



MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
February 23, 2015
6:30 p.m.

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. January 26, 2015 City Council Regular Session
2. February 9, 2015 City Council Regular Session

F. APPOINTMENTS

1. Jonathan Falk is nominated for appointment to the Commission on Human Relations by Mayor Welsch.
2. Daniel Rayhawk, Daniel Wofsey and Sultan Ali Muhammad are nominated for reappointments to the L.C.R.A. by Mayor Welsch.

G. SWEARING IN

1. Rev. Mary Harvey to be sworn in to the Urban Forestry Commission.
2. Mark Wallace to be sworn in to the Urban Forestry Commission.
3. Barbara Chicherio to be sworn in to the Urban Forestry Commission.
4. Orlando Watson to be sworn in to the Youth Commission.
5. Rosalind Turner was sworn in to the Library Board in the City Clerk's office.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Approval of award to grant authority to the City Manager to sign and enter into a contract with the consultant Horner & Shifrin with a maximum compensation of \$38,279.00 for the design of 50 curb ramps.
VOTE REQUIRED
2. Approval to grant authority to the City Manager to sign and enter into a contract with the City of Ladue for Price Road improvements and to pay the entire local share of \$9,600.
VOTE REQUIRED
3. Approval to grant authority to the City Manager to sign and enter into a contract with the consultant, Planning Design Studio, for a maximum compensation of \$80,710.
VOTE REQUIRED

4. Approval of Change Order for the Sanitary Sewer Lateral Repairs Project to Labibco/Labib S. Wajih in the amount of \$101,165.
VOTE REQUIRED

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9252** – An ordinance creating a new Section 605.290 of Chapter 605 of the Municipal Code of the City of University City, Missouri enacting and adopting “Outdoor Dining Regulations”.

M. NEW BUSINESS

RESOLUTIONS

1. **Resolution 2015 – 4** 6900 Kingsbury Improvement Project NID – assessment of final construction costs.
2. **Resolution 2015 – 5** Request for additional pension contribution for police and firefighters’ retirement.
3. **Resolution 2015 – 6** Request for additional pension contribution for non-uniformed employees retirement system.

BILLS

4. **BILL 9253** – An ordinance amending Section 2.62.440 of the University City Municipal Code relating to the Police and Firefighter’s Retirement System – benefit adjustment.
5. **BILL 9254** – An ordinance authorizing the City of University City to enter into and execute a contract with St. Louis County, Missouri, for mosquito control services and of University City to enter into on behalf of said City a contract with St. Louis County, Missouri, for mosquito control services.
6. **BILL 9255** – An ordinance repealing Section 220.290 of Chapter 220 of the City of University City Municipal Code; and enacting in lieu thereof a new Section 220.290.

N. CITIZEN PARTICIPATION (continued if needed)

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business
 - Storm water needs in University City. Requested by Councilmembers Carr and Crow.
DISCUSSION and VOTE
 - PR services and the Bond issues. Requested by Councilmembers Carr and Crow.
DISCUSSION

P. COUNCIL COMMENTS

Q. FISCAL YEAR 2016 UNIVERSITY CITY PROPOSED BUDGET PRESENTATION

R. ADJOURNMENT

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
January 26, 2015
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, January 26, 2015, Mayor Shelley Welsch called the meeting to order at 6:30 p.m.

B. ROLL CALL

In addition to the Mayor the following members of the Council were present:

Mr. Rod Jennings
Dr. Paulette Carr
Mr. Stephen Kraft
Mr. Terry Crow
Mr. Michael Glickert
Mr. Arthur Sharpe, Jr.

Also in attendance was Lehman Walker, City Manager.

C. APPROVAL OF AGENDA

Mr. Glickert moved to approve the agenda as presented, seconded by Mr. Jennings.

Dr. Carr questioned if the motion was to approve the agenda that had been provided to them this evening and if so, what changes had been made to the new agenda. Mayor Welsch stated that the reappointments for Mr. Mass, Mr. Tunstall, Ms. Moran and Mr. Miller, as well as the appointments for Ms. Turner and Rev. Harvey had been added.

Dr. Carr asked if there was an urgent need for any of these appointments since Council had not been provided with a 24-hour notice. Mr. Sharpe noted that the application was submitted on time but the City Clerk was out and was unable to send out the application to Council. He stated that he had been informed that the Library Board has not been able to meet because of a lack of a quorum.

Dr. Carr asked when the Library's was scheduled to conduct their next meeting. Mr. Crow stated that as the liaison for that Commission since the Library Board's next meeting was not until February 11th.

Mr. Crow stated that at some point Council has to start acknowledging the rules. So if all of these appointments are coming in at the last minute without notice, and there is no reason to expedite them, they can be noted on the next Council agenda.

Mr. Sharpe stated that he would be willing to postpone the appointments if that was Council's desire.

Mr. Glickert asked if Council had received Rev. Harvey's application, and if so, whether Council had a chance to review it. Ms. Pumm stated that the application had been sent by email earlier today.

Mayor Welsch stated that while she had no problem postponing approval until the next meeting she would like to remind Council that Ms. Pumm had informed everyone that even though she was adding the appointments to tonight' agenda, it would be up to Council to decide whether or not to vote on them.

Mr. Kraft made a motion to remove all of the appointments from the agenda and reschedule them for the next meeting, seconded by Mr. Glickert.

Mayor Welsch stated that she would like to retain the appointments for Raheem Adegboye and Beth Norton, since they had been in compliance with the Sunshine Law.

Mr. Jennings moved to amend the motion to exclude the appointments of Raheem Adegboye and Beth Norton from removal from the agenda.

Voice vote on Mr. Kraft's motion to remove and Mr. Jennings' amended motion carried unanimously.

D. PROCLAMATIONS

1. Proclamation for Michael Castro – Mayor Shelley Welsch read her proclamation in honor of U City resident Michael Castro, just named as the first Poet Laureate of St. Louis. Councilmember Arthur Sharpe presented Mr. Castro with the proclamation.
Saturday, January 31, 2015 was proclaimed as Michael Castro Day.

E. APPROVAL OF MINUTES

1. January 5, 2015, City Council Study Session minutes were moved for approval by Mr. Sharpe, seconded by Mr. Jennings.

Mr. Crow requested the following change be made, "*Wilson noted that through a bond issue Clayton improved its streets to this rating,*" to read, "*Wilson noted that through a bond issue Clayton is improving its streets*".

Voice vote to approve the minutes as amended carried unanimously.

2. January 12, 2015 City Council Regular Session minutes were moved by Mr. Jennings, seconded by Mr. Sharpe and the motion carried unanimously.

F. APPOINTMENTS

1. Raheem Adegboye was nominated for appointment to the Economic Retail Sales Tax Board by Mayor Welsch, replacing Barbara Sydnor, seconded by Mr. Glickert and the motion carried unanimously.
2. Beth Norton was nominated for appointment to CALOP commission by Mayor Welsch, replacing Bernetta Smith/Campbell, seconded by Mr. Jennings and the motion carried unanimously.

Mr. Crow asked the Mayor if there is a deadline that Council has to adhere to in making reappointments. Mayor Welsch informed Mr. Crow that there is a deadline for appointments, but not for reappointments.

G. SWEARING IN

1. Bradley Heinemann was sworn in to the Arts and Letters Commission.
2. Edward Luby was sworn in to the CALOP Commission in the City Clerk's office.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Raheem Adegboye, 7629 Canton Avenue, University City, MO

Mr. Adegboye expressed his desire for the members of City Council to start working together for the unity and progress of University City.

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Approval to authorize the City Manager to execute contract between the City and the Police Union.

Mr. Sharpe moved to approve, seconded by Mr. Glickert and the motion carried unanimously.
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2. Approval to authorize the City Manager to accept agreement with the Missouri Department of Economic Development Division of Energy.

Mr. Jennings moved to approve, seconded by Dr. Carr.

Mr. Glickert questioned the lengthy implementation time. Richard Wilson, Director of Public Works and Parks stated that 18 months represents the maximum time allowed for completion. The work may be completed sooner.

Voice vote on the motion carried unanimously.

3. Approval of award to Pat Kelly Equipment for a Compact Track Loader in the amount of \$116,638.08.

Mr. Glickert moved to approve, seconded by Mr. Jennings and the motion carried unanimously.

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9248** – An ordinance amending Chapter 410 of the Building Code, to revise floodplain management as provided herein. Bill 9248 was read for the second and third time. Bill 9248 had its second and third readings.

Dr. Carr moved to approve Bill 9248, seconded by Mr. Glickert.

Roll Call vote was:

AYES: Mr. Jennings, Dr. Carr, Mr. Kraft, Mr. Crow, Mr. Glickert, Mr. Sharpe and Mayor Welsch.

NAYS: none

Bill 9248 carried unanimously and became Ordinance Number 6977.

2. **BILL 9249** – An ordinance creating a new Section 210.120 of Chapter 210 of the Municipal Code of the City of University City, Missouri enacting and adopting “Interference and/or abuse of a police service animal”. Bill 9249 read for the second and third time. Bill 9249 had its second and third readings.

Mr. Sharpe moved to approve Bill 9249, seconded by Mr. Jennings.

Roll Call vote was:

AYES: Mr. Jennings, Dr. Carr, Mr. Kraft, Mr. Crow, Mr. Glickert, Mr. Sharpe and Mayor Welsch.

NAYS: none

Bill 9249 carried unanimously and became Ordinance Number 6978.

3. **BILL 9250** – An ordinance calling a General Obligation Bond election in the City of University City, Missouri for street, sidewalks and alley improvements and authorizing certain actions in connection therewith. Bill 9250 read for the second and third time. Bill 9250 had its second and third readings.

Mr. Glickert moved to approve Bill 9250, seconded by Mr. Jennings.

CITIZEN'S COMMENTS

Maggie Stanley Majors, 6554 Avalon Avenue, University City, MO

Ms. Majors commended the City for its high level of service to citizens and stressed the need for improvements to the streets, sidewalks and alleys in the Third Ward. Ms. Majors submitted images of the piles of trash being dumped in alleys throughout Ward 3.

Tom Sullivan, 751 Syracuse, University City, MO

Mr. Sullivan expressed his opposition to Bill 9250, along with the following concerns:

1. Reduction in street sweeping
2. Noncompliance with the Sunshine Law/notice of meetings
3. Violation of Election Laws/removal of signs

Mayor Welsch read the following comment sent in by **Shari LeKane-Yentumi of 6939 Dartmouth Avenue, University City, MO.**

Ms. LeKane-Yentum supports the bond issues for improvements to the University City roads and parks. She welcomed the improvements to River des Peres. Many who live in close proximity to the river are concerned not only about the aesthetics, but the smell emitted by the river.

COUNCIL'S COMMENTS

Mr. Crow addressed the following questions to Council and/or City staff:

1. *Was October the 28th the first time that the working group was convened?* Mr. Walker stated that it was.
2. *Who initiated this process?* Mr. Walker stated that he had initiated the process.
3. *Who selected the members of the working group?* Mr. Walker stated that he has been concerned about the condition of the City's infrastructure and how it should be financed for some time, so he made the decision to consult with other individuals to seek their opinion.
4. *Were the Mayor, Mr. Sharpe, Ed Schmidt, Ed McCarthy, Rich Wilson and John Solodar the individuals selected to be members of this working group?* Mr. Walker stated that he had asked them to participant.
5. *What criteria were used to select members of the working group?* Mr. Walker stated that these were people that he has worked with in the past on financial matters.
6. *Was any thought given to utilizing a broader public engagement process?* Mr. Walker stated that he had not.
7. *Was any thought given to including members of the Olive Business Owner's Association, Loop Special Business District, owners of large rental complexes within University City, attorneys, real estate agents or members of the Park Commission?* Mr. Walker stated that he had not.
8. *Was any thought given to including residents that live north of Olive or south of Delmar?* Mr. Walker stated that Councilmember Sharpe lives north of Olive; however he had not taken geographic considerations into account.
9. *Did any public notice go out for the four meetings that were held?* Mr. Walker stated that there was no requirement for public notices.
10. *Is it true that Councilmember Sharpe never attended any of these meetings?* Mr. Walker stated that was correct.
11. *Were any other members of Council invited to attend these meetings?* Mr. Walker stated that Councilmember Kraft had been invited.
12. *Was bond insurance discussed at these meetings?* Mr. Walker stated that it was not necessary to discuss insurance, since the purpose of the committee was to talk about whether there was interest and information that could be considered with respect to the condition of City streets.
13. *Will bond insurance be required for this proposal?* Mr. Walker stated that it would be, and it is something that he will be recommending to Council.
14. *Do you know what the cost of bond insurance will be?* Mr. Walker stated that he did not.
15. *Were outside professionals utilized to assist you or members of your committee or any of your employees with this proposal?* Mr. Walker stated they had. Mr. Crow asked *who they were.* Mr. Walker stated they were W.M. Strategies, the City's financial advisor, and conducted a preliminary discussion with bond counsel. Mr. Crow asked *if they were available to take questions and was the City Manager or staff take advantage of that* to which Mr. Walker said yes. Mr. Crow then asked *who they were.* Mr. Walker stated, Joy Howard was the City's financial advisor and the attorney was Mark Grimm of Gilmore and Bell.
16. *Has Gilmore and Bell already been retained?* Director of Finance, Tina Charumilind stated that they have not been retained.
17. *Were these professionals contacted after Council's Study Session on January 5th?* Mr. Walker stated that it is customary for staff to have ongoing discussions with its financial advisor, therefore he cannot remember if this specific discussion was before or after the meeting.

However he does not believe that Gilmore & Bell had been contacted before the meeting. Mr. Crow noted that Gilmore & Bell had forwarded an engagement letter to the City on December 29th.

18. *How many companies did the City consider prior to the selection of WM Strategies?* Mr. Walker stated that he did not remember and took exception to being put on the spot at tonight's meeting when Mr. Crow had three weeks to submit them to him in writing. Mr. Crow noted that the minutes of January 5th reflected his request to make the financial advisors, attorneys and underwriters available for tonight's meeting.

Mayor Welsch advised Mr. Crow that his first ten minutes for comments had elapsed.

Dr. Carr read the following Revised Missouri Statute 610.010, Sections 4 and 4(e), into the record, "*A public governmental body is among other things, any department or division of the State of any political subdivision of the State, of any county or of any municipal government. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above named entities, any advisory committee appointed by or at the direction of any of the names entities for the specific purpose of recommending directly to the public governing board or its chief administrative officer*". She stated that the current issue is whether a committee formed to advise the City Manager was subject to the Sunshine Law, and based upon the aforementioned Statute notices should have been posted.

Dr. Carr then expressed her concerns associated with the committee:

- Lack of geographic diversity
- Lack of public engagement
- Lack of gender, racial or socioeconomic diversity
- Lack of Council engagement

Mr. Walker stated that the opportunity that presents itself is for Council to decide whether they wish to proceed by placing the bond issues on the ballot and allow the public to vote on it.

Dr. Carr stated that her concern is that the public did not have an opportunity to weigh-in on what they would like to see funded by this bond issue. She then asked Mr. Walker if it would be fair to say that since only two members of Council had been involved in the committee meetings that essentially they were the architects of this bond issue?

Point of Order: Mr. Kraft stated that Dr. Carr was implying motives for people who have not a chance to speak for themselves.

Mr. Walker stated that there was no architect, merely his idea in terms of how to address some of the City's financial and infrastructure issues. Dr. Carr noted that Mayor Welsch had mentioned these 20 million dollars in her May 2010 editorial and Mr. Kraft mentioned it during his reelection campaign.

Point of Order: Mr. Kraft stated that he does not remember mentioning 20 million dollars in any of his literature.

Dr. Carr asked why a detailed report from the financial advisor explaining their recommendation of a general obligation bond rather than certificates of participation, as well as the legal opinion of bond counsel were not provided prior to the presentation of this ordinance. Mr. Walker stated that they had not been provided because they are not needed for Council to make this decision. Dr. Carr asked who had written the ordinance. Mr. Walker stated that it had been written by the Finance Department in conjunction with the City Attorney.

Dr. Carr stated that 20 years ago the City passed a general obligation bond issue with a capital investment sales tax that generates over two million dollars annually. The City pledged to use the sale tax to avoid paying additional property taxes. Since this ordinance will drastically increase property taxes, should the City dispose of that sales tax?

She stated that expert opinions are necessary to understand what Council will be doing to its citizen's finances and moved to postpone the vote pending a full report by the financial advisor and legal opinion by bond counsel, seconded by Mr. Crow.

Mayor Welsch asked Mr. Walker if a postponement of this ordinance would have any impact on the City's ability to place this on the April ballot. Mr. Walker stated that should Council vote to postpone it would kill the opportunity to proceed with a bond issue in April.

Roll Call vote was:

AYES: Mr. Jennings, Mr. Kraft, Mr. Glickert, Mr. Sharpe and Mayor Welsch.

NAYS: Mr. Crow and Dr. Carr.

The motion to postpone failed.

Mr. Kraft stated that a bond issue is about as democratic as it gets. Citizens have the opportunity to decide whether they want to spend the money or not. He stated that the City's streets are not in good shape. And while the City could go on spending its reserves to make improvements for perhaps another year, with a 26 million dollar operating budget it would take major cuts and numerous years to bring the streets up to an acceptable condition. Mr. Kraft stated that this is an unusually good time to do streets since interest rates, as well as the price of asphalt are at historic lows. He stated that the last bond issue for streets was in 1993, so he believes that the responsible thing for Council to do is to look at this and say if you want better streets then the City would propose a bond issue to help accomplish that.

Mr. Glickert stated that prior to the meeting, he was in the 3rd Ward visiting a citizen who has lived there for 89 years and is very interested in the renovation of the streets as determined by the Public Works and Parks Department. Mr. Glickert stated that he would agree that this a good time to present this proposal from a financial standpoint, and that the renovations are greatly needed, especially on Etzel Avenue which is a main arterial that runs from University City into the City of St. Louis. He noted that there is a scale adopted by the City called the P.A.S.E.R. Scale, which has rated the City's streets at 6.1 out of a possible 10. So if this proposal goes down, it is going to come back sooner or later because the City's infrastructure is not going to improve.

Mr. Jennings stated that one of the frequently discussed topics by citizens of the 3rd Ward is the condition of their streets and the belief that previously they have been slighted when it came to street repairs in Ward 3. In looking at this bond issue, half of the money will go towards the renovation of the 3rd Ward streets and he was sure his residents would be very supportive of the bond issues.

Mr. Sharpe stated that the City's issue with respect to streets is basically, fix me now or fix me later. Seemingly this is a good time to present a bond issue that would improve this City, but it is the people's choice.

Dr. Carr posed the following questions to the Mayor:

1. *Mayor Welsch, did you inform any members of Council that you were meeting with the committee to discuss this bond issue?* Mayor Welsch stated that she would not be interrogated while on the podium and reminded Dr. Carr that she could call her office to address any questions she might have.
2. *Why would you represent yourself as being uninformed when you wrote the following statements in your January 4th newsletter: "On Monday, January 5th City Manager Walker has scheduled a Study Session for the City Council. At this meeting Mr. Walker is going to present his analysis of the capital needs for University City. I expect that he will be making a recommendation on what we do. I look forward to hearing what he has to say"?*

Dr. Carr stated that in 2012 Mayor Welsch wrote that the City needed to protect its reserves and decried the use of approximately \$800,000 for street repairs. That year the City had a record surplus and spent record lows on maintenance. The following year the Mayor was eager to use four million dollars from reserves for street repairs and touted the surplus budget and wise use of the City's reserves for that purpose, right before the election.

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Dr. Carr then posed the following questions to Mr. Kraft and Mr. Walker:

1. *Mr. Kraft why didn't you inform Council during their Study Session that you had been a participant in all of the committee meetings?*
2. *Mr. Kraft authored an article in ROAR'S during his campaign in which he wrote, "University City has met the challenge. With savings from management reorganization University City has a budget that maintains City services and fixes streets that are long overdue for repair. There are no cuts in City services." So have we met the challenge and fixed the streets or; now that you've been elected, are the streets in poor condition?*
3. *Mr. Walker, have we taken an inventory of our streets since the City spent approximately 5 million dollars on street and sidewalk projects over the last two years? Mr. Walker stated that his belief is that an inventory has been done.*
4. *Is that inventory published, and if so, can she be provided with a copy of it? Mr. Walker stated that if the inventory is available he will provide it to all members of Council.*
5. *Why haven't the potholes been patched?*

Dr. Carr stated that she has a long list of things she believes should be financed by a bond issue, but had no idea that the City was even considering one. She then noted that repairing the streets does not eliminate the need for maintenance.

Mr. Crow stated that he is intrigued with the fact that a bond issue for 20 million dollars is moving at such a warped rate of speed. He believed that as elected officials, Council should have had the opportunity to do their homework before the ordinance is presented to the public.

Mr. Crow stated that one provision of the ordinance pertains to a 2.5 percent cost or \$625,000, for the use of outside professionals. He asked how many professionals did the City consult with prior to selecting the aforementioned firms. Mr. Walker stated that the City has worked with WM Strategies on bond issues for many, many years. Gilmore & Bell is a very highly regarded firm that the City has also worked with in the past on bond issues, so the City is very comfortable proceeding with these recommended firms.

Mr. Crow stated that when 2.5 percent of 20 million dollars is being represented as the cost for professional fees it would seem to make sense for the City to obtain comparative bids from other companies. He stated that the estimate from Gilmore & Bell is \$277,000. WM Strategies' fee is \$15,000 if it closes and \$15,000 per issue.

Roll Call vote was:

AYES: Mr. Jennings, Mr. Kraft, Mr. Glickert, Mr. Sharpe and Mayor Welsh.

NAYS: Mr. Crow and Dr. Carr.

Bill 9250 carried by a majority and became Ordinance Number 6979.

4. **BILL 9251** – An ordinance calling a General Obligation Bond election in the City of University City, Missouri for the City's Parks and authorizing certain actions in connection therewith. Bill 9251 was read for the second and third time.

Bill 9251 had second and third readings.

Mr. Jennings moved to approve Bill 9251, seconded by Mr. Sharpe.

Dr. Carr stated that the fact that Council has not been provided with detailed reports from the City's financial advisor or bond counsel, as well as the fact that no bids or consideration was given to retaining the best company, would lead her to the conclusion that Council has not done its homework.

Roll Call vote was:

AYES: Mr. Jennings, Mr. Kraft, Mr. Glickert, Mr. Sharpe and Mayor Welsh.

NAYS: Mr. Crow and Dr. Carr.

Bill 9251 carried by a majority and became Ordinance Number 6980.

RESOLUTIONS

Introduced by Mr. Jennings

1. Resolution 2015 – 1 A resolution engaging the services of WM Financial Strategies, as financial advisor and Gilmore & Bell, P.C., as bond counsel, in connection with the issuance of General Obligation Bonds by the City. Seconded by Mr. Glickert.

Mr. Crow reiterated his concern about the City's failure to obtain comparative bids prior to the presentation of this resolution.

CITIZEN'S COMMENTS

Gregory Pace, 7171 Westmoreland, University City, MO

Mr. Pace strongly urged Council to postpone this resolution in order to obtain comparative bids.

Mr. Kraft made a motion to postpone this resolution, seconded by Mr. Sharpe.

Mr. Sharpe asked Mr. Walker if the postponement of this resolution would cause any problems for City staff? Mr. Walker stated that it would not.

Voice vote on Mr. Kraft's motion to postpone carried unanimously.

BILLS

N. CITIZEN PARTICIPATION (continued if needed)

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
Mayor Welsch read the appointments that were needed.
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business

P. COUNCIL COMMENTS

Mayor Welsch made the following announcements:

- The Police Department Focus Group will meet on Tuesday, January 27th at 6 p.m., at the Heman Park Community Center. Please attend and bring a neighbor.
- The reception for this year's returning artist will be held at 7 p.m. on Thursday, February 5th at the University City High School library.

Q. ADJOURNMENT

Mayor Shelley Welsch adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Joyce Pumm
City

Clerk,

MRCC/CMC

My name is Maggie Stanley Majors and I reside at 6554 Avalon Avenue in Ward 3.

I have come to speak to the condition of alleys and streets in the third ward, in light of discussions surrounding:

BILL 9250 – An ordinance calling a General Obligation Bond election in the City of University City, Missouri for street, sidewalks and alley improvements and authorizing certain actions in connection therewith.

But I would like to preface my comment with another. I returned to U City in August after being away for two years. I have lived in many different places and I commend the city for its high level of services to citizens and its citizen engagement alike. It is important we recognize that our municipality is a treasure.

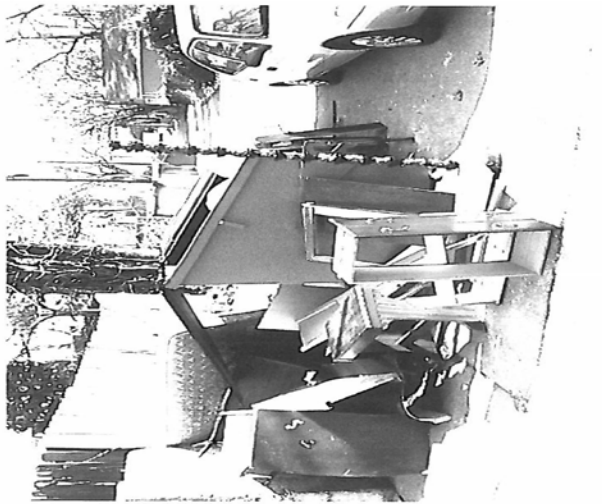
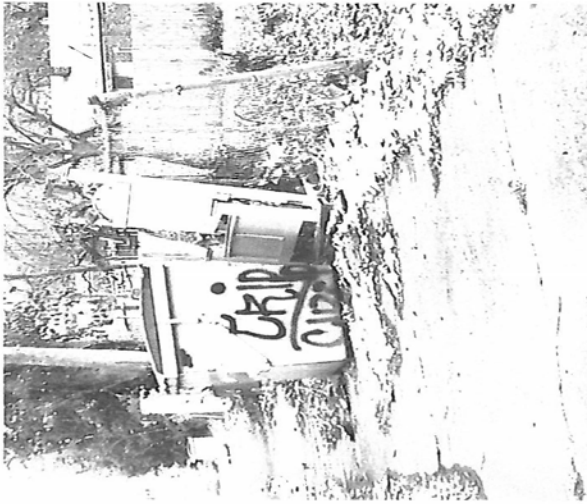
That said, the condition of streets, alleys, and sidewalks in ward 3 needs attention, attention approval of the bond issue in question would indeed provide. In our great city, no one should live on a residential street that looks like a back alley like George Street. No alleys should meet streets in giant potholes where water pools and freezes over and over again, creating an ever gaping hole like at Kingsland and the Avalon south side alley. No cars should hit the huge pothole in the ~~eastern~~^{western} lane of Pennsylvania just north of olive without warning. Parents taking their kids to Pershing School should not bump along Etzel Avenue. No one should need to call Public Works repeatedly to request that endless piles of trash being brought into our alleys from other areas be moved. (I am submitting examples of these.) We need real infrastructure improvements, from paving, to sidewalks and curbs, to an alternative to our current dumpster system.

I invite all citizens of Wards 1 & 2 to drive our Third Ward streets and alleys and walk our sidewalks to see their condition. I ask leaders in all wards - elected or otherwise - to communicate these concerns to their constituents, friends, and neighbors. And I implore leaders and the city to continue outreach to citizens in all wards, but especially outreach to citizens in the third ward. Finally, I ask that this council vote to approve BILL 9250 so that all residents of U City can vote to have the best built environment and quality of life possible. Thank you.

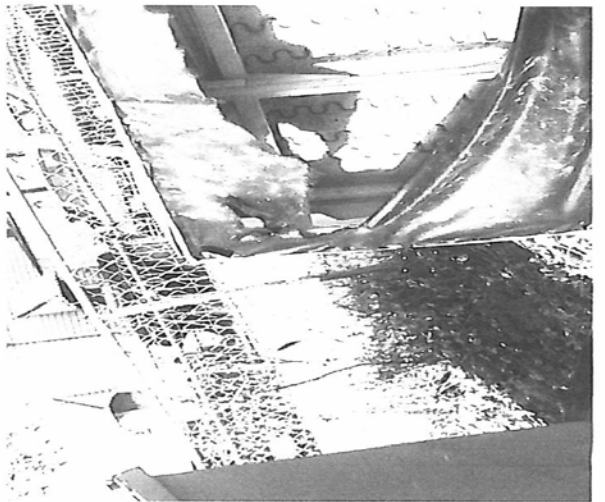
Alley & Dumpster between Sutter & Pennsylvania north of Olive 11/18/14



11/19/14



4/19/11



11/19/14



MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
City of University City, Missouri 63130
February 9, 2015
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, February 9, 2015, Mayor Shelley Welsch called the meeting to order at 6:30 p.m.

B. ROLL CALL

In addition to the Mayor the following members of the Council were present:

Mr. Rod Jennings arrived at 6:36 p.m.
Dr. Paulette Carr
Mr. Stephen Kraft
Mr. Terry Crow
Mr. Michael Glickert
Mr. Arthur Sharpe, Jr.

Also in attendance was City Manager Lehman Walker.

Mayor Welsch asked for a moment of silence in remembrance of the University City residents who were killed in a fire last week. She stated that this tragedy serves as a reminder of the importance of utilizing and maintaining smoke detectors in our home. Mayor Welsch encouraged everyone to share this information with their friends and neighbors to hopefully prevent such tragedies from occurring in the future. (*Safety tips can be found on the City's website or obtained from the Fire Department.*)

C. APPROVAL OF AGENDA

Mr. Walker asked that Bill 9253 be removed from the agenda.

Voice vote to approve the agenda as amended carried unanimously.

D. PROCLAMATIONS

1. Returning Artist Series proclamation: recognition for poet/educator DuEwa Frazier.

E. APPROVAL OF MINUTES

1. January 26, 2015 City Council Regular Session minutes were moved for approval by Mr. Sharpe, seconded by Mr. Glickert.

Mr. Crow asked that the minutes be amended to what he actually said, "working group" and not *ad hoc committee*.

He stated that even though it may have been in error, he would ask that the statement with reads, "*conducted a preliminary discussion with Jason Terry of Gilmore and Bell,*" be amended to read, what was actually said, "*conducted a preliminary discussion with Mark Grimm of Gilmore and Bell*".

Thirdly, in answer to his question regarding reappointments, Mr. Crow referred Mayor Welsch to Rule 38(b)(4), which states that the same rules apply for both appointments and reappointments.

Dr. Carr stated that she had submitted amendments to Ms. Pumm prior to the meeting which she asked to be attached to the end of these minutes.

Dr. Carr stated that the minutes are a reflection of the City's history. She stated that some Councilmember's statements are fairly accurate but some of her comments are being omitted.

Mayor Welsch asked Dr. Carr if she was making a motion to amend the minutes presented. Dr. Carr stated that if she could not simply make these changes then she would make a motion to amend. Mayor Welsch stated that in her opinion these requests are substantial changes to the minutes and would require a vote.

Point of Order: Mr. Kraft reminded Mayor Welsch that no comments should be made until after the motion was seconded. Mayor Welsch stated that she was allowed to make comments prior to asking for the motion.

Mr. Crow seconded Dr. Carr's motion to amend.

Voice vote on Dr. Carr's motion to amend failed, with Dr. Carr and Mr. Crow voting Nay.

Mayor Welsch asked both Dr. Carr and Mr. Crow if they were requesting that their changes be added to the minutes as an addendum. Mr. Crow stated that he had made two corrections that he believed needed to be considered because the minutes were erroneous.

Mr. Kraft made a motion to adopt the amendments presented by Mr. Crow, seconded by Dr. Carr.

Voice vote on the motion to adopt the amendments presented by Mr. Crow carried unanimously.

Mr. Glickert suggested that Council be provided with an opportunity to review the amendments proposed by Dr. Carr. He then made a motion to withhold consideration for the approval of the January 26th minutes until the next meeting. The motion was seconded by Mr. Sharpe and carried unanimously.

F. APPOINTMENTS

1. Rosalind Turner was nominated for appointment to the Library Board by Mr. Sharpe, replacing Harold Williams, seconded by Mr. Glickert and the motion carried unanimously.
2. Rev. Mary Harvey was nominated for appointment to the Urban Forestry Commission by Mr. Glickert, replacing Linda Fried, seconded by Mr. Jennings and the motion carried unanimously.
3. Mark Wallace was nominated for appointment to the Urban Forestry Commission by Mayor Welsch, seconded by Mr. Jennings and the motion carried unanimously.
4. Barbara Chicherio was nominated for appointment to the Urban Forestry Commission by Mr. Crow, replacing Jack Breier, seconded by Dr. Carr and the motion carried unanimously.
5. Orlando Watson was nominated for appointment to the Youth Commission by Mayor Welsch, seconded by Mr. Jennings and the motion carried unanimously.
6. Ed Mass was nominated for reappointment to Park Commission by Mr. Kraft, seconded by Dr. Carr and the motion carried unanimously.
7. Jeffrey Hales was nominated for reappointment to Traffic Commission by Mr. Kraft, seconded by Dr. Carr and the motion carried unanimously.
8. Cirri Moran and Michael Miller were nominated for reappointment to the Plan Commission by Mr. Glickert, seconded by Mr. Jennings and the motion carried unanimously.

G. SWEARING IN

1. Elizabeth Norton is to be sworn in to the CALOP commission in the City Clerk's office.
2. Raheem Adegboye was sworn in to the Economic Development Retail Sales Tax board in the City Clerk's office.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Ellen Stein, 926 Albey Lane, University City, MO

Ms. Stein thanked the Mayor for acknowledging the tragedy that occurred last week. She then sought the help of Council to assist her in an initiative to increase safety through the donation of approved space heaters and extension cords that can provide the very basic warmth to residents that are in need.

Mayor Welsch gave credit to Mr. Glickert for assisting her in formalizing the idea for the moment of silence.

Raheem Adegboye, 7629 Canton Avenue, University City, MO

Mr. Adegboye stated that the reason he has lived in University City for over 33 years is because he loves it here. University City has a great administration and good people on the City Council, but what is missing is unity. He stated that this should be a model city within the State of Missouri and that's what most people here tonight want to see. All they see is complaining, acrimony and animosity, which does not move this City forward. Mr. Adegboye urged Council to forge an alliance that allows them to conduct a meeting in a way that demonstrates that this is a family and everyone is working together.

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Traffic Commission's Annual Report.
2. Approval to grant authority to the City Manager to sign and enter into a contract with the consultant EFK Moen, LLC., for consulting services on federal aid projects, with a maximum compensation of \$59,358.80: \$30,086.48 for design services and \$20,272.32 for construction engineering services.

Mr. Jennings moved to approve, was seconded by Mr. Glickert and the motion carried unanimously.

3. Approval of award to grant authority to the City Manager to execute the Public Works Emergency Response Mutual Aid Agreement.

Mr. Sharpe moved to approve, and was seconded by Mr. Jennings.

Mr. Glickert stated that his concept of mutual aid is more along the lines of the Fire Department's reciprocal arrangement with municipalities located to the north of University City. However information in this packet seemed to indicate that all of the municipalities interested in this agreement are located in West County. He asked if this agreement meant that University City will now have agreements among inner-ring municipalities or between several cities located in West County. Richard Wilson, Director of Public Works, stated that this agreement originated in West County and was presented at one of their engineering meetings. Clayton, Ladue and Hazelwood also have expressed interest in being involved, and this is University City's first step to do the same. Mr. Glickert asked Mr. Wilson if he was sure that those municipalities were going to participate. Mr. Wilson stated that Olivette's Public Works Director had already approached him to find out if University City would be interested in participating in the agreement with them, and the topic has been discussed in depth at subsequent meetings. Mr. Wilson stated that there is no commitment tied to the mutual aid, so if University City decided that we do not have the capacity to assist, we are not obligated to do so.

Voice vote on Mr. Sharpe's motion carried unanimously.

4. Approval to grant authority to the City Manager to sign and enter into a contract with the consultant TREKK Design Group for a maximum compensation of \$58,430.00, for the design of 100 ADA-compliant curb ramps.

Mr. Jennings moved to approve, was seconded by Mr. Glickert and the motion carried unanimously.

5. Approval to grant authority to the City Manager to sign and enter into a contract with the consultant Oates Associates for a maximum compensation of \$112,000.00, for the design of 250 ADA-compliant curb ramps.

Mr. Glickert moved to approve, was seconded by Mr. Sharpe and the motion carried unanimously.

6. Approval to grant a package liquor license to Millbrook Pharmacy, 7010 Pershing, to include Sunday sales.

Mr. Jennings moved to approve, was seconded by Mr. Sharpe.

Mayor Welsch asked Mr. Walker why our ordinance permits packaged liquor at Millbrook Pharmacy but restricts it from being sold at convenience stores. Mr. Walker stated that he would have to review the ordinance in more detail, but as he recalled it is related to food and other services provided at convenience stores.

Mayor Welsch apologized for not bringing this issue to Mr. Walker's attention prior to the meeting but was looking for a better understanding of the ordinance before voting in support of this ordinance.

Mr. Kraft asked Mr. Walker if it was correct that Walgreens had obtained liquor licenses at both of their locations. Mr. Walker stated that was correct.

Mr. Sharpe stated that since it has been determined that Walgreens has a liquor license he did not see a problem with this recommendation.

Mr. Glickert stated that Millbrook Pharmacy, previously Williams Pharmacy, had a liquor license to sell packaged liquor.

Voice vote on Mr. Jennings' motion carried by a majority, with a Nay vote by Mayor Welsch.

7. Approval of additional leave time for an in-service injury for Officer Hoelzer.

Mr. Jennings moved to approve, was seconded by Dr. Carr and the motion carried unanimously.

8. Approval to grant authority to the City Manager to sign and enter into a contract with MSW Marketing.

Mr. Sharpe moved to approve, and was seconded by Mr. Glickert.

Mr. Crow posed the following questions to the City Manager:

1. *Is MSW Marketing being used to replace Brighton?* Mr. Walker stated that Brighton will continue to publish the newsletter, but marketing, economic development and various other functions will now be handled by MSW.
2. *Will Brighton's fees be reduced?* Mr. Walker stated that they would be.
3. *Is there a reason why this contract does not include a not to exceed amount?* Mr. Walker stated that the contract is not to exceed \$49,800.
4. *Is this an annual contract?* Mr. Walker stated that it was.
5. *Is the \$49,800 already in the City's budget?* Mr. Walker stated that the City had already allocated \$100,000 for marketing and public relations, so it will be coming out of that budget.

Voice vote on Mr. Sharpe's motion to approve contract with MSW carried unanimously.

L. UNFINISHED BUSINESS

BILLS

M. NEW BUSINESS

RESOLUTIONS

Introduced by Mr. Glickert

- 1. Resolution 2015 – 1** A resolution engaging the services of WM Financial Strategies, as financial advisor and Gilmore & Bell P.C., as bond counsel, in connection with the issuance of General Obligation Bonds by the City. The motion was seconded by Mr. Kraft.

Mr. Crow posed the following questions to City staff:

1. *Based on WM Financial Strategies' bid of \$15,000 per issue, how many issues were anticipated by the City?* Director of Finance, Tina Charumilind stated that the maximum amount to be paid is \$15,000, whether it was one or two bond issues passed.
2. *What was the bid proposal from Armstrong Teasdale?* Ms. Charumilind stated that they proposed a total of \$34,000; \$18,000 for the five-million dollar bond and \$16,000 for the twenty million-dollar bond.
3. *Armstrong Teasdale's bid was \$34,000 for both bonds, Thompson Coburn's bid was \$18,000 for both bonds and Gilmore and Bell's bid was \$41,000 for both bonds, so why did the City elect to utilize the highest bidder?* Ms. Charumilind stated that in this instance the City issued a Request for Qualifications rather than a Request for Proposal, and therefore was not required to select the lowest bid. She stated that the City selected Gilmore and Bell because they possessed the best qualifications, references, and the fact that the City has maintained a relationship with them since 1994.
4. *Were Gilmore and Bell's references really better than the other two firms?* Ms. Charumilind stated that the references provided by Thompson Coburn were related to school districts.
5. *When talking about a general obligation bond is there a distinction to be made between a school district underwriting and a municipal underwriting?* Ms. Charumilind stated that in her opinion the firms have different areas of expertise, and there is also a difference in the way that citizens look at issues related to school districts versus municipalities.

Mr. Crow stated that he really has a problem paying \$41,000 when there are two other qualified firms willing to do the same thing for half that amount. He stated that Council needs to ask the question of whether any of this has to do with the fact that Gilmore and Bell was allowed to present their initial bid prior to the time that Council became aware of the bond issue.

Mr. Kraft thanked Mr. Crow for his insights on bond financing, stating the mechanics are quite complicated. He stated that his understanding is that the total cost for a 25 million dollar bond issue could possibly be as high as 2.5 percent or \$625,000, but recently University City issued bonds at a rate of 1.2 percent. Mr. Kraft stated that he also misunderstood; as did the "*West End Word*," that the \$625,000 would not only be to pay bond counsel and the financial advisor, but also included fees for title insurance, the bond trustee, bond underwriters, outside auditors and the state auditor. Mr. Kraft stated that after talking to individuals associated with the finances at University City schools, he learned that they never sent out an RFP for bond counsel or for a financial advisor. The school board made it very clear that the reason they have always used Thompson Coburn is because of their expertise in school bond issues.

He then provided the following summary of additional facts ascertained from experts in this field:

- Underwriters used to be in charge of the entire process and made lots of money by doing so
- Several years ago the SEC changed the rules
- Now institutions must utilize bond counselors and financial advisors to assist in their

negotiations with underwriters

- The real competition is the ability to get the best deal possible with bond underwriters
- The selection of a bond counsel and financial advisor is very important

Mr. Kraft stated that it is important that the City continues to use consultants whom they trust and who have a proven track record in municipal bonds. It would be his preference for Council to have had more time for discussion on these issues, but as it has been explained, interest rates are at an historic low and waiting an additional 12 months could mean higher rates and cost for the City.

Mr. Crow questioned whether these two consultants had already been utilized to assist the City in this matter. Mr. Walker stated that Gilmore and Bell has worked with the City since the mid-1990s and WM Strategies has worked with the City since 2010, so discussions have been conducted with some of their staff members throughout this process, but neither has been retained.

Mr. Crow read the following ordinance into the record, *"No ordinance pertaining to parks or recreational facilities, or the recreational activities of the City, shall be considered by the Council without first referring said bill to the Parks Commission and receiving its recommendation thereto"*. He then questioned whether Bill 9251, which was approved at the last meeting, was a valid ordinance since it had not been referred to the Parks Commission prior to being submitted to Council?

Mayor Welsch thanked Councilmember Kraft for his clarification on the cost of financing a bond issue. She stated that what she has been told is that, (A) as a result of the interest rates being so low the cost for these bond issues, if approved, will be much less than at other times and (B), no insurance will be needed based on the fact that the City's bond rating is now at AA+ - that bond rating was increased in 2014..

Voice vote on Mr. Glickert's motion passed by a majority with Nay votes from Councilmember Carr and Crow.

Introduced by Dr. Carr

2. Resolution 2015 – 2 A resolution submitted by Dr. Carr and Mr. Crow - City produced literature in connection with bond issues. Seconded by Mr. Crow.

Dr. Carr stated that RSMo 115.646 expressly prohibited any public funds expenditure by any officer, employee or agent of any political subdivision to advocate, or support, or oppose any ballot measure. She then asked Mr. Walker who would be responsible for making the determination of whether this literature was informational? Mr. Walker stated that staff will follow the following opinion of the City Attorney, *"There is nothing stated in the Missouri Revised Statutes or the court decisions that prohibit or limit the amount of public funds or time a political subdivision can expend to produce and distribute material of a factual nature related to a ballot issue"*. He stated the City will not be promoting, but rather will be educating.

Dr. Carr stated that after receiving notice that the City had issued an RFP and RFQ for materials that were going to be produced and mailed to citizens consisting of one 8 1/2 by 5 1/2 design, one 17 by 21 1/2 design, one 17 by 11 design; in units of 18,000 each, plus an insert for the March newsletter, she conducted a comparison utilizing the Prop U fact sheet and the one tri-fold brochure sent out by Ms. Feier, the former City Manager. The Prop U campaign was run by a group of citizens and the fact sheet was made available on the website. The cost of printing Ms. Feier's brochure was approximately \$6,000.

She stated that while the statute does not prohibit the amount of money spent, citizens are entitled to know how much this election is costing the City, and any expenditure over \$25,000 should be brought before Council for approval.

Mr. Crow posed the following questions to Mr. Walker:

1. *Who will make the final decision with respect to the informational and educational content of each of these documents?* Mr. Walker stated that ultimately he would be the final decision-maker.

2. *Will Council have any involvement in the production or approval of any of the literatures?* Mr. Walker stated that he is always willing to consider the input of Council on virtually any matter.
3. *Will all members of Council be afforded the same level of involvement?* Mr. Walker stated that he is available every day.
4. *How much was budgeted for the cost of printing the estimated 72,000 pieces of literature?* Mr. Walker stated that no determination has been made on how much will be mailed. He stated that postage estimates are contained within the RFQ(s) that were due last Thursday and he has not had an opportunity to review them.
5. *Will the amount for postage be brought before Council for approval if it exceeded \$25,000?* Mr. Walker stated although he did not anticipate that it would, any expenditures in excess of \$25,000 must come before Council for approval.

Mr. Kraft asked Mr. Walker if it is the City's intent to mail out between 50,000 and 72,000 pieces of literature. Mr. Walker stated that he has not made any of those decisions.

Mr. Kraft stated that he thought one or two nonbiased factual mailers would be reasonable and appropriate. But if Council is asking the citizens of University City to pay more taxes then the City has a responsibility to tell them how much the tax increase is going to cost them and how the money is going to be spent.

Mr. Crow noted that the City also had a responsibility to discuss this with its citizens prior to taking a vote to place it on the ballot.

Dr. Carr stated that Ms. Feier printed 20,000 copies of a four-color glossy brochure and the cost of postage was almost three times the cost of printing. She then renewed her request to receive a copy of the bid proposals related to this matter.

Voice vote on Dr. Carr's motion failed; with Nay votes from Councilmembers Jennings, Kraft, Glickert, Sharpe and Mayor Welsch.

3. Resolution 2015 – 3 A resolution submitted by Mr. Kraft and Mr. Sharpe to grant up to \$30,000 for the City Manager to spend on material to educate voters on the City's bond issues on the April 7, 2015, General election ballot.

Mr. Sharpe made a motion to postpone indefinitely Resolution 2015-3, and was seconded by Mr. Kraft.

Mr. Kraft stated that since the City Manager indicated that he does not anticipate exceeding the \$25,000 limit, and if it did it would be brought before Council for approval, there is no longer a need for this resolution.

Dr. Carr stated that she would be interested in receiving more details on the proposed literature, as well as the receipts for payment.

Mayor Welsch asked Dr. Carr if she would hold her comments until everyone has had an opportunity to address the motion. Dr. Carr stated that her assumption is that there is going to be a split vote on the motion and this will be her only opportunity to present her comments.

Point of Order: Mr. Kraft noted that there was a motion on the floor.
Dr. Carr stated that she was speaking to the motion.

Mayor Welsch stated that Dr. Carr was making a request to the City Manager, which she would allow her to do.

Dr. Carr stated that the fact that Council voted down her resolution and now moves to remove this resolution meant there will be no accounting for what is being spent. Council has seen contracts that

have been artificially subdivided, and with no oversight. No one will know how much has actually been spent until the end of the quarter, or when the election is over. The question was trust. Trust could only be based on past behavior. Dr. Carr stated that voters are entitled to know how much the City is spending and that the money generated from this bond issue will be allocated appropriately.

Point of Order: Mr. Kraft noted that there was a motion on the floor and any comments should be limited to the motion.

Mayor Welsch stated that Dr. Carr's comments were related to her belief that this resolution should remain on the agenda for a vote.

Voice vote on Mr. Sharpe's motion to postpone indefinitely carried by a majority, with Nay votes from Councilmembers Carr and Crow.

CITIZEN'S COMMENTS

Tom Sullivan, 751 Syracuse, University City, MO

Mr. Sullivan stated that once again the City is involved in this issue of illegally spending money to promote ballot proposals. He then provided several examples of similar incidents that were found to be improper by the judicial system.

BILLS

Introduced by Mr. Glickert.

4. **BILL 9252** – An ordinance creating a new Section 605.290 of Chapter 605 of the Municipal Code of the City of University City, Missouri enacting and adopting “Outdoor Dining Regulations”. Bill 9252 had its first reading.

N. CITIZEN PARTICIPATION (continued if needed)

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
Mayor Welsch read the appointments that were needed.
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business

P. COUNCIL COMMENTS

Dr. Carr thanked Ms. Ellen Stein for initiating Warm Hearts for Warm Homes and asked that each member of Council give consideration to becoming a partner. She stated that it is inherent upon those who have a little more to take care of their neighbors who are less fortunate. Dr. Carr stated she will be contacting each member, as well as the City Manager for ideas and suggestions.

Mr. Crow expressed appreciation to the Mayor and Mr. Glickert for orchestrating the moment of silence.

He stated that he was a little disappointed that Bill 9253; *An ordinance repealing Section 126.230 of Chapter 125 of the Municipal Code of the City of University City, Missouri “Establishment of Municipal Divisions – Selection of Judges”* was removed from the agenda. He noted that with everything happening in our broader community and the municipal courts being scrutinized more than ever, his belief is that it would be appropriate for this Council to have a discussion about its own municipal courts to see how things are going. He hoped that Bill 9253 or some variant will be presented to Council in the near future.

Mr. Crow stated that he would also like to make note of an article that he read in the *Post Dispatch* this week which reported that taxpayers in the Kirkwood School district would soon be receiving a survey seeking input on the current operation of the school district in preparation for two proposed tax levies. He stated that the survey was a great idea that he wished his colleagues would have thought of doing the same back in October.

Mr. Kraft stated that since much of tonight's meeting was centered on the potential bond issues there is a need to delineate where we, as a Council, stand on this issue. He stated that although he is certainly sympathetic to Mr. Crow's concerns about community involvement, from some of the discussions it appeared as though some members of this Council are literally against fixing the City's streets.

Mr. Kraft noted that in 2013, Dr. Carr voted against a three million dollar reserve fund to fix streets. Dr. Carr went on to say that she was against using reserve funds for street repairs because the use of reserve funds created an unacceptable deficit budget. If you spend more money one year than your revenue allows, technically you will have a deficit budget. However the implication was that it was irresponsible to use taxpayers' money to fix their streets. Mr. Kraft stated that the City's reserves consist solely of monies paid by taxpayers, and most of that is generated from years when taxes exceeded spending. It is the taxpayers' money and it should be their choice as to how they want to spend it. So now Dr. Carr is on the record against using bond money to fix the City's streets, and that leads him to question, why is Dr. Carr against fixing your streets?

Dr. Carr asked Mr. Walker how the City planned to address Bill 9253 going forward, since the code as it now exists is in conflict with the City's Charter? Mr. Walker stated that at some point in time the bill will be brought back to Council for review.

Mayor Welsch made the following announcements:

- City Hall will be closed next Monday, February 16th in observation of Presidents' Day.
- The Department of Community Development and the University City Chamber of Commerce will host an Olive Business Forum for the owners of businesses along Olive on Thursday, February 12th at 7:30 a.m. The event will take place at the Mandarin House Banquet Center located at 8004 Olive Boulevard. For more information please contact Jodie Lloyd at 505-8522.
- The Lease the Link website focused on Olive Boulevard is now live. It can be found at www.leasehelink.com
- Health Protection and Education Services will hold its next free health screening on Saturday, February 21st at the University City library from 9 a.m. to 10:30 a.m.

Q. ADJOURNMENT

Mayor Shelley Welsch adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Joyce Pumm
City Clerk, MRCC/CMC

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
City of University City, Missouri 63130
January 26, 2015
6:30 p.m.

Adds
DR. CARR
2/9/15

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, January 26, 2015, Mayor Shelley Welsch called the meeting to order at 6:30 p.m.

B. ROLL CALL

In addition to the Mayor the following members of the Council were present:

Mr. Rod Jennings
Dr. Paulette Carr
Mr. Stephen Kraft
Mr. Terry Crow
Mr. Michael Glickert
Mr. Arthur Sharpe, Jr.

Also in attendance was Lehman Walker, City Manager.

C. APPROVAL OF AGENDA

Mr. Glickert moved to approve the agenda as presented, seconded by Mr. Jennings.

Dr. Carr questioned if the motion was to approve the agenda that had been provided to them this evening and if so, what changes had been made to the new agenda. Mayor Welsch stated that the reappointments for Mr. Mass, Mr. Tunstall, Ms. Moran and Mr. Miller, as well as the appointments for Ms. Turner and Rev. Harvey had been added.

Dr. Carr asked if there was an urgent need for any of these appointments since Council had not been provided with a 24-hour notice. Mr. Sharpe noted that the application was submitted on time but the City Clerk was out and was unable to send out the application to Council. He stated that he had been informed that the Library Board has not been able to meet because of a lack of a quorum.

Dr. Carr asked when the Library's was scheduled to conduct their next meeting. Mr. Crow stated that as the liaison for that Commission since the Library Board's next meeting was not until February 11th.

Mr. Crow stated that at some point Council has to start acknowledging the rules. So if all of these appointments are coming in at the last minute without notice, and there is no reason to expedite them, they can be noted on the next Council agenda.

Mr. Sharpe stated that he would be willing to postpone the appointments if that was Council's desire.

Mr. Glickert asked if Council had received Rev. Harvey's application, and if so, whether Council had a chance to review it. Ms. Pumm stated that the application had been sent by email earlier today.

Mayor Welsch stated that while she had no problem postponing approval until the next meeting she would like to remind Council that Ms. Pumm had informed everyone that even though she was adding the appointments to tonight' agenda, it would be up to Council to decide whether or not to vote on them.

Mr. Kraft made a motion to remove all of the appointments from the agenda and reschedule them for the next meeting, seconded by Mr. Glickert.

Tom Sullivan, 751 Syracuse, University City, MO

Mr. Sullivan expressed his opposition to Bill 9250, along with the following concerns:

1. Reduction in street sweeping
2. Noncompliance with the Sunshine Law/notice of meetings
3. Violation of Election Laws/removal of signs

Mayor Welsch read the following comment sent in by **Shari LeKane-Yentumi of 693 9 Dartmouth**

Avenue, University City, MO.

Ms. LeKane-Yentum supports the bond issues for improvements to the University City roads and

parks. She welcomed the improvements to River des Peres. Many who live in close proximity to the

river are concerned not only about the aesthetics, but the smell emitted by the river.

COUNCIL'S COMMENTS

Mr. Crow addressed the following questions to Council and/or City staff:

1. *Was October the 28th the first time that the ~~ad-hoc-committee~~working group was convened?* Mr. Walker stated that it was.
2. *Who initiated this process?* Mr. Walker stated that he had initiated the process.
3. *Who selected the members of the ~~ad-hoc-committee~~Mr. Walker's working group?* Mr. Walker stated that he has been concerned about the condition of the City's infrastructure and how it should be financed for some time, so he made the decision to consult with other individuals to seek their opinion.
4. *Were the Mayor, Mr. Sharpe, Ed Schmidt, Ed McCarthy, Rich Wilson and John Solodar the individuals selected to be members of this ~~ad-hoc-committee~~working group?* Mr. Walker stated that he had asked them to participant.
5. *What criteria were used to select members of the ~~ad-hoc-committee~~Mr. Walker's working group?* Mr. Walker stated that these were people that he has worked with in the past on financial matters.
6. *Was any thought given to utilizing a broader public engagement process?* Mr. Walker stated that he had not.
7. *Was any thought given to including members of the Olive Business Owner's Association, Loop Special Business District, owners of large rental complexes within University City, attorneys, real estate agents or members of the Park Commission?* Mr. Walker stated that he had not.
8. *Was any thought given to including residents that live north of Olive or south of Delmar?* Mr. Walker stated that Councilmember Sharpe lives north of Olive; however he had not taken geographic considerations into account.
9. *Did any public notice go out for the four meetings that were held?* Mr. Walker stated that there was no requirement for public notices.
10. *Is it true that Councilmember Sharpe never attended any of these meetings?* Mr. Walker stated that was correct.
11. *Were any other members of Council invited to attend these meetings?* Mr. Walker stated that Councilmember Kraft had been invited.
12. *Was bond insurance discussed at these meetings?* Mr. Walker stated that it was not necessary.

to discuss insurance, since the purpose of the committee was to talk about whether there was interest and information that could be considered with respect to the condition of City streets.

13. *Will bond insurance be required for this proposal?* Mr. Walker stated that it would be, and it is

something that he will be recommending to Council.

14. *Do you know what the cost of bond insurance will be?* Mr. Walker stated that he did not.

15. *Were outside professionals utilized to assist with this proposal?* Mr. Walker stated that he had

discussed the matter with Joy Howard of W.M. Strategies, who is the City's financial advisor,

and conducted a preliminary discussion with ~~Jason Terry Martin~~ Grimm of Gilmore and Bell.

16. *Has Gilmore and Bell already been retained?* Director of Finance, Tina Charumilind stated that

they have not been retained.

17. *Were these professionals contacted after Council's Study Session on January 5th?* Mr. Walker

stated that it is customary for staff to have ongoing discussions with its financial advisor,

therefore he cannot remember if this specific discussion was before or after the meeting.

However he does not believe that Gilmore & Bell had been contacted before the meeting. Mr.

Crow noted that Gilmore & Bell had forwarded an engagement letter to the City on December

29th.

18. *How many companies did the City consider prior to the selection of WM Strategies?* Mr. Walker

stated that he did not remember and took exception to being put on the spot at tonight's meeting

when Mr. Crow had three weeks to submit them to him in writing. Mr. Crow noted that the

minutes of January 5th reflected his request to make the financial advisors, attorneys and

underwriters available for tonight's meeting.

Mayor Welsch advised Mr. Crow that his first ten minutes for comments had elapsed.

Dr. Carr read the following Revised Missouri Statute 610.010, Sections 4 and 4(e), into the record, "A

public governmental body is among other things, any department or division of the State of any political

subdivision of the State, of any county or of any municipal government. Any committee appointed by or

at the direction of any of the entities and which is authorized to report to any of the above named

entities, any advisory committee appointed by or at the direction of any of the named entities for the

specific purpose of recommending directly to the public governing board or its chief administrative

officer". She stated that the current issue is whether a committee formed to advise the City Manager

was subject to the Sunshine Law, and based upon the aforementioned Statute notices should have

been posted.

Dr. Carr then expressed her concerns associated with the ad hoc committee:

Lack of geographic diversity
Lack of public engagement
Lack of gender, racial or socioeconomic diversity
Lack of Council engagement

Dr. Carr pointed out that we pride ourselves on the diversity of our City and asked Mr. Walker if any diversity was sought on his committee. Mr. Walker responded that was not the criteria that he thought was critical.

Dr. Carr asked Mr. Walker why the entire council was not given a heads up during the entire time he was meeting and considering bond issues.

Mr. Walker stated that the opportunity that presents itself is for Council to decide whether they wish to proceed by placing the bond issues on the ballot and allow the public to vote on it.

Dr. Carr stated that her concern is that the public did not have an opportunity to weigh in on what they would like to see funded by this bond issue. She then asked Mr. Walker if it would be fair to say that since only two members of Council had been involved in the committee meetings that essentially they were the architects of this bond issue?

Point of Order: Mr. Kraft stated that Dr. Carr was implying motives for people who have not a chance to speak for themselves.

Mr. Walker stated that there was no architect, merely his idea in terms of how to address some of the City's financial and infrastructure issues. Dr. Carr noted that Mayor Welsch had mentioned these 20 million dollars in her May ~~2010-2012~~ editorial and Mr. Kraft mentioned ~~it~~ the \$20M figure during his reelection campaign.

Point of Order: Mr. Kraft stated that he does not remember mentioning 20 million dollars in any of his literature.

Dr. Carr stated that she would be glad to provide that for him.

Dr. Carr asked why a detailed report from the financial advisor explaining their recommendation of a general obligation bond rather than certificates of participation, as well as the legal opinion of bond counsel were not provided prior to the presentation of this ordinance. Mr. Walker stated that they had not been provided because they are not needed for Council to make this decision. Dr. Carr asked who had written the ordinance. Mr. Walker stated that it had been written by the Finance Department in conjunction with the City Attorney.

Dr. Carr stated that 20 years ago the City passed a general obligation bond issue with a capital investment sales tax that generates over two million dollars annually. The City pledged to use the sale tax to avoid paying additional property taxes.

Since this ordinance will drastically increase property taxes, should the City dispose of that sales tax?

She stated that expert opinions are necessary to understand what Council will be doing to its citizen's

Seemingly this is a good time to present a bond issue that would improve this City, but it is the people's choice.

Dr. Carr posed the following questions to the Mayor:

1. *Mayor Welsch, did you inform any members of Council that you were meeting with the ad hoc committee to discuss this bond issue?* Mayor Welsch stated that she would not be interrogated while on the podium and reminded Dr. Carr that she could call her office to address any questions she might have. Dr. Carr assured the mayor that the public would like to know, and stated that she does not hold private meetings so that the public doesn't know as she believes in the Sunshine Law.

2. *Why would you represent yourself as being uninformed when you wrote the following statements in your January 4th newsletter: "On Monday, January 5th City Manager Walker has scheduled a Study Session for the City Council. At this meeting Mr. Walker is going to present his analysis of the capital needs for University City. I expect that he will be making a recommendation on what we do. I look forward to hearing what he has to say"?*

Dr. Carr stated that in 2012 Mayor Welsch wrote that the City needed to protect its reserves and decided the use of approximately \$800,000 for street repairs. That year the City had a record surplus and spent record lows on maintenance. The following year the Mayor was eager to use four million dollars from reserves for street repairs and touted the surplus budget and wise use of the City's reserves for that purpose, right before the election. She noted that the mayor had written at the time that the City needed \$20M to repair our streets and then \$1.2M annually to maintain them. Dr. Carr stated that repairing the streets does not do away with the maintenance. She again asked if the mayor took ownership for being one of the architects of the bond issue.

Dr. Carr then posed the following questions to Mr. Kraft and Mr. Walker:

1. *Mr. Kraft why didn't you inform Council during their Study Session that you had been a participant in all of the ad-hoc-committee meetings?* Dr. Carr noted that there was no response from Dr. Kraft.

2. *Mr. Kraft authored an article in ROAR'S during his campaign in which he wrote, "University City has met the challenge. With savings from management reorganization University City has a budget that maintains City services and fixes streets that are long overdue for repair. There are no cuts in City services."* Dr Carr asked whether "we have we have met the challenge and fixed the streets," as Dr. Kraft said during his campaign or, now that you've Dr. Kraft been elected, are the streets in poor condition? She asked Mr. Kraft if he would take ownership for being one of the architects of the bond issues.

3. *Mr. Walker, have we taken an inventory of our streets since the City spent approximately 5 million dollars on street and sidewalk projects over the last two years?* Mr. Walker stated that we his belief is that an inventory has been done.

4. *Is that inventory published, and if so, can she be provided with a copy of it?* Mr. Walker stated that if the inventory is available he will provide it to all members of Council

Dr. Carr stated that the point she was trying to make was that the streets might actually be in better condition than they were being represented as being.

5. *Why haven't the potholes been patched?*

Dr. Carr stated that she has a long list of things she believes should be financed by a bond issue, but had no idea that the City was even considering one. She then noted that repairing the streets does not eliminate the need for maintenance. She noted that Mr. Solodar, one of the members of this committee, had stated at the last meeting that the bond issue for streets would free up about \$1.5M that the city currently uses for maintenance.

Mr. Crow stated that he is intrigued with the fact that a bond issue for 20 million dollars is moving at such a warped rate of speed.

He believed that as elected officials, Council should have had the opportunity to do their homework before the ordinance is presented to the public.

Mr. Crow stated that one provision of the ordinance pertains to a 2.5 percent cost or \$625,000, for the use of outside professionals.

He asked how many professionals did the City consult with prior to selecting the aforementioned firms. Mr. Walker stated that the City has worked with WM Strategies on bond issues for many, many years. Gilmore & Bell is a very highly regarded firm that the City has also worked with in the past on bond issues, so the City is very comfortable proceeding with these recommended firms.

Mr. Crow stated that when 2.5 percent of 20 million dollars is being represented as the cost for professional fees it would seem to make sense for the City to obtain comparative bids from other companies. He stated that the estimate from Gilmore & Bell is \$277,000.

WM Strategies' fee is \$15,000 if it closes and \$15,000 per issue.

Roll Call vote was:

AYES: Mr. Jennings, Mr. Kraft, Mr. Glickert, Mr. Sharpe and Mayor Welsch.

NAYS: Mr. Crow and Dr. Carr.

Bill 9250 carried by a majority and became Ordinance Number 6979.

4. BILL 9251 – An ordinance calling a General Obligation Bond election in the City of University City,

Missouri for the City's Parks and authorizing certain actions in connection therewith. Bill 9251 was

read for the second and third time.

Bill 9251 had second and third readings.

Mr. Jennings moved to approve Bill 9251, seconded by Mr. Sharpe.

Dr. Carr stated that the fact that Council has not been provided with detailed reports from the City's financial advisor or bond counsel, as well as the fact that no bids or consideration was given to retaining the best company, would lead her to the conclusion that Council has not done its homework.

Roll Call vote was:



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: Price Road Improvements – Intergovernmental Agreement with City of Ladue

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND: Price Rd. south of Delmar Blvd. near the southwestern boundary of University City crosses jurisdictions of the City of Ladue and City of University City. Due to the pavement improvements needed for Price Rd. the City of Ladue applied for and was awarded a Surface Transportation Program Federal-aid grant funding. This Price Rd. improvement project extends from Clayton Road to Delmar Boulevard. The eastern half of Price Rd. along its length near Delmar Blvd. intersection is within University City jurisdiction. City of Ladue has agreed to include this portion of the pavement in their project for a better complete product and proposes the attached intergovernmental agreement that defines each city's responsibilities and an estimated cost related to the portions of the work within each city.

The project scope of work within University City (approximately 1,000' long) includes milling and overlay of the top 2" of asphalt pavement, full-depth asphalt repairs as needed at Washington Ave. and Westridge Ct. intersections and pavement marking. This project will not build any new curb & gutter sections or sidewalks within University City.

City of University City became involved after approval of the grant and the project development process therefore there was not an opportunity to request major design changes in the project. As it is, the project is a rehabilitation of the existing pavement that is in deteriorated condition.

The City of Ladue offered a joint sponsorship of the grant project to the City of University City, which enabled University City to make use of Federal-aid grant funding for the 80% of the project construction cost within its limits. University City's local funding responsibility therefore is 20% of the University City portion of the estimated project construction cost of \$48,000, which equals \$9,600 (see attached cost estimate).

The Agreement originally signed by the City of Ladue has our cost listed at \$7,400 but the project at our requested added work at Washington and Westridge to provide a complete project and therefore our local share increased to \$9,600.

RECOMMENDATION: City Staff recommends that the City Council grant authority to the City Manager to sign and enter into this agreement with the City of Ladue for Price Road Improvements and to pay the entire local share.

ATTACHMENTS: 1) City of Ladue-City of University City Intergovernmental Agreement
2) Project Cost Estimate

BILL NO. 2105

ORDINANCE NO. 2105

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITIES OF LADUE AND UNIVERSITY CITY FOR THE PRICE ROAD IMPROVEMENTS, PERTAINING SPECIFICALLY TO THE PAVEMENT REHABILITATION WORK WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF UNIVERSITY CITY.

WHEREAS, the City of Ladue has obtained Federal Funds and is the project sponsor for improvements on Price Road between Clayton Road and Delmar Boulevard, including pavement rehabilitation in a project known as STP-5529(611)

WHEREAS, the municipal boundary between the City of Ladue and the City of University City, within the limits of the Price Road Improvement project, is located at the approximate centerline of Price Road from Delmar to the northern property line of 300 N. Price.

WHEREAS, the City of Ladue and the City of University City desire to enter into an agreement to outline how expenditures for Price Road Improvements within the City of University City will be funded and reimbursed.

WHEREAS, this project is in the process of being designed and will be constructed in compliance with the provisions of the STP Program Agreement that the City of Ladue and the Missouri Highways and Transportation Commission have executed.

WHEREAS, Chapters 70 of the Revised Statutes of Missouri authorize joint exercise by two or more local governments of any power common to them; and

WHEREAS, it is the desire of the signatories hereto to enter into the agreement on behalf of the interest of its citizens

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LADUE, MISSOURI, AS FOLLOWS:

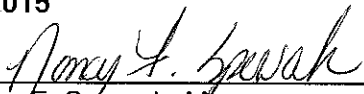
Section 1. The Mayor of the City of Ladue is hereby authorized to enter into an agreement with the City of University City, attached hereto as Exhibit A.

Section 2. The terms of this Ordinance shall become effective upon its passage by the City Council and its execution by the City of University City as provided by law.

PASSED THIS 20TH DAY OF JANUARY, 2015.

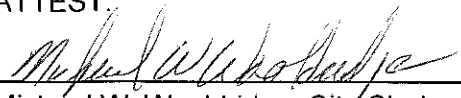

President, City Council

APPROVED AND ADOPTED THIS 20TH DAY OF JANUARY, 2015



Nancy F. Spewak, Mayor

ATTEST:



Michael W. Wooldridge, City Clerk

INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (“Agreement”), THAT OUTLINES THE REIMBURSEMENT PROCECURE AND OTHER PROJECT RESPONSIBILITIES FOR THE PRICE ROAD IMPROVEMENTS, A PORTION OF WHICH ARE LOCATED WITHIN THE CITY OF UNIVERSITY CITY, is entered into on the effective date hereinafter set forth, by and between the City of Ladue, Missouri (“Ladue”) and City of University City, Missouri (“University City”):

WITNESSETH

WHEREAS, the City of Ladue has obtained Federal Funds and is the project sponsor for improvements on Price Road between Clayton Road and Delmar Boulevard, including pavement rehabilitation in a project known as STP-5529(611)

WHEREAS, the municipal boundary between the City of Ladue and the City of University City, within the limits of the Price Road Improvement project, is located at the approximate centerline of Price Road from Delmar to the northern property line of 300 N. Price.

WHEREAS, the City of Ladue and the City of University City desire to enter into an agreement to outline how expenditures for Price Road Improvements within the City of University City will be funded and reimbursed.

WHEREAS, this project is in the process of being designed and will be constructed in compliance with the provisions of the STP Program Agreement that the City of Ladue and the Missouri Highways and Transportation Commission have executed.

WHEREAS, Chapters 70 of the Revised Statutes of Missouri authorize joint exercise by two or more local governments of any power common to them; and

WHEREAS, it is the desire of the signatories hereto to enter into the agreement on behalf of the interest of its citizens

NOW, THEREFORE, for and in consideration of the premises, the mutual advantages to be derived therefrom and in consideration of the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

1. Cooperative Agreement Established. Pursuant to the joint powers authorization of Chapters 70 of the Revised Statutes of Missouri, the undersigned do hereby enter into a cooperative agreement to outline the reimbursement process for Price Road Improvements located within University City that are to be constructed as part of project STP-5529(611).
2. Description of construction improvements within University City: The project limits for the Price Road improvements extend from Delmar Boulevard to Clayton Road. The portion of the project within the City of University City spans from the approximate center line of Price to the eastern right-of-way limits from Delmar to the North to a westward extension of the northern property line of 300 N. Price Road on the south. The work consists of cold-milling of the existing bituminous pavement for removal of the surface, the placement of tack coat on the cold-milled pavement, and the placement of bituminous asphalt pavement. Attached to this agreement are the plan-sheets for work within University City. All work within the project limits is eligible for 80% federal reimbursement as administered by MoDOT on behalf of Federal Highway Administration.
3. Estimate of cost for improvements within University City. The cost estimate for the work within University City was estimated by Ladue's engineering consultant to be \$37,000. Eighty percent of this cost is eligible for reimbursement. Twenty percent of this cost will be funded by University City and is estimated to be \$7,400. The project cost estimate, including the portion within University City, will be updated prior to the submission of final plans to MoDOT. The estimated cost for the work within University City will be provided to the University City project contact as soon as it is available.
4. Ladue Action and Responsibility. Pursuant to the program agreement for the Price Road Improvements executed between the City of Ladue and

the Missouri Highways & Transportation Commission, the City of Ladue is the project sponsor for the project. Ladue will be responsible for the completion of the design documents including plans, specifications, and cost estimates (PS&E). Ladue will provide University City with a set of PS&E documents, including a separate updated cost estimate for the work within University City. Ladue will be responsible for bidding and contracting for the construction phase. Ladue will invite the University City project designee to the preconstruction meeting. Ladue will perform the construction oversight for the project, including the review of all applications for payment. Ladue will provide University City with project updates. Ladue will be responsible for all payments to the contractor and the construction administrator. Ladue's Public Works Director, who will serve as the primary contact for the project and this agreement, will prepare reimbursement requests to both MoDOT for the 80% reimbursement for all construction costs and to University City for the 20% of the portion of the work within University City.

5. University City Action and Responsibility. University City will be responsible for reimbursing Ladue for 20% of the cost for the work within University City. The work is preliminarily estimated at \$37,000 with University City's portion being \$7,400.00, but these costs are subject to change. University City shall reimburse Ladue within thirty (30) days of being invoiced. University City shall designate a project contact whom will handle the reimbursement requests and be the construction phase University City representative.
6. Duration. This Agreement shall continue in effect from the date of execution until the project completion of the Price Road Sidewalk and Resurfacing Improvements and all applicable reimbursements have been received.

- 7. Enforcement. Each City shall have the right to enforce this Agreement against the other City. If in conjunction with enforcing this Agreement legal action is necessary, the defaulting City shall pay reasonable attorney's fees as adjudicated by the Court.
- 8. Authorization. Prior to execution of this Agreement, each participating municipality shall deliver to the other a certified copy of a suitable ordinance or resolution authorizing and directing the execution of this Agreement.
- 9. Effective Date. This Agreement shall become effective when signed by all of the respective representatives of the Cities of Ladue and University City.

IN WITNESS WHEREOF, the undersigned have set their signatures on the respective dates set forth below. This document may be signed in duplicate originals.

ATTEST:

CITY OF LADUE, MISSOURI

By: Michael W. Woodbridge
 Printed Name: MICHAEL W. WOODBRIDGE
 Title: City Clerk
 Date: 1/21/15

By: Nancy Spewak
 Printed Name: NANCY SPEWAK
 Title: Mayor
 Date: 1/21/15

ATTEST:

CITY OF UNIVERSITY CITY, MISSOURI

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

APPROVED AS TO LEGAL FORM:

By: John W. Kapp

Printed Name: JOHN W. KAPP

Title: CITY ATTORNEY

Date: 1/21/15



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: St. Louis County Municipal Park Construction Grant – Consulting Services Agreement – Millar Park

AGENDA SECTION: City Manager’s Report

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND:

In May 2012, with the approval of City Council, the City received a Municipal Park Grant to hire a consultant to update the Lewis Park Master Plan. After surveying residents and users of the parks, meeting with the Park Commission and two (2) Public Meetings, a revised Master Plan for Lewis Park was presented to the Park Commission for approval.

In September 2012 City Council approved the new Master Plan for Millar Park. Since that time, The City has received two (2) grants from various agencies to complete phases of the Millar Park Master Plan. The first phase (pavilion and restroom replacement) was completed in late 2014, and the second phase (improving the trail) is currently in design.

In late October 2014, with approval from the City Park Commission and City Council, City staff submitted an application for a St. Louis County Municipal Park Construction Grant in order to complete Phase III of construction in Millar Park. In January 2015, City staff received notification that the St. Louis County Municipal Park Construction Grant was awarded for Millar Park.

As part of the grant application process, staff contacted Planning Design Studio, LLC, a consultant pre-qualified by St. Louis County Municipal Parks Commission and the consultant that completed the Millar Park Master Plan, requesting submittal of a draft agreement to complete all design and inspection services for the Millar Park Phase III Improvements Project. This agreement with Planning Design Studio, LLC provides a maximum compensation of \$80,710.00. The St. Louis County Municipal Park Grant Commission will reimburse up to \$68,300 of the contract amount for design and inspection services, with the City being responsible for the remaining balance of \$12,410.

RECOMMENDATION:

Approval to grant authority to City Manager to sign and enter into this contract with the Consultant (Planning Design Studio, LLC).

ATTACHMENTS:

Draft Agreement with Planning Design Studio, LLC

Project: Millar Park Playground Area & Sportsfield Improvements

Client or City: City of University City (also referred to as the City or Client)
Department of Public Works
6801 Delmar Boulevard
University City, Missouri 63130

City's Contact: Megan Fuhler, Senior Project Manager
Phone: 314. 505.8565
Email: mfuhler@ucitymo.org

Consultant: Planning Design Studio LLC (also referred to as PDS)
727 North First Street – Suite 360
St. Louis, Missouri 63102

PDS Contact: Noel T. Fehr, Principal
Telephone: (314) 241 3600 (Ext 12)

1.0 PROJECT LOCATION & OVERVIEW:

The Project is located within Millar Park, on the east side of North South Road (between Canton Avenue and Carleton Avenue) in University City, Missouri. The objective of this Design Services Agreement is the provision of professional services by Planning Design Studio LLC and their sub-consultants to the City of University City. These services shall include:

- Additional topographic site surveys of the project area as required.
- Final Design & Construction Documents for construction of a new Playground Area, improvements to the sportsfield areas and improvements to the North-South Road Parking.
- Assist the City during the Bidding & Construction Period.

The Project improvements are being funded through a Municipal Park Grant received by the City from the Municipal Park Grant Commission of St. Louis County. The Project improvements will generally follow the layout and descriptions included in the Millar Park Master Plan (dated October 2012) and the Grant Application, with a construction budget of approximately \$540,000 for the Playground, Sportsfields and North-South Parking Improvements. The improvements will include the following items:

Playground Area Improvements

- Playground Equipment (to include 2-5 year old area and 5-12 years old area)
- Playground Surfacing (ADA Accessible)
- Sidewalk and Seating Area (adjacent to playground)
- Drinking Fountain
- Site Furnishings (including benches, tables, trash receptacles, bike rack)
- Pedestrian Lighting
- Related Site Improvements including retaining wall
- Required Erosion Control & Water Quality BMP's
- Landscape Plantings

Sportfields Improvements

- Site Preparation of Existing Fields for Overseeding (including aeration)
- Spot Grading Fields (to Eliminate Water Ponding), Seeding & Mulching
- Sportfield Turf Irrigation
- Site Furnishings (including benches, tables, trash receptacles)
- Concrete Pavement (for Benches & Bleachers)
- Required Erosion Control & Water Quality BMP's

North-South Road Parking Improvements – These improvements to the parking will be further refined based on available funds and regulatory requirements of St. Louis County Highways and Traffic and could include:

- Removal of pavements and construction of curbing at the corners.
- Concrete curbing, sidewalk or wheel stops to define parking
- Asphalt overlay
- Stripping and ADA signing

2.0 SCOPE OF SERVICES: The Scope of Services includes the following items.

BASE MAP PREPARATION & DESIGN PROGRAM

1. Surveys: Spot topographic site survey will be completed as required.
2. Prepare base drawing sheet (22" x 34" full size – 11" x 17" half size).
3. Coordination & Facility Improvement Program Refinement/Confirmation
 - a. Conduct a kick-off meeting with City representatives to review schedule, establish milestones and confirm program elements. City staff will assist with coordinating with other special interest groups, as appropriate.
 - b. Coordinate proposed improvements with other site development as shown in the Master Plan.
4. Prepare a Design Program Memorandum summarizing the design approach to accommodate the proposed trail improvements.

DESIGN DEVELOPMENT & PRELIMINARY DESIGN

5. Based on the facility improvement program and construction budget requirements, prepare and submit design development documents, including:
 - a. Demolition Plan
 - b. Playground Area Site Plan
 - c. Playground & Site Construction Details
 - d. Lighting/Electric Plan
 - e. Lighting/Electric Details & Material Schedule
 - f. Landscape Plan, Details & Schedule
 - g. East Field Site Layout & Grading Plan
 - h. West Field Site Layout & Grading Plan
 - i. East Field Irrigation Plan
 - j. West Field Irrigation Plan
 - k. Irrigation Details
 - l. Parking Lot Enlargement Plan & Details
 - m. Specification Outline and Cut Sheets (of manufactured products)
 - n. Preliminary Design level cost estimate
6. Coordination with Utility companies and submit plans for review as required.
7. Conduct a coordination meeting with City staff to review the Preliminary Design documents and confirm

FINAL DESIGN & CONSTRUCTION/BID DOCUMENTS

8. Based on the comments and input received on the Preliminary Design documents and any further adjustments in the scope or budget of the project directed by the City, PDS shall prepare pre-final construction documents consisting of drawings and technical specifications setting forth in detail the requirements for the construction of the Improvements for the project. The construction drawings are anticipated to be:
 - a. Cover Sheet
 - b. Notes, Abbreviations & Survey Reference Data

- c. Demolition Plan
 - d. Playground Area Site Plan
 - e. Playground & Site Construction Details
 - f. Lighting/Electric Plan
 - g. Lighting/Electric Details & Material Schedule
 - h. Landscape Plan, Details & Schedule
 - i. East Field Site Layout & Grading Plan
 - j. West Field Site Layout & Grading Plan
 - k. East Field Irrigation Plan
 - l. West Field Irrigation Plan
 - m. Irrigation Details
 - n. Parking Lot Enlargement Plan & Details
9. Prepare Job Special Provisions and technical specifications.
 10. Revise the construction cost estimates to a final design level.
 11. Coordinate with City staff to adjust/refine the City's standard front end contract documents requirements. .
 12. Prepare and submit documents for agency review (including University City Building Department and MSD).
 13. Submit pre-final construction drawings, specifications, and cost estimates for final review to the City.
 14. Conduct a meeting with City Staff to review pre-final documents. Coordinate with bid dates with City Staff.
 15. Based on input received from the above reviews, PDS will revise, finalize and submit final plans and specifications to the City for bidding. (final submittal to City will include one full size (22"x34"), two half-size (11"x17") and digital files (PDF's and AutoCAD files)

BIDDING

16. Assist the City during the bidding period with the following task.
 - a. Provide digital files in PDF format on a CD with the Bid Documents to the City, who will forward these files to Drexel Technologies who will distribute the Bid Documents to prospective bidders/contractors.
 - b. Participate in a pre-bid conference.
 - c. Answer questions and issue addendum (if required) during the bid period.
 - d. Assist as requested in the evaluation of bids.

CONSTRUCTION PERIOD SERVICES

17. Provide Construction Period Services to assist the City in the oversight of construction on the project during the construction period, anticipated to be about 6-months. The services include
 - a. Pre-Construction Meeting with Contractor and City staff
 - b. Responding to Request for Information (RFI's)
 - c. Support the City staff with construction oversight
 - d. Review contractor submittals and shop drawings.
 - e. Issue Change Orders during construction
 - f. Assist the City in completing a final inspection and preparation of a Punch List.

3.0 CITY RESPONSIBILITIES. The CITY shall work with PDS to provide input and direction as requested, and provide the following required for successful completion of the project:

- A contact person to issue instructions and authorizations to PDS.
- Provide necessary information/data for PDS to carry out the Scope of Services tasks.

- Assistance in coordinating with St. Louis County Highways and Traffic regarding the parking improvements along North-South Road.
- Payment of all required Agency review and permit fees.

4.0 SCHEDULE: PDS will coordinate with the City to identify mutually agreeable submittal dates, but generally the project will be completed in the following schedule framework (excluding review time).

- i) Task 1 thru 4 - Base Map Preparation & Design Program2 weeks
- ii) Task 5 thru 7 - Design Development & Preliminary Design8 weeks
- iii) Task 8 thru 15 – Final Design & Construction Documents6 weeks
- TOTAL DESIGN SCHEDULE.....16 weeks

- iv) Task 16 - Bidding Period ServicesApprox. 4 weeks
- v) Task 17 - Construction Period ServicesApprox. 24 weeks

5.0 COMPENSATION: The City will compensate PDS for the Scope of Services described above on a Lump Sum Fee basis in the amount of as follows:

a) Task 1 - 15 Design Services.....	\$ 48,410.00
b) Task 16 - 17 Bidding & Construction Period Services	<u>\$ 32,300.00</u>
TOTAL.....	\$ 80,710.00

The Lump Sum Fee amounts include all costs including direct expenses required to complete the scope of work. Payment shall be made monthly upon submission of an invoice based on the percentage of the work completed in the preceding month. All invoices shall be due and payable within thirty (30) calendar days.

6.0 TERMS & CONDITIONS: Included as Exhibit B - Standard Terms & Conditions.

7.0 ACCEPTANCE: The following authorized representatives hereby execute this Agreement and accept the terms and conditions herein.

Planning Design Studio LLC

City of University City, Missouri



Signature

Signature

Noel T. Fehr
Typed Name

Typed or Printed Name

Principal
Title

Title

October 9, 2014
Date

Date

1. INTERPRETATION

This AGREEMENT, consisting of these standard terms and conditions and the terms/instructions typed on the face of this AGREEMENT together with the Exhibits attached hereto, and all documents, drawings, specifications and instructions specifically referred to herein and made a part hereof shall constitute the entire AGREEMENT between the parties, and no other proposals, conversations, bids, memoranda, or other matter shall vary, alter or interpret the terms hereof.

Failure of either party to exercise any option, right or privilege under this AGREEMENT or to demand compliance as to any obligation or covenant of the other party shall not constitute a waiver of any such right, privilege or option, or the performance thereof, unless waiver is expressly required in such event or is evidenced by a properly executed instrument.

2. SEVERABILITY

It is understood and agreed by the parties hereto that if any part, term, or provision with this AGREEMENT is held illegal or in conflict with any law having jurisdiction over any of the parties hereto, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the AGREEMENT did not contain the particular part, term, or provisions held to be invalid, unless the effect thereof would materially change the economic burden of or benefit to either party.

3. GOVERNING LAW

This AGREEMENT and the Attachments hereto shall be governed by and construed in accordance with the laws governing the location where the work is performed.

4. INDEPENDENT CONTRACTOR

In the performance of the services under this AGREEMENT, PLANNING DESIGN STUDIO (PDS) shall be an independent contractor, maintaining complete control of PDS's personnel and operations. As such, PDS shall pay all salaries, wages, expenses, social security taxes, unemployment taxes and any similar taxes relating to the performance of this AGREEMENT. PDS, its employees and agents shall in no way be regarded nor shall they act as agents or employees of the CLIENT.

5. CHANGES

The CLIENT, through its authorized representative, without invalidating this AGREEMENT, may order changes within the general scope of the services required by this AGREEMENT by altering, adding to and/or deducting from the services to be performed. If any changes under this clause cause an increase or decrease in PDS's cost of, or the time required for, the performance of any part of the work under this AGREEMENT, an equitable adjustment shall be made by mutual AGREEMENT and the AGREEMENT modified in writing accordingly. All such changes in the Services shall be in writing and shall be performed subject to the provisions of this AGREEMENT.

6. STOP WORK ORDER

CLIENT may at any time, by written notice to PDS, require PDS to stop all or any part of the work called for by this order for a period of up to ninety (90) days after the notice is delivered to PDS ("Stop Work Order"). Upon receipt of the Stop Work Order, PDS shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90) days after a Stop Work Order is delivered to PDS, or within any extension of that period to which the parties have agreed, CLIENT shall either cancel the Stop Work Order, or terminate the work covered by this order as provided in the "Termination" paragraphs of this AGREEMENT. PDS shall resume work upon cancellation or expiration

of any Stop Work Order. An equitable adjustment shall be made in the delivery schedule or prices hereunder, or both, and this AGREEMENT shall be modified in writing accordingly. If the Stop Work order results in an increase in the time required for the performance of this order or in PDS's costs properly allocable thereto, PDS may stop work, at its sole option, if CLIENT fails to make payment of PDS invoices within 30 days of receipt as required by Article 17 below.

7. TERMINATION.

A. The CLIENT may terminate this AGREEMENT in the whole or in part at any time by written notice to PDS. Such termination shall be effective in the manner specified in the said notice, shall be without prejudice to any claims which the CLIENT may have against PDS and shall be subject to the other provisions of this AGREEMENT. On receipt of such notice PDS shall, except as and to the extent directed, immediately discontinue the services and the placing of subcontractor orders for materials, facilities and supplies in connection with the performance of the services, and shall, if requested, make every reasonable effort to procure termination of existing subcontracts upon terms satisfactory to the CLIENT. Thereafter, PDS shall do only such work as may be necessary to preserve and protect the services already in progress and to dispose of any property as requested by the CLIENT.

B. A complete settlement of all claims of PDS upon termination of the AGREEMENT, as provided in the preceding paragraph, shall be made as follows: (A) the CLIENT shall assume and become liable for all obligations and commitments that PDS may have in good faith undertaken or incurred in connection with the services which have not been included in prior payments; (B) the CLIENT shall compensate PDS for the reasonable cost of terminating existing subcontracts and preserving, protecting or disposing of the CLIENT's property and performing any other necessary services after the notice of termination has been received; and (C) the CLIENT shall pay PDS for all Services performed, prior to the date of termination, in accordance with this AGREEMENT. Prior to final settlement, PDS shall deliver to the CLIENT all Documents and all other required information and data prepared by PDS under this AGREEMENT and execute and deliver all documents, and take such other steps as are necessary, to vest fully in the CLIENT the rights and benefits of PDS arising from subcontracts issued in connection with this AGREEMENT, unless otherwise requested by the CLIENT in writing.

8. STANDARD OF CARE

PDS and its employees, independent professional associates, subconsultants, and subcontractors will exercise that degree of care and skill ordinarily practiced under similar circumstances by design professionals providing similar services. CLIENT agrees that services provided will be rendered without any warranty, express or implied. PDS shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws rules, ordinances, and such other requirements in effect as of the date of execution of this AGREEMENT.

9. INDEMNITY

PDS shall indemnify and hold the CLIENT harmless from and against claims, liabilities, suits, loss, cost, expense and damages arising from any negligent act or omission of PDS in the performance of work and service pursuant to this AGREEMENT. PDS's liability for all of the aforesaid matters shall not exceed the total compensation received by PDS under this agreement.

10. FORCE MAJEURE

The respective duties and obligations of the parties hereunder (except the CLIENT's obligation to pay PDS such sums as may become due from time to time for services rendered by it) shall be suspended while and so long as performance thereto is prevented or impeded by strikes, disturbances, riots, fire severe weather, government action, war acts, acts of God, acts of the CLIENT, or any other cause similar or dissimilar to the foregoing which are beyond the reasonable control of the part from whom the affected performance was due.

11. ASSIGNMENTS

All obligations and covenants herein contained shall be intended to be binding upon the successors and assigns of PDS and the CLIENT. PDS shall not assign this AGREEMENT without the prior written consent of the CLIENT, which consent shall not be unreasonable withheld.

12. CONSEQUENTIAL DAMAGES

Neither the Client nor PDS shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, or connected in any way to the project or this agreement. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings, or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract and breach of warranty.

13. INSURANCE

PDS shall place and maintain with responsible insurance carriers the following insurance. At CLIENT's request, PDS shall deliver to CLIENT certificates of insurance, which shall provide thirty days' notice to be given to CLIENT in the event of a cancellation.

A. Workers' Compensation and Employer's Liability insurance:

- Workers' Compensation in compliance with the applicable laws.
- Employer's Liability. Limit \$1,000,000

B. Comprehensive General Liability Insurance including Blanket Contractual, Broad Form Property Damage, Complicated Operations and Independent Contractor's Liability all applicable to Personal Injury, Bodily Injury and Property Damage to a combined single limit of \$1,000,000 each occurrence subject to \$2,000,000 annual aggregate for Completed Operations and Personal Injury other than Bodily Injury.

C. Comprehensive Automobile Liability Insurance including owned, hired and non-owned automobiles, Bodily Injury and Property Damage to a combined single limit of \$1,000,000 each occurrence.

D. Architects & Engineers Professional Liability Insurance affording, professional liability, if any, to a combined single limit of \$1,000,000 each occurrence/claim, subject to \$1,000,000 annual aggregate.

14. ACCEPTANCE BY CLIENT

The WORK shall be deemed accepted by CLIENT unless, within fifteen (15) days after receipt of PDS's written notification of final completion, CLIENT will have given PDS written notice specifying in detail wherein the WORK is deficient, whereupon PDS will promptly proceed to make necessary corrections and, upon completion, the Work shall be deemed accepted by CLIENT.

15. CLIENT FURNISHED DATA, DRAWINGS AND SPECIFICATIONS

PDS shall have no liability for defects in the work attributable to PDS's reliance upon or use of data, design criteria, drawings, specifications or other information furnished by CLIENT and CLIENT agrees to indemnify and hold PDS harmless from any and all claims and judgments, and all losses, costs and expenses arising there from. PDS shall disclose to CLIENT prior to use thereof, defects or omissions in the data, design criteria, drawings, specifications or other information furnished by CLIENT to PDS that PDS may reasonably discover in its review and inspection thereof.

16. OWNERSHIP & REUSE OF DOCUMENTS

All documents including plans, reports, drawings and specifications prepared by PDS pursuant to this AGREEMENT are instruments of its services in respect of the PROJECT, and become the property of the Client upon meeting the AGREEMENT terms. The documents are not intended or represented to be suitable for reuse by CLIENT or others on extension of the PROJECT or on any other project. Any reuse without specific written

verification or adaptation by PDS will be at CLIENT's sole risk and without liability or legal exposure to PDS, and CLIENT shall indemnify and hold harmless PDS from all claims, damages, losses and expenses including attorney's fees arising out of or resulting there from. Any such verification or adaptation will entitle PDS to further compensation at rates to be agreed upon by CLIENT and PDS.

17. INVOICING & PAYMENTS.

Invoices are due and payable within 30 days after receipt. Interest at the rate of 1½% per month is due on all payments not paid on or before the 45th day after the invoice date. Interest shall be computed from the date of the invoice. In the event legal proceedings are necessary to collect payments not paid when due, CLIENT shall pay, in addition to such payments, PDS's reasonable attorney's fees and legal costs associated therewith. In addition, PDS may, after giving seven days written notice to CLIENT, suspend services under this AGREEMENT until PDS has been paid in full all amounts due for services, expenses and charges. The contract value shall be increased accordingly by the amount of PDS's reasonable costs of shut down, delay and start up, which shall be effected by Change Order in accordance with Article 5, above.

If CLIENT disputes any portions of a request for payment, CLIENT shall pay the undisputed portion of such request as provided herein and shall promptly notify PDS of the amount in dispute and the reason therefore. Any portion of the disputed amount, which is ultimately agreed upon by CLIENT and PDS, to be owed to PDS, shall accrue interest at the rate and commencing upon the date stipulated in this Article.

Unless otherwise specified on the face page of this AGREEMENT, invoices will not require support documentation.

18. EQUAL EMPLOYMENT OPPORTUNITY

The Non-Discrimination clause contained in Section 202, Executive Order 11246, as amended, relating to Equal Employment Opportunity for all persons without regard to race, color, religion, sex, or national origin and the implementing rules and regulations prescribed by the Secretary of Labor (41 CFR, Chapter 60, 41 CFR 60-250 and 41 CFR 60-741 are incorporated herein.

19. ORDER OF PRECEDENCE

Any inconsistency or conflict between the standard terms and conditions set forth therein and those typed on the face of this AGREEMENT or any attachment thereof shall be resolved by giving precedence in the following order: First, typed instructions and/or conditions on the face of this AGREEMENT; Second, the Standard Terms and Conditions; and Third, the attachment(s) (if any) attached hereto.

20. DISPUTE RESOLUTION

Prior to the initiation of any legal proceedings, the CLIENT and PDS agree to submit all claims and disputes arising out of this AGREEMENT to non-binding mediation. Mediation shall be conducted under the auspices of mediation upon which the parties agree. The party seeking to initiate mediation shall do so by submitting a formal written request to the other party to this AGREEMENT. This provision shall survive completion or termination of this AGREEMENT; however, neither party shall seek mediation of any claim or dispute arising out of this AGREEMENT beyond the period of time that would bar the initiation of legal proceedings to litigate such claim or dispute under the applicable law.

21. HAZARDOUS MATERIAL

The scope of PDS's services for this agreement does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead, or other hazardous materials, as defined by Federal, State, and local laws or regulations.



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: Annual Sanitary Sewer Lateral Repairs, Change Order No. 2

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED?: Yes.

BACKGROUND: On July 2, 2014, the City opened bids for the Annual Sanitary Sewer Lateral Repairs Project. City staff recommended award to Labibco/ Labib S. Wajih, LLC, in the amount of \$197,575.00. Due to the low bid price of this contract, City staff recommended a change order to Labibco/ Labib S. Wajih, LLC in the amount of \$60,235.00 for additional sanitary sewer lateral repairs making the total price for work \$257,810.00. The budget for this type of work is \$550,000. With the increasing amount of lateral repairs we are requesting approval of a second change order in the amount of \$101,165.00 to continue with repairs without delay. In fiscal year 2014, 167 repairs were completed. To date, we have completed 140 sewer lateral repairs, and anticipate an additional 40 repairs to be completed under this contract.

Since this project began, working with one contractor on all of the repairs has helped streamline the repair process, and has reduced the time between application submittal and completion of the repair.

RECOMMENDATION: It is recommended that the City Council approve a change order for the Sanitary Sewer Lateral Repairs Project to Labibco/ Labib S. Wajih, LLC. in the amount of \$101,165.00

University City Sanitary Sewer Lateral Repairs Project CHANGE ORDER NO 2

SHEET NO _1_ OF _1_

CHANGE ORDER NO. 2

COUNTY St. Louis

TO: Labib co/ Labib S. Wajih, LLC CONTRACTOR

PROJECT #1195

YOU ARE HEREBY DIRECTED TO MAKE THE FOLLOWING CHANGES FROM THE CONTRACT

1. DESCRIPTION AND REASON FOR CHANGE (ATTACH SUPPLEMENTAL SHEETS IF REQUIRED)

Additional quantities/repairs for annual sewer lateral repairs contract

2. ESTIMATE OF COST OF WORK AFFECTED BY THIS CHANGE ORDER

(A) EST. LINE NO	(B) CONTRACT ITEM NO	(C) ITEM DESCRIPTION	Unit	(D) UNITS PREVIOUSLY PROVIDED FOR	(E) UNITS TO BE CONSTRUCTED	(F) UNITS OVERRUN, UNDERRUN, CONTINGENCY	(G) CONTRACT OR AGREED UNIT PRICE	(H) AMOUNT OF OVERRUN OR PLUS CONTINGENCY	(I) AMOUNT OF UNDERRUN OR MINUS CONTINGENCY
	1	Mobilization	SF	65.00	105.00	40.00	\$550.00	\$22,000.00	
	2	Pipe Installation							
		Less than or equal to 6'	LF	365.00	515.00	150.00	\$75.00	\$11,250.00	
		> 6 feet but ≤ 8 feet	LF	200.00	300.00	100.00	\$75.00	\$7,500.00	
		> 8 feet but ≤ 10 feet	LF	270.00	368.00	98.00	\$75.00	\$7,350.00	
		> 10 feet but ≤ 12 feet	LF	760.00	900.00	140.00	\$75.00	\$10,500.00	
		> 12 feet but ≤ 14 feet	LF	160.00	190.00	30.00	\$75.00	\$2,250.00	
		> 14 feet but ≤ 16 feet	LF	200.00	250.00	50.00	\$75.00	\$3,750.00	
		Greater than 16 feet	LF	220.00	360.00	140.00	\$150.00	\$21,000.00	
	3	New Clean Out	Each	60.00	90.00	30.00	\$100.00	\$3,000.00	
	4	Wye Connection to MSD main	Each	17.00	20.00	3.00	\$75.00	\$225.00	
	5	Concrete Driveway Removal and Replacement 6" thick	SF	900.00	1,200.00	300.00	\$12.00	\$3,600.00	
	6	Bituminous Pavement Removal and Replacement (4" thick)	SF	2,000.00	2,500.00	500.00	\$5.00	\$2,500.00	
	7	Sidewalk Removal and Replacement 4" thick	SF	700.00	900.00	200.00	\$10.00	\$2,000.00	
	8	Repair under Decks (includes disassemble and reassemble)	Each	0.00	1.00	1.00	\$1,000.00	\$1,000.00	
	9	Repair under Fence (includes disassemble and reassemble)	Each	3.00	5.00	2.00	\$120.00	\$240.00	
	10	Repair Under Porches includes replacement of porch	Each	7.00	10.00	3.00	\$1,000.00	\$3,000.00	
TOTALS:								\$101,165.00	\$0.00

3. SETTLEMENT FOR COST OF THE ABOVE CHANGE TO BE MADE AT CONTRACT UNIT PRICES, EXCEPT AS NOTED:

4. THIS CHANGE ORDER WILL INCREASE CONTRACT TIME BY 60 WORKING DAYS

1. ORIGINAL CONTRACT AMOUNT	\$197,575.00	THE TERMS OF SETTLEMENT OUTLINED ABOVE ARE HEREBY AGREED TO Labib co/ Labib S. Wajih, LLC CONTRACTOR SIGNATURE _____ DATE _____
2. OVERRUN THIS ORDER (H-I)	\$101,165.00	
3. OVERRUN PREVIOUS (LINE 4 ON PREV. ORDERS)	\$60,235.00	
4. TOTAL OVERRUN TO DATE (2+3)	\$161,400.00	
5. TOTAL CONTRACT AMOUNT (1+4)	\$358,975.00	

APPROVED: Lehman Walker City Manager	DATE _____



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: AN ORDINANCE CREATING A NEW SECTION 605.290 OF CHAPTER 605 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI ENACTING AND ADOPTING "OUTDOOR DINING REGULATIONS".

AGENDA SECTION: Unfinished Business

COUNCIL ACTION: Passage of Ordinance required for Approval

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW: The City's Zoning Code was revised on November 24, 2014 to establish outdoor dining as an allowed use in all commercial zoning districts and require that an outdoor dining permit be obtained. The outdoor dining permit is not being regulated through the Zoning Code, which applies to land use, but rather through Chapter 605 of the Municipal Code pertaining to Business Regulations. The attached ordinance revision sets forth the requirements for an outdoor dining permit, which will have standards to provide for adequate pedestrian clearance and define an outdoor dining season. The outdoor dining permit will require annual renewal, and allow for better administration and enforcement of outdoor dining.

The ordinance revision has been reviewed by the City Attorney. The first reading should take place on February 9, 2015. The second and third readings and passage of the ordinance could occur at the subsequent February 23, 2015 meeting.

An outreach and education effort regarding the new permit will occur after adoption.

Attachments:

1: Draft Ordinance

RECOMMENDATION: Approval

INTRODUCED BY: Mr. Glickert

DATE: February 9, 2015

BILL NO. 9252

ORDINANCE NO. _____

AN ORDINANCE CREATING A NEW SECTION 605.290 OF CHAPTER 605 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI ENACTING AND ADOPTING “OUTDOOR DINING REGULATIONS”.

WHEREAS, the City wishes to enact an ordinance requiring business that provide outdoor dining obtain an outdoor dining permit.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. A new Section 605.290 of Chapter 605 of the University City Municipal Code, “Outdoor Dining Regulations”, is hereby enacted, which shall read as follows:

Section 605.290 – Outdoor Dining Regulations

A. Permit Required

Any food and beverage establishment that intends to provide outdoor dining on public or private property shall be required to obtain an annual Outdoor Dining Permit.

B. Application and Permit Fee

Every business providing an outdoor dining area for patrons on public or private property must obtain a valid outdoor dining permit. Said permit shall be renewed on an annual basis. Businesses must obtain an outdoor dining permit by the beginning of the outdoor dining season, or prior to providing outdoor dining. If a business applies for an outdoor dining permit during the middle of the outdoor dining season, the permit fee will be pro-rated. An annual fee of one-hundred (100) dollars is due with the permit application. Department of Community Development staff will inspect all outdoor dining area to ensure businesses have obtained a valid outdoor dining permit.

C. Outdoor Dining Season

Outdoor dining is allowed between March 1 and December 31 of each year, or any day that the temperature is at least fifty (50) degrees Fahrenheit. During the off-season, all outdoor dining furniture and barriers shall be stored indoors.

D. Outdoor Dining Hours and Location

Outdoor dining is allowed during any hours that the business is open and operating within the outdoor dining season. Outdoor dining can only be located directly adjacent to the business storefront for which the outdoor dining permit has been issued and may not encroach or spill over in front of neighboring businesses or properties. Outdoor dining shall only be located between the front building wall of the establishment and the curb. The following guidelines must be adhered to in order to obtain an Outdoor Dining Permit:

1. All outdoor dining furniture must be located so that a minimum four (4) foot wide clear zone for pedestrians is maintained at all times, in compliance with the Americans with Disabilities Act (ADA) requirements;
2. Within the pedestrian clear zone there shall not be any obstructions including, but not limited to trees, bike racks, newspaper stands, parking meters, trash receptacles, and light poles;
3. No outdoor dining furniture shall obstruct the pedestrian clear zone at any time;
4. No element of outdoor furniture may block any ingress/egress to the business establishment or any fire department connections;
5. Outdoor dining furniture shall be located at least five (5) feet from any curb ramps at intersections;
6. Temporary barriers or planters are allowed so long as they do not interfere with the pedestrian clear zone

E. Outdoor Dining Standards

1. Furniture

The City does not regulate the material for tables and chairs. However, furniture should be made of a durable material and maintained in appearance and kept clean. Tables and chairs are allowed to be secured outside overnight during outdoor dining season, but must be removed and stored indoors during the off-season.

2. Umbrellas

Umbrellas must be located completely out of the pedestrian clear zone, unless they are at least six and one-half (6.5) feet above the sidewalk when opened.

3. Fencing, Barriers, and Planters

Outdoor dining may be separated from the right-of-way by the use of a temporary railing, fence, or planters. Such barriers must be durable and removable when not in use. Planters must be maintained with live plants. All barriers must adhere to the following guidelines:

- a. No portion of a barrier shall be located in the four (4) foot wide pedestrian clear zone
- b. Any fencing must be at least thirty (30) inches in height but no taller than forty-two (42) inches

- c. Barriers shall not be anchored to the public sidewalk at any time
- d. Barriers located on public property must be removed during the off-season.

4. Trash

Businesses are required to maintain the outdoor dining area and adjacent public places free from all refuse of any kind. Trash shall not overflow onto the ground and the sidewalk shall be kept clean from food and beverage materials. Any food, beverage, or other items spilled must be cleaned and removed for the safety of pedestrians.

F. Outdoor Dining Permit Revocation

Department of Community Development staff will conduct inspections to ensure compliance with these regulations and require corrections to any violations in a timely manner. Any business that does not adhere to the outdoor dining regulations shall be subject to permit revocation at any time during the outdoor dining season, or subject to non-renewal of the outdoor dining permit.

G. Citations

Any business that provides an outdoor dining area without obtaining an outdoor dining permit shall be subject to citation under Article 9, Division 5 of the University City Zoning Code.

* * *

Section 2. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

Section 3. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED THIS _____ day of _____ 2015

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: Resolution Approving Additional Contribution \$1,250,000 to Non-Uniformed Employees' Retirement System and \$659,437 to Police & Firefighters' Retirement System

AGENDA SECTION: New Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

Non-Uniformed Employees' Retirement System

Currently the City makes annual contribution to the Non-Uniformed Employees' Retirement System based on the actuarial recommended amount plus 6% interest based on when the contribution was made. This contribution comes out of General Fund. Each fiscal year, all departments have this line item budgeted in Personnel Service category. As of January 1, 2014 actuarial valuation, the funding status of this was at 79.0%. Any Missouri public pension system that has a funding status below 80% is restricted from making changes to the plan. The Pension Board believes that one time additional contribution will close part of the funding gap.

Police & Firefighters' Retirement System

Police & Firefighters' Retirement System is funding by property tax. Each year the City transfers whole amount of property taxes collected as the City's contribution. In the previous years the tax amounts exceeded the actuarial recommended amounts. Within the past two years, the contributions were below the recommended amounts. In order to make up for the shortfall of dedicated tax, the Pension Board recommended the City Council make an immediate contribution to the plan.

RECOMMENDATION: The Pension Boards recommend City Council make additional contribution \$1,250,000 to Non-Uniformed plan and \$659,437 to Police & Firefighters' plan.

If this is approved, the total of \$1,909,437 will be taken from General Fund's fund reserve, and will result in deficit balance of \$1,849,437 for FY 2015. FY 2015 Adopted budget has a surplus of \$60,000. The expenditures will be allocated to all departments for Non-Uniformed plan and to Police & Fire Departments for Police & Fire plan.

RESOLUTION 2015 - 5

REQUEST OF ADDITIONAL PENSION CONTRIBUTION

AT A MEETING OF THE TRUSTEES OF THE NON-UNIFORMED EMPLOYEES RETIREMENT SYSTEM OF THE CITY OF UNIVERSITY CITY, MISSOURI, HELD AT 7:30 P.M. ON OCTOBER 28, 2014,

WHEREAS, the Trustees of the Non-Uniformed Employees' Retirement System of the City of University City, Missouri, do hereby find as follows:

WHEREAS, the current funding status of the Non-Uniformed Employees Retirement fund is currently funded to a level of 79.0%, as of the January 1, 2014 actuarial valuation;

WHEREAS, a funding status below 80% for any Missouri public pension system is restricted by the State of Missouri from making changes to the plan until the funding status is rectified. Additionally, public awareness of underfunded pensions cast a negative connotation to the general public and creditors on the City of University City, Missouri, that is not truly representative of the City's fiscal solvency;

WHEREAS, despite positive stock market returns since 2009, the fund has not been able to significantly improve its funding status as had been projected. Furthermore, the Trustees find that the contribution required of the City of University City continues to grow in light of lower covered payroll over the same period;

WHEREAS, the Trustees believe that a one-time additional contribution to the Non-Uniformed Employees Retirement System of the City of University City, Missouri, will close part of the funding gap in the short term and also create a higher level of average invested assets from which to derive investment returns; and

WHEREAS, the Trustees believe that higher returns now will lower the long term contributions necessary from the City of University and enable a more stable financial outlook for the City of University and the Non-Uniformed Pension Fund.

NOW, THEREFORE, BE IT HEREBY REQUESTED by the Trustees of the Non-Uniformed Employees Retirement System of the City of University City, Missouri, that the City Council Members of the City of University City, Missouri approve an immediate one-time University City, Missouri in the amount of \$1,250,000 to improve the funding level and long term solvency of the Pension Fund.

PASSED and ADOPTED this _____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

RESOLUTION – 2015 - 6

REQUEST OF ADDITIONAL PENSION CONTRIBUTION

AT A MEETING OF THE TRUSTEES OF POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM OF THE CITY OF UNIVERSITY CITY, MISSOURI, HELD AT 8:00 P.M. ON OCTOBER 28, 2014,

WHEREAS, the Trustees of the Police and Firefighters' Retirement System of the City of University City, Missouri, do hereby find as follows:

WHEREAS, the current funding status of the Police & Firefighters' Retirement fund is currently funded at 80.9%.

WHEREAS, the current funding source of the Police and Firefighters' Retirement fund, property taxes have revenue shortfalls in the past two years.

WHEREAS, the contributions made by the City in the past two years were below the actuary's recommended amounts.

NOW, THEREFORE, BE IT HEREBY REQUESTED by the Trustees of the Police and Firefighters' Retirement System of the City of University City, Missouri, that the City Council Members of the City of University City, Missouri approve an immediate one-time University City, Missouri in the amount of \$659,437 to make up for two years' worth of contribution below the actuary's recommendations due to a shortage of dedicated tax.

PASSED and ADOPTED this _____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: 6900 Kingsbury Improvement Project – Assessment of Final Construction Costs

AGENDA SECTION: New Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

On April 16, 2014, a petition for the creation of a neighborhood improvement district within the University Heights Subdivision No. 2 was filed with the City Clerk for the creation of 6900 Kingsbury Improvement Project NID.

On April 28, 2014, two (2) resolutions were passed establishing the Neighborhood Improvement District and ordering that assessments to be made against each property deemed to be benefited by the improvements based on the estimated costs or final costs.

On May 27, 2014, the City Council held a public hearing at which time written and oral objections were considered.

At this time, construction of the improvements has been completed in accordance with the plans and specifications. The final cost of the improvements is \$55,035.90. Such cost is to be assessed against each parcel or property deemed to be benefited by the improvements.

RECOMMENDATION:

Staff recommends approval authorizing the assessment of the final construction costs of the improvements against the properties deemed to be benefited by the improvements.

ATTACHMENTS:

- Resolution authorizing the assessment of the construction costs of the improvements.

RESOLUTION 2015 - 4

The matter of establishing a neighborhood improvement district in University Heights Subdivision Number Two was considered.

After a review and general discussion of the matter, Councilmember _____ offered the following resolution and moved its adoption.

BE IT RESOLVED: That the Council of the City of University City, Missouri, finds and declares as follows:

1. On April 28, 2014, a neighborhood improvement district in the University Heights Subdivision Number Two (the “Subdivision”) was lawfully established by Resolution No. 2014-6, at which time the preliminary plans and specifications for the proposed improvement plans were provided to Council.
2. The general nature of the proposed improvement is as follows: the repair and replacement of driveway aprons, sidewalks, and curbs that are significantly damaged, non-functional or exhibit more than minor cracks; milling and repaving of the north side of the 6900 block of Kingsbury according to the City’s Public Works Department’s specifications and design standards for public property of this nature; repair and relocation of the street light in front of 6925 Kingsbury; and engineering and inspection of all work to insure that required standards are met.
3. On May 27, 2014, by Resolution 2014-15, the proposed improvement was ordered to be made in accordance with the plans and specifications of the improvement project entitled “6900 Kingsbury Improvement Project” attached thereto, with a revised estimated cost of \$51,000.00.
4. Construction of the improvement has been completed in accordance with the plans and specifications therefor. The final cost of the improvement is \$55,035.90, which does not exceed the original estimated cost of \$51,000 by more than 25%. The final cost was computed as follows:

<u>Item</u>	<u>Cost</u>
Sidewalks (Concrete Design)	\$ 25,545.00
Street (Byrne and Jones)	\$ 22,359.75
Streetlight (Superior Restoration Remodeling)	\$ 3,450.00
Construction Engineering (ABNA)	\$ <u>3,681.15</u>
Total	\$ 53,035.90

BE IT FURTHER RESOLVED: That the final cost of the improvement is hereby assessed against each parcel or property deemed to be benefited by the improvement, as provided in the assessment roll, attached hereto as **Exhibit A** and incorporated herein. The property owners may pay the assessments in full on or before April 30, 2015 or may pay the assessments in substantially equal annual installments for duration not to exceed 10 years. The first installment shall be payable after the first collection of general property taxes following the adoption of this Resolution. The assessments shall accrue interest at a rate of 8% per annum from the effective date of this Resolution until paid in full, except that no interest shall accrue if paid in full on or before

BE IT ADDITIONALLY RESOLVED: That the City Clerk shall mail a notice to each property owner listed in **Exhibit A** which shall set forth a description of each parcel of real property to be assessed which is owned by such owner, the special assessment assigned to such property, and a statement that the property owner may pay the assessment in full without interest on or before April 30, 2015 or may pay the assessment with interest in substantially equal annual installments for a duration not to exceed 10 years.

Motion seconded by Councilmember _____ and carried.

Adopted this 23rd day of February, 2015.

I hereby certify that the above is a true excerpt from the minutes of the meeting of the City Council held on the 23rd day of February, 2015.

CITY CLERK, JOYCE PUMM

MAYOR, SHELLEY WELSCH

EXHIBIT

A

Address	Total Cost/House Assessment
6901 Kingsbury	\$6,115
6903 Kingsbury	\$6,115
6905 Kingsbury	\$6,115
6925 Kingsbury	\$6,115
6929 Kingsbury	\$6,115
6933 Kingsbury	\$6,115
6945 Kingsbury	\$6,115
6951 Kingsbury	\$6,115
6959 Kingsbury	\$6,115
Project Total	\$ 55,035.90



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA SECTION: New Business

CAN THIS ITEM BE RESCHEDULED? : Yes

AGENDA ITEM TITLE: Proposed Ordinance Amending Police & Firefighter Benefit Adjustment Section 2.62.440

BACKGROUND REVIEW: Retirees and beneficiaries in Police & Fire Pension Plan have not been receiving any cost of living adjustment (COLA) since 2007.

The actuary, Mr. Stephen Siepman performed a cost study for a flat-dollar COLA for police and fire retirees and beneficiaries. The additional liability to provide a \$20.00, \$30.00 or \$40.00 increase in benefit amount to each retiree and beneficiary is \$185,359, \$278,039 and \$370,719, respectively. The additional annual contribution to these increases is \$19,103, \$28,654 and \$38,205 respectively.

Based on the above study, Police & Fire Pension Board recommended an increase of \$25.00 to each retiree and beneficiary. Finance staff has interpolated the actuary's calculation and resulted in the increases of \$23,879 in contribution and \$231,699 in liability in 2015. Below is the result for the next ten years:

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
<u>Increase \$25.00 per month**</u>										
Employer Contribution	23,879	22,891	21,944	21,037	20,167	19,333	18,533	17,768	17,033	16,328
Accrued Liability	231,699	220,449	209,344	198,409	187,667	177,137	166,833	156,781	147,005	137,524

The Pension Board Attorney, Mr. Thomas Mug reviewed the language existed in the Code Section 2.62.440 – Benefit Adjustment and has added item H described as follow:

H. Provide to all retirees and beneficiaries, other than children, who retired prior to July 1, 2014, who are presently receiving benefits and who terminated employment after eligibility for retirement, a monthly benefit increase of twenty-five dollars (\$25.00) effective January 1, 2015.

RECOMMENDATION: The Pension Board recommends amending the attached ordinance Section 2.62.440.

INTRODUCED BY:

DATE: February 23, 2015

BILL NO.: **9253**

ORDINANCE NO.: _____

AN ORDINANCE AMENDING SECTION 2.62.440 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO THE POLICE AND FIREFIGHTER'S RETIREMENT SYSTEM – BENEFIT ADJUSTMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Section 2.62.440 of the University City Municipal Code, relating to the police and firefighter's retirement system, "Benefit Adjustment" is hereby amended, and a new section to be known as "Section 2.62.440 Police and firefighter's retirement system", as approved by the Pension Board on October 28, 2014 meeting. Attached is Exhibit A, reflect the addition of item H and incorporated herein by reference, is enacted in lieu thereof.

Section 2. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED and ADOPTED this _____ day of _____, 2015.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

**CITY OF UNIVERSITY CITY
POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM**

2.62.440 Benefit Adjustments

- A. There shall be paid to current retirees, except those receiving benefits under Section 2.62.405.C, within the classifications scheduled below, and to current beneficiaries whose spouses retired within these classifications, the additional amounts scheduled; said amounts are in addition to any other benefits they are now entitled to receive:

Classification	Additional Benefit Per Month
Retired prior to Oct. 1, 1982	\$125.00
Retired after Oct. 1, 1982 but prior to Jan. 1, 1987	\$25.00

- B. Provide to all retirees and beneficiaries, other than children, who retired prior to January 1, 1992, who are presently receiving benefits and who terminated employment after eligibility for retirement, a monthly benefit increase of twenty-five dollars (\$25.00) effective December, 1992. The minimum monthly payment for these retirees and beneficiaries is three hundred twenty-five dollars (\$325.00);
- C. Provide to all retirees and beneficiaries, other than children, who retired prior to January 1, 1997, who are presently receiving benefits or will be receiving benefits prior to January 1, 1997, and who terminated employment after eligibility for retirement, a monthly benefit increase of twenty-five dollars (\$25.00) effective January 1, 1997;
- D. Provide to all retirees and beneficiaries, other than children, who retired prior to July 1, 1999, who are presently receiving benefits and who terminated employment after eligibility for retirement, a monthly benefit increase of forty dollars (\$40.00) effective January 1, 2000;
- E. Provide to all retirees and beneficiaries, other than children, who retired prior to July 1, 2000, who are presently receiving benefits and who terminated employment after eligibility for retirement, a monthly benefit increase of twenty-five dollars (\$25.00) effective January 1, 2002.
- F. Provide to all retirees and beneficiaries, other than children, who retired prior to January 1, 2004, who are presently receiving benefits and who terminated employment after eligibility for retirement, a monthly benefit increase of twenty-five dollars (\$25.00) effective July 1, 2004.

- G. Provide to all retirees and beneficiaries, other than children, who retired prior to January 1, 2007, who are presently receiving benefits and who terminated employment after eligibility for retirement, a monthly benefit increase of twenty-one dollars (\$21.00) effective July 1, 2007.

- H. Provide to all retirees and beneficiaries, other than children, who retired prior to July 1, 2014, who are presently receiving benefits and who terminated employment after eligibility for retirement, a monthly benefit increase of twenty-five dollars (\$25.00) effective January 1, 2015.



Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: An ordinance authorizing the City of University City to enter into and execute a contract with St. Louis County, Missouri, for mosquito control services and authorizing and directing the City Manager of the City of University City to enter into on behalf of said City a contract with St. Louis County, Missouri, for mosquito control services.

AGENDA SECTION: New Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW: This contract is for the St. Louis County Department of Health to provide mosquito control services. Services will continue to include the treatment of mosquito breeding sites (larviciding) on public land and easements and adult mosquito control. Breeding sites will be monitored on a regular basis. This contract is for one year with four automatically renewable one year periods (maximum five years).

Attachments:
Contract

RECOMMENDATION: Approval

**LOCAL GOVERNMENT CONTRACT WITH ST. LOUIS
COUNTY, MISSOURI FOR MOSQUITO CONTROL SERVICES**

This contract is made and entered into this _____ day of _____, 2015, by and between the _____, a Municipal Corporation, (hereinafter referred to as "Municipality") and St. Louis County, Missouri, (hereinafter referred to as "County").

Witnesseth:

Whereas, Municipality has enacted its Ordinance No. /Resolution No. _____ authorizing said Municipality to enter into this contract with County for mosquito control services to be performed within said Municipality through County's Department of Health; and

Whereas, County is authorized by Article II, Section 2.180 (20) of County's Charter to cooperate and contract with other political subdivisions for common services; and

Whereas, Section 604.020 SLCRO 1974, as amended, authorizes the County Executive to contract on behalf of the Department of Health with political subdivisions for the public health services; and

Whereas, in conformity with Section 604.040 SLCRO 1974, as amended, the St. Louis County Council has adopted Resolution No. 3670, 1992 that sets forth the terms and conditions upon which mosquito control services are to be provided to Municipality; and

Now therefore, in consideration of the mutual promises and undertakings herein set forth, County and Municipality agree as follows:

- | | | |
|--|--------------------------|--------------------------|
| 1. County shall provide mosquito control services as indicated: | Yes | No |
| a. Mosquito Control Services including adulticiding per County guidelines – to include all necessary materials, equipment, and personnel. | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Other mosquito control services including larviciding Per County guidelines – to include all necessary materials, equipment, and personnel. | <input type="checkbox"/> | <input type="checkbox"/> |
2. Municipality shall:
- a. Pay County for mosquito control services including adulticiding at the hourly rate of seventy-two dollars (\$72.00) and for other mosquito services including larviciding at the hourly rate of forty-five dollars (\$45.00).
 - b. Make all payments by check payable to the order of "St. Louis County Health Department". Billing will occur in November. Payments under above paragraph "a" of this section must be received by County before the 31st day of December, for the initial contract term and before the same day and month in succeeding periods of renewal. Remit payment to St. Louis County Department of Health, 6121 N. Hanley Road, Berkeley, MO 63134.
3. The initial contract term shall be for one year with automatically renewable one year periods, for a maximum of five (5) years, subject to changes in prices and services provided therein by

County, as agreed to by Municipality. This contract term is for a total of _____ years, which includes initial one-year term and annual renewals. Either party may terminate this contract upon thirty days written notice.

St. Louis County, Missouri

By: _____
County Executive

Attest:

Administrative Director

Approved As To Legal Form:

County Counselor

APPROVED:

Director, Department of Health

APPROVED:

Accounting Officer

MUNICIPALITY

CITY OF UNIVERSITY CITY

(name of)

By: _____
(Signature of authorized individual)

LEHMAN WALKER, CITY MANAGER

(Type name/title of authorized individual)

ATTEST:

INTRODUCED BY:

DATE: February 23, 2015

BILL NO.: **9254**

ORDINANCE NO.:

AN ORDINANCE AUTHORIZING THE CITY OF UNIVERSITY CITY TO ENTER INTO AND EXECUTE A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI, FOR MOSQUITO CONTROL SERVICES AND OF UNIVERSITY CITY TO ENTER INTO ON BEHALF OF SAID CITY A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI, FOR MOSQUITO CONTROL SERVICES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. The City Manager of University City is hereby authorized and directed to enter into and execute a contract with St. Louis County, Missouri, whereby said perform mosquito control services within University City

Section 1. The City shall compensate St. Louis County, Missouri, for hand spraying (larviciding) adulticiding, and/or power spraying (fogging), at the hourly rate set forth in the contract as such rate is charged in accordance with the terms and conditions of the contract between the City and St. Louis county, Missouri

Section 3. After execution thereof; this agreement shall be in effect for one (1) year with four (4) automatically renewable one (1) year periods (maximum five years). Either party may terminate the contract by written notice, at least thirty (30) days prior thereto.

PASSED this day of March, 2015.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



City Council Agenda Item Cover

MEETING DATE: February 23, 2015

AGENDA ITEM TITLE: AN ORDINANCE REPEALING SECTION 220.290 OF CHAPTER 220 OF CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 220.290.

AGENDA SECTION: New Business

COUNCIL ACTION: Adoption of Ordinance

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND REVIEW: The Green Practices Commission (GPC) desires to encourage the: "...preservation, restoration, and management of native plant communities and wildlife habitats within the city limits..." and "...seeks to guarantee landowners the freedom to employ varying degrees of natural landscaping as viable and desirable alternatives to other conventional modes of landscaping."

In order to provide clarification regarding the treatment of weeds and grasses, permit the GPC's desire to encourage native plantings, and retain an acceptable height limitation for weeds and turf grasses, an ordinance revision to 220.290 exempting native grasses is necessary. The existing prohibited height of seven (7) inches for weeds or turf grasses is retained to prevent unmanaged or overgrown vegetated areas.

The ordinance revision has been reviewed by the City Attorney. It has also been reviewed by the GPC and was recommended for approval at their February 12, 2015 regular meeting.

The first reading should take place on February 23, 2015. The second and third readings and passage of the ordinance could occur at the subsequent March 9, 2015 meeting.

Attachments:

1: Ordinance

RECOMMENDATION: Approval

INTRODUCED BY:

DATE: February 23, 2015

BILL NO. 9255

ORDINANCE NO:

AN ORDINANCE REPEALING SECTION 220.290 OF CHAPTER 220 OF CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 220.290.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Section 220.290 of Chapter 220 of the City of University City, Missouri Municipal Code, is hereby repealed and a new Section 220.290 is hereby enacted in lieu thereof to read as follows:

Section 220.290 Weeds Prohibited

- A. It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of such owner, lessee or occupant of any lot, ground or premises or any part thereof to allow or maintain a growth of any weeds or turf grasses to a height of seven (7) inches or more upon any lot, land or premises in the City or upon the street or upon the right-of-way adjoining such premises or upon any adjoining sidewalk, excepting unimproved parcels of land upon which a maximum growth of weeds or grasses shall be not more than twelve (12) inches in height. Weeds and turf grasses that exceed the height restrictions contained in this Section shall be declared a public nuisance.

- B. Weeds shall not include cultivated flowers, gardens and plants native to this region used for aesthetic and/or wildlife enhancement, and/or to offset and control any soil loss problems either occurring or predicted. Cultivated flowers, gardens and plants native to this region are exempt from height restrictions in all City parks or private property, provide they do not obstruct sight distance for pedestrian, bicycle or vehicular traffic; encroaches upon neighboring property; or create a clear and present hazard to public health or safety.

* * *

Section 2. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

Section 3. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED THIS _____ day of _____ 2015

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



Commission on Senior Issues

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767

Meeting Minutes – University City Commission on Senior Issues

January 20, 2015

Location: Heman Park Community Center

Attendees Present: Abbie Carter, Margaret Diekemper, Mary Hart, Sue Slater, William Thomas, Arthur Sharpe, Jr. (Council Liaison) and LaRette Reese (staff Liaison)

Excused: Eleanor Mullin, Evelyn Hollowell

Guests: Lori Fiegel, St. Louis County Planning, Rosalind Turner (resident)

Ms. Margie Diekemper called the meeting to order at 6:02p.m.

Roll call was done by Ms. LaRette Reese

Ms. Diekemper acknowledged guests and gave instruction for addressing the Commission.

Approval of Minutes:

Mr. Bill Thomas moved to approve the meeting minutes from the December 15th meeting; it was seconded by Ms. Abbie Carter. The motion passed.

There were no new emails or calls to report.

Council Update: Councilman Sharpe reported that Mr. Walker is working on hiring a webmaster over the next three weeks or so. Mr. Sharpe briefly discussed the possible bond issue for the April 7th ballot. One is for streets and the other is for parks.

Unfinished Business

- Ms. Diekemper provided feedback from the January 8th budget meeting that she attended on the Commission's behalf. She presented the request for the city to hire a part-time person to support the senior population. She stated Mr. Walker was happy to consider this idea. Ms. Diekemper is scheduled to meet with Mr. Walker on January 21st to discuss in more detail. She shared a draft of the ideas she would talk about, the commission members provided feedback and suggestions on the job description.
- Ms. Hart continued brainstorming discussion on what kinds of things we would like to see on the webpage.
- The revised ROARS article was reviewed and members agreed to submit to the City Manager for approval and submission in the next edition.

New Business

- File of Life – Agenda item for February meeting. LaRette will see if the City has any forms or information on hand.
- Senior Friendly Business Imitative – Due to time limitations, this idea was simply introduced and deferred for more discussion at February meeting. Senior-friendly business certifications are becoming more common across the country.
- Ms. Diekemper asked that an agenda item - formulation of Commission by-laws - be also on the February agenda.

Guest Comments:

Lori Fiegel provided a brief update on the St. Louis County Age Friendly Initiative. Reports are now available on the website.

Resident Rosalind Turner was involved and provided input in the discussion on senior resources and webpage content.

Actions / Follow-Up Items:

- LaRette will submit ROARS article to Mr. Walker for approval. Once approved submit to ROARS for inclusion in the next issue.
- LaRette will check to see if the city has any File of Life forms and how it was used in the past.
- LaRette will send example of other commissions' by-laws to the members for review at the February meeting.
- Mary Hart will consolidate the data from the webpage brainstorming exercise and have it ready for review by the February meeting.

Next Meeting: Tuesday, February 17th at 6:00 PM. – Heman Park Community Center

Meeting Adjourned at 7:25p.m.