



City of Columbia, Missouri

Meeting Minutes

City Council

Tuesday, January 19, 2021
7:00 PM

Regular

Council Chamber
Columbia City Hall
701 E. Broadway

I. INTRODUCTORY ITEMS

The City Council of the City of Columbia, Missouri met for a regular meeting at approximately 7:13 p.m. on Tuesday, January 19, 2021, 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 Member KARL SKALA, Council Member IAN THOMAS (via videoconference), Council Member MATT PITZER (via videoconference), Council Member BETSY PETERS, Mayor BRIAN TREECE, Council Member PAT FOWLER, and Council Member MIKE TRAPP were present. City Manager John Glascock, City Counselor Nancy Thompson, City Clerk Sheela Amin, and various Department Heads and staff members were also present.

Trapp asked that imperious be changed to impervious during his comments toward the end of the meeting.

The minutes of the regular meeting of January 4, 2021 were approved unanimously by voice vote on a motion by Trapp and a second by Treece with the change requested by Trapp.

Treece explained there had been a request to table B5-21 to the February 1, 2021 to allow the neighbors and the applicant to have additional dialogue. Treece stated he intended to make that motion and wanted those in attendance to be aware so they did not wait around until that item came up on tonight's agenda.

Skala asked that B24-21 and B25-21 be moved from the consent agenda to old business.

The agenda, including the consent agenda with B24-21 and B25-21 being moved to old business, was approved unanimously by voice vote on a motion by Treece and a second by Skala.

II. SPECIAL ITEMS

SI4-21

Boone County Bicentennial Mural Presentation.

Janet Thompson, District II Boone County Commissioner, stated District I Commissioner Justin Aldred and Stacy "Wildy" Self of Wildy's World! were joining her tonight to present the City of Columbia its portion of the *Treasures of Boone County* bicentennial mural. It was a project that started before their bicentennial year had begun, and the mural in its entirety had been hung in the Boone County History and Culture Center, which had been the only uninterrupted wall they had found that was large enough to accommodate the mural at 30 feet tall. Thompson stated it had been designed to celebrate their bicentennial and to be something that would last while also educating people with regard to what it was that made Boone County important to its residents. The tag line for their committee had been "Many Communities, One County" and this had informed how they looked at the project. Thompson noted they had been very fortunate to find Self, an educator and muralist, who had been able to bring this idea to life. Thompson explained Self had taken eight pieces of plywood to make a map of Boone County, which had also

involved listening sessions and painting sessions.

Stacy "Wildy" Self stated she was honored to have been a part of this project as a facilitator and collaborative muralist. The mural, being a puzzle mural, was the first of its kind to her knowledge, and it incorporated 200 years of Boone County history through collaborations with residents from each of the eight main towns and surrounding areas. The piece being presented tonight was for the Columbia area, and it had been painted by the people for the people. Self thanked the City for accepting it and noted she was thrilled to have been involved in this project.

Treece thanked them and asked if the other pieces had been distributed to the other communities. Self replied they were in the process of delivering all of the pieces and noted Hallsville had received the first piece.

Skala asked if there was an archival photo of the entire piece when it had been displayed at the Boone County History and Culture Center. Thompson replied a video had been created by Karl Bussen of Bussen Productions, which she thought could be seen on the Boone County History and Culture Center website.

SI5-21 COVID-19 Update.

Public Health and Human Services Director Stephanie Browning provided an update.

Treece asked Browning if there was a sense of the percentage vaccinated or the perception of those with vaccine hesitancy within the different tiers, and whether there were concerns in terms of not wanting to move to the next tier if they were not at above 50 percent of one tier even if other people might be eligible. Browning replied she thought it had been around the 60 percent range for emergency services personnel, but it was too early to know for sure. Browning explained those in healthcare settings that had been hesitant in getting the vaccine right away would be able to jump in any time to receive it. On a statewide call last week, they had been informed that long-term care facility employees were at 30-32 percent in terms of vaccinations while the residents were at just over 60 percent. Browning stated she was not sure if that held true for Boone County as it was the statewide information.

Browning continued with the update.

Skala asked if public data was available in terms of the cases related to the restaurants, retail establishments, and bars. Browning replied they did case investigations but had limited capacity so they were not able to talk to everyone. When they were able to talk to those impacted, they were asking where they had been, and some were employees or patrons of restaurants and bars. Skala understood some of it had to do with the ability of people to follow the rules, and that they had some of the information. Browning commented that there had been small clusters and outbreaks within some restaurants.

Peters asked Browning if she anticipated distributing the 975, more or less, vaccines they had within the next week. Browning replied yes, and stated she thought they would be out of vaccines very quickly. Browning pointed out they were working on new scheduling systems, etc. to assist in the process. Peters explained she wanted to ensure Browning had the help needed so the vaccines did not sit around for very long.

III. APPOINTMENTS TO BOARDS AND COMMISSIONS

BC1-21 Board and Commission Applicants.

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

BOARD OF HEALTH

Geiser, Rosann, 1710 Riback Road, Ward 6, Term to expire August 31, 2022

BROADBAND BUSINESS PLANNING TASK FORCE

Bowen, Donald, 2005 Shale Ridge Court, Ward 4

Dietterle, Luke, 1310 W. Worley Street, Ward 1

CITY OF COLUMBIA NEW CENTURY FUND INC. BOARD

Howald, Timothy, 1201 S. Old 63, Apt. 201, Ward 6, Term to expire September 30, 2022

COLUMBIA SPORTS COMMISSION

Oehrle, April, 2112 Arlene Drive, Ward 4, Term to expire December 31, 2021

MAYOR'S COUNCIL ON PHYSICAL FITNESS AND HEALTH

Darchuk, Kathleen, 1907 Surrey Court, Ward 4, Term to expire November 30, 2023

Moller, Chad, 1504 Residence Drive, Ward 6, Term to expire November 30, 2023

PARKING ADVISORY COMMISSION

Cecil, Gregory, 1700 Oak Cliff Place, Ward 4, Term to expire February 1, 2024

TREE BOARD

Echols, Martha, 111 Maplewood Drive, Ward 4, Term to expire January 31, 2024

Wright, Samuel, 1631 Kathy Drive, Ward 2, Term to expire January 31, 2024

Treece asked that the Columbia Housing Authority Board, the Community Land Trust Organization Board, and the Tax Increment Financing Commission continue to not be advertised in the newspapers.

IV. SCHEDULED PUBLIC COMMENT

SPC2-21 Jay Hashheider - Update of progress by the Integrated Electric Resource and Master Plan Task Force toward an IERMP Plan.

Jay Hasheider, 1812 Cliff Drive, explained he currently served as the Chair of the Integrated Electric Resource and Master Plan Task Force (IERMPTF) and noted the Plan was nearing completion. The hope was to deliver it to Council later this spring. Hasheider stated their timeline had been stretched beyond its original scheduled date due in large part to the virus, and hoped the Council would find time to have a discussion on the recommendations and alternatives presented when the Plan was delivered. Hasheider commented that the Plan would uniquely integrate many utility concerns into one document. Before this study, utility planning was typically approached in three parts with separate and independent studies conducted by staff or consultants. Hasheider displayed a plan from twelve years ago, which basically evaluated two competing options, supply and demand. It answered the question of whether the utility should spend money to provide power for expected electric needs or whether it should invest in supply programs to reduce the electric need, thereby saving everyone money. The Plan they were working on would be a bit more complex as it would include an integrated resource plan, a master plan, and a cost of service study, and would bring them all together in an integrated fashion so they could determine how one might affect the other and vice versa. It could examine the effect of enhancing rooftop solar on the transmission/distribution system or how the utility could use innovative rate design to support energy efficiency and renewable energy projects, and thereby reduce the need to generate power without sacrificing utility revenue. Hasheider reiterated each could work with the other in a mutually supportive way, and pointed out another unique aspect was its public involvement. One of Columbia's biggest strengths was that it owned and operated its electric utility. It was a given that the public had a right to know and to be involved in major utility decisions, and with that said, the Council had intentionally created a planning process to include extensive public involvement. The Task Force had been involved from day one in terms of writing the RFP, conducting interviews, selecting consultants, and monitoring and managing the development of the process. Hasheider

commented that adding to the uniqueness of the study were the multiple goals it targeted. They were not simply aiming at low cost and reliable electricity. They were also evaluating an equitable line extension policy and determining the true value of rooftop solar in terms of the electric system. Hasheider pointed out they had the urgent need of dealing with climate issues and adhering to the Columbia Climate Action and Adaptation Plan in developing strategies that could guide them to the transition to a carbon dioxide-free community. Hasheider stated the IERMPTF appreciated the understanding of Council as to how and why the process had taken longer than previously expected. They had at least two more months of meetings scheduled and every intention of completing the task shortly thereafter. Hasheider noted they invited the comments of the Council and the public at any time and looked forward to a meaningful discussion via a work session with Council later this spring when the report was completed and the recommendations were made.

Treece understood there was an extraordinary contract with Siemens that was doing the base work, and asked if that was going well. Hasheider replied he thought it was, and noted they had shown some innovative techniques in developing the load forecast and with a spatial studying of the distribution system.

Treece asked how many residential rooftop solar projects might be needed to equal one megawatt of future avoidance in terms of demand. Hasheider replied it depended on the size of the rooftop. Treece wondered if it could be asked as he was curious as to whether investing in that on the front end would help avoid future growth on the back end. Hasheider stated that was one of the things they were hoping to see when this all came together. He explained they had discussed how much rooftop solar could help with peak during summer time.

Treece asked Hasheider if he was confident the consultant would be able to present the data in a way that was compelling enough for staff to use, follow, and plan from it. Hasheider replied he did not know what to expect, but did not feel there would be one clear recommendation. They would likely see alternatives for them to then decide which scenario they wanted to model for the future. Treece asked Hasheider if he thought any of those scenarios or alternatives included high voltage powerlines down Nifong Boulevard. Hasheider replied he did not believe it would include that scenario per se.

Treece understood the pandemic had likely contributed to the length of this process and noted concern for fatigue of the IERMPTF members. Treece asked Hasheider how firm they were with the deadline and the members being able to continue. Hasheider replied the members had shown a great amount of grit and determination, and thought the valuable part of helping to get to the finish line was that they saw the finish line and knew it would be coming to a conclusion.

Skala understood there would likely be some alternatives presented in terms of the issue between supply and demand, and asked if there was any indication of the direction they were leaning or if it would be a blend of strategies. Hasheider replied he was not sure how it would play out, but based on questions asked and information submitted by the IERMPTF, there was quite a bit of interest in the issues of supply and demand.

SPC3-21

Brian Page - Needs of Columbia's Homeless and Vulnerable People.

Brian Page provided a handout and noted there were so many approvals for development projects that required the City's surrender of funds to accommodate the demands of those that prospered. Page felt fiscal responsibility was overlooked when those that prospered shared so little from their profits, and the City's financial receipts demonstrated this. Page stated the many requests to help the City's homeless and vulnerable were denied with the too frequent refrain of having no money. Page asked the Council to consider their individual prospects when with their maker in defending their lives as the many denials to God's vulnerable people might earn them an eternal timeout. Page noted Jefferson Garth had brought his slaves from Tennessee to occupy Section 11,

which was now where he lived. Page pointed out Garth had denied his slaves income, which meant he had murdered them, sold them, or wore them out. Those slaves did not have any chance for freedom or reason for hope. Page stated the City of Columbia had sustained oppressions on black people for 200 years by withholding hope through help. Urban renewal had launched generational poverty among black people. It was oppression via compression in terms of where they lived. Page commented that he hoped for a different renewal in that out of the ashes of the 200 years of very bad karma there would manifest a phoenix rising. Page explained he also wanted to rectify a wrong as the Gail Plemmons car camp had never been her vision. Page noted her name had been appropriated by the Trapp brothers for their car camp, and did not feel it was right to throw a friend under the bus to elevate one's reputation. Page stated he now had work to do to renew and restore Plemmons' impeccable reputation and would do so via Gail's Gift, Inc., which would serve frontline non-profits helping the homeless and the vulnerable. Page commented that he longed for his friend Sherman Brown, who had reached across racial lines and would remind him to have fun.

SPC4-21 Matt McCormick - Relief for Columbia Businesses.

Matt McCormick, President of the Columbia Chamber of Commerce, which was located at 300 S. Providence Road, stated he was there tonight to speak on behalf of Columbia's business community, especially the bars and restaurants, as their struggle to remain open, retain workforce, and serve consumers had only grown more difficult as COVID continued. McCormick noted Columbia's bars, restaurants, and venues had born immense financial loss as they had worked to keep the community safe and healthy, and did not feel their sacrifice should be taken for granted. McCormick commented that they had sent the City a letter last week with two requests. The first was to consider the waiving and/or prorating of fees, such as business license fees, liquor license fees, and food inspection fees, associated with operating a business in Columbia. They were also asking the City to allow businesses to plan by providing a roadmap to reopening and for that to be based upon something measureable, such as vaccine rates. McCormick felt such a roadmap would provide hope for when Columbia's businesses could expect a return to normal business hours of operation and occupancy levels. Together they could give hope and stability to Columbia's businesses as they had greatly sacrificed to better position the community to be healthy and safe during this challenging time. McCormick stated they understood the City faced its own financial challenges and that the rollout of the vaccine would not happen overnight, but wanted to thank Stephanie Browning and her team at the Health Department, along with the hospitals, for being prepared with a vaccine rollout plan that they were moving forward with effectively in the community.

V. PUBLIC HEARINGS

None.

VI. OLD BUSINESS

B2-21 Amending Chapter 16 of the City Code as it relates to the use of force by law enforcement officers.

The bill was given second reading by the City Clerk.

Glascok and Thompson provided a staff report.

Treece understood the ordinance would not apply at the state level, and asked about the federal level. Thompson replied it did not apply at the federal level either. Treece referenced the Graham versus Connor case, which was essentially the use of force rubric, and asked if that could still apply even though the ordinance would prohibit certain uses of force if it were passed tonight. Thompson replied that if there was a prosecution

for an unlawful use of force or unauthorized use of force, it would likely happen at the state level. As a result, the county prosecutor would be bringing that charge forward at the state or federal level. Thompson stated the ordinance would only apply as it related to the City Code. It was not binding upon the State of Missouri or any federal action.

Police Chief Geoff Jones and Police Sergeant Bob Dochler continued with the staff report.

Treece understood there had been a chokehold ban in Columbia since June of 2014 and that changes had been made to it in 2018, 2019, and 2020 based on what they were seeing across the country along with the recommendations of the Commission on Accreditation for Law Enforcement Agencies (CALEA) and other model law enforcement policies. Treece asked if that was a fair assumption. Dochler replied that was accurate.

Treece asked for the differences between the policy that had been put into effect last week and the one they had previously. Dochler replied the previous policy had covered chokeholds, but it had not differentiated between a chokehold and a lateral vascular neck restraint (LVNR). A lot of the changes from 2014 to present time were due to meeting CALEA standards, but not these specifically. On August 18, 2020, CALEA had contacted all of the CALEA accreditation managers across the country to notify them of three new standards and three standard revisions that were to take effect immediately. The new standards involved a duty to intervene, LVNRs, and chokeholds. The three revised standards dealt with use of reasonable force and de-escalation, use of deadly force, and rendering medical aid. Dochler explained the previous policy had covered five of the six standards. It had only not addressed LVNRs in terms of how it was different than chokeholds. Even though everything had been covered by the policy, Dochler explained he had reviewed it to ensure it was completely up to date with these standards and that the language was consistent. Dochler pointed out they were starting to hear concerns regarding chokeholds around that same time. Dochler listed each standard and explained the changes that had been made.

Treece asked Dochler if the proposed ordinance or the department policy did more to prevent the use of chokeholds. Dochler replied he believed the policy along with training, as it was designed on a regular basis, was better.

Skala stated he was glad to see the reliance on CALEA standards, and understood lots of the municipalities that had imposed chokehold bans had done so while allowing exceptional exceptions. Skala referred to the George Floyd incident and asked if there was any change in the language in terms of the use of chokeholds when the subject was already restrained. Jones replied no. Jones explained what had happened with George Floyd had not been a chokehold or a LVNR, and thus, there was really no way for them to mitigate unlawful behavior through policy other than to ban certain things but for saving the life of someone else or the lives of the officers themselves. Skala asked if there was a policy that addressed when someone was restrained, and whether it went further than ensuring chokeholds did not occur in that type of situation, or if it was allowable only in extreme circumstances when there was a threat to life. Jones replied he could not see a circumstance where someone, who was restrained, was then put into a chokehold. Jones stated he could not envision using deadly force on someone that was restrained short of that person having a gun that had not been discovered and firing it in a handcuffed position. Jones commented that it really went back to reasonableness, the standard that had been set by Graham versus Connor. There had been case law after case law that changed the dynamic of force once someone was in custody. Jones explained that when someone was in custody, they were in their care and control, and it would take an extreme circumstance for that to apply.

Thomas thought it was significant in his reading of the policy that the Police Department was now planning to train in the use of chokeholds and LVNRs, and asked what had led to that decision. Jones replied it had been based on a couple of things. One had been the advice of the City's legal team, and another had been that there were standards through CALEA that addressed it. In addition, there had been a lot of conversation at the Council level regarding training. It was an example of a time they needed to evolve, which

they had done through this policy.

Thomas understood that if a chokehold or LVNR was applied for a certain amount of time, it would kill a person, and asked what the training would say as to how long these techniques should be applied in a circumstance by which an officer would be authorized to use it. Jones replied for any use of force, it was until they had stopped the threat or had gained compliance. Jones explained he had not looked at the training, and the policy indicated they would familiarize people with what it was and clearly define that it was prohibited activity unless it was a deadly force situation. Jones stated he likened it to using a firearm. If they were forced into a confrontation and had used a firearm, once the threat had stopped or the person was compliant, they would not keep firing as it would not be justified behavior or a reasonable use of force. Jones commented that the same would apply to picking up a stone or anything else.

Fowler asked what it looked like in training to teach a duty to intervene. Jones replied they overtly stated it when reviewing policy and discussed what that looked like. In addition, they had classes in ethics and customer service, which would include de-escalation. Jones noted they talked frequently across training topics with regard to the need to hold each other accountable. Jones explained he often talked about "taking care of your buddy" in the context of intervening if they saw someone going down a path that was not okay as they sometimes had to save people from themselves. In a most extreme circumstance, it might be the use of force, but in an everyday circumstance, it might be someone being chided or drawn into a circumstance whereby their emotions took over. Jones pointed out police officers were humans, and they had the responsibility to intervene. Jones noted they really talked about intervening at the lowest level, and stated he had confidence that the officers that worked at the Columbia Police Department (CPD) had the message loud and clear.

Fowler asked if a duty to intervene would include physically pulling an officer away from a situation where they were applying an inappropriate and deadly amount of force. Jones replied yes. Fowler stated that was the answer she was looking for, and understood they would physically pull an officer off. Jones stated that was correct. Fowler understood they would use the tools they had as needed. Jones explained it would change the circumstances of their safety priorities. If a police officer was violating the law and victimizing someone else, they would become the suspect in the safety prioritization and force would be used to intervene.

Fowler felt that was a difficult conversation for an officer to have about a fellow officer, and asked how much time was spent on that conversation. Fowler wondered if it was reinforced enough so that the rank and file officers knew they were serious about it. Jones replied he did not feel it was a difficult conversation. Jones stated officers held each other accountable day-in and day-out, and pointed out they also propped each other up. Jones commented that no cop liked a bad cop. There was nothing worse for their profession than working with a cop that was a bad cop. Jones explained they had experienced situations where officers did not want to go to calls with certain other officers, and they worked through processes, to include those within the Human Resources Department, so they did not have to go to calls with those officers any longer. Jones stated he was uncertain of an appropriate amount of time to spend on the issue, and pointed out it was not something that was brushed over as it was something that affected them to core.

Fowler commented that she had read the materials provided along with other materials and was not sure she had read enough as to what de-escalation meant in the day-to-day interactions with citizens. Unfortunately, there was a lot of video that appeared to show escalation rather than de-escalation. Fowler asked about changes the CPD was making with regard to de-escalation training. Jones replied they had put out a video that discussed "ask, tell, make" which was a philosophy that training was provided on in law enforcement academies. Due to some recent events, they had held conversations about using that model in terms of the messaging in training and the expectations in the

policies so officers knew when it was possible and appropriate to provide more time for explanation and conversation. Jones stated that had taken place informally during an in-service training soon after that conversation had taken place, and noted the training unit was trying to catch-up. Jones commented that the thing that was great about the training unit was that they tried to look ahead with regard to issues. In addition, they did not need to change their policies and training techniques to mirror the best practices of other agencies they did not want to model themselves after. Jones explained that was one example in making a change with regard to de-escalation. The training unit and the equity officer were looking at all of the policies and training to determine how they moved forward. Jones commented that they would see changes over the next year as Officer Tony Parker sifted through the policies. Jones stated they had a mission in place with regard to where they wanted to go. They were just not there yet.

Fowler asked where the opportunity was for citizens to sit with members of the training team and leadership within the CPD to talk to them directly about the behaviors they felt were harassment as opposed to good law enforcement, and for them to see those results translated into how officers were trained and how the officers interacted with the public. Jones replied it depended. Jones explained he was very accessible, they held meetings with different groups, and they had the community outreach unit that was intentionally going into communities where they traditionally had issues. Jones felt the communication needed to take place first, and pointed out there was also a review process if someone made a complaint. Jones was not sure it had to get to a complaint and noted that not every complaint was a policy violation, and just because it was not a policy violation did not mean it could not be done better. Jones explained people were continually having conversations with them, and provided the policy review meetings whereby people voiced concerns that impacted changes to policies as an example. For the next year, they were working to allow people from the community, media, and the Council, if appropriate, to attend some of their training sessions. Trainings that discussed tactics would not be included as they wanted to keep those to themselves to keep them safe, but there was very little of that. Jones commented that he anticipated community input in providing and attending the training. Jones stated he thought there were several avenues for communication. Fowler commented that she was still not comfortable with how members of the public could interact with the CPD to specifically discuss those behaviors they felt were harassment, and asked how that might be accomplished. Jones replied they could hold public meetings once that was allowed. They could also have one-on-one meetings. Jones noted anyone could call him as well. Jones explained they were limited in what they could do in a group setting due to COVID, and noted he was open to suggestions.

Treece asked Jones if he felt the ordinance or policy was the better mechanism to prevent chokeholds in the future. Jones replied the policy. Jones commented that if he was in a deadly force situation and had to choose something to save his own life or the life of someone else versus getting a City ticket, he would be ticketed. Jones pointed out they trained to not use it, it was specifically banned except for those extreme circumstances, and they followed up on their use of force investigations, which was done any time force was used and was on video most of the time unless the video was knocked off or there was a malfunction. Jones stated it was about accountability, which came through training and policy, and explained they strived to have several levels of review on each use of force.

Roy Lovelady, a Third Ward resident and a member of People's Defense, explained the comment had been made that chokeholds did not occur in Columbia, which he did not feel was true since he and members of his family and the community had experienced it. Lovelady pointed out they happened in Columbia, Missouri. Lovelady stated he had been following these issues from the start and had been attending Citizens Police Review Board (CPRB) meetings. Lovelady understood the CPD had indicated they did not have time for implicit bias training or diversity training, but they were now saying they had time

to train on chokeholds. Lovelady felt that was worrisome. In terms of de-escalation, when he was pulled over and asked for the reason he was pulled over, the situation typically escalated. Lovelady wondered how they could de-escalate a lethal force situation. Lovelady noted the data showed black people were pulled over a lot more and wondered why a lethal force situation would be any different. Lovelady understood it had been said that if chokeholds were banned, they could only then use something more lethal, like a gun. If they did not ban chokeholds, the loophole would still exist, allowing people to be placed in chokeholds. Lovelady asked how much training would be done with regard to chokeholds, which were not to be used. Lovelady also pointed out that if a chokehold was banned and was still used, the officer would only receive a ticket. Lovelady felt a lot this was unreported, and even if a regular citizen was to file a report, the report was reviewed by the CPD. It was a system of the police policing themselves, which made it difficult to believe the system would work for the average citizen. Lovelady stated the Council had a choice tonight, and the choice made would send a message to the people.

Rose Metro commented that many on the Council knew she volunteered with Mom's Demand Action for gun sense in America, and although she was not speaking on behalf of that organization, she wanted to make the connection between gun violence and use of force policies. When they had better policing, de-escalation, and trust between police and the community, they would be more successful in fighting gun violence. Metro noted the attorney general of New Jersey had just overhauled use of force policies within the entire state while working with the police union, the National Association of the Advancement of Colored People (NAACP), and the American Civil Liberties Union (ACLU). They had not only banned the use of chokeholds, but they had also banned high speed police chases and the use of police dogs. They had made many changes, and it had resulted in not one officer firing a gun in Newark, New Jersey in 2020. Metro felt it could be done in Columbia, Missouri if it could be done in Newark, New Jersey. Metro suggested they look at what was happening in other communities in terms of how they had been able to overhaul their use of force policies to reduce gun violence by police and make policing safer by seizing illegal guns off of the street where they would endanger everyone. Metro understood there would not be leadership at the state level from Missouri's attorney general, but was curious as to what could be done in Columbia in terms of working with the CPD and groups that had an "on the ground" view of what was happening, such as the People's Defense. Metro stated she thought it was incredibly important to listen to voices like that of Roy Lovelady when he said he had been put into a chokehold. Metro felt a similar process where they brought all of the stakeholders to the table to really talk about how force was being used and whether it was happening according to policy or not was needed. Metro noted she had appreciated the comments of Fowler in trying to think about the opportunities that existed for those conversations to happen and whether they were sufficient, and it did not seem as though they were sufficient to really allow for a vibrant discussion as to how the use of force policies could change.

Treece stated he appreciated the comments of Metro and noted he agreed with her on a lot of those things. Treece commented that the most recent use of force report he had was from 2019, and there had not been any firearm discharge that year in Columbia. Metro stated that was wonderful and believed they needed to keep going with that to ensure it persisted. Metro wondered what 2018 had looked like and what 2021 would look like. Metro explained they were lucky in that they did not have a huge problem. Treece commented that he brought that up to amplify what the problem was that they were trying to solve. Treece understood the fear that was there, and only wanted to determine the best way to proceed so everyone had confidence in the police. Metro commented that she did not feel they had to wait until they had an officer involved shooting in Columbia to change use of force policies and build trust between the community and the police.

Thomas asked about the consequences to an officer that violated the proposed ordinance and the CPD policy. Thompson replied the ordinance was a rule that would apply to officers within the city limits, and as a result it would be a violation of the City Code to violate an ordinance provision. Whether or not there would be prosecution of that would be pure speculation at this point. The CPD primarily used its policies when they were looking at officer conduct as that was what they were trained on and how they investigated use of force. It was something they would have to comply with. They could not have a policy that would be different than the City Code. Thompson explained it would create some complications because the City Code would conflict with what was basically the legal standard for any type of use of force when there was deadly force. There would be two conflicting standards. Thomas understood if the ordinance was passed the policy would become irrelevant or could be changed.

Thomas understood a violation of the ordinance would potentially lead to a criminal prosecution and a violation of the policy would lead to some internal disciplinary proceeding. Thompson stated that was correct. She explained the City Code would apply and pointed out they used the City Code as a policy for disciplinary reasons as well. Usually those were contained in Chapter 19, and a violation of City Code would be grounds for discipline for any City employee.

Treece understood they had a one paragraph ordinance and a ten page policy, and asked what became of the policy if they passed the ordinance. Treece wondered if it was all thrown out or only the part that was referenced in the ordinance with the rest remaining. Thompson replied the rest of it would remain and only the portion that was in conflict would not apply. Thompson stated the stricter standard would apply in this instance. Treece commented that the ordinance defined a carotid restraint, but a carotid restraint was not mentioned in the policy as the policy referenced LVNRs. Treece asked if those were the same thing. Thompson replied she believed they were. It was just different terminology. Thompson noted the definition was what they needed to look at to ensure that. Thompson stated she did not have both definitions there, but the carotid restraint in the ordinance referenced pressure to the carotid artery or the jugular vein on the sides of the neck. The carotid restraint was something the cut off blood flow. The chokehold was the cutting of air flow. Treece understood that not all chokeholds resulted in strangulation. Thompson explained people utilized different phrases for chokeholds, but a chokehold was one that actually cut off air flow at the windpipe. A cross-chest hold was not a chokehold. It might apply pressure to the neck, but the hold itself was not the cut off of air flow.

Fowler commented that she was not a member of the black community who feared the physical handling of them would result in a chokehold. Fowler stated she struggled with how to find the right way forward knowing she had heard story after story from members of the black and brown community about their experiences with the police. Fowler did not know what the ultimate outcome would be if the proposed ordinance was voted down and the new police policy was put into place, but believed there had to be some way they validated the experiences of their black and brown citizens in terms of how they felt and the fears they felt when they encountered Columbia police officers. Fowler stated she would support the proposed ordinance and understood its likelihood for success in passing was probably low. Fowler explained she felt compelled to validate the experiences of the citizens when they came forward to speak on those experiences.

Trapp commented that when this had come forward after the George Floyd incident and he had reviewed the policy from the perspective of a layperson, he could see how people would not feel protected by policies. Trapp noted he and Thomas had conversed with Jones, and out of that conversation along with the comments of Dochler today, he thought the changes to the use of force policy were wise and prudent and had closed what had the appearance of a loophole. Trapp explained he did not believe any of them were comfortable with the idea of authorizing people to use deadly force on their behalf, but that was the essence of police powers. It was why they had civilian control of the

police. Trapp thought they had to continue to evolve as had been mentioned by Jones. Trapp noted there had been police encounters that they had not liked the look of, how they were presented, or how they were perceived, but they had been within training and policy. This did not show there was not a problem. It only showed the problem was deeper and that they needed to review their training and policy in an ongoing and iterative way. Trapp stated they had to work to gain the trust of the community, especially the black community. The distrust was rooted in disparate police contact and in disparate outcomes at every level of the criminal justice system of which the CPD was one piece. Trapp explained he was proud that they had been the most engaged with the public and the most forward facing with regard to addressing the issues, and thought they needed to continue to do that. Trapp stated he wanted to support this ordinance for many of the reasons Fowler had indicated, but noted he had rooted his governance in a pragmatic, real world manner and had tried to avoid symbolic action. Trapp commented that the City had very low enforcement abilities except for a summons to municipal court with a pretty minimal penalty structure. He thought the chokehold ban would be more symbolism than a change in fact. Trapp appreciated the activist community for bringing this issue forward and in engaging the conversation, and encouraged them to continue to have faith and be engaged. Trapp also encouraged the CPD to listen to the stakeholders, look at the glaring disparities within the data while being transparent about it, and work toward solutions that would build trust. Trapp hoped this episode and the ongoing process of trying to win the support of the community would bring them all together as one Columbia. They all wanted to feel safe and have opportunity. Trapp stated he could not support this ban tonight. Trapp felt they had made good changes to the use of force policy, and noted the chokehold bans in other states and municipalities had been needed because they had far more liberal policies with regard to the use of those techniques.

Treece pointed out two written comments had been received on this issue. One was from Ruth Friar and the other was from Martha Echols, and both had asked that the Council to ban chokehold restraints. Treece stated the written comments would be filed with other items associated with this meeting.

Thomas commented that he would support this ordinance. Thomas felt the key issue was communication and that they needed to consider what the ordinance or policy communicated to an officer in a given situation. The previous policy indicated a choke, strangle, or similar hold was prohibited except where the officer reasonably believed there was an imminent threat of death. Thomas noted it was far too easy to look at that exception and justify the conditions in that exception. Thomas explained he had done some research and had talked with some within the criminology field, and had come across something he really liked as a policy, which indicated chokeholds and LVNRs were prohibited. It further said that if the policy was violated in a deadly force situation, i.e., an authorized means of deadly force, such as a gun, was unavailable to the officer, that mitigating circumstances would be taken into account. Thomas felt that very clearly communicated the fact that those maneuvers were prohibited and separately discussed what would happen in a consequential situation if there had been a violation. Thomas appreciated Jones and Dochler working on the policy and coming up with a new form of words, which now indicated chokes, strangles, and similar holds were prohibited unless deadly force was authorized, and due to the circumstances, the only reasonable means. Thomas did not feel that was significantly different than what they had before or that it would significantly change the way officers would interpret what they were supposed to do. Thomas thought it was important to recognize the community had spoken. As Fowler had indicated, Thomas noted none of them knew how it felt to be a black or brown person and to live with that experience and fear. Thomas believed an important element of community policing was to listen to the community and to create a policy or ordinance that had been asked for very consistently and seemed to be reasonable.

Skala agreed it was a difficult conversation and that there was an intersection between some of the racial tensions and law enforcement within Columbia and nationwide. Skala

pointed out there had been some horrendous examples of bad cops, and some of those circumstances had led to real, substantive changes. Skala commented that he felt the changes to tighten up the policy consistent with CALEA standards and place chokeholds and LVNRs in the same category of deadly force, which was an absolute last resort, was appropriate. Skala stated he was very concerned about the experiences of some groups due to the color of their skin. Skala noted there were all kinds of disparities, and as had been mentioned by Lovelady, there were sometimes escalations even when one was pulled over for a traffic ticket. Skala felt some of the escalation issues had been addressed in the policy. Skala commented that he believed passing the proposed ordinance would contradict some of the work they had been trying to do with respect to community policing. Chokeholds, LVNRs, or shooting someone were the absolute last resort and should only be used in those circumstances when life was threatened. Skala stated he was fairly confident that the tightening up of this policy so it was well understood that it was a last resort, along with the training, would demonstrate it was not a gray area in terms of what could and could not be done when this area of deadly force was entered into. Skala explained he did not intend to vote in favor of the proposed ordinance.

Treece commented that he felt the policy was superior to the ordinance, and thought it was clearer to the officers. Treece also felt the training component would allow them to help understand what was and was not a carotid restraint or a chokehold and when it was to be used. Treece reiterated he believed the policy and trainings would yield better results. Treece stated they were fortunate they had not had the issue here that had occurred in other communities, and noted he wanted that to continue.

**B2-21 was given third reading by the City Clerk with the vote recorded as follows:
VOTING YES: THOMAS, FOWLER. VOTING NO: SKALA, PITZER, PETERS,
TREECE, TRAPP. Bill declared defeated.**

B5-21

Rezoning property located on the north side of Northridge Drive and east of Oakland Gravel Road from District R-1 (One-family Dwelling) to District PD (Planned); approving a statement of intent; approving the PD Plan and Preliminary Plat for "The Cottages of Northridge" (Case No. 201-2020).

The bill was given second reading by the City Clerk.

Treece explained there had been a request to table this item to February 1, 2021 Council Meeting.

Treece made a motion to table B5-21 to the February 1, 2021 Council Meeting. The motion was seconded by Trapp.

Skala understood it had been a request by the developer to table this to a date certain, and asked if that was sufficient time. Treece replied it had been his request as he had indicated he wanted to have additional discussions with the neighbors.

Robin Anderson, a resident near the subject property, commented that she was prepared to move forward tonight. Anderson explained there had been a series of emails within the last two days among the neighbors and the developer, and felt that provided adequate information to move forward. Anderson pointed out she had reached out to the City about a month ago to request a sit down with the engineer, the developer, and a handful of the residents so it would be less intimidating, and that request had been denied by City staff.

Skala understood an informal meeting had been held with the developer. Anderson explained she had requested a meeting after the initial meeting with the developer, and there had been a neighborhood meeting with the developer in November.

Treece asked Anderson if she was optimistic that progress could be made. Anderson replied there were some concessions to be made, but did not feel enough would be made.

Fowler asked why City staff had denied that meeting request. Community Development Director Tim Teddy replied he had not been aware of a request for a three-sided meeting

so he could not say. Fowler asked if they could remedy that situation between now and the next meeting. Teddy replied yes, if all three parties were willing, and noted they were willing to host the meeting.

Fowler asked Tim Crockett, the applicant's engineer, if he would be willing to engage in that type of meeting. Crockett replied yes, and explained they had been unaware of the request through the City to meet.

Anderson stated she was amenable to the meeting as well.

Treece understood Anderson was okay with the request to table. Anderson stated she was.

The motion made by Treece and seconded by Trapp to table B5-21 to the February 1, 2021 Council Meeting was approved unanimously by voice vote.

B13-21

Approving the PD Plan of "Aria Boulevard Phase 2" located on the east side of Nocona Parkway and south of Kentsfield Lane (Case No. 30-2021).

The bill was given second reading by the City Clerk.

Teddy provided a staff report.

Treece referred to a diagram and asked if it was a rear-facing parking lot. Teddy replied yes in relation to Nocona Parkway, which was the main road there, and explained the land between the red line and the US highway was zoned commercial for the most part. Treece understood the doors to the units were accessible from the parking lot, and noted he would not call that rear-facing. Teddy commented that he thought the developer had anticipated it would be the way people moved. Treece asked if any doors were facing Nocona Parkway. Teddy replied he believed so as he thought it would be a four-sided design. The existing units had balconies near the corners, but not all of the way across the units. Teddy agreed the main used entries to the building would be to and from the parking areas.

Treece asked if there was a sidewalk on Nocona Parkway. Treece explained he had seen sidewalks going from the parking lot to the street, and asked if there were sidewalks if someone wanted to walk to Park Restaurant. Teddy replied sidewalks would be built. They were not seen in between the buildings, but they could be seen at either end of the parking lots that connected to the Nocona Parkway sidewalks. Treece understood Nocona Parkway had a pedestrian path. Teddy stated that was correct.

Skala commented that before they had the Unified Development Code (UDC), they had planned unit developments (PUDs), which had involved a good deal of negotiations, and they now had planned districts (PDs). Skala asked if they were now seeing a lack of creativity in the PD developments. Teddy replied this location, like Old Hawthorne, was in the category of being a very large development tract. They did not have a lot of that in Columbia as most development, to include PD development, involved significantly smaller tracts. Teddy thought it depended on whether they were looking at a 10-acre scale, a 20-acre scale, or quite a bit larger scale. The point of showing the overview had been to indicate there were some different multi-family products, even in the Aria branding. Skala understood there were differences in the area. Teddy agreed and noted that if they put these eight acres in a different context, it might seem very overwhelming because there were four stories and they were kind of in a line on both sides of the roadway. Teddy commented that no development was above criticism, and they considered whether criticism was enough or if they needed to do something more to force other standards.

Fowler had driven to the site since she had been unfamiliar with what was happening out there, and had seen mailboxes set up in different places. She had looked in the mailboxes thinking they might house the design plans, but they all had information relating to compliance with stormwater instead, and asked what the stormwater situation was out there and whether it was an area that required additional and extraordinary monitoring and/or steps beyond the City level. Teddy replied there was an agreement that went back to 2004 when the original annexation and zoning had been put in place, which was prior to the stormwater ordinance. As a result, a separate ordinance had been

passed for the entire tract so there were some standards that were referred to in that master agreement that differed from the regular stormwater ordinance. Teddy pointed out the objectives of protecting water quality and ensuring the additional runoff brought about by impervious surfaces did not cause flooding or damage to property were still the same. Teddy thought there was some lake water quality monitoring that had to be done as part of the agreement, and noted there were some bioretention areas that were between the Discovery Park developments and the lake to protect water quality.

Fowler asked if the engineering was designed so stormwater runoff would head toward the lake with that being where it was intended to go or if it was channeled into a detention system that took it in a different direction. Teddy replied he thought the lake was the main detention feature, but noted there were pre-treatment basins that were in between the development and the lake. Generally speaking, there was drainage that went in that direction.

Fowler commented that there was an awful lot of road out there along with an awful lot of paved surfaces already, and this would involve even more paved surfaces, which tended to have the oil, grease, etc. from automobiles that was then picked up when there was rain and carried elsewhere. Fowler asked if the detention ponds would be designed to filter that out before it got to the lake, which she understood was stocked with fish people might eat. Teddy replied yes. Teddy explained construction runoff and permanent impervious surface runoff would both contain agents that had to be separated through a treatment train of vegetation measures, engineered measures, rock that dissipated energy and caused the setting out of grit, etc., and pointed out he did not have an engineering plan for the development. Glascock stated there was an infiltration ditch on that side around that lake so anything that ran toward the lake would go into it and the ground before it ever got to the lake. Glascock commented that it was a water quality cell. It was not just detention. Fowler understood it was what she would call a person-created wetlands below grade to capture all of those things. Glascock stated that was correct.

Peters understood the lake was on the other side of the parkway and asked if all of the water would go across the road. Teddy replied it would be captured in storm drains. Peters asked if it then went under the road. Teddy replied he believed it did.

Peters thanked Teddy for providing a larger picture of all of the development out there. Teddy stated they would do that going forward with their Planning and Zoning Commission (PZC) presentations as well.

Peters understood there was not an overall plan for the area. Teddy stated there were individual plats but not anything that showed future buildings, even as placeholders, for the vacant lands.

Peters asked if the expectation was to do all multi-family development out there. Teddy replied there were professional and medical office uses at the north end, which transitioned into multi-family and a hotel and restaurant. A tall office building had been approved to go next to the hotel and restaurant as well. Teddy pointed out plans that had been approved had changed, and felt that would likely occur with some of these that were getting approvals now since it was somewhat market driven. He explained there was a zoning scheme too as commercial uses were heavier directly adjacent to the interchange, and in looking at the original 400-plus acres, it feathered out all of the way to Bearfield Road with some single-family development.

Tom Wooten, Anderson Engineering, stated he was available to answer questions.

Fowler believed that people liked to do things close to where they lived, and there was not any retail or other services in the area. Wooten referred to a diagram, and explained the green and blueish colors toward the bottom along with the office building Teddy had previously mentioned would involve different commercial uses to include retail. Wooten noted there was a multi-use component to it. Fowler stated she hoped it was successful. They would otherwise have a lot of people living in a place where they had to drive for services.

Treece asked if the blue section at the very south was storage. Wooten replied not the entire blue area. Wooten thought it would be the bottom third of that blue section. Treece asked what it would look like. Wooten replied it was not outdoor storage. It was completely indoors with no access to the units from the outside. Wooten noted one would never know it was self-storage if it was not for a sign on the side of the building.

Treece understood they had added a self-storage component to the UDC and had contemplated one downtown. Treece asked if this was the first self-storage unit that would be built since then. Teddy replied there had been some that had gone through concept reviews with those new standards. The old Code had limited them to 14 feet in height, which almost determined they would be garage structures. The PZC as a separate project worked on a number of standards, which had been incorporated. Teddy stated he was unsure if another had been built yet. Treece noted he had not seen one.

Treece understood the four 4-story buildings were paired with the buildings across the street, and asked Wooten how comfortable he was with the width of the boulevard and any potential tunnel effect. Wooten replied the street was fairly wide there as it was almost a 90-foot right-of-way. In addition, it was a divided road.

Peters asked Wooten if he was doing the engineering for more than just this development. Wooten replied yes.

Valerie Carroll, a PZC member, referred to the PD plan and commented that along Nocona Parkway was a public sidewalk. Carroll explained most of the buildings had private walkways connecting them to each other and to the parking lot, and there were two private walkways connecting to the public sidewalk only at the very ends of the entire development. The individual buildings were not connected to the public sidewalk that would provide walkability to the employers that were not within this Discovery Park development. In addition, there was quite a bit going on at this intersection besides what was newly developed. Carroll stated she had been looking for more connectivity to the surrounding uses, and thought she should point out where the sidewalk was located along with the connections because she was not sure it had been made clear.

Skala commented that he was glad Carroll had brought up the issue of sidewalks because there were not sidewalks to any of the entrances. Skala understood there were sidewalks to the parking lot and on the ends quite a distance away. It seemed a little peculiar that there was no way to get to a front entrance even if there was one. This particular plan was somewhat of a mirror image of what was across the street and dictated what went there. Skala noted he was starting to become concerned that PDs were becoming less creative and less innovative in terms of planning. Skala stated he did not believe the issue was sufficient enough for him to vote against this particular PD plan, but explained he was concerned about the lack of connectivity with regard to sidewalks along with the idea of just using the parking lot as the front door.

Peters stated she was happy not to have any more concrete out there than they already had. If one was to walk, they could walk across the grass to get to the public sidewalk or walk to the end of the parking lot.

B13-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: SKALA, PITZER, PETERS, TREECE, FOWLER, TRAPP. VOTING NO: THOMAS. Bill declared enacted, reading as follows:

B14-21

Granting a waiver and design adjustment relating to the proposed Final Plat of Vawter School Plat 1 located on the south side of Vawter School Road and east of Scott Boulevard for sidewalk construction on the south side of Vawter School Road (3900 Vawter School Road); setting forth a condition for payment in lieu of sidewalk construction (Case No. 26-2021).

Discussion shown with B15-21.

B15-21

Approving the Final Plat of "Vawter School Plat 1" located on the south

side of Vawter School Road and east of Scott Boulevard (3900 Vawter School Road); authorizing a performance contract (Case No. 26-2021).

The bills were given second reading by the City Clerk.

Teddy provided a staff report.

Skala understood the money would have to be spent within a certain amount of time, and pointed out a note within the staff report had indicated the long-term impact of the waiver, if approved, was that the City might be responsible for the cost of sidewalk construction in the future. Teddy explained having the \$11,000 resource would help defray future sidewalk costs. In terms of how long they could hold on to the money without spending it on a project, Teddy thought it was best practice to get a project done within 5-10 years, but was unsure of a specific statute of limitations on something of this nature. Thompson stated there was not anything specific, but seven years was typically utilized.

Skala asked if the amount of money being collected to be set aside would be sufficient for the sidewalk to be built or if it was a partial cost. Skala wondered if the developer could build the sidewalk for that amount of money if they were not provided a waiver. Teddy replied the \$11,000 was based on an average. The actual cost would likely be higher or lower depending on topographic conditions. In a large scale project, those kinds of things tended to even out, but in an isolated spot, it might be significantly more, especially if utility relocation was required. Teddy stated staff had mentioned an alternative location for discussion purposes, such as bringing it further into the private property. Those scenarios could involve retaining walls and other things that would be expensive. The concern was that the sidewalk might be ripped out to get a standard sidewalk in with a road project if it could not be linked.

Pitzer understood there had been discussion about the future improvement of the road and that it would be likely, and perhaps, even with the next capital improvement ballot. Pitzer also understood there would be enough right-of-way to improve the road and install an appropriate sidewalk at that time due to the dedication of the right-of-way with this plat, and asked if that was correct. Teddy replied yes. Teddy noted he had misspoken earlier by saying the standard location was one foot within the property. Teddy should have said it was one foot within the dedicated right-of-way. Pitzer asked if City staff had looked to see if that standard right-of-way would be sufficient given the topography there to do what was needed for a road improvement and a sidewalk. Teddy replied he thought additional engineering was required in that location due to a water main and the need to address a sidewalk that drained and was ADA compliant.

Fowler understood a linear foot for a 5-foot wide sidewalk was really five square feet. Teddy stated that was correct. Fowler asked how deep the concrete standard was for a sidewalk. Teddy thought it was eight inches with a base underneath it. Glascock stated he thought it was eight inches total with four inches of concrete and four inches of base. Fowler asked if the base was gravel or something similar. Glascock replied yes.

Fowler asked if this parcel was the former Vawter School building. Teddy replied he did not know. Fowler stated the Historic Preservation Commission (HPC) had looked at that building if it was the same one. Fowler asked if Gadbois was the adjoining property owner. Teddy replied he thought their trust was shown as the owner. Fowler commented that it was likely the same property, and recalled it having a pretty steep slope. She asked if the \$11,000 was sufficient based on 72 linear feet, eight inches of concrete and a fairly steep slope. Teddy replied some cross-grading might be necessary along with a retaining wall to hold back the upside of the slope.

Fowler commented that the building had been altered so substantially that there really was not much to salvage, but the HPC had been grateful for the opportunity to look.

Michael McMann, a PZC member residing at 113 Hubbell Drive, commented that as they moved forward with the passing of the UDC, they were getting to areas that had not been fully addressed with planned developments. The PZC had questions because it did not fit with the modern setting. MacMann stated that \$11,000 was nice, but it was likely not enough given the grading that would be necessary. MacMann explained they would likely

need to refocus and redouble their efforts in cleaning up these types of items within the UDC so they did not spend hours discussing why something did not work fifteen years down the road.

MacMann noted a storage facility had not been approved since the UDC in relation to a question on a prior item.

Treece asked MacMann how he would vote on this item. MacMann replied he would vote yes, but reiterated it needed to be addressed in the future. They were within their rights and the law. The PZC and Council needed to do the work so there were clear expectations in the future. In terms of sidewalk waivers, everyone wanted one, and MacMann felt they needed to hold the line on that issue. It would otherwise not be there when needed in 30 years.

Skala explained there had been a church along Ballanger Lane whereby the Council had stipulated the sidewalk should be constructed, and it was taking a while. Skala understood this was a bit different because it was not solely a waiver as they were providing some money in lieu of the sidewalk although it would likely not be sufficient. Skala stated they were trying to hold the line on sidewalks.

MacMann commented that he had been born in St. Louis and raised in St. Louis County, which was full of sidewalks to no where. Now, there were a million people and more sidewalks were needed. MacMann felt Columbia was experiencing that now.

Skala stated he would love to hold the line even if they were sidewalks to no where. In this case, there was money for a potential future improvement, which might happen within the next few years if Pitzer was successful in getting it on the list of capital improvements.

Pitzer noted there had been a comment in the staff report indicating a sidewalk in this location was appropriate, but highly impractical, and he agreed with that sentiment. Pitzer stated there was a sidewalk on the opposite side of the street. This area needed a sidewalk on the side of the road they were discussing, but it was highly likely the road would be improved within 30 years. If it was not, there would likely be more serious problems. Pitzer explained it would provide a small marginal benefit for the next 5-7 years before they discussed a capital improvement project there, but it would not provide a significant enough benefit to the public to go through the high impractical process of building the sidewalk at the alternate location mentioned. Pitzer noted he also agreed with trying to hold the line, but in this case he would support the waiver.

B14-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, FOWLER, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B15-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, FOWLER, TRAPP. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B22-21

Granting a design adjustment relating to the proposed Final Plat of The Backyard, Plat No. 2 located on the east side of Sixth Street and the west side of Seventh Street (120 S. Sixth Street and 119 S. Seventh Street) to allow reduced utility dedications (Case No. 27-2021).

Discussion shown with B23-21.

B23-21

Approving the Final Plat of "The Backyard, Plat No. 2" located on the east side of Sixth Street and the west side of Seventh Street (120 S. Sixth Street and 119 S. Seventh Street) (Case No. 27-21).

The bills were given second reading by the City Clerk.

Teddy provided a staff report.

Peters understood this was the same thing they did over a year ago and that it was back for mainly administrative issues. Teddy explained they had taken a bigger piece of the lot. It had originally been platted as part of a two owner situation. The Hulett descendants had since transferred a good portion of the back lot.

B22-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, FOWLER, TRAPP. VOTING NO: TREECE. Bill declared enacted, reading as follows:

Skala made a motion to amend B23-21 per the amendment sheet. The motion was seconded by Trapp and approved unanimously by voice vote.

B23-21, as amended, was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, FOWLER, TRAPP. VOTING NO: TREECE. Bill declared enacted, reading as follows:

B24-21 Authorizing a right of use permit with Missouri Network Alliance, LLC, d/b/a Bluebird Network, for the installation and maintenance of fiber optic cable within portions of the Clark Lane, Berrywood Drive and Portland Street rights-of-way.

Discussion shown with B25-21.

B25-21 Authorizing a right of use permit with Missouri Network Alliance, LLC, d/b/a Bluebird Network, for the installation and maintenance of fiber optic cable within portions of certain City rights-of-way.

The bills were given second reading by the City Clerk.

Skala explained he had asked for these items to be moved to old business in order to explore any interaction the City might have in terms of an interest in fiber with this Bluebird proposal due to the Broadband Business Planning Task Force and to make that information available to the public.

Teddy provided a staff report.

Skala understood there were not any conflicts with the City as these were virgin territories for the fiber to be installed. Skala noted he wanted to ensure there was not any fiber there right now. Utilities Director David Sorrell stated it did not conflict with the City's existing facilities. Sorrell commented that he was not sure if the City had fiber in the location, but if they did, there was still sufficient room whereby it would not conflict.

B24-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO: NO ONE. ABSENT: FOWLER (Fowler stepped out during the vote on this item). Bill declared enacted, reading as follows:

B25-21 was given third reading by the City Clerk with the vote recorded as follows: VOTING YES: SKALA, THOMAS, PITZER, PETERS, TREECE, TRAPP. VOTING NO: NO ONE. ABSENT: FOWLER (Fowler stepped out during the vote on this item). Bill declared enacted, reading as follows:

VII. CONSENT AGENDA

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

B3-21 Calling a municipal election for Council Members for Wards 2 and 6.

- B4-21 Amending Ordinance No. 024284 to extend the administrative delay in the enforcement of land use and business regulations related to short-term rentals to July 31, 2021.
- B6-21 Rezoning property located on the east side of Range Line Street and south of Wilkes Boulevard (710 Range Line Street) from District C-2 (Central Business) to District M-N (Mixed-use Neighborhood) (Case No. 20-2021, Map Area #2).
- B7-21 Rezoning property located on the northwest corner of the Fay Street and Hinkson Avenue intersection (501 Fay Street) from District C-2 (Central Business) to District M-N (Mixed-use Neighborhood) and District HP-O (Historic Preservation Overlay) (Case No. 20-2021, Map Area #2).
- B8-21 Rezoning property located on the east side of Tenth Street and north of Park Avenue (310 N. Tenth Street) from District C-2 (Central Business) to District IG (Industrial) (Case No. 20-2021, Map Area #2).
- B9-21 Rezoning property located on the east side of Tenth Street and south of Otto Court (316 N. Tenth Street) from District C-2 (Central Business) to District R-MF (Multiple-family Dwelling) (Case No. 20-2021, Map Area #2).
- B10-21 Rezoning property located on the northwest corner of the Eighth Street and Park Avenue intersection (715 N. Eighth Street) from District C-2 (Central Business) to District M-N (Mixed-use Neighborhood) (Case No. 20-2021, Map Area #2).
- B11-21 Rezoning property located on the east side of College Avenue and approximately 500 feet south of Business Loop 70 East (1106 N. College Avenue) from District R-MF (Multiple-family Dwelling) to District M-OF (Mixed-use Office) (Case No. 28-2021).
- B12-21 Granting the issuance of a conditional use permit to Mr. G's Properties, LLC to allow all permitted "personal services, general" uses on property located at 1809 Vandiver Drive in an M-OF (Mixed-Use Office) zoning district (Case No. 24-2021).
- B16-21 Granting a design adjustment relating to the proposed PD Plan for Discovery Park - Endeavor Center West located on the southwest corner of the Nocona Parkway and Endeavor Avenue intersection to allow a lot line to bisect an existing structure (i.e., parking lot) (Case No. 08-2021).
- B17-21 Approving the PD Plan for "Discovery Park - Endeavor Center West" located on the southwest corner of the Nocona Parkway and Endeavor Avenue intersection (Case No. 08-2021).
- B18-21 Granting a design adjustment relating to the proposed PD Plan for Discovery Business Park located southwest of the Nocona Parkway and Endeavor Avenue intersection to allow a lot line to bisect an existing structure (i.e., parking lot) (Case No. 10-2021).
- B19-21 Approving the PD Plan for "Discovery Business Park" located southwest of the Nocona Parkway and Endeavor Avenue intersection; approving a revised statement of intent relating to permitted uses (Case No. 10-2021).

- B20-21 Granting a design adjustment relating to the proposed PD Plan for Discovery Professional Offices located on the east side of Nocona Parkway and the west side of Ponderosa Street to allow a lot line to bisect an existing structure (i.e., access drive) (Case No. 31-2021).
- B21-21 Approving the PD Plan for “Discovery Professional Offices” located on the east side of Nocona Parkway and the west side of Ponderosa Street (Case No. 31-2021).
- B26-21 Authorizing replacement of streetlights in the Downtown Community Improvement District; calling for bids through the Purchasing Division.
- B27-21 Authorizing an agreement for the purchase of services with Boone County, Missouri to continue development of the “Boone County Food Policy Council” for the creation of a food policy plan and educational resources.
- B28-21 Authorizing Amendment No. 1 to the agreement with Boone County, Missouri for Live Well Boone County program services in 2021.
- B30-21 Authorizing Amendment No. 2 to the program services contract with the Missouri Department of Health and Senior Services for the Teen Outreach Program (TOP).
- B31-21 Amending and restating the City of Columbia, Missouri Tax Savings Plan for City employees.
- R10-21 Setting a public hearing: proposed improvements at Albert-Oakland Park to include resurfacing and restriping the existing three (3) tennis courts to create a complex that contains one (1) tennis court and six (6) pickleball courts.
- R11-21 Setting a public hearing: proposed construction of improvements to support the Gans Creek Cross Country Course at Gans Creek Recreation Area to include construction of a race headquarters building, multi-tier awards platform and connecting walkways.
- R12-21 Authorizing a contract with the Central Missouri Humane Society for 2021 animal control and municipal shelter services.
- R13-21 Authorizing an agreement for professional engineering services with Geosyntec Consultants, Inc. for the development of a technical reevaluation of the City’s wastewater treatment plant industrial discharge local limits.
- R14-21 Authorizing a CDBG grant agreement with Woodhaven Learning Center, d/b/a Woodhaven, for residential rehabilitation and accessibility improvements to seven (7) residential properties under their ownership.
- R15-21 Accepting an award from the Missouri Division of Tourism for the FY 2021 Cooperative Marketing Program to broaden countywide marketing efforts.

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

VIII. NEW BUSINESS

None.

IX. INTRODUCTION AND FIRST READING

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

- PR16-21 Approving the content and recommendations contained within the Status Report to "Columbia Imagined - The Plan for How We Live and Grow."
- PR17-21 Adopting a vision statement, mission statement, core values and strategic priorities for the 2021 Strategic Plan.
- B32-21 Approving the Final Plat of "W.W. Payne's Addition Plat 2" located on the north side of Broadway and the south side of Walnut Street (505 W. Broadway and 412½ W. Walnut Street) (Case No. 33-21).
- B33-21 Authorizing agreements for professional architectural services with Simon Oswald Associates, Inc., d/b/a SOA Architecture, for design of semi-permanent modifications to the Council Chamber dais and design of a Municipal Court dais that is ADA compliant; amending the FY 2021 Annual Budget by appropriating funds.
- B34-21 Authorizing updates to the Home Performance with Energy Star® participating contractor agreement; authorizing the City Manager, or the Manager's designee, to enter into agreements with qualifying contractors relating to the Home Performance with Energy Star® program.
- B35-21 Amending the FY 2021 Annual Budget by appropriating funds for sewer rehabilitation projects.
- B36-21 Approving a revised Albert-Oakland Park Master Plan; authorizing improvements at Albert-Oakland Park to include resurfacing and restriping the existing three (3) tennis courts to create a complex that contains one (1) tennis court and six (6) pickleball courts; calling for bids through the Purchasing Division; amending the FY 2021 Annual Budget by appropriating funds.
- B37-21 Authorizing construction of improvements to support the Gans Creek Cross Country Course at Gans Creek Recreation Area to include construction of a race headquarters building, multi-tier awards platform and connecting walkways; calling for bids through the Purchasing Division for a portion of the work or authorizing a contract for the work using a term and supply contractor; amending the FY 2021 Annual Budget by appropriating funds
- B38-21 Accepting donated funds for the Parks and Recreation Department's Holiday Toys for Columbia's Youth Program; amending the FY 2021 Annual Budget by appropriating funds.
- B39-21 Authorizing an aviation project consultant agreement with Burns & McDonnell Engineering Company, Inc. related to the procurement of aqueous film forming foam (AFFF) testing equipment to be used by aircraft rescue and firefighting vehicles at the Columbia Regional Airport; amending the FY 2021 Annual Budget by appropriating funds.
- B40-21 Amending the FY 2021 Annual Budget by adding and deleting positions in the Community Relations Department, City Utilities Department, Police

Department, Convention and Visitors Bureau and Department of Public Health and Human Services; amending the FY 2021 Classification and Pay Plan by adding and closing classifications and changing a classification title; amending Chapter 19 of the City Code as it relates to unclassified service.

- B41-21 Authorizing an agreement renewal for the purchase of services with Boone County, Missouri, on behalf of the Boone County Children's Services Board, for the Teen Outreach Program (TOP).
- B42-21 Amending the FY 2021 Annual Budget by appropriating funds to the Department of Public Health and Human Services for the reimbursement of costs related to the COVID-19 pandemic.
- B43-21 Amending the FY 2021 Annual Budget by appropriating funds to the Fire Department - Emergency Services Division to cover overtime costs related to the COVID-19 pandemic.
- B44-21 Amending the FY 2021 Annual Budget by appropriating funds for a property evaluation of City-owned buildings.
- B45-21 Amending the FY 2021 Annual Budget by appropriating funds for the purchase of equipment and software to aid with Sunshine Law compliance for board and commission member public meeting attendance by videoconference.
- B46-21 Amending the FY 2021 Annual Budget by appropriating funds from Fund Balances for FY 2020 encumbrances.

X. REPORTS

- REP6-21 Commission on Human Rights: Recommendations related to Utility Disconnections and Assistance Programs.
- Peters pointed out the Youth Advisory Commission (YAC) had also submitted a letter in support of the recommendation to not turn off utilities.
- Fowler asked whether or not they had made any progress or had more information about using some of the extra CARES Act money to cover the cost of utilities bills for their families that were struggling, and stated she hoped they could have another conversation about that going forward. She noted it could be in the form of a report and explained it would be helpful to have a sense of how staff felt they should go forward in forgiving those bills. Glascock stated they could provide something.
- Treece asked Glascock when he expected the reappropriation of some of that to come back to the Council. Glascock replied before April.
- REP7-21 Revised Columbia Police Department Use of Force Policy.
- Treece noted this had been discussed earlier and asked if there were any comments. Peters stated she was pleased to see that the policy had been reviewed and revised as she believed it was an improvement.
- REP8-21 Monthly Finance Report.
- Treece understood this had been provided for informational purposes and asked if there were any questions or comments. No one had any questions or comments.

XI. GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Eugene Elkin, 3406 Range Line Street, commented that Brian Page had made an adamant speech tonight regarding homelessness.

Elkin noted there was currently a food pantry on Big Bear Boulevard, and at the corner of Big Bear Boulevard and Range Line Street was a Casey's. Elkin understood Love, Inc. Furniture, which would be renamed Love Columbia Furniture, would relocate north of Casey's, and wondered if anyone from City staff could participate in meetings regarding future plans for a shelter. Elkin stated he wanted to see someone that was actually paid to take an interest in the subject of homelessness and report back to the Council as to what might be needed in terms of funds, etc. Elkin commented that foster care was one of many causes of homelessness and noted they could not be critical of those that had been abused.

Roy Lovelady understood a loophole still existed in the use of force policy related to chokeholds and wanted to ensure the Council was aware of that as that issue had been the reason for bringing forward an ordinance and asking for a policy change. Lovelady also understood some on the Council had asked the public to have faith and trust, and explained trust was hard when people felt a system that was put into place to protect them was against them. Lovelady commented that communication had also been mentioned, and believed communication was difficult between the City and the public. Lovelady explained he missed a lot of information because of being uncertain as to where to find the information. The communication between the City and its citizens needed a lot of work. Lovelady pointed out the newsletters with the utility bills were likely thrown away because at the moment the amount of the bill was the most important issue. Lovelady understood the current community policing strategy was to add two police officers to each beat in the high crime areas and as a result those areas would be heavily policed. Lovelady stated he was interested in how the training regarding neck restraints would be addressed due to COVID and there not being enough time for training.

Trapp commented that he appreciated the comments of Lovelady, and noted they had their work cut out for them with regard to building relationship and trust. Trapp explained he was not asking for faith, but was asking for concrete actions on behalf of the paid staff to build those relationships. Trapp stated Lovelady was right in that information being out there and people having access to it were two different items, and they had to be proactive and assertive in their communication. The first iteration of the community outreach unit had been in one of his areas of the Second Ward, and it had not been meant to be punitive. It was done for relationship building and involved activities and making themselves available.

Trapp noted car camp had come up a couple of times tonight, and the community outreach unit had stopped in, but not in an investigative capacity. They had introduced themselves as the community outreach unit officers for the area, and asked what was happening. It allowed for open lines of communication. After car camp had closed, a door had been left open, and those officers had contacted him to let him know the facility was not secure. Trapp felt that was community policing.

In terms of community policing and homelessness, Trapp relayed a story involving an individual from out of town that had been stabbed, and when released from the hospital, that individual had been put in a cab to the police station without shoes or pants to pick up his things. The individual could only collect his things during normal business hours by an appointment made during normal business hours. Trapp noted that what was put upon the police was not fair, but it happened because they were the front face of City government for anyone that had a problem. Trapp appreciated officers building relationships and being involved proactively, but thought they should take a broader look at community policing, to include the kinds of victim services they had and how they

could put their creative minds together to solve problems so people from out of town did not run into these types of situations. In the situation mentioned, the police had made some calls for the needs of that individual to be met, but those needs had been met by those that were there when it was not their mission and when they were already doing a lot of good stuff. Trapp pointed out that person had been provided a bus ticket as well so he could get back to his people in another community.

Trapp commented that one of the things he liked about the Department of Public Health and Human Services was that they raised about half of their own budget through an active grant writing program. Trapp thought there were likely funders that would fund the ancillary services that supported the work of police. As they looked at building up the budget, Trapp felt they needed to strengthen resources in the Police Department to be able to better meet the expectations of the community. Trapp thought they should look at the kinds of support and ancillary services that could be provided. It was difficult with COVID, but there was a lot of hope with the nonviolent crisis support team.

Trapp noted he felt obligated to bring up that issue that had occurred to those that had power and influence to see if they could come up with a better solution.

Skala commented that there were some really serious topics tonight, and communications was something they needed to continue to address. Skala noted there was systemic and institutional racism, which intersected with all kinds of things, to include community policing, homelessness, etc. Skala stated he and his colleagues on Council were doing their best to do what they could. There was a lot to be proud of in Columbia and there was a lot to correct as well.

Skala understood there was a plan for Albert-Oakland Park that included the resurfacing and restriping three existing tennis courts to create a complex that contained one tennis court and six pickleball courts. Skala pointed out that same location already had six brand new pickleball courts and only three tennis courts. In addition, those three tennis courts had lines on them for pickleball. Thus there were nine pickleball courts. Skala understood the popularity of pickleball, but was concerned as a tennis player. Skala also understood this sounded silly in the context of homelessness and other more serious topics, and encouraged his tennis-loving friends to speak with regard to this issue. Skala commented that he did not mind sharing the tennis courts with pickleball players, but felt this was a bit much.

Fowler noted they had received communication from staff with regard to the response of the CPRB in that they were interested in meeting with the Council and that a space that could accommodate everyone needed to be located. Fowler wondered where they were in that regard and what they could do next as a Council to move them forward to that meeting. Fowler asked if space at the ARC was large enough. Glascock replied he would need to get with the Health Director to determine if that was big enough to accommodate everyone. Fowler asked what the next steps would be to get this meeting on the calendar for a meeting night when the CPRB did not otherwise have an agenda. Fowler wondered how the Council could be helpful. Glascock replied he needed to work with the Health Director to find a space, especially if they were trying to accommodate the public in addition to the 22 people already identified. Fowler asked if they could have select members of the public. Thompson replied no. Fowler noted they could utilize Zoom and/or record it so it could be watched later, and they would then have to consider what room might be best for recording purposes.

Treece thought they also needed to think about the agenda. Fowler agreed.

Skala believed a hybrid approach might be the best as some in the public could view it via Zoom.

Thompson pointed out the 22 number only included the core staff. It had not included any community outreach unit officers or anyone else. If acceptable, it would allow for a

conversation between just the Council and the CPRB before expanding and reaching out to too many other people. If they were not taking public comment and only providing the opportunity to attend, it would make it much easier. Thompson stated they needed to discuss the agenda and how they wanted to set the agenda as well.

Amin pointed out the Council Chamber was set up for live streaming, and noted she was not sure any other place was set up for live streaming, which was a little different than Zoom.

Peters asked if the Council Chamber was big enough for about 30 people or so. Glascock replied it could accommodate 35 people. Peters understood the 35 included the seats at the dais. Glascock stated that was correct, and noted he would need to know how the Council wanted the room set up. Peters commented that she did not know. Glascock assumed it would be a conversation versus someone getting up to talk at a microphone. Amin noted it might be difficult if everyone had to have a microphone. Peters wondered if it could be live streamed. Amin stated staff could have those conversations. Glascock agreed, and noted he would get with staff to determine if it could be held in the Council Chamber. Skala asked if it had to be a system microphone or if handheld microphones could be utilized. Glascock replied they had two handheld microphones, but the use of those created a risk in terms of COVID.

XII. ADJOURNMENT

Treece adjourned the meeting without objection at 10:25 p.m.