing. She noted Chief Burton had addressed the Citizens Police Review Board five days ago, and had indicated police officers found community-oriented policing to be boring. In addition, he had indicated community-oriented policing was not real policing and had alleged the discussion of dismantling of the community outreach unit was based on confusion. She questioned why the community outreach unit officers were not present to explain the wonderful expansion of their work in the community response unit, why they had not been included in the new community response unit, and why their input had not been included in the City Manager's report. She reminded the Council that several of them were up for re-election in April and that they looked to them as leaders on this issue.

SPC66-18

Andrew C. Twaddle, Ph.D. - Change in CPD policy.

Mr. Twaddle, 919 Edgewood Avenue, explained he was a member of Race Matters, Friends, along with other organizations, and that he had recently returned to Columbia after a five-month absence. He noted he had been distressed to learn the Columbia Police Department had stated its intent to dissolve the community outreach unit, and hoped the Council would respond vigorously and demand the City Manager and the administrators in the Columbia Police Department act in good faith to aggressively promote community policing in Columbia. On its face, actions of the Columbia Police Department seemed to be a giant step backwards from a good faith effort to try to change the philosophy of the Police Department in the direction of a guardian mentality in its interaction with the community. It also seemed to be counter to the February, 2018 resolution establishing a City policy of promoting community policing. It showed a lack of commitment by the Columbia Police Department to follow the directives of the Council and raised questions about the ability of the City Manager to implement Council directives. He understood the City Manager had issued a statement indicating the community outreach unit had not been abolished, but that seemed to be contradicted by some internal Police Department documents. He commented that statements by the Police Department leadership had demonstrated that they still saw community policing as a separate activity from police work like responding to emergent situations. The Police Department proposal was to broaden the geographic scope while narrowing the departmental commitment to what they saw as community policing, but what he and

others wanted was a department-wide scope of community policing whereby what Chief Burton had referred to as police work was an integral part of community policing. He stated they were not asking for a specialized group within the Police Department. They were asking for a change in the way the Department did all of its work. He thought a question needed to be asked as to whether the City Manager and the Columbia Police Department were acting in good faith to address racism, intentional or not, in current policing practices, and if they were not, he believed a change in leadership was needed, but if they were, a plan was needed to combat racism and promote social equity. He commented that if he had misunderstood the situation, which was possible, since he had recently returned, he apologized. He explained that while they had hoped for an enthusiastic good faith effort to improve the quality of policing in Columbia, they seemed to be seeing the opposite. He hoped the Council would reassert its February directive and take whatever action was needed to enforce it. He provided a handout of his comments.

SPC67-18 Virginia Muller - Holding city management accountable.

Ms. Muller, 101 Edgewood Avenue, quoted Section 11 of the City Charter, which indicated the Council had the power to appoint and remove the City Manager, and asked the Council if they were pleased with the way the City Manager was performing his duties. In the last few months, after being tasked by the Council to come up with a community-oriented policing plan, the City Manager had instead participated in the planning of a bureaucratic restructuring of the community outreach unit, effectively eliminating the unit and positions by disbanding them and creating a community response unit. The community outreach unit officers that had worked hard to gain the trust and confidence of the communities they had served were now being asked to reapply to the newly formed community response unit as was every other officer. She felt this would result in a bureaucratic demotion for the community outreach unit officers at a time when they should be recognized and applauded for their work. After reviewing internal Police Department emails and internally circulated job postings obtained through a records request, Race Matters, Friends did not feel the City Manager was being truthful about the planning process behind the changes or with his interactions with the press regarding his involvement and knowledge of the changes. She commented that they did not believe he was doing the job he had been tasked with by the Council. She noted these disturbing revelations were just the most recent in a series of actions that had undermined the role of the Council as representatives of the citizens. One of the first acts of Mayor Treece had been to issue a transparency ordinance, but yet the City Manager had shown a complete inability or unwillingness to comply. She understood he continued to answer challenges to his management through deception as was evidenced by his claim that reporters had not tried to talk to him before reporting about the dissolution of the community outreach unit. Another example was his intradepartmental money transfers to fund the Police Department. She commented that when the City Manager undermined the continued work of implementing community-oriented policing and failed to hold Chief Burton accountable for his shocking statements with regard to how police wanted action and car chases instead of relationships with citizens, he demonstrated he could not be trusted with public safety. She believed he had never planned to implement community-oriented policing, and that had become clear with the dismantling of the community outreach unit. She stated the Council was the elected representatives of the citizens, and they had the power and responsibility to act on the will of the community. She felt the City Manager showed inadequate respect as had been evidenced by producing reports and work products that undermined the intentions of Council, and that City staff was intimidated and vulnerable as the City Manager tried to run the City with minimum redundancy. In addition, due to the rules of the City Charter, the Council was unable to interact with City staff directly to receive their complaints and understand their fears. She noted the citizens had invested their power to the Council, and the Council had the power to remove the City Manager. She pointed out the usual

tenure of a City Manager was 7-8 years, and Mr. Matthes had been the City Manager for about 7 ½ years. She thought it was time for someone new that would respond to the needs and the will of the community, treat the citizens and the Council with respect, and respond to the direction of the Council. She understood implementing positive change for the City was not easy, but believed the Council had the courage and integrity to move Columbia forward by removing this City Manager.

SPC68-18 Jill Lucht - "Letting go of the good to do better:" Tools we can use to be a more inclusive community.

Ms. Lucht, 100 Aldeah Avenue, asked the Council to follow through with the commitment it had made to the community to design a citywide community-oriented policing model for the Columbia Police Department. She requested those in support of community-oriented policing to stand and approximately 35 people stood. She stated she had been inspired to speak after hearing the comments of Timothy Love on October 15. She noted he had been the PhD student that had spoken about his experience as an African-American man in Columbia, which had included a long list of experiences that had made him feel targeted for his race. She explained he had spoken about being warned to not play the race card in a Missouri courtroom when he had contested a traffic ticket, and noted she felt sad that some members of the community felt targeted due to their race while she remained blissfully unaware as she had never faced consequences for things such as a taillight not working. She commented that shortly after that council meeting, she had viewed a Ted Talk by Dolly Chugh entitled *How to Let Go of Being a Good Person and Become a Better Person*. She explained Dr. Chugh was a psychologist whose research showed that being considered a good person was really important to many people's identities, and noted she was in that group as she was a people pleaser, followed the rules, and strived to be a good person through her work at the University of Missouri Center for Health Policy and her volunteer efforts. She stated she was proud to be part of a community that also strived to be good and do the right thing. She commented that she had witnessed the Council act on behalf of their most vulnerable citizens by protecting paratransit, funding youth programs, and increasing wages for the workforce. It meant a lot that the Council stood up for those people and for her. She stated she had also been heartened by the unanimous support of this Council for community-oriented policing in February. She explained Dr. Chugh had indicated that their identity as good people tended to sometimes get in the way of them becoming better people, and that they tended to become defensive when someone questioned the notion of whether they were good. That defensiveness would then shut down their willingness to learn from their mistakes. Instead of being mired in feelings of defensiveness, she asked the Council to do what Dr. Chugh had suggested, which was to let go of being a good person and to become a better person. She commented that they needed to let go of the idea of being a good community and needed to instead strive to be a better community, a community that truly valued diversity and approached policy with a lens of equity and inclusion. She stated they needed to acknowledge the fact that the historic legacy of racism continued in community institutions, including the Columbia Police Department. She felt they had been given time to learn from their collective mistakes, and suggested using that learning to move forward to a better way. She believed it was time to take decisive action toward community-oriented policing, and replacing the community outreach unit with problem-oriented policing was moving in the wrong direction. She asked the Council to move the community in a better direction.

## V. PUBLIC HEARINGS

PH43-18 Proposed construction of improvements at the Lions-Stephens Park to include replacement of the existing shelter and playground structures, installation of a sidewalk along Ann Street, installation of concrete pads for trash and recycling receptacles, construction of ADA walkways and the

installation of additional amenities as funding allows.

Discussion shown with B284-18.

**B284-18** Authorizing the construction of improvements at the Lions-Stephens Park to include replacement of the existing shelter and playground structures, installation of a sidewalk along Ann Street, installation of concrete pads for trash and recycling receptacles, construction of ADA walkways and the installation of additional amenities as funding allows; calling for bids for a portion of the project through the Purchasing Division.

PH43-18 was read by the Clerk, and B284-18 was given second reading by the Clerk.

Mr. Griggs provided a staff report.

Mr. Skala understood there had been an impasse during the first meeting with the neighbors and asked if that had been a split vote. Mr. Griggs replied it might not have been split equally, but there had been a very vocal contingency. Mr. Skala understood there must have been a meeting of the neighborhood in order to reach the 21 of 28 consensus and asked if the consensus had only been with respect to the relocation of the shelter or if it had included the other amenities discussed. Mr. Griggs replied it was primarily the shelter. He noted some had wondered why the shelter needed to be moved. In terms of maintenance, visibility, and overall use, the consensus had come back to placing it where staff had proposed.

Mayor Treece opened the public hearing.

Peter Norgard, 1602 Hinkson Avenue, stated he was glad the City was willing to spend money on their little neighborhood as he thought improvements were needed, and noted he mostly agreed with the direction they were going. He commented that some of the controversy surrounding the shelter was whether it should be the same size as the current shelter or the size proposed by staff, which was a little smaller. There had also been controversy about removing it and replacing it versus keeping it where it was currently located. He explained they had asked a series of questions in their survey to try to come up with a more granular response. He stated he was not sure he could agree there was consensus, but thought this was the best approach in terms of meeting all of the needs and requirements while considering the financial constraints as well. In terms of the neighborhood, this struck a balance between the things they had asked for and the things that were possible.

There being no further comment, Mayor Treece closed the public hearing.

Mr. Skala commented that this project was important to the Benton Stephens neighborhood and he was glad to see that level of participation and a significant improvement in what the people wanted even if there was not a consensus. He reminded everyone that this was what was possible in a well-run department with a small dedicated tax.

**B284-18 was given third reading with the vote recorded as follows: VOTING YES:**

**PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER. VOTING NO: NO ONE.**

**ABSENT: TRAPP. Bill declared enacted, reading as follows:**

**PH44-18** Consider approval of the design concept proposed by artist David Spear for the Columbia Sports Fieldhouse Percent for Art Project.

PH44-18 was read by the Clerk.

Ms. Dresser provided a staff report.

Mayor Treece opened the public hearing.

There being no comment, Mayor Treece closed the public hearing.

Mayor Treece stated he would like to see a wheelchair user if there was not one already

depicted. He noted Columbia had a proud tradition of wheelchair basketball and wanted to ensure all users were represented. Ms. Dresser understood the artist had mentioned wanting to be representative of the actual users so she believed he would be happy to incorporate that.

**Mayor Treece made a motion directing staff to proceed with the design concept as proposed with the comment mentioned with regard to a wheelchair user being depicted as well. The motion was seconded by Mr. Skala and approved unanimously by voice vote.**

PH45-18 Voluntary annexation of property located on the northwest corner of the Prathersville Road and Oakland Gravel Road intersection.

Mayor Treece explained this item had been removed from the agenda per the request of a representative of the applicant.

Ms. Peters asked if this would need to be readvertised when it came back. Mayor Treece replied he understood it would have to go back through the process again. Ms. Peters understood anyone that wanted to comment would have the opportunity to comment when it came back at a different time. Ms. Thompson explained the application had been withdrawn so it would come back to Council as a brand new item. It would not just appear on a council meeting agenda without starting over and going through the Planning and Zoning Commission.

Mayor Treece pointed out the corresponding legislation, B292-18, had also been removed from the introduction and first reading section of the agenda so that would not come back in two weeks either.

PH46-18 Consider the FY 2020-2024 Consolidated Plan for CDBG and HOME funds in accordance with the City's Citizen Participation Plan.

Discussion shown with R187-18.

R187-18 Adopting the FY 2020-2024 Consolidated Plan for CDBG and HOME funds in accordance with the City's Citizen Participation Plan.

PH46-18 and R187-18 were read by the Clerk.

Mr. Cole provided a staff report.

Mr. Skala asked if the neighborhood congress was a group of neighborhood associations. Mr. Cole replied no, and explained it would be a large public gathering for anybody and everybody. He noted they would reach out to specific partners, but neighborhood organizations and the general public were invited to participate as well.

Mayor Treece opened the public hearing.

Barbara Jefferson asked if they were discussing the affordable housing units people rented without owning the land. Mr. Cole replied it would be comprehensive and would include what they did for homelessness, rental housing, and ownership. He commented that the Columbia Community Land Trust would be a small portion as well if Ms. Jefferson was referring to it. He stated it involved pretty much everything they did. Ms. Jefferson commented that the articles she had read with regard to affordable housing made it seem as if they were just moving people that were really poor out of the City, and that bothered her. She was also bothered about the history of the locations of some of the affordable housing units. Mayor Treece explained Columbia was trying to create affordable housing opportunities through the development of affordable housing stock and ensuring lenders took risks on people that would not otherwise receive a loan. He noted they were also trying to ensure potential homeowners had the knowledge to obtain a loan, buy a house, make payments, etc. Ms. Jefferson stated she was thinking about those that were 70-80 years old that had to combine incomes to live in poorer areas and homes. She could not see them wanting to obtain a loan.

There being no further comment, Mayor Treece closed the public hearing.

Mr. Thomas stated he appreciated the work of City staff on both CDBG and HOME programs, and particularly their extensive efforts toward community engagement. He hoped Ms. Jefferson had the opportunity to participate in that engagement process as he had confidence the program was working hard to create housing opportunities for all people in Columbia.

Mr. Skala commented that from his perspective, these programs were not designed to drive anyone out or to displace people. They were there to help people. He stated they were in this together and needed to provide for those that had the least among them. He did not believe there was the intention of any kind of displacement.

**The vote on R187-18 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. ABSENT: TRAPP. Resolution declared adopted, reading as follows:**

## VI. OLD BUSINESS

B274-18

Granting a waiver and design adjustment relating to sidewalk construction along a portion of the west side of Ballenger Lane (1705 N. Ballenger Lane) (Case No. 18-181)

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Skala understood improvements to Ballenger Lane would be made and those included six-foot shoulders on both sides, similar to what had been done on Clark Lane, because it would provide the substrate for the subsequent widening of the road, and asked if that was correct. Mr. Teddy replied it was not his project in the sense of project management, but he thought adding the twelve feet would equal a three lane section in terms of lane widths. Mr. Skala understood there was less probability the sidewalks would have to be removed if the Council decided they were necessary for this piece of property due to the prior planning of the anticipated improvements. Mr. Teddy agreed. He explained it had been stated at the hearing that they did not anticipate this sidewalk having to be ripped out.

Mayor Treece asked about the history of the project in terms of when the original plat had been approved and if a sidewalk had been represented on the original plan that had been approved. Mr. Teddy replied the ordinances indicated the City could not issue a building permit unless a waiver had been obtained or the sidewalk was on the plans. Mayor Treece asked if a building permit had been issued and if the project had been completed. Mr. Teddy replied he believed they were holding a bond for some post-completion items, but noted it had been certified for occupancy.

Mr. Pitzer asked if the City was completing the Ballenger Lane shoulder project with funding from MoDOT or if MoDOT was handling the project management. Mr. Nichols replied it was a City project. Mr. Pitzer asked if any efficiencies could be gained if the sidewalk variance was rejected in terms of grading or any other preliminary work that could be done in conjunction with sidewalk construction by the applicant. Mr. Nichols replied it was pretty far off of the shoulder as it was on their own private property. He noted the shoulder would be adjacent to the roadway.

Mr. Ruffin asked if there would be pedestrian access to the shoulders if they were planning to install shoulders in the area where sidewalks did not exist. Mr. Nichols replied some sections along the road had developed with sidewalks. There were just not any in this particular area. Mr. Ruffin understood there were some existing sidewalks to which the shoulders would connect, but not in this particular area. Mr. Nichols stated that was correct.

Mr. Ruffin understood the proposal was to grant a waiver and design adjustment and asked for clarification as to the design adjustment. Mr. Teddy replied the design adjustment was from having a sidewalk to not having a sidewalk. He explained that was now the preferred term and noted they used to be called variances. He stated they felt



design adjustment was more appropriate since it pertained to the public right-of-way, and pointed out "waiver" was just the type of adjustment since it would be waived and not changed.

Mark Putnam, 1705 N. Ballenger Lane, stated he was the Pastor of Victory Christian Church and noted they had many people in the audience in support of the waiver. He asked them to stand and approximately 25 people stood. He displayed a picture of the new building, which was finished, and explained they had received a temporary occupancy permit. In order to obtain the permanent occupancy permit, they had to build a 1,500-foot sidewalk. He understood if they did not install the sidewalk, the issue would be sent to the City Prosecutor for various legal actions against them, and noted they would love to avoid that situation. He commented that they were not a megachurch with millions of dollars to spend. They were now broke and requiring them to build the sidewalk would create an extreme financial hardship. He understood some had suggested they ask for more donations, but noted they had been requesting donations over the past four years and people no longer had the ability to donate. He stated it had taken over three years to build this new facility and pointed out the church had been the general contractor because they had not had the hundreds of thousands of dollars to hire a commercial general contractor. He commented that they were in north Columbia and within one of the priority neighborhoods, and noted they hoped to make a difference. He understood the sidewalk would cost about \$100,000, which was about \$1 million to them at this time. He asked the Council to grant them a waiver from constructing the sidewalk. He understood MoDOT would be constructing shoulders on the road and wondered why they should build a sidewalk when the issue would already be addressed. It appeared to him to be a lot of redundancy and extra expense. He stated the City had suggested \$91,365 could be paid in lieu of sidewalk construction, and wondered if the sidewalk was really necessary if a payment in lieu of constructing it could be made. He commented that staff had indicated the drainage ditch was gentle and rolling, but he thought it would be an issue until the City installed curbs, gutters, and sidewalks. He displayed a photo of their driveway and explained it had been constructed to comply with MoDOT as that was the entity that had jurisdiction over the permit. It had been designed by an engineer and had received MoDOT approval. They were now being told the driveway had to be torn out for a City approved driveway configuration. He was not sure how much that would cost, but reiterated it was money they did not have. He commented that their engineer had indicated that in order to build the sidewalk, they would have to remove a section of trees due to easements and rights-of-way and he did not know the cost of removing those trees. He noted they would also have to build the sidewalk around the existing power poles and he had not yet talked to Boone Electric Cooperative with regard to any of their requirements. He reiterated he believed the construction of the sidewalk would cost them a lot of money, which they did not have at this time. He explained their engineer had also indicated the City would have to tear out the sidewalk when it constructed curbs and gutters due to issues with rights-of-way. He did not believe they should have to spend tens of thousands of dollars for something that would not be used by anyone or connect to anything. He stated there were not many sidewalks along Ballenger Lane, and they were difficult to get to due to the ditches. He displayed a photograph of Cory Williams, a faithful member that came to church every two weeks since he had to ride in a special ambulance-type van, and explained they would rather give their hard earned money to help Cory and others like him versus spending it on slabs of concrete and steel that no one would likely use.

Mayor Treece understood Mr. Putnam felt the City was forcing the church to construct a sidewalk, and asked him what he would say to those that felt the church had promised the City they would build the sidewalk when they had submitted their plans. Mr. Putnam replied the site engineer had included a massive sidewalk on the plans and he had asked for it to be removed, but the engineer had indicated it could not be removed as it was needed to obtain building permits. He noted the engineer had also indicated he could

request a variance at the end when they were done with the project. He had learned that was easier said than done and felt City staff and the Planning and Zoning Commission only wanted the sidewalks because it was required on a piece of paper. He reiterated they had only included it to obtain the permits to construct the building. He asked the Council to provide them the waiver.

Greg Botham, 5005 Stone Mountain Parkway, asked how far down the road the next sidewalk was located. Mr. Teddy replied there was not sidewalk on that end until one got to the roundabout. Mr. Botham understood this sidewalk would not connect to anything. Mr. Teddy stated there was not anything to connect to at the ends of this sidewalk.

Chinwe Ndubuka, 2002 Hanover Boulevard, stated she resided close to this location and attended the church. She explained her home was the last house on Hanover Boulevard before it turned into Riney Lane and Rice Road, and the sidewalk on Hanover Boulevard ended at her house. There was not a sidewalk going north to Ballenger Lane from her home. There was also not a sidewalk from the intersection of Rice Road and Ballenger Lane to this church location. She commented that she had considered walking in the summer to obtain exercise and spiritual growth at the same time, but it was too dangerous since there was not a sidewalk. She understood the staff presentation indicated there would be an interim pedestrian function, but noted the interim pedestrian function would not be available until 2019 when the six-foot shoulders were constructed. She reiterated it was not safe and stated she did not believe the interim pedestrian function would happen. She felt the City needed to consider what would work for people at-large versus just checking items off of a list, and asked the Council to allow for the waiver.

Mr. Ruffin commented that this was a challenging decision. He commended the members of Victory Christian Church for their three-year commitment to build this facility. He understood the challenges of bringing a community of people together and asking them to make personal financial sacrifices to build a sanctuary of this magnitude. He also understood the challenges of not being able to hire professional contractors to do the work and for the people to have to do the work themselves. He commented that from what he could see from the photographic images, they had done an excellent job in an area of the City that desperately needed some hope. He stated he understood the City had ordinances and requirements for obtaining building permits, but could not support the placing of an undue financial burden on this community of people. He noted churches were not profit-making commercial businesses. They were not-for-profits, and whatever resources they had that were in surplus was usually given back to supporting people in need. If they had the opportunity to allow them to finish this project without placing tens of thousands of dollars of debt on the congregation, he thought it would behoove them to make the moral and humane decision in this instance to grant the waiver due to it being a church, its location, and the many questions with regard to future development of the area.

Mr. Skala explained this was in the Third Ward and noted he had lived less than an eighth of a mile from this church for about 38 years now. He commented that this was a difficult decision for him as he had to weigh the needs of the church with the rules and needs of the City. He stated there were lots of problems with how this had all evolved, such as the multi-jurisdictional issue of the road. It was similar to Clark Lane, and it had taken ten years to get emergency shoulders on Clark Lane as a temporary pedestrian travel option. He understood the church was located in one of the underserved areas. He also understood there had been an apparent misunderstanding that a sidewalk was required, but that a variance could be requested later, and explained there had never been any assurance that a variance would be granted. He stated his heart went out to them and explained he was open to a solution that might minimize the cost, but pointed out they would always deal with the issue of a sidewalk to nowhere, and if they continued allowing waivers for sidewalks to nowhere, the burden would eventually fall to the City, which received money from taxpayers, to provide the connectivity. He noted they were

already behind in the repair of sidewalks in the central part of the City. He stated he would have to agree with the recommendations of the Planning and Zoning Commission, and hoped they could reach some sort of accommodation of a payment in lieu of the sidewalk in order to reduce the burden. Since this was an underserved area, it would eventually need sidewalks as it was built out, and he thought everyone should do their share.

Mr. Thomas understood how Mr. Putnam felt this was an unnecessary bureaucratic requirement that did not have a purpose, but stated he firmly believed this policy was in place for very good reasons. Connecting these areas of the City for pedestrian activity had a great community benefit. There was a lot of residential development in the area, and this would create a used and useful sidewalk for pedestrians in the area. At the moment, people were walking on Ballenger Lane and putting themselves in grave danger. They had been doing the same on Clark Lane until Mr. Skala had brought forward the idea of aprons, which was a temporary solution. He agreed with Mr. Skala in trying to accommodate something that might make this process easier, but noted he was not sure about a fee in lieu because he believed the sidewalk needed to be built. He wondered if there might be a way to stage the requirement for the sidewalk to be constructed instead of holding the occupancy permit until it was done or if there was another similar solution. He commented that it did not qualify for the waiver per the evaluation criteria, and noted he would not vote in support of the waiver.

Mr. Skala understood there was a time limit with a payment in lieu of situation. Ms. Thompson stated that was correct. She explained if there was a fee in lieu, the City had to expend the funds within seven years and within a defined boundary. It could be limited to this particular parcel, a quarter-mile, or some other distance where there would be an impact.

Ms. Peters asked if the payment in lieu would be the same amount as it would cost to install the sidewalk now. Mr. Teddy replied it was based on the public cost of building a sidewalk. Mr. Nichols agreed, and noted it was the average of the last three years of sidewalk projects. He thought it could be done cheaper on the private side since it would not involve prevailing wage, etc. Ms. Peters understood it could usually be done more cheaply privately. Mr. Nichols stated that was usually the case.

Mr. Skala understood there was a provision for alternative surfaces, and asked for clarification. Mr. Teddy replied that would be a design waiver of a different type. It had been called an alternative walkway in the past, and it was usually brought forward to the Council as an option if suggested by the applicant in lieu of a standard sidewalk. Mr. Nichols pointed out ADA issues would still need to be addressed in those situations.

**B274-18 was given third reading with the vote recorded as follows: VOTING YES: PETERS, RUFFIN. VOTING NO: TREECE, SKALA, THOMAS, PITZER. ABSENT: TRAPP. Bill was declared defeated.**

B288-18

Amending Chapters 11, 14 and 17 of the City Code relating to motor propelled scooters and electric assist bicycles.

The bill was given second reading by the Clerk.

Mr. Musgrove provided a staff report.

Dawn Zeterberg stated she felt the scooters were dangerous. She noted the scooter company did not tend to tell the truth. They would say the scooters would be parked off of the sidewalks, but they were parked on the curb cuts so she was unable to get on the sidewalks.

Mayor Treece asked Ms. Zeterberg if she was okay with the agreement that would require them to not block curb cuts and to store them in other places, or if she did not want them at all. Ms. Zeterberg replied they needed to be stored like bikes in a bike rack.

Ms. Zeterberg noted people using the scooters tended to travel very fast on the sidewalks and she had almost been hit downtown.

Mayor Treece understood Ms. Zeterberg had been at the Disabilities Commission

meeting when a Bird representative had spoken, and asked if they had been able to reach any accommodation in terms of expectations with regard to the company and users knowing where to store them, etc. Ms. Zeterberg replied she was concerned because they had indicated they would not be used in the dark, but she had seen them being used in the dark. The little lights on them were not enough. She noted she had bigger lights on her wheelchair than the scooters had. She stated she thought there would likely be a crash in the future.

Mary Ratliff, 211 Park DeVillie Drive, commented that she was concerned about the parking of the scooters. At the church at Fourth Street and Broadway, the scooters had been lined up at the curb making it difficult to get out of vehicles, especially for those in wheelchairs. She noted she had contacted the City, and that problem had been rectified at that location, but there were other areas of the City still experiencing this kind of problem. She thought they were ugly, and that it went against their desire to beautify the City. She believed there needed to be a plan, to include something similar to a bike rack that had previously been mentioned, if the City intended to authorize them. She was concerned about their safety, and thought helmets and other items needed to be addressed in the agreements. She understood the transportation issues, but felt safety and the beautification of the community also needed to be considered. She hoped the Council would address the necessary issues as she felt the way it was being handled at this time was unacceptable.

Eugene Elkin, 3406 Range Line Street, understood Ms. Zeterberg had indicated she had almost been hit by someone on a scooter. He commented that he had heard a bus driver on KFRU talking about the difficulty he was having with scooters as they would be in his blind spot and would weave through traffic. He thought they needed to address the safety issue. He also asked why they were allowing them to park at a right angle instead of requiring them to be angled to the edge of the sidewalk. He noted he agreed with the beautification argument as well as they were sometimes laying over each other in certain spots.

Carla Klein, 33 Broadway Village Drive, Apt. C, commented that she had been injured by a bird scooter. She explained she had tripped over a scooter that had been parked in front of the walkway coming out of the Student Union causing her to fall on her face, break her glasses and cell phone, and hurt her wrist and foot. She noted she was also having back issues from it. She felt they were extremely dangerous, and that there needed to be a specific place with regard to where they were parked. She pointed out bicycle riders would not think to lay their bicycles in front of a doorway. They would be in a bike rack. She understood common sense could not be legislated, but believed something needed to be done. She stated other cities, such as Austin, Texas, had developed ordinances as to how they should be parked, and felt Columbia should do the same. She thought the company should bear some of the responsibility for these liability issues. She understood she had been the first one to be hurt not riding a scooter, but those in the emergency room had indicated they had seen many people due to injuries associated with scooters. She hoped the Council would take her comments into consideration.

Mayor Treece asked Ms. Klein if she had reported her incident to the scooter company. Ms. Klein replied she had. She explained she had also notified her council member and had filed a police report.

Barbara Jefferson commented that she was not sure why these scooters were needed and noted Columbia had been doing fine without them. She believed they were trashy and cluttered up the streets. She stated she had seen a person in a wheelchair pushing a bird over because it had been in his way on the sidewalk. She noted those riding them tended to go through stop signs. She again wondered why they were even needed.

Eric Scott, 121 Redwood Road, stated he thought it was important to remember the business models of the scooter companies, both Bird and Lime, was to show up in the middle of night and take over the community's public resources, i.e., streets and

sidewalks. He commented that if he wanted to open a bike sharing business, he would be required to register for a business license and follow the rules and regulations. The business model being espoused was one that just showed up without obtaining the necessary approvals and forced the laws to accommodate them after the fact. He was not sure that was a model that should be rewarded. He urged the Council to think about the incentives being communicated by allowing businesses to just show up and completely change the aesthetics, usefulness, and design of the City. He noted he agreed with the other concerns that had previously been mentioned, especially with regard to safety and the problems this created for City workers, which he represented.

Mayor Treece asked Mr. Scott if he had reviewed the operating agreements and whether it addressed some of his concerns, such as the use of the sidewalks and the expectations of the rider and the company deploying them, or if he felt they should be banned completely. Mr. Scott replied he was not sure banning them was feasible at this point even though he personally wanted them banned since he was not a fan of them. He commented that he had not had the opportunity to look into the agreements as deeply as he would have liked. He mainly wanted to comment on the business model as he did not want the City to encourage other kinds of enterprises to take a similar approach. Mayor Treece explained he was struggling with this issue. He commented that in the 1970s, the fad was skateboards, in the 1980s, it was 10-speed bicycles, and in the 1990s, it was Segway's. He wondered if they would have banned them if they were all individually owned and had just been left lying around or if they would instead try to correct that behavior. Mr. Scott stated that if he had a bicycle or scooter and had left it on the sidewalk, it would likely be confiscated and impounded. He was not sure why these were treated differently because it was still inconveniencing those around them.

Annette Triplett, 201 W. Broadway, explained she was with the PedNet Coalition and they had been studying individual transportation devices, such as this, for a while. She understood scooters had come out of the bike share movement, which they had been studying and wanting to bring to Columbia for a long time, as a lot of the scooters were owned by bike share companies. She stated they were generally fans. They liked the scooters as they were filling a gap in the transportation system and making it easier to not have to use a car for every single trip. They reduced the climate impact as well. She noted she was on the Mayor's Task Force on Climate Action and Adaptation Planning, and they were about to release a series of recommendations to encourage walking, biking, transit, and electric vehicle use. Scooters fit completely within it, and if they wanted to achieve their climate emission reduction goals, they would have to move to that model. She commented that they empathized with all of the concerns that had been raised, particularly related to blocking sidewalks and ADA accesses as that had been happening and was an issue, but believed it was a management issue that could be addressed and was primarily an issue of the newness of the system. They had only been in the community for a couple of months and there was not even City legislation with regard to it yet. She thought those issues could be addressed and managed over time. When comments were made with regard to scooters, she challenged everyone to replace the word "scooter" with the word "car" because cars also cluttered up the community, reduced the beautification of the community, and blocked sidewalks and accesses. Since they were used to cars, it did not seem unusual to them like it might have to prior generations. She reiterated that overall they were fans of scooters and believed the issues could be managed over time.

Pam Hardin, 7661 East Court, wondered whether the company had to have a license, and if they did not, why they did not. She also wondered if the scooters were taking away resources and funding from the public transit system, and how the use of scooters impacted the City in terms of insurance and lawsuits when people were injured. She was concerned about allowing someone without a license to take resources from the City. In addition, she believed they were an eyesore. They were not just in the inner portion of the City. They were venturing to other areas of the City. She noted she had seen them

in the crosswalks where school children were walking. She thought it was becoming more of a problem.

Mayor Treece stated he understood the company had applied for a business license, but without this ordinance, there was not a mechanism to issue a business license because that type of business had not been allowed by ordinance. He thought that was the first step in trying to regulate some of the behavior.

Mayor Treece understood they could do nothing, which meant the scooters would not be regulated. They could ban them, but he was not sure the companies would remove the scooters and thought the City would have to impound them. They could also establish some type of framework that expressed the community's expectations whereby a license could be revoked if they did not meet the expectations set forth. He felt those were their three options at this time. Mr. Musgrove agreed and explained they had taken a look at other cities in terms of this issue and had tried to incorporate their best practices in the agreements with regard to public safety and monetizing their use within the community so the City had funding to pay for infrastructure repair and maintenance. He noted there was also an education component whereby the companies would assist in providing education to the riders. He stated they had been in discussions with City staff in terms of Vision Zero and the production of some quick safety videos to help inform the public. He thought the agreement addressed funds for infrastructure repair, safety, and a mechanism to pick up the scooters on a nightly basis and deploy them in areas where they would not block accessible walkways for pedestrians. He commented that parking the scooters parallel instead of at an angle actually blocked more accesses. He believed the agreements addressed many of the issues, and noted they also discussed insurance requirements.

Mr. Pitzer understood there was a differentiation between electric assist bicycles and scooters in these amendments. Mr. Caldera stated the ordinance changes before them exclusively addressed what they referred to as motor propelled scooters. He explained there was only one section where an e-bike provision had been added. It modified the definition of cycle to include those. He noted it was included to clean up the ordinance. While they were dealing with e-vehicles, they were clarifying e-bikes were in there as well. Mr. Pitzer asked if they had previously addressed e-bikes in other ordinances or if this was the first time. Mr. Caldera replied there was one provision which regulated their use on City trails. He explained they had tweaked the proposed ordinance to make it clear that motor propelled scooters were prohibited on the trail and that they should not be confused with e-bikes. Mr. Pitzer asked why scooters were prohibited on the trails while e-bikes were not. Mr. Musgrove replied it was a policy decision. They were concerned with congesting the trail system with scooters. Mr. Pitzer understood there were speed restrictions on scooters. Mr. Musgrove stated that was correct, and explained it was 15 mph on a level paved surface. Mr. Pitzer asked if there were speed restrictions on e-bikes. Mr. Musgrove replied not to his knowledge. Mr. Caldera stated he understood e-bikes were essentially bicycles that stored some of the energy propelled into the vehicle for assistance when riding uphill. He noted he was not sure of the maximum speed. Mr. Pitzer stated he was not sure either, but understood they had a little motor on them so they were essentially motorized bicycles. He commented that he had seen them on the trails and they appeared to be traveling fairly fast.

Mr. Pitzer asked if helmet laws were addressed in these amendments. Mr. Caldera replied the ordinance changes did not add any extra helmet regulation on to the motor propelled scooters. He noted that was addressed in the agreement.

Mr. Pitzer asked for the helmet laws for bicycles and other devices. Mr. Caldera replied those under the age of sixteen were required to wear a helmet, but those over the age of sixteen were not. He noted this was the case for a motor propelled scooter, bicycle, skateboard, and coaster. Mr. Pitzer understood a helmet would not be required for those over sixteen years old on a scooter. Ms. Thompson stated that was the case for a bicycle or anything else per City Code. Mr. Pitzer understood the operating agreement

addressed helmets. Ms. Thompson stated that was correct.

Ms. Peters asked how the 15 mph on a level surface had been determined. Mr. Caldera replied 15 mph appeared to be the standard maximum speed in some major jurisdictions. He agreed the scooters could go faster, and thought the default for Lime was 20 mph. He commented that 15 mph seemed to be the best practice or uniform speed for many jurisdictions. Ms. Peters asked if they had information with regard to injuries and their correlation to the speeds of scooters. Mr. Musgrove replied the City did not have that data. Ms. Peters asked if there was a way to limit speeds to 10 mph instead of 15 mph. Mr. Caldera replied he understood they had the capability to do that.

Mr. Ruffin stated he saw someone traveling down Broadway with four scooters. The person had one stacked on the other three and had his feet on the two outside ones while traveling down the middle of Broadway. Mayor Treece commented that he was not sure how one could even do that. Mr. Ruffin assumed he worked for the company and was gathering scooters to relocate them. Mayor Treece recalled seeing someone sitting on two twelve packs of Natural Light traveling down the trail, and asked if that was prohibited under the agreement. Mr. Caldera replied yes. Ms. Peters wondered if it was enforceable.

Mr. Thomas commented that he supported these changes as it moved them to a broader range of transportation options in Columbia. He stated he was not 100 percent in favor of prohibiting motorized scooters on trails, but was happy to go along with that initially. He hoped they could look into that again later and allow it. He noted 15 mph was a speed a lot of cyclists traveled on the trails. He commented that he could not say it was 100 percent safe as there were occasional incidents, but explained they provided education with regard to safely riding on the trails and encouraged people to notify pedestrians when passing. He stated he was happy to approve the ordinance as written.

Mr. Skala stated he thought this was a step in the right direction, and would have many questions with regard to the agreements in terms of public safety, liability, and information exchange. He noted he would support this ordinance. He understood Ms. Triplett had suggested they replace the word "scooter" with the word "car," and thought she should consider replacing the word "scooter" with the word "pedestrian." He noted downtown was only about seven blocks long, and wondered what it was they were trying to replace.

**B288-18 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. ABSENT: TRAPP. Bill declared enacted, reading as follows:**

**B289-18** Authorizing interim operating agreements with Bird Rides, Inc. and Pony Scooter, Inc. for implementation of a shared active transportation operation.

The bill was given second reading by the Clerk.

Mr. Musgrove provided a staff report.

Mr. Thomas asked about enforcement in terms of a rider on the sidewalk, a scooter still being deployed in the City after dusk or 8:00 p.m., and a scooter being parked in a position that blocked an ADA ramp or sidewalk. He wondered what should be done if a member of the public observed any of these. Mr. Musgrove replied the complaints that had been received to date had been sent to him and Mr. Caldera, and they had passed those along to the respective company. He noted their response time in addressing issues had been well within the two-hour parameter. He explained many moving violations were already enforced via complaint-based methods in terms of cars and bicycles so they would respond to complaints with regards to scooters similarly. He stated they would have to develop a strategy moving forward should the Council adopt these agreements.

Mr. Thomas asked what the agreements said about helmets. Mr. Musgrove replied the agreements required riders to wear helmets. Mr. Thomas understood all riders,

regardless of age, would be required to wear helmets, and that this was different than the rules for bicycles. Mr. Musgrove agreed. He explained this was a requirement for other jurisdictions. Mr. Thomas asked if those other jurisdictions enforced it. Mr. Musgrave replied enforcement would be difficult.

Mr. Pitzer understood it would not be against the City Code if the riders did not wear a helmet and wondered what the City could do. Mr. Musgrove agreed, and noted that was something that could be amended in the agreement. Ms. Peters stated she was not sure they would want to amend the agreement in that regard. She was concerned about head injuries during falls. She noted she had seen many people fall for various reasons. She suggested they not amend that even if it was not enforceable. The riders and the company would be told riders should wear a protective helmet. Mayor Treece commented that the company might want the rider to wear a helmet as well.

Mr. Skala commented that he resented the business model, and noted it reminded him of Uber and Lyft. He stated there was a lot within the agreements that was commendable, including the helmet requirement. He understood Bird and Lime were operating within Columbia and that Lime had some flaws in its design requiring some units to be recalled. He also understood Pony, another company, had not yet come to Columbia. He believed three areas were particularly important, and one was public safety in terms of helmets and enforcement mechanisms. He commented that he felt the fees being charged were inadequate in terms of paying for officers to cite people for not wearing helmets, and wondered if they could empower the parking enforcement agents to cite violations in the downtown area. He felt liability was another issue, and wanted to ensure the City was not liable in terms of those riding the scooters or those impacted by an accident involving a scooter. He understood the agreement addressed this, but wanted to ensure it was sufficient. He believed the City would make about \$144,000 per year, and thought they should double the fees to ensure they had enough personnel for enforcement so that it was safe for all citizens. He commented that he was bothered by provisions in the agreement for information sharing as he thought it could be sold to others for marketing purposes. He wondered if the City would be privy to the information and what protections there might be for the public. He questioned the safety of the scooters themselves in terms of lighting, reflective tape, etc., and wondered if racks should be required for them similar to bicycles. He stated he was not prepared to support these agreements at this time, and pointed out this did not include an agreement for Lime even though they were in town now too. He believed all of the agreements should be constructed at the same time. He also felt the agreements needed to be further reviewed and potentially amended. He commented that he would not support them at this time given this model and the fact these were insufficient in terms of the safety of all citizens, i.e., riders and non-riders.

Mayor Treece asked if defining these as small vehicles gave the parking enforcements agents the authority to ticket or impound the scooters if they were parked irregularly, blocked a sidewalk or curb cut, etc. Mr. Caldera replied he did not believe it did. The ordinance the Council had just passed would dictate how the scooters were regulated from an enforcement standpoint. Referring them as small vehicles within the agreement was essentially just for the convenience and consistency throughout the document. Ms. Thompson explained small vehicle was defined in the agreement, and was not really a vehicle. It was a dockless motor scooter.

Mr. Skala understood there was not any reason the ordinance they had just passed could not be amended if the Council chose to continue to work on the agreements.

Ms. Peters asked about the Lime agreement in relationship to these two, and why they had not been brought forward together. Mr. Caldera replied the City was still in negotiations with Lime. He noted this was essentially serving as the template agreement, and Lime had requested certain changes. The City was in the process of gathering a response to those requested changes. He thought they were fairly close to a final product.



Ms. Peters asked for clarification regarding the insurance issues. Mr. Caldera replied the Risk Management Division had actually vetted the specific provisions involving insurance, but noted he understood the workmens' compensation and employers liability, the commercial general liability, and the business auto liability was an insurance package that covered injuries to any of the Bird chargers as they deployed or picked up the Bird scooters. He also understood it would cover any accidents, such as someone riding the scooter and getting hit by a car, as he believed the business auto liability would extend to that situation. He explained the Risk Management Division had gone through the various operations and parties involved in the operations of these dockless scooters, and these provisions and metrics were what they deemed sufficient if anyone tried to point liability toward the City. Ms. Peters understood that was for the City. Mr. Caldera stated they believed the City was well protected due to the indemnification language and these insurance requirements.

Ms. Peters asked who would be responsible if a person riding a scooter hit a pedestrian or a car. She wondered if the pedestrian or car owner would be required to use his or her own insurance if they had to deal with any injuries or repairs. Ms. Thompson replied it would ultimately depend upon the facts and circumstances of that particular incident in terms of who was at fault, if they were following the rules of the road, if they were where they were supposed be, etc. Ms. Peters asked who would be responsible if a person on a scooter hit a pedestrian on the sidewalk. Ms. Thompson replied the scooter rider would be responsible, and the scooter company might be drawn into the litigation if there was any type of negligent entrustment action. She stated it was dependent upon how the drivers of the scooters were vetted and if they were requiring the driver to have insurance. Ms. Peters asked if they knew if Bird or Pony were requiring that. Mr. Caldera replied he did not know.

Blanca Laborde explained she was the Senior Manager of Government Relations for Bird Rides and stated they were happy to be in Columbia. Mayor Treece commented that Bird had many scooters in Columbia. Ms. Laborde agreed, and noted there had been a lot of rides as well. In 87 days of operation, there had been over 214,000 rides for over 138,000 miles. She stated it appeared as though residents and visitors of Columbia had embraced the scooters as another mode for first-mile/last-mile transportation.

Mayor Treece asked Ms. Laborde if she would like to comment on any of the questions she had heard tonight, such as the helmet policy, insurance, etc. Ms. Laborde replied safety was one of the fundamental concerns at Bird. They wanted everyone to have a safe mode of transportation, which was why they offered this mode of transportation. She noted they had given away over 50,000 free helmets, and stated they would send a free helmet to anyone that downloaded their app and paid the shipping cost. She commented that they did not let anyone under the age of eighteen years old ride their scooters. When someone rode for the first time, they asked for a scan of the person's driver's license. In addition, at the end of the ride, they asked the rider to take a picture of how the scooter had been parked to ensure parking compliance. She stated all of their scooters in every market were governed at 15 mph as it was about the fastest a bike commuter would travel. She commented that riders had the ability to go really slow on a Bird whereby someone could walk beside someone riding it. She noted they also had Bird Watchers, who wore safety vests and helmets, and explained their job was to ensure Birds were properly parked and to reposition them throughout the day. Another feature they had launched in Columbia was Community Mode, and it enabled anyone in the community to take a picture of a Bird that was not parked properly and report it. Bird would then dispatch someone to take care of it. She commented that they also had the ability to send a reminder to the person that might have parked improperly notifying them of the proper way to park. Should people continue to park improperly after being warned a couple of times, Bird would terminate their account. They would do the same for people who were riding recklessly.

Mr. Thomas thought it was interesting that Bird required people to scan their driver's

licenses to prove they were over eighteen years old before allowing them to ride a lightweight vehicle that traveled 15 mph because, as a society, they were okay with fifteen year olds driving 2,000 pound vehicles that traveled at 100 mph. He felt it was important to consider the context.

Mr. Thomas asked Ms. Laborde if she had any data based on surveys or other methods as to whether the Bird rides were replacing walking trips, driving trips, or some other distribution. Ms. Laborde replied it was difficult to know whether those rides were replacing walking trips or driving trips. They knew the average ride across markets was between 1.2 and 1.8 miles. She noted she lived in Texas where it was sometimes hot, and they would not walk 1.2 miles anywhere unless it was for exercise. Mr. Thomas stated 25 percent of all driving trips were one mile or less and 50 percent were three miles or less so it was likely replacing a lot of driving trips. Ms. Laborde explained the founder of Bird understood most rides were less than four miles and felt that problem needed to be addressed.

Mr. Thomas asked how compliance was in other communities in which they had these types of agreements in terms of not riding on sidewalks, following the rules of the road, and parking the scooters correctly. Ms. Laborde replied it was new mode, and it took a little time for community and cultural standards to catch up. She was sure cars had been left all over when they had first been introduced into society. She stated they saw increased compliance the longer they were in the market. In addition, engineers tended to come up with new technology to help ensure compliance, such as Community Mode, which had been rolled out to all markets two weeks ago. She thought they would be able to get there with education.

Mr. Skala responded to the comment of fifteen year olds driving 2,000 pound cars 100 mph, and noted that was not likely occurring on the sidewalk.

Mr. Skala stated he liked the idea of scanning driver's licenses, and asked how reckless driving was handled. He wondered if that was complaint driven or reported by Bird Watchers, and if that information was compiled so repeat offenders could no longer utilize the scooters. Ms. Laborde replied if they received reports of people driving recklessly, they would contact the rider. She noted they had terminated people's access to the app and Birds when they felt it was necessary. Mr. Skala understood it was complaint driven. Ms. Laborde stated that was correct.

Mr. Pitzer asked for the number of cities in which Bird operated. Ms. Laborde replied about 100 throughout the world. Mr. Pitzer asked for the number of cities from which they had been subsequently banned. Ms. Laborde replied there was a lawsuit pending in one city, but she did not believe they were banned anywhere.

Mr. Pitzer assumed that when a user signed up to use the Bird app, they were agreeing to share their data with Bird in terms of demographics, traveling habits, etc. Ms. Laborde replied Bird had their name and email. Mr. Pitzer asked if they collected the ages of riders. Ms. Laborde replied they had a picture of their driver's license so they would have the person's age and date of birth. Mr. Pitzer asked if Bird tracked where the rider traveled. Ms. Laborde replied it was disaggregated. She stated they only shared that information with the cities, and even that information was disaggregated in order to maintain the privacy of the users. Mr. Pitzer understood they did not track an individual user in terms of how often they used the service. Ms. Laborde stated that was correct. Mr. Pitzer understood all of the disaggregated data would be shared with the City. Ms. Laborde stated that was correct.

Mr. Pitzer asked how the City would use the data and if they had the ability to integrate it. Mr. Caldera replied he understood the Public Works Department and the Parks and Recreation Department were interested in some of the data that would come from this, but he was not sure as to how it would be incorporated.

Mr. Skala made a motion to table B289-18 to allow City staff the opportunity to consider some of these comments and the opportunity to incorporate the Lime agreement. He stated he would defer to staff in terms of how much time would be needed for the

negotiations.

Mayor Treece commented that his concern was that staff had already had a lot of back and forth with the providers, and the providers had already signed the agreement. If it was reopened, it would take a few more months, and the community would continue to experience the same frustrations. He asked for the term of the agreement. Mr. Caldera replied it was one year as of the effective date, i.e. the date it was signed by the City. Mayor Treece understood if they continued to see problems during the year, they could amend the ordinance to strengthen enforcement or revoke the business license if they violated the agreement. Absent the agreement, there was not really a business license they could threaten to revoke. Mr. Caldera stated that was correct.

Mr. Skala withdrew his motion to table B289-18 to allow City staff the opportunity to consider some of these comments and the opportunity to incorporate the Lime agreement, and explained he would vote against authorizing the agreements.

Ms. Peters stated she was supportive of moving forward with this interim agreement as they had the opportunity to review it in a year to determine if they had been able to solve the problems.

Mr. Thomas commented that he felt the quicker they were able to get the agreement in place, the quicker things would improve. There would be media coverage of the discussion, and people would be aware the rules would be enforced at some level. They would also be on a firm foundation in terms of being able to address issues.

Mr. Pitzer agreed, and noted he would encourage Mr. Musgrove to continue looking for improvements and to bring those back to the Council as appropriate.

Mayor Treece stated he thought Council should weigh in on the use of the revenue when they received the first quarterly payment. He noted he was sympathetic to Ms. Zeterberg's comments and his preference would be to earmark those revenues for some type of pedestrian or sidewalk improvement. He thought it should be something that compensated the public for the potential safety hazard.

Ms. Thompson commented that the actual fees in the agreement were as of the effective date of agreement, and were not as of the deployment date. An amendment would be needed to make it retroactive to the deployment date. She thought the testimony had been 214,000 rides in 84 days. Mayor Treece stated he was concerned about reopening the negotiations as it would put them back at least two weeks if not another month or more.

Mr. Pitzer understood it was a per day charge, and not a per ride charge. Ms. Thompson stated it was one dollar per vehicle per day, and there were about 500 vehicles.

**B289-18 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, THOMAS, PITZER. VOTING NO: SKALA. ABSENT: TRAPP. Bill declared enacted, reading as follows:**

B290-18 Repealing Ordinance No. 022853 which established affordable housing fee waiver and rebate programs and enacting new provisions related thereto.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor Treece asked if there was a cap on the number of waiver applications they would accept. Mr. Teddy replied there was not. He explained they believed the capacities of the organizations that would benefit were not particularly high. He thought the annual reporting would allow them to notify Council of any unusual amount of activity or fiscal impact so it could be discussed. Mayor Treece understood there was not a cap and it would be a first come, first serve situation. Mr. Teddy stated that was correct.

Mr. Thomas understood they currently had a fee waiver program for homes that were built using CDBG funds, and that it amounted to about \$5,000-\$6,000 per home. He asked how many of those waivers had been approved per year. Mr. Teddy replied it had passed in June of FY 2016, and they had only received one during the remainder of that fiscal

year. He noted there had been five in FY 2017 and four in FY 2018. He pointed out the average was about \$6,300 in fees waived per unit.

Mr. Thomas understood they were now discussing expanding the program to accessory dwelling units (ADUs) and affordable homes built by Community Housing Development Organizations (CHDOs). Mr. Teddy stated that was correct. Mr. Thomas asked Mr. Teddy for the number of fee waiver applications he anticipated would be submitted by the CHDOs. Mr. Teddy replied he thought it might be as many as they received in the regular program. Mr. Thomas understood the number would likely just be increased to about eight or so. Mr. Thomas thought Habitat for Humanity had indicated they would build about 300 homes. Mr. Teddy stated he thought their historical capacity had been about ten units per year. The number of lots in inventory versus the number of units they could actually build were likely different. He pointed out they would also have to qualify each unit so they would have to show they were meeting the criteria in the ordinance.

Mr. Skala understood the intent of this was to support homeownership on a more affordable level, particularly in terms of ADUs, and asked if there was any protection against someone using the unit for rental property. Mr. Teddy replied it would typically be the owner of a lot, i.e., the resident owner of the principle structure or the owner of a rental house. Either the way the ADU occupant would be a renter, but there could be a related living situation as well.

Adrienne Stolwyk, 212 Hirth Avenue, thanked Council for moving the ADU incentive program forward as she believed ADUs had a lot of promise for affordable housing, intergenerational living, sustainable infill development, and the retention of the historic character of neighborhoods. She understood City staff had chosen to separate the original three-part incentive that had been proposed as they had also suggested allowing gravel driveways and eliminating the off-street parking requirement, and that those issues were being evaluated by the Planning and Zoning Commission. She noted she would continue to follow that piece since it significantly impacted the cost of an ADU. In terms of including ADUs in this fee waiver program, she stated she was very supportive and would only suggest removing item (c) under Section 4 of the ordinance. She explained that section essentially prohibited short-term rentals for ADUs that were benefiting from the fee waiver. She commented that she was not opposed to regulating short-term rentals, but did not want to see ADUs singled out and regulated in a different way than other units throughout the City. She was concerned that regulating specifically would discourage ADU construction instead of encouraging it. In reviewing other communities with ADU ordinances and incentive programs, she understood those that had been most successful in the actual building of ADUs were the ones that had the least restrictions and the most fee waivers. She noted the City of Portland had been a model. The City of Santa Cruz, however, had a very complicated ADU program, and as a result, not as many ADUs had been constructed there. She stated they were missing the opportunity to add to the small and affordable housing stock because homeowners generally did not have the time or the skills to navigate a really complicated process. She reiterated she would suggest item (c) under Section 4 of the ordinance be removed.

Paul Blakely, 105 Bicknell Street, commented that he wanted to reiterate the comments of Ms. Stolwyk, especially with regard to Section 4(c) of the ordinance involving short-term rentals since it would be addressed elsewhere and on a citywide basis. He believed including it here would have a chilling effect. He stated the ADU ordinance would be improved considerably by the fee waiver proposal. He noted his particular project was only the second ADU attempted in the past four years since some disincentives and issues had not been completely addressed in the initial draft. He commented that he was proud to have played a role in moving this forward even though it had been painful and frustrating. In terms of the portion being reviewed by the Planning and Zoning Commission, he wanted to emphasize the issue of requiring a hard surface driveway from the street to the garage for a detached ADU with a garage as it had been an impediment to his project since July. It had been an additional \$8,000-\$10,000 cost that he had not

anticipated. He stated he had been given conflicting advice as to how the Board of Adjustment would rule on this type of appeal, and as a result, his project had been stalled indefinitely. He suggested that when the Planning and Zoning Commission drafted a waiver for hard surface requirements for ADUs, the waiver should not be overridden by the requirement for hard surface driveways for standalone garages. He also asked for a firm date for when the Planning and Zoning Commission would look at the issue.

Mayor Treece asked staff if there was a firm date for when the Planning and Zoning Commission would look into these issues. Mr. Teddy replied he thought it would be the second meeting of December, which would place the item on a council meeting agenda in January.

Tommy Fieser, 1814 Rose Drive, stated his support for adding ADUs to the fee waiver program as he believed it would allow for more affordable housing in Columbia.

Eugene Elkin, 3406 Range Line Street, asked if staff knew the square footage for the new Land Trust housing on Lynn Street. Mr. Cole replied the three bedroom, two bath units were 1,300 square feet, and the three bedroom, one bath units were about 1,100 square feet. Mr. Elkin stated he lived in a 14 foot by 70 foot mobile home, which meant he had about 900 square feet, and thought it was a good idea to get started on 800 square feet or less ADUs. He asked staff if they knew the construction cost of an 800 square foot unit. Mr. Teddy replied it would depend on the type of construction and whether it included any garage space. He explained they used \$115 per square foot as cost factor in assigning a value for finished space.

Mr. Elkin stated Habitat for Humanity had done carports in the past because it was less than the cost of a full garage. He thought that might have gotten expensive because they then began building standalone sheds in the back for storage. He believed carports would help provide square footage to the entire project while providing coverage from the house to the vehicle.

Mr. Thomas asked about the status of the short-term rental regulation. Mr. Teddy replied public input was scheduled for tomorrow. Mr. Thomas asked if that would involve the Planning and Zoning Commission. Mr. Teddy replied no. He explained it was the first of two general public input sessions, and the other would be held on November 29, 2018. Mr. Thomas asked Mr. Teddy when he expected it to come to the City Council. Mr. Teddy replied it would depend on how much was suggested by the comments. He thought it would likely be January for that as well. He noted an interim report could be provided regardless with regard to the comments.

Mr. Thomas stated he planned to propose removing the prohibition of obtaining a fee waiver if the unit would be used for short-term rentals from this legislation and allow all of regulations for short-term rentals to take place in any future ordinance. Mayor Treece commented that he was opposed to that. He explained they were not regulating ADUs differently from other short-term rentals. They were only saying the City would not subsidize them with a fee waiver program. The fee waiver program was intended to encourage affordable housing and intergenerational living. If the ADU was intended to be a commercial enterprise, he did not believe the City should assist in its development. Mr. Thomas stated he could imagine situations where at different times the same unit was used in different ways.

Mr. Thomas made a motion to amend B290-18 by removing item (c) under Section 4, and then relettering item (d) to item (c). The motion died for the lack of a second.

Mr. Skala stated he was inclined to agree with Mayor Treece as his intent with regard to the fee waiver was for more affordable and intergenerational housing. He felt they ran the risk of incentivizing rental property, and was not sure they should be doing that.

**B290-18 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. ABSENT: TRAPP. Bill declared enacted, reading as follows:**

B277-18 Authorizing construction of the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane and construction of the Forum Boulevard improvement project between Green Meadows Road and Nifong Boulevard; calling for bids through the Purchasing Division.

Discussion shown with B278-18.

B278-18 Authorizing the acquisition of easements for the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane and construction of the Forum Boulevard improvement project between Green Meadows Road and Nifong Boulevard.

The bills were given second reading by the Clerk.

Mr. Nichols provided a staff report.

Mr. Thomas understood the project included a short section of Forum Boulevard from Nifong Boulevard to Green Meadows Road. Mr. Nichols stated that was correct.

Mr. Thomas commented that he had requested this be removed from the consent agenda because he wanted to give the Council another opportunity to remove the section of Forum Boulevard from Nifong Boulevard to Green Meadows Road from the project. He stated he had spent a lot of time the last couple of weeks talking to people about development impacts. He mentioned a couple of proposed developments and noted traffic impacts were a really big problem in Columbia as every dense development project that would be good in many other ways was a problem because of traffic impacts. He explained a Climate Action and Adaptation Plan was currently being developed, and the City would have to reduce its overall emissions. He noted transportation contributed to about one-third of those emissions. As a result, they would have to stop driving so much and use bicycles, public transit, or Bird scooters, walk, or encourage carpooling to reduce climate impacts from transportation. He commented that Columbia had a terrible safety record as 6-10 people were killed every year and 60-80 people were seriously injured annually, and explained the Vision Zero program was attempting to address this by reducing the speeds and volumes of vehicles on the roads. He accepted the fact that the Nifong Boulevard project needed to move forward, but felt they had the opportunity to defer the widening of a short section of Forum Boulevard. He stated there was not any traffic congestion on that section. He commented that he did not believe many people were in favor of the \$13 million Forum Boulevard widening project, which involved the section from Chapel Hill Road to Green Meadows Road. He reiterated there was not any traffic congestion on that portion and he did not believe there was any reason to move forward with the project. By continuing that project, they would create the inevitable next step of widening the entire stretch at a great expense and the continued detriment to the City in terms of safety, greenhouse gas emissions, and physical health as they drove cars more and used active transportation less.

Mr. Thomas made a motion to remove the Forum Boulevard improvement project, which involved the section between Green Meadows Road and Nifong Boulevard, from the overall project, and to defer it for later consideration. The motion died for the lack of a second.

Mr. Skala understood this did not involve the full blown four lane improvement. He thought it would only involve turn lanes and other amenities in preparation of the eventual widening of Nifong Boulevard that was necessary. Mr. Nichols explained they had received a lot feedback with regard to going from the roundabout immediately into two lanes. The

roundabout at Green Meadows Road and Forum Boulevard would be under construction this spring, and to help alleviate confusion, the four lanes would extend south toward Nifong Boulevard. It had also been determined that this would help fill a gap at the time Nifong Boulevard was under construction.

Mr. Skala commented that some of the projects included in the last round of capital improvement projects had been very expensive. He understood some were necessary due to traffic, but the expectation of a four lane road with landscaped medians, curbs and gutters, street lights, etc. fell on deaf years for those in the Second and Third Wards where they had compromised for emergency shoulders for temporary walkways in anticipation of sidewalks that were desperately needed.

**B277-18 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, PITZER. VOTING NO: THOMAS. ABSENT: TRAPP. Bill declared enacted, reading as follows:**

**B278-18 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, PITZER. VOTING NO: THOMAS. ABSENT: TRAPP. Bill declared enacted, reading as follows:**

**B279-18** Authorizing construction of the Keene Street and I-70 Drive Southeast intersection improvement project; calling for bids through the Purchasing Division.

The bill was given second reading by the Clerk.

Mr. Skala commented that he had removed this from the consent agenda in order to reassure some of his constituents in the Third Ward, particularly those in the Woodridge neighborhood and Keene Street area. He explained there was tremendous traffic congestion in the area and this project was long needed. He asked when this project was anticipated to begin and be completed. Mr. Nichols replied that with authorization tonight, they would begin obtaining the necessary right-of-way. He commented that they planned on 2-3 months for obtaining the rights-of-way. If that process concluded sooner, it would allow them to begin construction sooner. Mr. Skala asked if the two properties in question in terms of right-of-way were generally amenable. Mr. Nichols replied generally. He explained there would be an impact to a driveway, and there would need to be some negotiations in terms of impacts. He stated it was slated for the fall of 2019, but if the acquisition happened sooner, it would be done sooner. Mr. Skala stated he was happy that relief was on the way to his constituents.

**B279-18 was given third reading with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. ABSENT: TRAPP. Bill declared enacted, reading as follows:**

## VII. CONSENT AGENDA

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

**B275-18** Rezoning property located on the west side of Eighth Street and south of North Boulevard from District R-MF (Multi-Family Residential District) to District PD (Planned District); approving the PD Plan for "Cullimore Cottages" (Case No. 18-180).

**B276-18** Authorizing construction of the Carter Lane sidewalk project between Huntridge Drive and Foxfire Drive; calling for bids through the Purchasing

Division.

- B280-18 Authorizing the acquisition of easements for construction of the Keene Street and I-70 Drive Southeast intersection improvement project.
- B281-18 Authorizing a right of use license permit with Shelter Mutual Insurance Company for the construction, installation, maintenance and operation of a private decorative wrought iron fence with gates and stone columns within a portion of the right-of way on the south side of Ash Street, east of Stadium Boulevard.
- B282-18 Appropriating funds received from Boone County, Missouri per the terms of a cost allocation agreement relating to a traffic flow and proposed alignment study for a portion of Grace Lane located between Richland Road and St. Charles Road.
- B283-18 Amending Chapter 14 of the City Code to establish a 10-hour parking zone for an off-street municipal parking lot located on the southeast corner of the Broadway and Providence Road intersection.
- B285-18 Authorizing a cooperative agreement with the Missouri Department of Conservation for a Tree Resource Improvement and Maintenance (TRIM) grant to provide advanced forestry training and education for Parks and Recreation Department employees; appropriating funds.
- B286-18 Authorizing a program services contract with the Missouri Department of Health and Senior Services for maternal child health services; appropriating funds.
- B287-18 Accepting a donation from Central Bank of Boone County for the 2019 Fair Housing and Lending Seminar; appropriating funds.
- B291-18 Authorizing a memorandum of understanding with PedNet Coalition relating to the disbursement of funds received from a Missouri Foundation for Health Grant for a Vision Zero Smart Road User scholarship program; appropriating funds.
- R175-18 Setting a public hearing: proposed construction of improvements at the Oakwood Hills Park to include replacement of the existing playground structure, park benches, retaining wall, and the Lynnwood Drive park sign and entry gate, installation of a climbing structure and swings, renovation of



the basketball court and hiking trail, and extension of the existing ADA walkway from Burrwood Drive to the basketball court and playground structure.

- R176-18 Placing on file for public use, inspection and examination for a period of ninety (90) days certain uniform codes regulating the construction of buildings and continued occupancy thereof.
- R177-18 Authorizing the installation of street lights on Smiley Lane, La Rail Drive and Hinkson Avenue, and authorizing the upgrade of street lights on Hinkson Avenue and Arlington Street.
- R178-18 Authorizing CDBG grant agreements with Independent Living Center of Mid-Missouri, Inc., Job Point, Central Missouri Community Action and Family Health Center of Boone County and a HOME agreement with the Housing Authority of the City of Columbia and Bryant Walkway II Housing Development Group, L.P.
- R179-18 Authorizing demolition of dilapidated structures located at 509 Clinkscapes Road; authorizing a special tax bill against the property.
- R180-18 Authorizing agreements for FY 2019 Signature Series Funding under the Tourism Development Program.
- R181-18 Authorizing an agreement with Columbia Center for Urban Agriculture, Inc. for funding under the Tourism Development Program relating to the construction of a farmers' market pavilion within the Clary-Shy Community Park located at 1701 W. Ash Street.
- R182-18 Authorizing an agreement with Big Bam, LLC for funding under the Tourism Development Program for the 2019 Big BAM (Bicycle Across Missouri) event.
- R183-18 Transferring funds from the City Manager's Office to the Community Development Department to fund the Job Point vocational training program.

**The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER (except for B281-18 on which he abstained). VOTING NO: NO ONE. ABSENT: TRAPP. Bills declared enacted and resolutions declared adopted,**

reading as follows:

## VIII. NEW BUSINESS

- R184-18 Approving the scope of work to be used for the solicitation of qualified consultants to assist in the development of an Electric Integrated Resource Plan, Master Plan and Cost of Service Analysis.

The resolution was read by the Clerk.

Mr. Johnsen and Mr. Ryan provided a staff report.

Mayor Treece asked if there was any reason the proposed scope of work would not be what was bid. Mr. Williams replied staff intended to send the scope of services as it was directly to the Purchasing Division. Mayor Treece understood there were several different components, and asked if potential responders would have the ability to bid on all of it, some of it, or a combination. Mr. Williams replied staff expected some to bid on all of it while others would bid only on portions of it.

Mr. Thomas stated he had reviewed the scope of work and liked a lot of things he had seen, such as the reference to the Climate Action and Adaptation Plan, a value of solar study, and a request to calculate an appropriate connection or system equity fee for the electric utility. All of the key pieces he had hoped the Integrated Electric Resource and Master Plan Task Force would study seemed to have been included in this scope of work.

**The vote on R184-18 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. ABSENT: TRAPP.**

**Resolution declared adopted, reading as follows:**

- R185-18 Authorizing an agreement with Nora Stewart Early Learning Center for the Creating Lasting Family Connections program; transferring funds.

The resolution was read by Mayor Treece.

Mr. Ruffin stated the applicant had requested this item be tabled since Mr. Trapp was not present due to his knowledge regarding the implementation and benefits of the program.

**Mr. Ruffin made a motion to table R185-18 to the December 3, 2018 Council Meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.**

- R186-18 Amending the "Home Ownership Assistance Neighborhood Development (HOA ND)" provisions within "Section 5: Home Ownership Assistance Program (HOA)" of the City of Columbia Community Development Block Grant (CDBG) and HOME Program Administrative Guidelines and enacting new provisions thereto.

The resolution was read by the Clerk.

Mr. Cole provided a staff report.

Mr. Skala stated he appreciated the approach and the process as well as the result.

**The vote on R186-18 was recorded as follows: VOTING YES: PETERS, TREECE, RUFFIN, SKALA, THOMAS, PITZER. VOTING NO: NO ONE. ABSENT: TRAPP.**

**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.

- B293-18 Approving the Final Plat of "Nanny's Neighborhood Plat 1" located on the east side of McBaine Avenue and south of Lincoln Drive (Case No.

18-191).

- B294-18 Approving a major amendment to the Lake George PD Plan located on the south side of Richland Road approximately 700 feet west of Bay Hills Drive (5000 E. Richland Road); approving a revised statement of intent; granting a design adjustment relating to entry door placement (Case No. 18-185).
- B295-18 Vacating a sidewalk easement on Lot 108A within Copperstone Plat 7 located north of Copperstone Creek Drive, and vacating sidewalk easements on Lots 415A, 416A and 418A within Copperstone Plat 7 located east of Granite Springs Drive; accepting conveyances for sidewalk purposes (Case No. 18-156).
- B296-18 Amending Chapter 2 of the City Code to establish a Tree Board.
- B297-18 Authorizing construction of the Police Precinct/Municipal Service Center North facility to be located on the south side of International Drive in the Auburn Hills Subdivision; calling for bids through the Purchasing Division.
- B298-18 Accepting conveyances for sidewalk purposes.
- B299-18 Accepting a stormwater management/BMP facilities covenant.
- B300-18 Appropriating Federal Transit Administration (FTA) grant funds for the purchase of six (6) replacement paratransit vans and miscellaneous related equipment and services.
- B301-18 Amending Chapter 27 of the City Code as it relates to a renewable energy standard.
- B302-18 Authorizing construction of improvements at the Oakwood Hills Park to include replacement of the existing playground structure, park benches, retaining wall, and the Lynnwood Drive park sign and entry gate, installation of a climbing structure and swings, renovation of the basketball court and hiking trail, and extension of the existing ADA walkway from Burrwood Drive to the basketball court and playground structure; calling for bids for a portion of the project through the Purchasing Division.

- B303-18 Authorizing a program services contract with the Missouri Department of Health and Senior Services for child care health consultation services.
- B304-18 Authorizing Amendment No. 3 to the program services contract with the Missouri Department of Health and Senior Services for HIV Prevention services.
- B305-18 Authorizing and ratifying a service agreement with PeopleAdmin, Inc. for hosted software and related services to automate human resources administrative functions; authorizing an amendment to the agreement.
- B306-18 Adopting the City of Columbia, Missouri Choice Plus \$750 Plan, Choice Plus \$1,500 Plan and Choice Plus \$2,700 High Deductible Health Plan for 2019.
- B307-18 Accepting a donation from United HealthCare for wellness promotion and programs for City employees; appropriating funds.
- B308-18 Authorizing application to the United States Department of Transportation Federal Aviation Administration and the Missouri Department of Transportation for airport capital assistance grants.
- B309-18 Appropriating funds from the 2018 Celebration for the Arts event.
- B310-18 Authorizing a grant of easement for gas pipeline purposes with Union Electric Company, d/b/a Ameren Missouri, for the installation of a natural gas line to be located parallel to Schwabe Road on the east and I-70 Drive Southwest on the south within Columbia Cosmopolitan Recreation Area; appropriating funds.

## X. REPORTS

- REP99-18 Administrative Public Improvement Project: Stephens Lake Park Sprayground UV System Replacement.  
Discussion shown with REP100-18.
- REP100-18 Administrative Public Improvement Project: Cosmo-Bethel Park Small Shelter Replacement.  
Mr. Griggs provided a staff report.  
Mayor Treece asked if there was any objection to moving forward with the administrative public improvement process for these projects. No one objected.

REP101-18 Intra-departmental transfer of funds request.

Mayor Treece understood this report had been provided for informational purposes.

## **XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF**

Traci Wilson-Kleecamp stated she was President of Race Matters, Friends and thought it was interesting that the issue of the community outreach unit and community response unit had not been placed on the agenda as she believed it would have been good to have a robust conversation about that now versus in December. She commented that one of her first conversations with Mr. Matthes had been with regard to the Blind Boone Home and the Maplewood Home, and noted he had misled her by not being honest. She stated she tried to reconcile his approach in terms of distributing information and engaging the public, and explained she was not always happy. She commented that she was also not happy with what had happened last week, but was more upset by the fact he was the manager of Chief Burton and was okay with his racism and veil of darkness. She did not believe Mr. Matthes could say he believed in social equity while being okay with racism. She thought it was important for him as City Manager to hold Chief Burton accountable, and wished he was not the City Manager because he continued to allow it. She noted some of it might not be offensive to white people, but it was to those of color. She referred to statements made by Mr. Matthes at the Diversity Celebration Breakfast last year and felt that he did not listen when people tried to talk to him about their concerns. She suggested he do a better job of listening, not lie, and be more critical and authentic with regard to his racial literacy. She asked him to decide whether he was on the side of equity or not, and thought he should address it when people talk out of turn about race. She felt he was one of them if he did not.

Rebecca Shaw, 2615 Vail Drive, commented that she was angry that Mr. Matthes continued to undermine the Council. She felt the public had been lied to and that they were not being heard. She also felt the Council had the right to ask more questions of the City Manager. She stated she was stunned by the silence when five people from the public spoke about inequity and the good the community outreach unit had done. She noted the Police Chief and the City Manager undermined the Council at every turn, and asked the Council to think about why the citizens had elected them. She also asked them to challenge what they heard from the City Manager.

Monica Lee, 112 E. Parkway Drive, asked if they could discuss a better way to involve the public because it was not feasible for those that worked all day to stay until 11:00 p.m. or midnight to express their concerns. She noted she had stayed because she felt it was important, but did not believe this was the best way to involve the public. She explained she and her husband had lived in Columbia for about ten years, and that she was from Korea and he was from Thailand. She noted she was concerned by what had been going on the past two years in terms of racism and hatred throughout the country, but that she and her husband were happy and proud to live in Columbia. She agreed with a comment earlier with regard to Columbia being good, but the fact they should try to be better. She believed Columbia was a beacon within the State of Missouri of what was right, decent, and good in terms of humanity, and hoped they would strive to be better.

Eugene Elkin, 3406 Range Line Street, asked the Council to think about the homeless as he has known some that have been homeless for ten years. They had to deal with winters, rains, humiliation, people picking on them, etc. He explained he had worked with Habitat for Humanity in shaping this community in a very large way. He believed the construction of small homes would be helpful. He suggested one-quarter of the money received from electric scooters to be earmarked for homeless shelters. He also suggested they not provide as much funding for the airport

Barbara Jefferson stated she agreed with many of the comments at the beginning of the meeting, and believed Mr. Matthes and Chief Burton needed to go. She was not sure she would say they were incompetent, but wondered why they were in this situation if they were good at their jobs. There were many issues, such as the community outreach unit and the budget crisis. She felt they were always talking about things, which would not be happening if he was doing a good job. She believed Chief Burton might leave if Mr. Matthes left, and they could then get to the bottom of the issue of profiling. She stated she felt profiling was occurring in terms of low income people of all races. She understood the Council was responsible for the City Manager and that they had the right to ask him to move on. She encouraged the Council to ask him to move on and to take Chief Burton with him. She felt every crime in Columbia was a reflection of the Council because many had complained to them and they continued to allow the two to stay.

Mr. Skala commented that he and Mr. Thomas had recently returned from a National League of Cities (NLC) conference in Los Angeles, and they had made contact with Leon Andrews, the Director of the Racial Equity and Leadership (REAL) group while they were there. He noted he had previously had contact with Mr. Andrews after consulting with staff, and that \$50,000 had been set aside in the budget to review ordinances with a racial equity lens. He understood Mr. Andrews had indicated it was probably a good idea to ensure some of the funding went to local services, and not just the NLC and REAL, and that the way forward should be to establish a task force of some sort. He listed some groups that should be represented on the task force, and believed the Council should ultimately appoint all of the members. He thought the REAL group could then meet with the task force in terms of how to proceed. He asked staff to draft a resolution with this framework in mind.

Mr. Skala wished everyone a wonderful Thanksgiving.

Ms. Peters explained she wanted to discuss the news of the proposal to go to citywide community policing by having one officer per beat and dissolving the community outreach unit in the four strategic neighborhoods as part of that process. She felt there had been a misunderstanding. She did not believe any of them were foolish enough to think they had the funding for citywide community policing, and understood there had been a good response within the four strategic neighborhoods in terms of the community outreach unit as 9-1-1 calls had been reduced and people actually knew the officers in those areas. She felt it would be a serious step backwards to move to this type of citywide community policing, and hoped there was a way to get back to having the community outreach unit officers in those four strategic neighborhoods. She understood they could not do citywide community policing at this time and did not want to dilute the effects and efforts already made to improve those areas with the change proposed.

Mr. Matthes commented that this format was frustrating to staff in that they did not have the opportunity to rebut misinformation as it happened. He stated that almost nothing he had heard during the public comment phase was accurate. He noted his proudest accomplishment had been the creation of the community outreach unit as he had created it. He explained he had directed the Police Chief to assign three officers to the Strategic Plan neighborhoods. He pointed out it had not be included in the Strategic Plan, but he knew it would be needed to accomplish the goals of the plan as he had done it in the past and understood how powerful it would be and how to make it work. The Police Department and Chief Burton responded by adding a second police officer to each of those neighborhoods, and it had been an excellent decision. It was everything they could have done at that moment, and they had since been able to add two more officers to the program through a grant they had applied for and received. He stated he had poured over

the results of that team and had highlighted their amazing work. He had used his platform to shine a light on their work as it had lowered calls to 9-1-1, reduced crime, etc. He commented that he profoundly cared about it, and he had been surprised and shocked when he had walked in the office on Tuesday and had seen the headline of the Columbia Daily Tribune indicating the City was dismantling the community outreach unit when that was not happening. He explained he had immediately emailed Council to let them know this was not happening. He stated he hoped it was clear by now that the community outreach unit would not be dismantled and that community policing would not be abandoned. He acknowledged the fact that the email of the Deputy Police Chief had caused confusion and stated it was a miscommunication. He commented that he was incredibly pleased with the number of people that had fallen in love with community policing, and noted staff was scheduled to return with a final version of the community-oriented policing report by the end of November and the intent had always been to discuss this idea when it came back. The report had stated strongly that community policing could not be done citywide without significantly more resources, i.e., that taking the exact same model in the Strategic Plan neighborhoods citywide would require more officers and funding. As staff did with every Council initiative, they thought about it in the interim in terms of how they could achieve the goals they had set and the public statements that had been made about implementing this citywide. He noted the report had pointed out it was not recommended to have a different unit, and that it was best to implement the philosophy department-wide, which would take more resources. If that would not happen quickly or if they wanted a short-term expansion of the service, it could be done within the structure of the Police Department, but it would involve enlarging the responsibility to a beat size. The benefit inside the Police Department to a beat-sized footprint for a community outreach officer was that it was how the other Police Department services were organized, to include 9-1-1 calls. He pointed out that was in theory since every day was a little different and officers were sometimes called away from their beats. Much of the time, however, they were in their beat area and were able to observe things. He provided the example of repeated car thefts and explained officers responding to calls did not have time to do community policing to investigate the situation. There would now be a community outreach officer that had the time to drill into that problem in that neighborhood. He agreed it spread the services of the officers over a lot more area. Currently, 100 percent of their community policing efforts had been provided to 10 percent of the City, and this concept would spread 100 percent of it over 100 percent of the City, which meant there would be a significant reduction in the four neighborhoods they were in now. He commented that the email had unfortunately sparked news stories that had preempted the intended conversation. He stated much of the feedback received was correct as it was intended to happen after the Council received the report, and the reason the Deputy Police Chief had sent the email was because they were on a schedule where they had to have the assignments made by January. The bid process had started in November, and they wanted to fill the eight roles in time for this process. The email was intended to fill the eight roles they had. He pointed out there had obviously been some miscommunication with that, and he hoped what he had shared tonight would lay some fears to rest and help explain the process. He stated the community outreach unit was not dismantled and was functioning today. He also felt their work with the bid process would reenergize it next year. After the Council received the report, they would be able to decide if they wanted to do this or not. He explained staff was happy to leave it the way it was, but was also happy to try this other approach, which could provide the service to a large part of the City that did not have it now. He stated he did not have a detailed proposal for them to consider as that was coming in December. His intent was for this to be discussed when they received the report, which was likely the second meeting in December.

Mayor Treece stated he planned to ask that they put on hold any change in staffing pattern, assignments, the community outreach unit and its rebranding, etc. until they

received the community policing report and plan of action that had been asked for if he could get a majority of Council to agree. He also wanted to ensure they had a proper public meeting to discuss it to determine if it met the expectations of Council before any changes were made. Mr. Matthes stated he was agreeable. Mayor Treece asked if there was any objection to that.

Ms. Peters commented that she was in agreement with Mayor Treece, but wondered what that meant for the bid process. She understood the reason this had moved forward was because the bids needed to be in for the Union by December 1. She wondered if they could go back and keep things the way they had been. Mr. Matthes replied the current community outreach unit was the current community outreach unit. The bid process would occur in January, but that would be after the receipt of the report. The question was what footprint they wanted, i.e., the size of the footprint. It did not have to happen right away, and Council could wait until March, June, or some other time if they liked that idea. If they did not like the idea, it could stay the way it was now. The bid process, however, had to happen. Chief Burton explained the bid process began in the late part of the year so officers could plan for the following year in terms of their days off and which weeks they would work. This allowed them to plan vacations, weddings, etc. He pointed out it was really important to the officers and their families, and that was the reason for the bid process and lining out schedules before the end of the year. It allowed them to know exactly what they were doing for the rest of the year when January started. He stated they could do what Mayor Treece was asking, but it would require making those selections in March or another time if that was the direction the Council decided to go, and those people would then have to move, which could also affect the bid or whether they applied for the job. He commented that they had the ability in emergency situations to change the days off officers had, but they tried to avoid it. Mr. Matthes pointed out the bid process was included in the contract with the Union.

Mayor Treece asked when the proposed staffing pattern had been developed. Chief Burton replied they had probably started working on it in August, but it had only been broad strokes at that point. He explained they were attempting to respond to the report, which had indicated a desire for the community outreach unit to work more closely with patrol. As a result, they were attempting to find a way for patrol officers to be exposed to the community outreach unit, and this model was a way to do that. Otherwise it was restricted to the four small neighborhoods. The thought was to place the people already doing the work in individual beats and to let them depend on each other for manpower.

Mayor Treece asked when that had been proposed to the City Manager. Chief Burton replied it had not been at that point. He explained they had reviewed it over the next couple of months. He thought it might have been in October or November as it had been right before they had started the bid process. Mr. Matthes stated he could not recall. Chief Burton noted it had not been that long ago because it had taken them a while to settle on it. Mayor Treece asked Chief Burton if he kept a calendar and had the date of that meeting. Chief Burton replied he did not know as they had a series of meetings. It had not just been one meeting. Mayor Treece asked when the first meeting was that this concept had been presented to the City Manager. Chief Burton replied he did not recall the date. He explained they had monthly meetings at which they discussed the happenings at the Police Department. He thought it had likely been at one of those meetings.

Mayor Treece asked if they had discussed the changing of the community outreach unit to the community response unit at one of those meetings. Chief Burton replied he did not believe they had gotten into that much detail. He explained the reason for that change was internal. They did not want it to be the same thing because officers were becoming burned out on it. They did not want to do that kind of work all of the time. They wanted to do some other things. Mayor Treece asked what kind of work they wanted to do. Chief Burton replied police work. Mayor Treece thought community policing was police work. Chief Burton agreed, and explained it was one facet of police work. Due to the



success in these individual neighborhoods, their police work had dropped off. Their interaction with community had increased, but their ability to go out and do police work, which was what they had signed on to do had been diminished. Mayor Treece asked for clarification. Chief Burton replied he was talking about the things patrol officers did on a daily basis, such as looking for stolen cars, those breaking into houses, those breaking into cars, etc., and noted every police officer liked doing that.

Mayor Treece stated he was concerned because there appeared to be a disconnect between community policing and law enforcement based on what Chief Burton had described. Chief Burton explained that would not be the case if they had the resources to do it. If they had enough resources to spread equally throughout the City, everyone would receive better treatment because officers could engage in those types of activities while working with the other officers in the area that could engage in community policing. The point of the new model was to try to get patrol officers involved in the same kind of policing that the community outreach unit was doing, but not 100 percent of the time. It would be done as they had time.

Mayor Treece asked Chief Burton if he had been instructed to not change the name of the community outreach unit. Chief Burton replied he did not recall that discussion, but Mr. Matthes had told them to keep it the same a couple of days ago. Mr. Matthes commented that he had stated to not change the name of the community outreach unit at the meeting since it was already branded. Mayor Treece asked at which meeting this had been discussed. Mr. Matthes replied it had been the meeting at which they had discussed it. Mayor Treece asked if it had been before or after Deputy Chief Schlude's email had been sent. Chief Burton replied it would have been after. He noted it had been after all of the media items had started. Mayor Treece noted the City Manager had indicated it was before then, but the Police Chief was saying it was after, and asked if it was before or after Deputy Chief Schlude's email came out. Chief Burton replied he did not know, and asked Mr. Matthes if it has been discussed before as he did not have that distinctive memory. Mr. Matthes replied that when Chief Burton had pitched it to him and they had decided to take the next steps to move forward, he had stated to not change the name, but that obviously had not stuck.

Mayor Treece noted Deputy Chief Schlude's email regarding the community response unit posting had come out Thursday, October 25, and asked if Chief Burton had instructed her to send the email. Chief Burton replied no. Mayor Treece asked Chief Burton if he had instructed her to not send the email. Chief Burton replied no. He stated he had not specifically instructed her to send the email, and explained what she had been trying to do was communicate to the Department that they were going to be changing the format of what they were doing, i.e., the community outreach unit. Mayor Treece asked Chief Burton if he had received the email. Chief Burton replied he was sure he had. Mayor Treece asked Chief Burton if he had notified the City Manager when he had seen that the email said community response unit. Chief Burton replied no. Chief Burton explained Sergeant Sinclair had come up with this idea to do something citywide. Mayor Treece asked when Sergeant Sinclair had developed this idea. Chief Burton replied he had come to them about 3-4 months ago. It was Sergeant Sinclair's idea of how they could increase the coverage of community outreach type work across the City, and he wanted to be involved as one of the two sergeants. The current community outreach unit officers were welcome to apply, but the unit was changing, and they wanted people to be aware of that change. He commented that the community outreach unit was doing community outreach work, and they were going to ask them to do some of the work downtown when there were large crowds, etc. and in other areas of the City when there were problems. It was a group of officers they could pull together that had some discretionary time to address issues. As a result, the hours would change and be switched at times. He explained Sergeant Sinclair had thought of it as a flexible job in terms of hours, but one he believed he could make fun.

Mayor Treece asked how the community response unit would be different from the

community outreach unit. Chief Burton replied they would be doing police work downtown, i.e., enforcement activities and whatever else might be needed across the City. Mayor Treece asked how many officers would be in the proposed community response unit. Chief Burton replied eight officers and two sergeants. Mayor Treece asked how many would be left in the community outreach unit. Chief Burton replied eight officers and two sergeants. He explained the community outreach unit was never going away. They were going to change some of what the community outreach unit was doing. Mayor Treece noted Deputy Chief Schlude's email had indicated current staffing numbers could not sustain the community outreach unit. Chief Burton stated that was correct, and noted they could not afford to spend a million dollars on police officers in four specific areas, so they had tried to determine how to spend that money throughout the City with the same benefits.

Mayor Treece asked Chief Burton if he was familiar with Sergeant Fox's community policing report. Chief Burton replied he was. Mayor Treece asked on which page this staffing pattern had been included. Chief Burton replied it was not in there. Mayor Treece understood it had been developed 3-4 months ago. Chief Burton stated Sergeant Fox had suggested they have police officers work more closely with patrol, and that had been the catalyst for this. Mr. Matthes noted one of the recommendations in the report was to match future community policing with beats. Chief Burton stated it was what the public had indicated it wanted in the report. They wanted the concept to be spread across the City, and they had made the effort to do it, but it had blown up in their faces and this was where they were tonight.

Mayor Treece stated he wanted to have more discussion on it in a public setting, and believed there should not be any change until that happened. Chief Burton stated that could be done.

Mr. Skala explained he was a bit confused about the idea that nothing had changed but something had changed, and asked if an offer had been tendered to the outreach officers that had previously been assigned to those four areas to apply for a new position. Chief Burton replied yes. Mr. Skala understood that was an anticipated change. Chief Burton explained any officer in the City that had a certain amount of years in service could apply for the community response unit. Mr. Skala commented that if the eight police officers that were dedicated to four areas were given additional responsibilities over the rest of the City, the effect was that their work within those four areas would be diminished to some degree. Chief Burton stated that was potentially the case. Mr. Skala stated they had been trying to build on the fact they had tremendously good numbers within the context of those four areas, and those underserved four areas had contained some of the most problems. Chief Burton agreed, but questioned how long they could spend a million dollars on those four areas. He explained that was where they were coming from, right, wrong, or indifferent. They were putting an awful lot of money into four very small areas of the City and wondered if that was fair to the rest of the City. He reiterated they had heard from the public that they wanted this concept to go citywide so they, as management, had tried to find a way to do it contingent upon resources.

Mayor Treece understood staff had the direction they needed.

## **XII. ADJOURNMENT**

Mayor Treece adjourned the meeting without objection at 11:48 p.m.