

CITY COUNCIL SPECIAL MEETING

MAY 23, 2018

The City Council of the City of McKinney, Texas met in special session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on May 23, 2018 at 5:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Chuck Branch, Scott Elliott, Charlie Philips, Tracy Rath, and La'Shadian Shemwell.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Director of Organizational Development & Performance Management Joe Mazzola; Chief of Police Greg Conley; Assistant Chief of Police Joe Ellenburg; Police Sergeant Russel May; and Police Officer Daniel Rogers.

There were approximately 55 guests present.

Mayor Fuller called the meeting to order at 5:00 p.m. after determining a quorum present.

Mayor Fuller called for Citizen Comments.

The following individuals spoke in support of agenda item 18-449 Censuring Council member La'Shadian Shemwell:

Mr. Mike Henke, 6104 Pine Ridge Boulevard, McKinney

Ms. Jolie Williams, Cockerill Drive, McKinney

Mr. Carroll Maxwell, 5600 Hillview Court, McKinney

Mr. Mike Giles, 3213 Gillespie, McKinney

Ms. Kalene Sherttius, 5018 Falcon Hollow Road, McKinney

Ms. Tammy Rogers, 2514 Highgate, McKinney

Mr. Lewis McClain, 4906 Morning Glory Way, McKinney

Mr. Jimmy Teeling, 3704 Landsdowne Drive, McKinney

Ms. Brandi Price, 1701 Park Central, McKinney

Ms. Julie Armendariz, 914 Coleman, McKinney

The following individuals spoke in opposition of agenda item 18-449 Censuring Council member La'Shadion Shemwell:

Mr. Peter Bailey, 4700 South Ridge Road, McKinney

Mr. Steven Spainhouer, 4690 W. Eldorado, McKinney

Ms. Sona Knox, 502 N. Kentucky, McKinney

Ms. Rolanda Macharia, 1824 Douglas, Howe

Ms. Kim Cole, 6401 Eldorado, McKinney

Mr. Dominique Alexander, 6401 Eldorado, McKinney

The following individuals did not wish to speak but wanted their support of agenda item 18-449 Censuring Council member La'Shadion Shemwell entered into the record:

Ms. Sebrena Kimberly, 3009 Palmdale Drive, McKinney

Mr. Al Alcantara, 2837 Dog Leg Trail, McKinney

Ms. Jill Alcantara, 2837 Dog Leg Traill, McKinney

Ms. Laura Lutek, 2901 Cedar Ridge Drive, McKinney

Ms. Linda Krohn, 2201 S. Highway 5, Lot 50, McKinney

Ms. Alice McCaulley, 2706 Summerwood Ct, McKinney

The following individual did not wish to speak but wanted their opposition to agenda item 18-449 Censuring Council member La'Shadion Shemwell entered into the record:

Ms. Ida Shoulders, 1450 Amscott #1224, McKinney

18-449 Mayor Fuller called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney, Texas, Expressing Disapproval of Council Member La'shadion Shemwell's Recent Actions and Issuing Its Censure of Said Member. Mayor Fuller stated that he wanted to speak to some of the things that he heard tonight and at the May 15th meeting. To the gentleman who stated that if Mr. Shemwell is censured that there will be things put out tomorrow - if there are things that you know of that someone is doing wrong on Council, it is your duty to put it out and not as a threat that is ridiculous, absurd and fairly

disgusting. If you have something that you think needs to be put out, please put it out. That is your civic duty. There have been statements made about how nothing was done since the event three years ago. I take great exception to that. We have a Police Department and Police Chief that has implemented many different programs in McKinney. First of all, set aside there are those people who believe that this was a racial incident and people that believe that this was an incident based on someone not listening to a Police Officer and not following orders. Set aside what your beliefs are regarding this event. The Police Chief has implemented a Diversity Council that he meets with regularly. There is outreach programs that the police force does on a regular basis. There has been a tremendous amount done that by this Police Department in response to an outcry from the public to build relationships and rapport with the minority community. I take great exception that we need to praise where praise is due and it's certainly due with our McKinney Police Department in that regard. No one is ignoring the racial point. It is a discussion that should happen across the country. There is a lot of passionate people talking about a lot of passionate things. This is about an individual that is going to be decided by this Council whether they did act according to City Charter or outside the City Charter. If anyone wants to have people show up to support and be against racial profiling, I am at the front of the line. I think everyone up on the Council is at the front of the line. This event is about an act by a Council member and whether it was appropriate or inappropriate. Mr. Fuller stated that the City Charter needs amending. There is a remedy currently in the City Charter that allows a Council member to be removed by a 4-3 vote. I believe it's been well documented and determined that the state law does not support that. The City should not have a remedy that is actually unlawful, so that needs to be addressed. Mr. Fuller stated regarding the amount of signatures required for a recall petition, it should be something that is

very difficult but not impossible. That is a discussion that this Council will be having in the future. Mr. Shemwell's Mother spoke about watching La'Shadiun make mistakes in his life and overcoming them. I of course, believe in La'Shadiun. Believe me, I looked into his past and I saw those mistakes, but I did not see him firsthand take those experiences and overcome them. I hope that tonight is the first night that I start to see him overcome this mistake. I believe he did make a mistake. I believe that firmly and I stated it. I also believe he has the character to overcome it, if he applies himself. Mr. Fuller stated that if it were the other way around, I would be chastised for not doing it. We all demand transparency and honesty from the Police as we should. But they should also be able to expect that from us. Last week, there were two statements that were made and I will speak to one specifically. One person, who I have a great deal of respect for, got up and spoke that made a statement here about their experience with the Police. It happened to be an experience that happened recently where there was body cam footage. When I heard what this person said, I was saddened, and could not imagine it. But quite frankly, when I heard it, I felt it had to be true because I know this person. I went to the Police Department to look at the footage because I wanted to know who did it and I wanted to speak to that person. What I learned was it was completely and unequivocally not true. It was a complete false statement that was made. I was able to go back and look at the body cam footage and they were inaccurate. We have a Police Department that I praise for the effort that they are making, that they are out in the community trying to build these bridges, and trying to build rapport. They have an uphill battle. I cannot image the day when the entire population is going to get up and say there is no racial bias in law enforcement. Probably won't ever happen. I am saying that it is warranted, but probably will not happen. Now they come in here and they listen to statements, which at least I know with the two

that I verified is completely not true. How fair is that? I have a daughter I adopted from Ethiopia. I have seen first-hand when she comes home from school and has dealt with things that sickens me. I am all for a discussion. I am all for eradicating what we can, but false narratives are not the way to do it. False narratives do nothing but set us back. I happen to personally believe there were some false narratives here but I am going to give my co-Councilman the benefit of the doubt that he believed what he stated. That was his perception, the filters he viewed the incidents or the actions from. The problem is there is zero supporting evidence of it. And for that, you cannot indict somebody with no evidence whatsoever. I apologize to our Police Department for what they have had to go through in this instant. I feel Officer Wilkerson and his family. It has to do with the false statements that were made against them in this case. Council Member Branch stated that he is a little bit disappointed that there is this thought of sides. I think it is just a matter of whether there was a violation. We have something in the City Charter that speaks specifically to that. Based on the video, there were some untruths and some of the comments were made that there were also some other directives that were given in another video. Were there directives or not, plain and simple, yes or no. Once this is all over, I am hoping that we are done and we can move on as a team and can work together to help build this City for what we came here to do. I look at the Police Officers and everything they go through. The Police go out on an average of three calls per day for 250 days out of the year. That is 750 calls a year for an average of 10 years which creates an average of 7,500 calls. You and I make mistakes in our businesses and we are still considered pretty successful. But if they make 1 mistake or they make 10 mistakes out of the 7,500 calls, they are called on the carpet, they can be fired, reprimanded, lose their pay, and their families. Whenever they go out there to do their job, they are held to a higher standard and there is a big

spotlight put on them. So I hope you all take that into consideration when you think about this and that the Police really do the best they can they have stress every day that we don't have to deal with. Council Member Elliott stated that he had some comments. Mr. Elliott thanked La'Shadion's Mother Rolanda for being here and the comments regarding your perspective that none of us have. As Council, this will not be the only set back we have and it will not be the only issue that we deal with. And we deal with them perhaps more often that we thought we would when we were elected. We all have a commitment, and I can speak only for myself. This is a short term loss and the skill is to turn it into a long term gain. Anyone can be angry and I am not angry. Anyone can cast aspersions and that is not what I intend to do. How do we turn this short term loss into a long term gain? One of our citizens wrote in an email that had great wisdom. Her comment was that you can hold someone accountable without publically humiliating them. And I absolutely believe that is the way that we should proceed. The goal is not to humiliate somebody, the goal is to hold them accountable without anger. The purpose of holding someone accountable is not condemnation but rather the purpose is reconciliation. Although I agree with holding La'Shadion accountable, the goal is reconciliation, not condemnation. As I mentioned last meeting, there's a lot of questions I need to ask, there are a lot of experiences I will never be able to experience. There are lot of things I don't know unless I ask questions and keep working. It is my commitment to my fellow Councilman Mr. Shemwell, my other Council folks that I have served with, and the citizens of McKinney that we do need to make this a place where everybody feels at home and everybody can live and thrive. Council Member Philips stated that he wanted to reiterate that he practices law for a living and he does not give legal advice to the members of the Council or the City of McKinney. But I do not leave my experiences and life's challenges

behind when I step on Council. I have heard a lot throughout this experience regarding the truth, evidence, facts and we have developed a system over the last thousand years going back to the beginning of common law in England and that system I believe works. I have asked Council and each of you to reserve your comments until we have had a judicial finding where reliable evidence can be presented and this matter can be ruled on by a court of law because there are Constitutional issues as well as due process issues and the court of public opinion is not the place to try a matter. It yields very poor results, however, there is only one Councilman that I can control and that is the Council member speaking to you now. And I understand that my reputation is made 24 hours a day, it does not take holiday, and it does not take off on weekends. I also know that I have several oaths, to several different boards, in several different organizations to uphold the laws of the City of McKinney, the State of Texas and the United States of America and I know the price that was paid in order for me to do that. I do not wish to short circuit a thousand years of judicial experience in order to come to a conclusion based on the limited information that has been presented. I find it a lack of prudence in doing so. I am also concerned about the reputation of McKinney in making such decisions. But again, I am only one Council member, one vote, and when I go to sleep tonight, I will sleep well. Council Member Rogers stated that there are two people he would like to acknowledge in all of this. One is Chief Conley that I want to thank for his integrity, the way he handles himself and everything about him I appreciate. He is a great boss to have and I would love to work for a guy like that if I was on the Police force. I appreciate him and his efforts throughout all this. The other person I would like to mention is our Mayor. I had lunch with him before he was elected and I told him that I did not think he was Mayor material. I laugh about that comment now because I could not have been more wrong with that statement. I have

loved working for this man and he has been involved in this from day one trying to figure out how we can get this thing resolved. He has spent hours and hours to try and get this resolved and I appreciate his leadership. He has given many countless hours and understands this better than any of us up here. I want to acknowledge his efforts and his proven leadership. Councilwoman Rath stated that we are a team of seven and as elected officials we are held to a higher standard and we should be. It's real simple with me. There are consequences for our actions. We will get through this, we will move on, and we will work together because that is what is best for the citizens of McKinney. Council member Shemwell inquired of City Attorney Mark Houser what section of the Charter he allegedly violated. Mr. Houser stated that Section 30, when an elected official directs an employee other than the City Manager Paul Grimes to take an action. Mr. Houser stated the section is referring to the Manager/Council form of government that the employees work for the City Manager and that they take direction from him and they answer to him. When the Council members step into that role that is when the Charter would be violated. Council member Shemwell stated that he is typically not a speech writer, but somehow since this May 8th incident, my words have been misunderstood. I want to make that sure I get them out factually and there is no misinterpretation to the citizens and voters of McKinney District 1. Mr. Shemwell stated to Mayor Fuller and fellow members of McKinney City Council, to Chief Greg Conley, The entire McKinney Police Department, my friends, my Mother, my supporters, and the citizens of McKinney, I want to first state that I am sorry for the drama that has led us here tonight. The actions that I have taken, and I now realize, have caused embarrassment and frustration to many of you and to myself. Throughout this country, we are constantly hearing reports of unfortunate experiences that many minorities, such as myself, are having with law

enforcement. On May 8th, I found myself fed up and frustrated at what I felt was another unnecessary and unwarranted traffic stop. My comments made out of that frustration have clearly been interpreted to suggest that I feel that Officer Wilkerson acted with racially motivated intentions. My lack of clear communication and the subsequent misunderstanding of my intended message, I apologize to Officer Wilkerson, Chief Conley and the McKinney Police Department. Chief Conley came to McKinney during a difficult time in our Police Department and recently celebrated his third year as Police Chief. It is no secret that he and I had our disagreements when we first met. I applaud the Chiefs role in developing better standards and policies for community police and informing and working with the Chief's Advisory Board, Diversity Council, the MPO, and non-patrol officers that are engaged in our community. Just one day before this incident, I wrote a message and called an Officer to commend him on a positive interaction he had with some of my constituents. So I am not against police, I'm just against Police brutality, and Police harassment. There have been some strides that the McKinney Police Department has taken to bridge that gap but the gap has still not been bridged. When I said Officer Wilkerson was racial profiling when I was stopped, was not to call Officer Wilkerson or any Officer a racist or a bad cop, but there are Police practices that have gone on for hundreds of years that cause people of color to be pulled over more often than not. When I am talking about racial profiling, I am not saying this individual in itself is a racist, but there are practices that Police do. I think Officer Wilkerson did his job well, I think he did the job he was trained to do, and he did the job the way the job has been done. If we are going to bridge that gap, we are going to have to have these uncomfortable conversations. A lot of you guys got bent out of shape about the dash body cam video, however, remember, this Council voted for those body cameras. I voted for those body cameras. What you see is the effect of me being pulled over when I

felt I was being pulled over illegally. I own my feelings. You do not get to tell me that my feelings and how I feel is wrong. This is not the first time I have been pulled over for no reason whatsoever. What you do not see in any of that video that you guys are dissecting piece by piece is me speeding or committing a crime. Even the fact that I did not sign a ticket is my right to do so. I don't want to have a conversation about racial profiling on a case that involves me, but I am not going to shy away from having the conversation either. I apologize for the embarrassment that some of you feel but I was embarrassed myself. I do not make lots of money being on City Council and it cost me three times what I make in a month to pay my bond, pay the ticket, and get my car out of the impound. My family has been embarrassed. The City did not even have the decency to remove my address from the video before it was aired all over the news. What about the safety of me and my children? Nobody thought about that. I am not here to condemn the Police Department, these Officers that I shook the hands with earlier have been cordial with me since the time I have been here. When I see them on the beat, I say hello and they say hello. I am not against our Police Department. When I need them, I call them. When I need them, I call them fast and hope they get there fast. I was elected to do a job and the three things I ran on include lowering your taxes so people are not gentrified, public transportation so our most vulnerable elderly and disabled could get to a doctor's appointment, so people without opportunity can get to jobs and schooling, and we as a Council did that. And the last thing I did was to run for a voice for those without one. And that is what I am going to do and continue to do. There are members, not just myself, that we isolate and take away my situation, we had dozens of community members, our friends our neighbors our co-workers who come in here and say they feel the exact same way that I feel. That they have felt attacked, they have felt targeted, and that they have felt profiled. If our community feels that

way, it is our duty as a Council to address that issue and figure out what better practices that we can come up with so that every citizen of this City feels safe and secure in our own City. As an elected official, I should not and do not expect any special treatment from our local law enforcement and I recognize that regardless of my frustration, the proper course of action is to follow the instructions of the Officer and seek my remedies in court just as any other citizen can and should do. There is a thin line from when I am a citizen and when I am a Council person. When the Chief of Police told me that once you are pulled over by a Police Officer, you are under arrest. In my capacity as a City Council Member, I cannot give direction because I am no longer at that moment in the capacity of a Council Member, but I am a prisoner of that Officer. That is the traffic law. Understanding that if any member on this Council gives direction to Sandy Hart, to Mr. Houser, or to anyone City staff, then we have violated the Charter that you are saying I have violated. If we are going to do something about it, then we do need to amend the Charter to make it clearer. I plan on taking my ticket to court and doing what Councilman Philips said, dealing with it in the judicial system. Lastly, I am grateful to everyone who has reached out to me to offer support, guidance and counsel. I am especially grateful to Mayor Fuller who has taken his time to support and mentor and talk me through this. This is a difficult situation to be to put my fellow Council in to have them vote against me. Council approved the motion made by Council member Shemwell, seconded by Mayor Fuller, to approve a Resolution of the City Council of the City of McKinney, Texas, expressing disapproval of Council Member La'shadion Shemwell's recent actions and issuing its censure of said member, with the removal of the word "improperly" from the fourth Whereas, with a vote of 6-0-1, Council member Philips abstaining. Caption reads as follows:

RESOLUTION NO. 2018-05-062 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, EXPRESSING DISAPPROVAL OF CITY
COUNCIL MEMBER LA'SHADION SHEMWELL'S RECENT

ACTIONS AND ISSUING ITS CENSURE OF SAID MEMBER

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Mayor Fuller, to adjourn. Mayor Fuller adjourned the meeting at 6:16 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary