



CITY OF ROWLETT CITY COUNCIL ACTION MINUTES

Our Vision: A well-planned lakeside community of quality neighborhoods, distinctive amenities, diverse employment, and cultural charm. Rowlett: THE place to live, work and play.

Tuesday, June 16, 2020

5:00 P.M.

Municipal Building

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Due to the public health emergency and to conform with the social distancing requirements, the City Council meetings will be held via teleconferencing. The public can view live on the City's website (<https://www.ci.rowlett.tx.us/397/Streaming-Video>) or via RTN16.

Present (Remotely): Mayor Dana-Bashian, Mayor Pro Tem Brown, Deputy Mayor Pro Tem Grubisich, Councilmember Margolis, Councilmember Sherrill, Councilmember Laning, and Councilmember Bell

1. CALL TO ORDER

Mayor Dana-Bashian called the meeting to order at 5:00 p.m.

2. EXECUTIVE SESSION (5:00 P.M.)* Times listed are approximate.

- 2A.** The City Council shall convene into Executive Session pursuant to Texas Government Code, §551.071 (Consultation with Attorney), to consult with and receive legal advice from the City Attorney relating to the Sapphire Bay project and a proposed amendment to the Hotel Development Agreement. (30 minutes)

In Executive Session at 5:01 p.m. Out at 5:25 p.m.

3. WORK SESSION (5:30 P.M.)* Times listed are approximate.

To provide comment for any Work Session or agenda item, please send an email to CitizenInput@rowlett.com by 3:30 p.m. the day of the meeting. There will be no comments taken during the meeting.

- 3A.** Discuss the COVID-19 event and take any necessary action. (20 minutes)

- 3B.** Discuss a proposed development agreement for the 765-unit residential development known as Trails at Cottonwood Creek. The approximately 227-acre site is generally

located at the northeast corner of Vinson Road and Stonewall Road, in the City of Rowlett, Dallas County, Texas. (60 minutes)

- 3C. Discuss the (re)development status of the property located at 7401 Liberty Grove Road and whether preservation criteria are applicable to the 2-acre site. (20 minutes)
- 3D. Discuss appointments to the City Council Committee on Intergovernmental Affairs. (15 minutes)
- 4. **DISCUSS CONSENT AGENDA ITEMS**

After a short break at 7:16 p.m., Council reconvened at 7:32 p.m.

INVOCATION – Dretha Burris, First Rowlett Methodist Church

CONVENE REGULAR SESSION (7:30 P.M.)* Times listed are approximate.

5. **PRESENTATIONS AND PROCLAMATIONS**

- 5A. Hear a presentation regarding the culture and practices of the Rowlett Police Department.

Police Chief Michael Godfrey presented the following along with reviewing demographic information of the Department and the City:

On May 25, 2020, George Floyd was tragically murdered by police officers in Minneapolis, Minnesota. I am saddened and angered at what took place that day and every time I see video or pictures of the event, I can't help but cringe. I can't even begin to understand it. This event has set the policing profession and race relations back decades. George Floyd's death sparked a national movement to reform policing across the nation. The black community is frustrated and are demanding changes to policing. It has brought racism and social injustice into the spotlight and is forcing police departments and governments to review policing methods, practices, and policies at all levels. The Rowlett Police Department is no exception. We are taking this opportunity to review our policies, practices, and culture to ensure we are serving the community in an unbiased and consistent manner.

RPD Culture and Practices

The men and women of the Rowlett Police Department are honored to serve the citizens of the City of Rowlett in a professional and cooperative manner. The Rowlett Police Department operates on the philosophy of 'Family First' and functions daily based on the core values of Professionalism, Teamwork, Accountability, Communication, Customer Service, Well-Being, and (being) Proactive. We strive every day to earn and maintain your trust and support by 'Doing the Right Things'. We take pride in knowing we have the support and faith of the community and in return vow to serve the community in the manner you deserve and have come to expect.

The Rowlett Police Department believes strongly in adding only the very best to our family to ensure the community is well served. Our recruiting and hiring process is

intensive and comprehensive. Each candidate is screened and interviewed multiple times internally and must pass an extensive background check in order to be eligible for employment. Police officers must pass a physical fitness assessment and both police officers and communications officers must pass a comprehensive psychological examination. All employees must also pass a medical/health examination. Potential family members are presented with the department expectations, so they are familiar with what is required of them.

Licensed employees, police officers and communications officers, are required to meet specific standards set forth by the State of Texas before they are officially appointed to their position. Communications officers and detention officers, non-licensed, receive some institutional instruction, but

receive most of their training in-house and on the job (generally referred to as field training) which ranges from several weeks for detention officers to several months for communications officers. Police officers are required to attend a very lengthy and intensive basic police academy that lasts 4-6 months and encompasses several hundred hours of education and training.

The men and women of the Rowlett Police Department are governed formally not only by the State of Texas, but also by our own internal policies and procedures. These standards are provided and maintained through a third party who helps to update and modify as needed to stay current with legislative changes and acceptable practices. These are the operational standards to which our employees are held to and responsible for.

The Rowlett Police Department is an accredited and recognized law enforcement agency through the Texas Police Chiefs Association (TPCAF) Recognition Program. This is a voluntary program. Accreditation is a rigorous process and requires compliance with 166 Texas Law Enforcement Practices. It also requires review by a team of assessors to determine if the police department has met all the requirements. This program assists us in efficient and effective delivery of service, the reduction of risk and the protection of individual rights. Employees are required to regularly acknowledge compliance with the various requirements and standards. The standards required of the program are necessary for proper functioning of Texas law enforcement agencies. Recognition sets the tone for what we expect from our police professionals.

Police officers are legislatively required to attend training in a wide range of topics and numerous areas. Some of those include cultural diversity, de-escalation, crisis intervention training, legal updates, active shooter, racial profiling, body worn cameras, civilian interaction training, and many more. Rowlett police officers, during orientation and in-service continuing education, are also trained in areas such as implicit bias, control and arrest tactics, proper use of less lethal weapons and ammunitions, firearms training, mental health, driving while intoxicated, body worn cameras, driving, and more. I would like to highlight and brag on one of our more innovative initiatives, the Crisis Assistance Program. This program was created several years ago and has come to be one of our most successful and busiest community-based programs. The purpose of the

program is to provide support and resources to individuals in crisis. A crisis can be any event, or series of events, that causes an emotional or mental health related response. A very specially trained police officer is assigned to the program. He provides personal assistance to persons who may not have other options.

My plan is to discuss some specific concerns, operational issues, and practices that have been in the spotlight recently. Before I get to those, I want you to know that as your chief of police I am committed to ensuring our policies and practices are current and reflect our values. I recognize that we cannot police in the 21st century as we have previously. I am committed to reviewing our policies and practices so that we maintain the high standards expected by our community. We are currently having discussions regarding what we could do better and how we can avoid or prevent issues related to race or social injustice. Considering recent events, we are also reviewing our relationship and interaction with the community to determine what we could do to improve in that area.

Rowlett Police Department policies:

- Chokeholds and Strangleholds (300.3.4)
 - In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.
- De-escalation (409.6)
 - Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.
 - Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:
 - Evaluate safety conditions.
 - Introduce themselves and attempt to obtain the person's name.
 - Be patient, polite, calm and courteous and avoid overreacting.
 - Speak and move slowly and in a non-threatening manner.
 - Moderate the level of direct eye contact.
 - Remove distractions or disruptive people from the area.
 - Demonstrate active listening skills (i.e., summarize the person's verbal communication).
 - Provide for sufficient avenues of retreat or escape should the situation become volatile.
 - Responding officers generally should not:
 - Use stances or tactics that can be interpreted as aggressive.
 - Allow others to interrupt or engage the person.
 - Corner a person who is not believed to be armed, violent or suicidal.
 - Argue, speak with a raised voice or use threats to obtain compliance.
 - ***Applicable to all contacts***

- Warning before shooting (300.4)
 - Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:
 - An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
 - An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.
- Considering and exhausting alternatives before shooting (300.3.2)
 - When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:
 - Immediacy and severity of the threat to officers or others.
 - The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
 - Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
 - The effects of drugs or alcohol.
 - Individual's mental state or capacity.
 - Proximity of weapons or dangerous improvised devices.
 - The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
 - The availability of other options and their possible effectiveness.
 - Seriousness of the suspected offense or reason for contact with the individual.
 - Training and experience of the officer.
 - Potential for injury to officers, suspects and others.
 - Whether the individual appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
 - The risk and reasonably foreseeable consequences of escape.
 - The apparent need for immediate control of the individual or a prompt resolution of the situation.
 - Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

- Prior contacts with the individual or awareness of any propensity for violence.
 - Any other exigent circumstances.
- Duty to intercede (300.2.1)
 - Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.
- Shooting at moving vehicles (300.4.1)
 - Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.
 - Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
- Use of force continuum (300.3/300.3.1)
 - Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
 - The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.
 - Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.
 - It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.
 - While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.
 - **1**. Officers may use reasonable force to effect an arrest, search, prevent escape or overcome resistance. If it is not reasonably apparent to the

person to be arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search, and identify themselves as peace officers, before using force (Tex. Penal Code § 9.51).

- Comprehensive reporting (300.5)
 - Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report (Blue Team entry), depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.
 - Annual Use of Force Report (300.8)
 - Less Lethal weapons
 - Tear gas (303.7)
 - Pepper spray (303.9.1)
 - Pepper ball system (303.9.2)
 - Tasers (304)
 - Bean bag rounds (303)
 - Rubber bullets (303)
 - No knock warrant practice (607.6)
 - Mobile audio and video / body worn camera use (422)
 - Transport of persons (civilians, prisoners, suspects, etc.) (302)
 - Thorough vetting of employees (1000)
 - Request medical attention Early intervention system (Blue Team/IA Pro) (300)
 - Reporting of in-custody deaths (327)
 - Handcuffing, leg restraints, plastic cuffs, hog-tying (302)
 - Bias-based policing (401)
- Legislation and bills. There is currently considerable discussion regarding new legislation and laws. The legislation and laws required or needed to prevent or hold those accountable already exist. They just need to be utilized, applied, and enforced.
- Internal Affairs investigations and complaints, including racial profiling complaints:
- 2017-219
 - 0 racial profiling complaints
 - 21 disciplinary actions
 - 1 oral admonishment
 - 2 performance improvement plans
 - 5 suspensions without pay
 - 1 termination
 - 12 written reprimands

- Awards and positive recognition:
 - 2017-2019
 - 83 letters of appreciation
 - 5 letters of commendation
 - 5 life-saving awards
 - 16 promotions
 - Annual awards

- Rowlett PD demographics – (power point presentation)

The Rowlett Police Department believes mutual respect, family, and inclusion is what sets us apart. We must ensure those beliefs extend into the community. We must maintain a cooperative relationship with the community, and that begins with me. I am responsible for the men and women of the Rowlett Police Department and the safety of the citizens of this community.

I can stand up here and talk all night about what I stand for and what the Rowlett Police Department stands for, but none of it will mean anything if we don't practice it. Action is the key. My promise to all the citizens of Rowlett is that your police department will always treat you with respect, courtesy, and professionalism. They will perform their duty to the best of their ability. I have all the faith in the men and women of the Rowlett Police Department to provide exceptional services. They are my family and as such I support them and care deeply for them. All I ask of you is that you continue to support us in the manner you always have and maintain your faith in us.

My intention is to continue to build stronger relationships within this community and promote meaningful change where required and necessary.

One of my peers whom I respect tremendously recently released a statement and what he said really stuck with me. It expresses my sentiment perfectly without me having to find the words. "Stronger relationships create opportunity for meaningful change. When we are willing to truly see each other as people - hearts soften, minds open, and change happens. My sleeves are rolled up. I'm hydrated. I'm looking for the right leaders to step up, join me, and make a difference one small step at a time".

5B. Presentation of the Arts and Humanities Commission's 2020 Writing Contest awards.

Laura Tschoerner, Interim Director of Library Services, announced the following winners:

First Place - Adult Division: \$150 award

- Poetry category: LaKisha Culpepper for her poem entitled, "An Apology to My Son: I Did Not Know."
- Short Works category: DR Mann Hanson for his short work entitled, "Road Trip Musings."
- Short Story category: Stacy Mier for her short story entitled, "My Brother's Keeper."

Second Place Adult Division: \$50 award

- Poetry category: No entries received.
- Short Works category: Bridget Morehead for her short work entitled, "The Mission."
- Short Story category: Manal Ahmed for her short story entitled, "Oh, to Hold Those Responsible for Their Crimes."

5C. Recognition of COVID-related extraordinary contributions.

Mayor Dana-Bashian recognized City of Rowlett employees:

During this COVID event, we want to take the time during our meetings to recognize those groups and individuals who have made extraordinary contributions to our community.

The business of running a city is like no other. It provides 24/7/365 operations to nearly 65,000 people, approximately 20,000 households and 1400 businesses – not to mention for those who visit or pass through.

With everyone affected by the COVID-19 event, there have been more people at home during the day, which means more usage of the water and sewer systems, more people utilizing online payment systems.

With the exception of those services that were considered high-risk for groups, City staff has managed to maintain City operations essential to our daily lives through all of this. They might have adapted how it was provided, but it was provided.

The City of Rowlett employs over 400 people who have been challenged to do their jobs differently – either by how their tasks were performed or when or where. To say they have lived up to the challenge is an understatement. Another remarkable statement is that none of our City employees have been diagnosed with COVID-19. (knock wood).

I must specifically recognize Brian Funderburk – our City Manager, who has remained ever vigilant with keeping up with the deluge of information and conference calls with local, state and federal agencies and Executive Assistant Evette Whitehead who has helped our public stay up to date by publishing our weekly newsletter twice per week during these unprecedented times.

Also, Denise Perrin – our Community Relations Manager, who has been a messaging and communications machine, constantly updating, posting and ensuring the relevant information is being provided to our residents.

And Drew Rist – Creative Services Producer, who has provided the LED signage, the informative videos and content on RTN16 and the City’s YouTube channel, as well as being the man behind the screen for our virtual meetings.

And our IT department who hustled to provide staff the tools they needed to work their altered schedules and locations and facilitated our virtual meetings.

And our Community Development team who have worked diligently to stay abreast of the ever-changing rules and help our residents and businesses maneuver through this difficult environment.

And our Economic Development Department that has worked hand in hand with our Chamber of Commerce to help our businesses understand the directives, but even more important, to help our businesses understand and take advantage of the varied and complex relief resources available.

And certainly, we are incredibly grateful to our public safety personnel, Police and Fire Rescue, who have utilized out of the box thinking to provide their necessary services in a different way to keep everyone safe.

Life may look different from here on out, but we can all rest assured that your City staff will be here to do what they do best and be their very best.

On behalf of the City Council and the residents we serve, thank you.
Stay safe and together we will stay strong.

5D. Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

Mayor Dana-Bashian announced the following:

With everyone at home, this means more time to work in the yard and more time to do some spring cleaning. This also means there are more piles and more “stuff” put out for FCC to pick up, which results in fuller trucks faster and more trips to the landfill. In May, FCC experienced double the amount of bulk trash for collection compared to the two previous years.

Many cities and their vendors have suspended ALL collections outside of the cart, and have suspended bulk collection as well. But the City of Rowlett and FCC crews continue to provide our citizens with this service. FCC crews are making an extraordinary effort to clear all of this additional bulk set out in a timely manner - how can you help? We ask you to refrain from any unnecessary landscape or small construction projects. FCC operations are as affected by COVID-19 as all other organizations. They hired additional employees to fill the gap of quarantined employees and rented equipment to smooth this bulk peak.

Want to cart something off to the CM Hinton Landfill? Get your free landfill pass from the City of Rowlett, which allows two trips per year to every household. Contact Utility Billing at 972-412-6105 and they will deliver it right to your front door. No contact – they'll just tape it to the door and ring the bell to let you know it's there.

Also, if you have a commercial lawn service or have hired contractors to perform tree trimming, please be sure to let those folks know that they are responsible for removing your lawn clippings and debris.

Thank you for your patience and for partnering with us to help cut down on the amount of bulk pickup generated right now! If your bulk set out has not been picked up within three weeks, please call FCC at 469-802-0017.

6. CITIZENS' INPUT

Comments regarding the tax rate were received and read from the following:

1. Angie Elliott
2. Susan Rasberry
3. Dale Rasberry
4. Shane and Emily Holder
5. Stuart Bridges

7. CONSENT AGENDA

7A. Approving minutes.

Consider action to approve minutes from the following City Council meetings: May 22, 2020 Special Meeting, May 29, 2020 Special Meeting and June 2, 2020 Meeting.

This item was approved on the Consent Agenda.

7B. Consider a resolution approving a renewal for healthcare services.

Consider action to approve a resolution for contract renewals for employee benefits providers for Fiscal Year 2021 (FY2021) to United Health Care for Third Party Administration for Medical and Prescription benefits in an estimated amount of \$181,202, to United Health Care for stop loss coverage in an estimated amount of \$956,198, to Fidelity Security Life Insurance Co to provide GAP Coverage in an estimated amount of \$167,365 and to Alight (formerly Compass) to provide healthcare guidance and assistance to employees and their families in an estimated amount of \$22,200.

This item was approved on the Consent Agenda as RES-065-20.

7C. Consider a tree mitigation plan and related tree removal permit application.

Consider and take action on a request by Skorburg Company for approval of a Tree Mitigation Plan and related Tree Removal Permit application on property zoned Planned Development (PD) District for Single-Family (SF-5) Uses. The 7.54-acre site is located at the northeast corner of Miller Road and Rowlett Road in the City of Rowlett, Dallas County, Texas.

This item was approved on the Consent Agenda as RES-066-20.

7D. Consider a resolution appointing a Charter Review Commission.

Consider action to approve a resolution to appoint a Charter Review Commission under Article XII – “Adoption of Charter” of the City of Rowlett Home Rule Charter.

This item was approved on the Consent Agenda as RES-067-20.

7E. Consider a resolution authorizing a disaster recovery management contract.

Consider action to approve a resolution authorizing the City Manager to negotiate and execute a task order for comprehensive disaster recovery management services related to the COVID-19 public health emergency with CDR Maguire for an amount not to exceed \$90,000.

This item was approved on the Consent Agenda as RES-068-20.

7F. Consider a resolution approving Hazard Mitigation Action Plan

Consider action to approve a resolution adopting the 2020 Dallas County Hazard Mitigation Action Plan (HazMAP).

This item was approved on the Consent Agenda as RES-069-20.

Passed the Consent Agenda

A motion was made by Mayor Pro Tem Brown, seconded by Councilmember Margolis, including all the preceding item(s) marked as having been approved on the Consent Agenda. The motion carried with a unanimous vote of those members present.

8. INDIVIDUAL CONSIDERATION

8A. Consider a Resolution to Calculate the Voter Approved Tax Rate

Consider action to approve a resolution directing the City’s Finance Director to calculate the voter-approval tax rate of the City in the manner provided for a special taxing unit (at a voter-approval rate of 8%) due to the declarations of disaster by the Governor of Texas and the President of the United States.

Motion by Deputy Mayor Pro Tem Grubisich, seconded by Councilmember Laning, to approve the item as presented. The motion passed with a vote of five in favor and two opposed (Dana-Bashian, Margolis) those members present. This item was approved as RES-070-20.

TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS

There was no action taken.

9. ADJOURNMENT

The meeting adjourned at 9:35 p.m.