



MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**January 11, 2016**  
**6:30 p.m.**

**A. MEETING CALLED TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. PROCLAMATIONS**

**E. APPROVAL OF MINUTES**

1. December 14, 2015 Regular Session minutes

**F. APPOINTMENTS**

**G. SWEARING IN**

1. Sandy Jacobson was sworn in to the Historic Preservation Commission 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 to authorize the City Manager to execute an agreement with CBB to provide traffic signal maintenance services.  
*VOTE REQUIRED*
2. Approval to award the bid to Energy Petroleum Company to supply gasoline, diesel and biodiesel fuel for use in City vehicles and equipment.  
*VOTE REQUIRED*
3. Approval to award the City's annual tree trimming contract to Clipper Tree Services in the amount of \$59,475.00  
*VOTE REQUIRED*
4. Approval to award contract to Froesel Tire for heavy truck tire refurbishment and tire services.  
*VOTE REQUIRED*
5. Approval of Police Facility analysis public survey.  
*VOTE REQUIRED*

**L. UNFINISHED BUSINESS**

*BILLS*

1. **BILL 9279** – An ordinance of the City of University City, Missouri; repealing Section 120.480 of Chapter 120 of the City of University City Municipal Code; and enacting in lieu thereof a new Section 120.480.
2. **BILL 9280** – An ordinance of the City of University City, Missouri; repealing Section 120.490 of Chapter 120 of the City of University City Municipal Code; and enacting in lieu thereof a new Section 120.490

**BILL 9281** – An ordinance submitting to the qualified voters of the City of University City, Missouri, at an election to be held on April 5, 2016, a proposed amendment to Charter of the City of University City adding section 97 of Article XI of the Charter requiring the approval of a majority of the qualified voters prior to the sale, lease or disposition of University City Heritage Sites.

**M. NEW BUSINESS**

*RESOLUTIONS*

1. **Resolution 2016 – 1** Fiscal Year 2016 – Budget Amendment #2.
2. **Resolution 2016 – 2** City Council's censure of Councilmember Terry Crow. Requested by Councilmember Jennings and seconded by Councilmember Glickert.

*BILLS*

3. **BILL 9282** – An ordinance approving a final plat for a minor subdivision of a tract of land to be known as 6709-6711 Plymouth Avenue Condominium, a survey and condominium plat of Lots B, C and east five feet of Lot D in Block 9 of Bellemoor Park amended subdivision.

**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

**P. COUNCIL COMMENTS**

**Q. ADJOURNMENT**

MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**December 14, 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, December 14, 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 Council were present:

Councilmember Rod Jennings  
Councilmember Paulette Carr  
Councilmember Stephen Kraft (*Arrived at 6:35 p.m.*)  
Councilmember Terry Crow  
Councilmember Michael Glickert  
Councilmember Arthur Sharpe, Jr.

Also in attendance was City Manager, Lehman Walker.

Mayor Welsch then provided the following reminder to those in the audience. If you would like to speak to the Council on agenda or non-agenda items, you should fill out a speaker request form that can be found to the left of the door into the Chamber. Please indicate on that sheet if you want to speak on an agenda or non-agenda item, and note the agenda item number on the form. Your completed form should be placed in the plastic trays in front of the City Clerk prior to the start of Council's discussion on an agenda item for which you would like to speak.

The Council Reports and Business section is for Council discussion. Citizens asking to speak on any of those issues may do so during the regular Citizen's Comment sections. Comments should be limited to five (5) minutes.

This Council cannot discuss personnel matters, legal or real estate issues in public sessions. Members of this Council and the City Manager will not immediately respond to questions raised at our meetings, however, responses will be provided by an appropriate person as quickly as possible.

If someone chooses to continue speaking beyond the Council-accepted time limit on an individual citizen comment, after being advised of their deadline, they will not be called to the podium at future meetings. Requests for additional time to speak will be considered, but the speaker must make a request to go beyond their limit and be given permission to do so. Residents are free to speak either on an agenda or non-agenda item.

It is Council's intent to conduct these meetings in a manner that is, at all times, respectful to members of City staff, the community, and fellow City Council members. Personal attacks on City Council members and staff will be ruled out of order.

Finally, Mayor Welsch encouraged members of Council to remember that, per Council Rules, Roberts Rules of Order will be followed. And according to Robert's Rules, each member should desist in making personal attacks on their colleagues, limit comments to the merits of an issue, and not call into question any of your colleagues' motives. Again,  
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personal attacks on City Council members and staff, by members of the public or by members of this Council, will be ruled out of order. These meetings are held for this Council to do the business of the people, and that is what every member should be focusing on.

### **C. APPROVAL OF AGENDA**

Councilmember Glickert stated that he does not believe Council has explored all available options and therefore would request that the words "*and possible vote*" be removed from the discussion regarding breach of confidence under the Council Reports/Business section. The motion was seconded by Councilmember Kraft.

Councilmember Crow stated that any discussions regarding the breach of confidence should have occurred prior to it being placed on the agenda.

Councilmember Kraft requested that "*discussion and vote*" for the Parks' Policy either be called out of order or changed to discussion only, since there was nothing provided to Council to vote on.

Mr. Walker requested that Traffic Signal Maintenance, number 3, under the City Manager's Report be withdrawn.

Councilmember Carr stated that the reason she added "*vote*" to the Parks' Policy discussion was to determine whether the issue would be deferred until next year or whether she would be allowed to proceed by formally making a motion. She objected to removing the request to vote.

Voice vote on the request to remove "*and possible vote*," from the discussion regarding breach of confidence carried by a majority with Nay votes from Councilmember Carr and Councilmember Crow.

Voice vote on the request to remove "*vote*" from the Parks' Policy failed with one yes vote from Councilmember Kraft.

Voice vote to approve the agenda as amended carried unanimously.

### **D. PROCLAMATIONS**

### **E. APPROVAL OF MINUTES**

1. November 23, 2015 Regular Session minutes were moved by Councilmember Jennings, seconded by Councilmember Sharpe and the motion carried unanimously.

### **F. APPOINTMENTS**

1. Tom Sontag was nominated for reappointment to the Urban Forestry Commission by Councilmember Carr, seconded by Councilmember Glickert and the motion carried unanimously.

2. William Thomas and Mary Hart were nominated for reappointment to the Senior Commission by Councilmember Sharpe, seconded by Councilmember Carr and the motion carried unanimously.

3. Garrie Burr and Barbara Santoro were nominated for reappointment to the Arts & Letters Commission by Mayor Welsch, seconded by Councilmember Sharpe and the motion carried unanimously.

4. Sandy Jacobson was nominated for appointment to the Historic Preservation Commission by Councilmember Crow, replacing James Guest, seconded by Councilmember Carr and the motion carried unanimously.

**G. SWEARING IN**

1. Lucille Harris was sworn in to the Human Relations Commission in the City Clerk's office.

**H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)**

**Jan Adams, 7150 Cambridge Avenue, University City, MO**

Ms. Adams challenged the *St. Louis Post Dispatch's* analysis of the issues before this Council, wherein they conflated the Sunshine Law with the law pertaining to attorney/client privilege. She stated that based on the email at issue, Councilmember Crow usurped the power of this Council, abused his power as a Councilmember and arbitrarily forwarded the City Attorney's opinion to the adverse party in litigation. Ms. Adams stated that while she commends the members of Council who seek to hold Councilmember Crow accountable for his malfeasances, she does not believe that this offense rises to the level of a criminal act. Therefore she would urge Council to postpone any vote tonight and research other remedies that deter this kind of behavior in the future.

Mayor Welsch urged members of the audience to be respectful and refrain from making verbal responses during a speaker's oral presentation.

**Gerald Greiman, 7042 Westmoreland, University City, MO**

Mr. Greiman, stated that he was appearing tonight as the attorney for Councilmember Crow, and wished to address the petition to remove him from office. He stated that should Council decide to proceed with the filing of this petition it will subject the City to a liability for malicious prosecution and violation of Rule 55.03 of the Missouri Rules of Civil Procedure.

Mr. Greiman stated that he had delivered a letter to Council today, laying out the specific flaws in the petition, and would ask that it be made a part of the record.

He stated that even if one were to assume that there was some impropriety relating to the email, it still does not warrant the removal a duly elected public official from his office. Councilmember Crow has never received campaign finance contributions from the firefighters.

**Brian Burkett, 7471 Kingsbury Blvd., University City, MO**

Mr. Burkett stated that Terry Crow is one of the most ethical persons he has come to know but on the other hand, the Mayor refuses to address any dissenting opinions. Mr. Burkett then encouraged everyone to sign the petition for the Mayor's recall.

**John Rava, 7129 Washington Avenue, University City, MO**

Mr. Rava stated that the real issue is the need to protect the dignity and reputation of U City. The petition to remove Councilmember Crow from office is transparently a political vendetta that has been identified as such in the newspapers. He urged Council to try and establish some semblance of integrity by pulling this item from the agenda.

**I. PUBLIC HEARINGS**

**J. CONSENT AGENDA**

**K. CITY MANAGER'S REPORT**

1. Approval to award contract to Anova Furnishings for 45 public space-trash/recycling containers for the Loop area in the amount of \$36,900.

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

2. Approval to award contract to Missouri Machinery and Engineering Co. for pool pump replacement in the amount of \$73,719.

Councilmember Jennings moved to approve, was seconded by Councilmember Sharpe and the motion carried unanimously.

3. **(Removed)** Approval to authorize the City Manager to execute a one-year agreement with CBB for \$8,000, to provide traffic signal maintenance services.
4. Approval to award contract to Kelly Equipment for solid waste dumpsters in the amount of \$55,400.

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

## L. UNFINISHED BUSINESS

### BILLS

1. **BILL 9277** - An ordinance amending Chapter 400 of the Municipal Code of the City of University City, relating to zoning, by amending Sections 400.030; 400.1190; 400.2020; and 400.2040; thereof, relating to landscaping and screening regulations; containing a savings clause and providing a penalty. Bill 9277 was read for the second and third time.

Councilmember Sharpe moved to approve and was seconded by Councilmember Glickert.

Roll Call Vote:

**Ayes:** Councilmembers Carr, Crow, Kraft, Jennings, Glickert, Sharpe and Mayor Welsch.

**Nays:**

2. **BILL 9278** – An ordinance fixing the compensation to be paid to City Officials and employees as enumerated herein from and after its passage, and repealing ordinance No. 6988. Bill 9278 was read for the second and third time.

Councilmember Sharpe moved to approve and was seconded by Councilmember Jennings.

Councilmember Carr thanked Mr. Walker for providing answers to the questions posed at the last meeting. She stated that she has some doubt about the City's ability to find part-time firefighters, but if there are some highly qualified applicants then she is not going to stand in the way of establishing this position.

Roll Call Vote:

**Ayes:** Councilmembers Carr, Crow, Kraft, Jennings, Glickert, Sharpe and Mayor Welsch.

**Nays:**

## M. NEW BUSINESS

### RESOLUTIONS

### BILLS

*Introduced by Councilmember Glickert*

1. **BILL 9279** – An ordinance of the City of University City, Missouri; repealing Section 120.480 of Chapter 120 of the City of University City Municipal Code; and enacting in lieu thereof a new Section 120.480. Bill 9279 was read for the first time.

*Introduced by Councilmember Sharpe*

2. **BILL 9280** – An ordinance of the City of University City, Missouri; repealing Section 112.006 of Chapter 112 of the City of University City Municipal Code.

120.490 of Chapter 120 of the City of University City Municipal Code; and enacting in lieu thereof a new Section 120.490. Bill 9280 was read for the first time.

Councilmember Carr questioned why the number of members of the Economic Development Retail Sales Tax Board was being increased from five to nine? Mayor Welsch stated that she had worked with Rory Ellinger to change the Missouri Statute that was worded in such a way that the City could only appoint three citizen members to the commission. She believed it is beneficial for cities the size of University City, to be able to appoint more residents and she had argued that the number be increased. She stated that this bill also increases the number of representatives from the School Board and St. Louis County. Councilmember Carr requested that she be provided with additional background information.  
Bill 9280 was read for the first time.

*Introduced by Councilmembers Carr and Glickert*

3. **BILL 9281** – An ordinance submitting to the qualified voters of the City of University City, Missouri, at an election to be held on April 5, 2016, a proposed amendment to Charter of the City of University City adding section 97 of Article XI of the Charter requiring the approval of a majority of the qualified voters prior to the sale, lease or disposition of University City Heritage Sites.  
Bill 9281 was read for the first time.

#### **N. CITIZEN PARTICIPATION (continued if needed)**

##### **Kathy Straatmann, 6855 Plymouth Avenue, University City, MO**

Ms. Straatmann asked her 3rd Ward Councilmembers to listen to their constituents and perform due diligence on any proposed projects affecting the 3rd Ward. She thanked Councilmembers Crow and Carr for helping to minimize some of the damage being done to this City.

##### **Berit Nelson, 7118 Waterman, University City, MO**

Ms. Nelson stated she appreciates that every member of Council has a commitment to service, an interest in bettering this community, and that leadership presents many challenges. One of those challenges is that there will always be areas of disagreement, even among people aligned with common goals. Ms. Nelson then expressed her opinions on good/poor judgment and convenient thinking, as it relates to Mayor Welsch, members of Council and the City Manager. She asked that everyone end their focus on frivolous and mean-spirited actions, and work to solve the real problems that U City faces.

##### **Bart Stewart, 714 Harvard Avenue, University City, MO**

Mr. Stewart said he repeatedly asked in public forums, who would be footing the bill to pay for the attorney hired to draft and litigate this petition; he has received no response. He stated that this gives citizens another reason to work even harder to see that she and Councilmember Kraft no longer serve this community.

##### **Anne Silverstein, 7963 Teasdale, University City, MO**

Ms. Silverstein stated that she is a lawyer and although Mr. Greiman is a very distinguished member of the Bar, she does not think he distinguished himself tonight by issuing threats. She stated that she was really shocked by what Councilmember Crow did. Ms. Silverstein stated that the character of a communication from a lawyer is not determined by whether or not it is stamped confidential; which Councilmember Crow should know, since he is a lawyer. It appears as though he was assisting an employee who had an adversarial relationship with the City.

**Steve McMahon, 8135 Stanford Avenue, University City, MO**

Mr. McMahon stated that the Mayor is abusing her office and is using taxpayer dollars. He expressed concerns about the 2008 Mayoral Campaign, the Mayor's lack of transparency, lack of research, broken promises, leaking of documents and exposing the City to further lawsuits. He stated that if anyone who supported this act is unfit to hold office.

**Chris Vahlkamp, 7200 Waterman, University City, MO**

Mr. Vahlkamp stated that U City has become a symbol of what is wrong with local government; to those who are vilified for seeing things differently and to those who view social media as a threat because it amplifies the truth. He stated that Councilmembers Carr and Crow are the individuals he wants to represent the best interest of this community. He provided examples of the Mayor's poor leadership qualities, and noted that in order to save the integrity of this City it is time to remove Mayor Welsch, the City Attorney, City Manager, and Councilmembers Kraft and Glickert from office.

**Leif Johnson, 936 Barkley Square, University City, MO**

Mr. Johnson urged Council to eliminate the discriminatory Parks and Recreation Policy directed towards the poor, which implicates that if you can't pay, you don't play.

Mr. Johnson stated that he did not realize the cruelty, viciousness and desire to win at all costs, that has been displayed at tonight's meeting.

**Pat Hanlon McHugh, 7008 Amherst, University City, MO**

Ms. McHugh believed that Bill 9281 is a step that is needed to save the wonderful buildings in this City. She stated that The Historical Society of U City is in favor of this bill and she has obtained over three pages of signatures from residents who are also in support, so her hope is that it will be on the April ballot.

**Don Fitz, 720 Harvard, University City, MO**

Mr. Fitz commented on the Mayor's accusations regarding the Historic Sites Initiative:

- The amendment was included on the same sheet of paper with the petition, and everyone who executed the document had an opportunity to view the wording prior to signing
- Different forms would not be considered by the Board of Election Commissioners
- Delmar/Harvard property was never mentioned in the amendment
- This amendment was a team effort and a member of the team included the word "lease", which he later learned that its inclusion was necessary.
- There is no cost to citizens because this type of action goes on the general election ballot and does not require a special election.
- There were approximately 50 people who worked on various stages of this initiative.

He questioned if the Mayor violated the Sunshine Law by posting signatures on the petition.

**Tom Jennings, 7055 Forsyth, University City, MO**

Mr. Jennings expressed his dissatisfaction with the performance of Mayor Welsch and Councilmembers Kraft, Sharpe, Glickert and Jennings.

**Jeff Hales, 7471 Kingsbury, University City, MO**

Mr. Hales stated that he almost two years ago the City Clerk refused to certify his petition to run for office, and the Mayor, Administration and Council majority used every tactic they could to keep his name off the ballot. He stated we are again using taxpayer's dollars to serve the political interest of members on this Council. Mr. Hales referred to Mr. Messenger's article in the *Post* stating he had it right.



**Beth Norton, 734 Trinity Avenue, University City, MO**

Ms. Norton spoke on the myth of U City’s diversity and welcoming in openness; where blacks live on one side of town and whites on the other side. Council consists of two black members from one ward and none from the other two wards. She said truth does not need public approval where a crowd is solicited to affirm them. Ms. Norton noted that U City Voices uses deceptive videos which only show the image of a reaction but not the image of what caused the response. She noted that many things have been twisted and there is a myth perpetrated by certain members of the community.

**Judith Gainer, 721 Harvard, University City, MO**

Ms. Gainer stated that the Mayor never acknowledged that the buildings in Civic Plaza are a wonderful and special legacy that deserves this City's collective efforts to preserve them. She thanked the leadership of Don Fitz and Barb Chicherio to organize this petition. In addressing Councilmember Crow she said that we are profoundly in his debt and will do whatever it takes to keep him in that seat.

**Byron Price, 1520 78th Street, University City, MO**

Mr. Price stated that when he heard that his colleague, Terry Crow, was being disrespected, it caused him to reflect on the fact that in 2011, the same allegations had been made towards him. He stated that it is wrong for any elected official to arbitrarily try to oust another official, because they did not elect them, the residents of their ward did. While all of these actions are taking place, the big policy issues like the City's protection class rating, the youth job program, or streets and drive-by shootings, are not being addressed. He stated that he would love to see U City get back to the way it was when he was first elected to Council where they fussed but didn't try to destroy each other.

**Patricia McQueen, 1132 George Street, University City, MO**

Ms. McQueen stated that she would delay making a formal presentation until the next meeting, but would like to announce that CALOP's Request for Proposal has been reviewed by the City Attorney and can be found on the City's website. She asked that this RFP be placed in a more prominent place on the website for ease of finding.

Ms. McQueen stated that after conducting some research on her own, she came to the conclusion that Council should not move forward with the petition to remove Councilmember Crow.

**Andrew Roberts, 940 Alanson Drive, University City, MO**

Mr. Roberts expressed his opinion about the four allegations of malfeasance, violation of the public trust, breach of ethical responsibilities and interfering with the functioning of Council that are being brought against Councilmember Crow.

Mayor Welsch asked Mr. Roberts if he would cease from making personal attacks on members of Council. Mr. Roberts stated that nothing he has said is a personal attack, simply facts that have been observed by residents who attend these meetings.

Mr. Roberts stated that it is no coincidence that this petition is being brought up just before Councilmember Crow decides whether to run for reelection.

**Beth Martin, 410 Melville, University City, MO**

Ms. Martin stated that she fully supports the comments made by Ms. Beth Norton. She stated that each time she has come to speak, the business concerned issues created by Council, not important City business. She is also here to support her friend and Councilmember Terry Crow as he faces baseless and vindictive attacks that are being paid for, in part, by the taxpayers' dollars.

**O. COUNCIL REPORTS/BUSINESS**

1. Boards and Commission appointments needed

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Mayor Welsch read the appointments that were needed.

At this point, a member of the audience informed Mayor Welsch that she had not been called on to speak during the Citizen's Participation segment. Mayor Welsch stated that she had reminded everyone that completed speaker forms should be placed in the plastic trays in front of the City Clerk prior to the start of Council's discussion on an agenda item for which they would like to speak. And since there are no more forms in the tray, she would like to move on.

2. Council liaison reports on Boards and Commissions

3. Boards, Commissions and Task Force minutes

Mayor Welsch noted that Council had received several minutes in their packet, and would encourage even more in the future.

4. Other Discussions/Business

- Discussion of options for dealing with breach of confidence on ongoing legal cases, by Councilmember Terry Crow, requested by Mayor Welsch and Councilmember Glickert.

Mayor Welsch stated that tonight, she is asking Council to begin discussions on if, and how, they should discipline Councilmember Terry Crow. The facts are as follows:

- Councilmember Terry Crow requested a legal opinion from the City Attorney related to the firefighters. At that time the Firefighter's Union was involved in litigation against the City. When the legal opinion was received the City Manager shared it with all members of Council via email. The City Attorney's confidentiality statement was clearly noted at the bottom of that email. When Councilmember Crow received the legal opinion he sent it to the Vice President of the Firefighter's Union Local 2665, with the question; "*Does this help?*" This person is not, and was not an employee of the City of U City.
- Per the City Charter of U City, the City Manager manages all staff. All communication between the City and the Union's representing staff members should be made through the City Manager.
- There appears to be no justification for Councilmember Crow to share any information with the Firefighter's Union, which was at that time, and is currently, suing the City.
- All members of Council take an oath to protect the interest of the City. This City Council must decide what, if any, actions to take against Councilmember Crow, who is now in violation of his sworn oath of office.

Mayor Welsch asked the City Clerk to pass out the packets provided to members of Council, which contained relevant pages referencing the facts listed below. She provided the following chronology of events which led to the drafting of this petition:

- Councilmember Crow released the email to the Firefighter's Union on February 21, 2014.
- In May of 2014, the Firefighter's Attorney, Rick Berry, brought the email Councilmember Crow provided to the Union to a Civil Service Board Hearing that was being held in reference to the firefighters who were suspended for unlawful activities during the 2014 election. This opinion was used as evidence in that hearing.
- Last Friday evening, Mayor Welsch stated that she was advised that the Firefighter's Union had referenced this confidential legal opinion in open court during the lawsuit filed in Federal Court, and that it could potentially cost the City hundreds of thousands of dollars.

Mayor Welsch stated that there are a number of options which Council can consider:

1. Do nothing. Mayor Welsch stated that she would not be willing to support this action.

2. File a formal complaint with the Office of Chief Disciplinary Counsel with the Supreme Court of Missouri. *(Any resident, who feels they have been harmed by Councilmember Crow's actions, also has the right to explore this option.)*
3. Censure Councilmember Crow immediately for violating Rule 37 of Council's Rules of Order and Procedure. Mayor Welsch stated that although she is in favor of this option, she is concerned that this alone, does not fully address the problems the City now faces. After having been confronted with the fact that Councilmember Crow is collaborating with the Firefighter's Union, this Council, as a group, cannot continue to work on any, and all, legal issues related to the firefighters, which includes the two ongoing lawsuits.
4. File a Quo Warranto Petition with the St. Louis County Prosecutor's Office asking Mr. McCullough to take the necessary steps to remove Councilmember Crow from office. Mayor Welsch stated that although she fully understands that the odds of being successfully are against the City, she strongly believes that by proceeding with this action Council will have clearly demonstrated that when this type of egregious behavior is exhibited by one of its members, they had the courage to make the difficult decision to protect the interest of this City.

Mayor Welsch stated that the situation everyone finds themselves in tonight, is not about the firefighters; not about the mistakes she, or the City Clerk have made in the past, and not about Councilmember Crow's reelection campaign. This is about Councilmember Crow's request for a very specific legal opinion related to the Firefighter's Union, that he then shared with the firefighters, who were actively involved in litigation against the City of U City. This is about Councilmember Crow's violation of Rule 37 of City Council's Rules of Order and Procedure, and his attempt to harm the interest of this City and its residents.

Mayor Welsch stated that she has taken an oath to follow the law and to serve the interests of this City therefore; she could not, and will not, standby and do nothing. She then asked that her full comments be made a part of the record.

Councilmember Carr stated that sometimes we tell the truth, but not the whole truth. So she would like to go back to February of 2014, and review two emails from Kurt Becker, the Vice President of IAFF-265, to Ms. Forester, which states "*Please see the attached memo submitted on behalf of the members*". The memo suggests that they wanted to know what they could do, and what the City had done to come into compliance. She did not know why Mr. Becker received no response, but she can say that she often gets the same results. So while she will not pretend to speak for Councilmember Crow, she could imagine that not getting an answer, they might start asking around for one.

Councilmember Carr stated that she fell out of sorts with the Mayor when she accepted the Union's endorsement during her 2010 campaign because the Charter states that no employee can be involved in a municipal election. The statute granting first responders the right to participate in municipal elections did not exist at that time. The firefighters did not sue the City for being suspended, and all of the lawsuits came after the election. One of them was filed because the City failed to provide them with clear guidelines about its uniform policy. The findings issued by the Civil Service Board indicated that there were several sections of the City's guidelines on this policy that were vague.

Councilmember Carr provided several examples of her own personal experiences related to the Mayor's comment regarding what this petition was not about. She stated that in 2013 the Mayor released two confidential legal opinions in her newsletter; one that dealt with the School District bond issue, and the other dealt with the Overlay District for Olivette and U City. What it said at the top of those opinions is that, "*It is the opinion of the author that this document constitutes a privileged communication between a governmental body and its attorney, and may be maintained as a closed*

record in accord with the provisions of Section 610.0211, RSMO 2010". So as the Mayor said, it goes to intentionality. The Mayor said she had mistakenly released the document, her bulletin board read, "A memo from City Attorney, Paul Martin, on the proposed Intergovernmental Agreement between Olivette and U City," and provided a link for where the opinion could be downloaded. Councilmember Carr stated that the Mayor's actions in large measure, is one of the reasons the City never went forward, because all of its weaknesses were out in the open to be examined, which weakened their bargaining position.

Councilmember Carr stated that the email that is a topic of tonight's discussion was never marked as confidential, it was simply descriptive. She stated that when the Firefighter's attorney submitted a Sunshine request to the City Clerk, Ms. Pumm responded on the fifth of May, "Mr. Berry, your Sunshine request; any and all emails sent by the City Manager, Lehman Walker, on February 20, 2014, to the City Council regarding political activity of the first responders, I have one email that fits the above description, but I'm waiting for legal opinion as to whether I can supply this since it contains legal advice with a confidentiality clause from the City Attorney. As soon as I hear a reply I will be in correspondence with you." A copy of her response was also provided to the City Attorney. The next day, Ms. Pumm writes: "Mr. Berry, please find the attached. The one email Mr. Walker sent to Council on February 20, 2014, as per your Sunshine request". This is probably, the email that was submitted to the Civil Service Board.

Councilmember Carr stated that when Mr. Price was wrongly censured, she asked Council to listen to the audio tape that she had retained before taking a vote, and challenged the Mayor to withdraw the Resolution of Reprimand. When she requested that Councilmember Kraft be reprimanded for directing an obscenity at a citizen, her request was removed from the agenda on several occasions. Thereafter, she was only allowed to bring an issue up for a vote, once a year. There were never any consequences for Councilmember Kraft, Mayor Welsch, or the City Manager, who had called her and Councilmember Crow liars.

This email was not a closed record, pursuant to Section 610.0211. She stated that she believed the problem was a difference in etiology; if elected, I represent you or once elected, I use my own judgment to decide for you. Councilmember Carr stated that if there was a problem, before obtaining outside counsel, the Mayor should have said, in an open meeting, I've noticed this and we need to address it. Councilmember Carr asked to have her named removed from the petition.

Councilmember Glickert stated that he was in agreement with some of the comments made by the Mayor. He does believe that the ordinance needs to be reviewed by the City Attorney prior to moving forward, he does not see where there has been any grave injustice by the actions that have taken place tonight.

He stated that when he found out about the email from Councilmember Crow, he was shocked, because he did not believe this was something within his purview. Nevertheless, that is what happened, and he has taken his position because he believes that this act was done willingly, deliberately, and has resulted in an injustice to the City. Councilmember Glickert stated that in his opinion, this situation is no different than Todd Gurly, the running back for the Rams, calling Jim Caldwell of the Detroit Lions and saying, here is the offensive game plan. So although the vote has been postponed, and it would be a lot easier to tell this audience differently, it's his job to do what has to be done in spite of the fact that he does not like what has happened here.

Councilmember Crow thanked everyone for coming out to tonight's meeting, because in spite of what has happened, this is about the residents, their government, how their money is spent and this community's reputation.

He stated he has not heard the phrase Quo Warranto since law school because it is a draconian tactic, used as a last resort. The Mayor has made some incredibly serious allegations about him, and has gone to extensive lengths to publicize this petition, yet he wonders how much time she, or staff, or even their retained attorney, actually spent investigating these allegations. At no point has the Mayor, Councilmember Glickert, Councilmember Sharpe, Councilmember Jennings or Councilmember Kraft, asked him one single question. So to say that he was blindsided by these actions last Thursday night, is an understatement.

The Mayor wrote in her newsletter, *"My first job is to do proper research into something I see as criminal. My job is then to proceed to bring about closure on the incident. My first job is not to speak to the person whose actions I believe to be criminal in intent, to hear justifications for corrupt actions"*. And the petition states, *"Respondent may have received campaign contributions and other remuneration in exchange for his complicity in disclosing confidential information which could be damaging to the City"*. Councilmember Crow stated that based on his understanding, he has been accused of pay for play, which is slanderous and maligns his character. So someone needs to produce evidence to back up this claim or be prepared to face the consequences.

He stated that on February the 20th, he asked the City Manager for an update on the City's efforts to comply with the new Missouri law regarding political activity. However, in the petition his request for an update was changed to, *"Direction to write a confidential opinion relating to the Union"*. In response, the City Attorney wrote a factual update, which included two paragraphs. One referenced Missouri law, and the other discussed what the City was doing to comply with the law. There were no conclusions and no opinions. The City Clerk, City Manager, and the City Attorney have all authorized and shared this email. The Mayor has shared this email with the community, as well as the *Post Dispatch*. They all had the right to do so, because this was a public document.

The Mayor has caused damage to his reputation in this community and he intends to retain all of his rights and options to determine the appropriate response to this petty, hateful, vindictive petition. He stated that everyone has been far too complacent and remiss in addressing the actions of this Council. Councilmember Crow stated though he has not been actively involved in the recall efforts for Shelley Welsch or Councilmember Kraft that time has now passed.

Councilmember Crow stated that the Mayor's actions over the past week have been nothing less than reprehensible, and have demonstrated a complete lack of character and integrity. Her continued presence in this Chamber brings shame and dishonor on this community, everyone that serves this community, and to those who have sat in her chair over the past 100 years.

Councilmember Kraft stated that a Quo Warranto Motion to remove a member of Council is extreme, and something he would not even vaguely support. He stated that while it may have been appropriate for an attorney to mention in a list of options, he thinks that it was too premature and inflammatory, to have actually been drafted and presented here this evening.

He believed that a discussion is warranted, as he is disturbed by the frequency in which confidential documents have been released by all of the parties involved. Councilmember Kraft stated that back in 2013; Mayor Welsch inadvertently released a document. During that discussion both City Attorney Mr. Martin and Councilmember Crow made a point of telling everyone what the rules were with respect to confidential information. So there is no doubt in his mind that Councilmember Crow clearly understood the implications of releasing such a document. The gesture that appears to have been made by Councilmember Crow was to help the Firefighter's Union in the defense of their case. So to quote Councilmember Carr, *"It's really about*

*intentionality*". He noted that all of these documents were marked confidential. He found it hard to believe that Councilmember Crow had an intention to harm the City, and thinks he deserves a chance to explain his actions.

Councilmember Kraft stated that he would like to be clear that he does not object to the Firefighter's Union supporting Councilmember Crow, or him supporting their Union. He disagreed with the Mayor's comments about who a member of Council can or cannot talk to. In spite of the fact, that his own personal policy is that once an individual has retained a lawyer in an attempt to sue the City, there should be no communication between the two sides until all of the legal issues have been resolved.

Looking at this from a broader perspective, in today's world of emails and inadvertent press, send or reply, there are very few options that would prevent any member of Council from breaching a confidentiality clause or attorney/client privilege. So in the end, you really have to rely on trust and the goodwill of your colleagues to do their best. No one can undo what has happened, and it would be best if it did not happen again, but in his opinion, a Quo Warranto Petition is extreme and unnecessary. In fact, if the goal is to prevent confidential documents from being released, then he is not even clear how any of the alternative options would make that happen. His belief is that Council has spent far too much time on this issue tonight and while future discussions about confidential documents and related problems is not necessarily a bad thing, it was time to move on.

- Parks' Policy requested by Councilmembers Carr and Crow.

Councilmember Carr stated that Council has heard Ms. Greenwald and Mr. Johnson express their concerns about the Parks' discriminatory policy on numerous occasions, and sometime in November, they sent an email to Council requesting that the fees and charging policy be amended by eliminating the highlighted section of the policy they attached to their email. She stated that her belief is that they have hit the heart of what she finds objectionable with the policy which was initiated in 2002 and last amended in 2008. This was just about the time when the recession hit, and at some point they decided that day camps should cover 100 percent of their indirect and overhead costs. The portion that she finds the most disturbing is the attempt to control behaviors by using fees.

Councilmember Carr believed that Council should send a message to the commission that discrimination will not be tolerated on any basis. She then made a motion that Council send a directive to the Parks Commission to review and reconsider these policies, specifically with respect to social implications, wherein Policy V(e) states, *"It may be desirable to use the fees and charges system to encourage particular behaviors which enhance the recreational experience for all users. For example, alter demand patterns, encourage reasonable uses of staff time, or alter behaviors which disturb other participants"*. Councilmember Kraft seconded the motion, and asked that approval be accomplished by consensus since there was no written motion previously supplied to Council. Councilmember Carr stated that she has objected to consensus and although there does not have to be a roll call vote, her preference would be to utilize a voice vote. Councilmember Kraft stated that this was more of a procedural request, since things have been called out of order when there is no written motion. Councilmember Carr stated that the rules would have to cut the same way for everybody or she was going to make some noise about it. Councilmember Kraft stated that since the motion is going to pass either way, it was not worth fighting about. He stated that as the liaison for the Parks Commission, he would make certain to relay the concerns of Council to the Commission.

Councilmember Jennings asked Councilmember Carr if she also wanted to address equity. Councilmember Carr stated that although equity is a good word, it is listed in the policy as social implications and she did not want to confuse anyone.

Mayor Welsch stated that she would vote with the majority, but was uncomfortable having someone else chose what Council is asking the commission to give special attention to. So although the policy may contain language that no longer sits well, her feeling is that the commission should be looking at the entire document and not just certain sections. Councilmember Carr stated that although a review of the entire document was acceptable, Policy V(e) smacks of discrimination, so her main goal was to ensure that this portion was reviewed.

Voice vote on Councilmember Carr's motion carried unanimously.

**P. COUNCIL COMMENTS**

Councilmember Carr stated that she will be filing for reelection tomorrow and was gratified by the number of residents that offered to sign. In fact, she received a gift from one of the City's native daughters, Laura Davenport, which states, "*And of particular need for this community is the final; between our lions, goodwill to all*". Councilmember Carr stated that her hope is that that is where this community will be moving.

Councilmember Kraft thanked Mr. Fitz for his clarification on the Historic Sites Initiative and stated that his guess is that the signatures are public. However, he suggested to call the County Election Commission's office to find out the correct answer.

**Q. ADJOURNMENT**

Mayor Shelley Welsch adjourned the meeting at 9:27 p.m.

Respectfully submitted,

Joyce Pumm  
City Clerk, MRCC/CMC

12.14.2015 Comments at Council Meeting by Mayor Shelley Welsch:

Tonight I am asking this Council to begin discussions on if and how we should discipline Councilmember Terry Crow. The facts are as follows

- Councilmember Terry Crow requested a legal opinion from our City Attorney related to the firefighters;
- At that time, the Firefighters' Union was involved in litigation against the City of University City;
- When the legal opinion was received, the City Manager shared it with all members of Council, via e-mail. The City Attorney's confidentiality statement was clearly noted at the bottom of that email.
- When Councilmember Crow received the legal opinion, he sent it to the Vice President of the Firefighters' Union local, with the question "Does this help?" This person is not an employee of the City Of University City
- Per the City Charter of University City, the City Manager manages ALL staff. All communication between the City and the union representing staff members should be made through the City Manager.
- There appears to be no justification for Councilmember Crow to share any information with the firefighters' union which was at that time, and is currently suing the City.
- All members of Council take an oath to protect the interests of the City.
- This City Council must decide what if any actions to take against Councilmember Crow who is now in violation of his sworn oath of office.

I would now like to ask Ms. Pumm to pass out some information to members of Council.

Mr. Crow's actions have, undeniably, hurt the interests of the City of University City. The facts and timeline related to this incident are as follows:

- In May of 2014, the firefighters' attorney, Rick Barry, brought to a Civil Service Board hearing the document Mr. Crow provided to the union in February of that year. This hearing was being held in reference to the firefighters who were suspended for unlawful activities during the 2014 election. This opinion was used as evidence in that hearing.
- Late Friday evening I was advised that in a suit filed in federal court that day, the firefighters' union referenced the confidential legal opinion Mr. Crow gave to the union.



This deliberate action by Mr. Crow could potentially cost hundreds of thousands of dollars. I am providing Council with the relevant pages from that filing.

I believe there are a number of options we should consider:

- 1.) We can do nothing. I, however, cannot support that action.
- 2.) We can file a formal complaint with the Office of Chief Disciplinary Counsel with the Supreme Court of Missouri, as can any of our residents who feel they have been harmed by Mr. Crow's actions or, indeed, anyone.
- 3.) I believe we can and should censure Mr. Crow immediately for violating Rule 37 of our Rules of Order and Procedure. However, I am concerned that this option does not deal with the problem we now face. Knowing that Councilmember Crow is collaborating with the firefighters' union we cannot continue to work as a Council on any and all legal issues relating to the firefighters, including two on-going lawsuits.
- 4.) We can choose to file a Quo Warranto petition with the St. Louis County Prosecutor's office, asking Robert McCullough to take steps to remove Mr. Crow from office. The odds of this option being successful are, apparently, against us. However, by doing so we can make clear to our residents that when we discovered egregious behavior by one of our members, we had the courage to make the difficult decision to protect the interests of our City.

The situation we find ourselves in tonight is not about the firefighters.

It is not about mistakes I have made in the past, or that the City Clerk made in the past.

This is not about Mr. Crow's election campaign.

This is about Mr. Crow asking for a very specific legal opinion related to the firefighters' union and then sharing it with the firefighters, a group that was involved in litigation against the City of University City at that time. Mr. Crow shared this opinion in violation of Rule 37 of the City Council Rules of Order and Procedure, and in an attempt to harm the interests of the City of University City and the residents of this community. Period.

Mr. Crow gave information to a group suing the City and asked: Does this help?

I have taken an oath to follow the law and to serve the interests of the City of University City. I could not and cannot stand by and do nothing, which is why I have proceeded to this point tonight. This Council will decide how to move forward.

I ask the City Clerk to make my full comments part of the record.

COUNCIL COMMENTS  
DECEMBER 14, 2015

First, I challenge St. Louis Post-Dispatch/Tony Messenger's analysis of the issues before this Council. In the article that was published today, he conflated the Sunshine law with the law governing attorney/client privilege. As a trial lawyer, I have spent many hours arguing both sides of this privilege, depending on whether I wanted the jury to see the document or not. So, I will match my expertise on this law against anyone in this room.

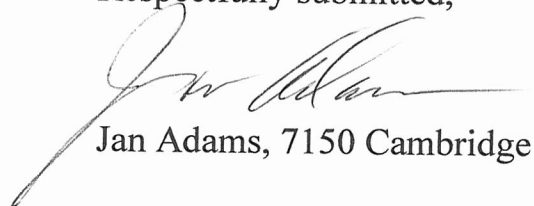
But, you don't have to rely on my legal opinion because Council member Crow offered his legal opinion on this issue at the February 11, 2013, <sup>18<sup>0</sup> 6 + 7</sup> council meeting and I agree with his analysis. When the Mayor published a legal opinion with her Newsletter, Mr. Crow was emphatic and unequivocal. NO attorney/client privileged document may be disclosed without a majority vote of Council. Based on the e-mails at issue, Mr. Crow usurped the power of the Council, abused his power as a Council Member and arbitrarily forwarded the City Attorney's opinion to the adverse party, the representative of the firefighters union.

Mr. Crow's second line of defense is that the document was not marked confidential, but that is wrong as the City Attorney included the standard attorney/client privilege statement in her e-mail. His third line of defense is that the document did not constitute a legal opinion. But he expressly asked the City Manager to ask the City Attorney whether the City was in compliance with a new law. That is asking for an attorney opinion. Therefore, any response to his request is her opinion.

This is a very serious offense. One that could cost Mr. Crow is license to practice law. I commend the Council Members who seek to hold Mr. Crow accountable for his malfeasance. However, I do not believe that his offense rises to the level of a criminal act. I believe that a Quo Warranto action is too harsh under the circumstances.

Therefore, I urge Council to postpone any vote tonight and take some time to research other remedies. That said, the remedy must be harsh enough to deter this behavior in the future by any member of Council.

Respectfully submitted,

  
Jan Adams, 7150 Cambridge



SpencerFane

GERALD P. GREIMAN  
DIRECT DIAL: 314.333.3901  
ggreiman@spencerfane.com

December 14, 2015

**HAND DELIVERED**

Ms. Catherine R. Grantham  
225 S. Meramec Ave., Suite 512  
St. Louis, MO 63105

**Re: Petition in Quo Warranto Against Terry Crow**

Dear Ms. Grantham:

Terry Crow has retained me to represent him in connection with unwarranted and malicious efforts to libel and slander him, and undermine his re-election campaign, on the part of your clients, University City Mayor Shelley Welsch and Council members Stephen Kraft, Michael Glickert, Arthur Sharpe, Jr. and Rod Jennings (collectively, the "Welsch Kraft Group"), by publishing and disseminating a purported "Petition in Quo Warranto," seeking to remove Mr. Crow from office as a University City Council member.

I am writing to put your clients on notice of the countless flaws in the Petition, as well as the many pitfalls and risks of liability inherent in the road they have started down, and demand that they immediately cease their malicious actions towards Mr. Crow.

**OVERVIEW**

For several years, members of the Welsch Kraft Group have been causing great harm to University City's reputation as a bastion of progressivism and civility by abusing their official authority, riding roughshod over the rights of those who disagree with them, and regularly thumbing their noses at large portions of the citizenry. While such conduct unfortunately has come to be the norm expected from Welsch Kraft Group members, they now have hit a new low in disgraceful and abhorrent tactics by publishing and disseminating the purported Petition in Quo Warranto.

The Petition is so riddled with flaws, both factually and legally, it is difficult to know where to begin in addressing them. Overall, the Petition is filled with false and defamatory allegations against Mr. Crow. It has no chance of succeeding in court, and never will be filed with any court since, to be filed, it would have to be approved and filed by St. Louis County Prosecuting Attorney Robert McCulloch, and we can conceive of no circumstances under which Mr. McCulloch would approve and file the Petition. Further, in light of the fact that Mr. Crow's current term of office will expire within the next several months, and the time it would take to adjudicate a case of this nature, the Petition – in the unlikely event it was filed in court – could not serve to bring about Mr. Crow's removal from office, even if there was any merit to it, which there is not.

It thus is clear that the Petition is nothing other than a thinly veiled attempt to dissuade Mr. Crow from running for re-election, and/or sabotage his re-election campaign. Your clients' actions in causing the Petition to be prepared, and publishing and disseminating it, thus constitute libel and slander as well as

January 11, 2016

SL 1414297



malicious abuse of process. Moreover, your clients' use of City funds to pay for preparation of the Petition and other pursuit of the matter constitutes a further outrageous abuse of their official positions and the public trust. And, should you proceed to file the Petition in court, your clients further will be exposed to liability for malicious prosecution, for filing claims without any probable cause to support them.

### **SPECIFIC FLAWS IN PETITION**

With respect to the specifics of the Petition, its many factual and legal flaws include, but by no means are limited to, the following:

1. The overall Petition and its caption are false and defamatory in that they imply the Petition is in a form that can be filed in court, with the Welsch Kraft Group acting as Relators. As a matter of law, that is not the case. Only the St. Louis County Prosecuting Attorney has the authority to file a quo warranto action against Mr. Crow, and any such action must be filed in the Prosecuting Attorney's name.
2. The Petition further is false and defamatory in that it includes Paulette Carr's name as one of the Relators/Plaintiffs, and thus represents that Ms. Carr is one of the persons making the false and defamatory allegations contained in the Petition. Ms. Carr has never made any such allegations against Mr. Crow or authorized anyone to make such allegations in her name.
3. The Petition, at p. 2, states that members of the Welsch Kraft Group "have received [St. Louis County Prosecuting Attorney Robert McCulloch's] permission to file this suit." To our knowledge, that is blatantly false. It is highly defamatory of, and damaging to, Mr. Crow to publish and disseminate a statement that the Prosecuting Attorney has approved and adopted the scurrilous allegations in the Petition, when he has not.
4. In Count I, par. 1, the Petition alleges: "On or about February 20, 2014, Respondent, requested the City Manager to direct the City Attorney to prepare a confidential written opinion relating to the Union, (see **Exhibit 1**)." The falsity of that allegation is reflected in the very document the Petition cites as support for it, Exhibit 1, which is an e-mail dated February 20, 2014 from Mr. Crow to City Manager Lehman Walker. The entire body of that e-mail reads:

Could you provide me with an update on what actions the City is taking or has taken to comply with the new Missouri law regarding political activity? Are the City's regulations in compliance with the new Missouri law? I would like for you or Katie to update the council on this either by e-mail or we could put it on the agenda for an upcoming council meeting.

Clearly, what Mr. Crow requested was a factual update, not a confidential written opinion.

5. In Count I, par. 3, the Petition characterizes the response made to Mr. Crow's request as a confidential written opinion. In fact, it was neither confidential nor an opinion. Rather, it reflected the straightforward factual update Mr. Crow requested. The entirety of the e-mail in question, from Katie Forster to Lehman Walker dated February 20, 2014, which Mr. Walker then forwarded to Mr. Crow, Mayor Welsch, all other Council members and the City Clerk – without any designation of it as confidential – states:



The Missouri Legislature enacted Section 67.145 of the Missouri Revised Statutes during its last session. Section 67.145 went into effect on August 28, 2013 and permits first responders to engage in political activity while off duty and not in uniform. The City was aware of this change and is taking steps to update the City's Administrative Regulations. Pursuant to your direction, we have been working with Elaine Williams to review all of the City's Administrative Regulations to bring them up to date and ensure they are compliant with state and federal law. The City was aware of the change in the law when passed and has and will continue to follow it. The City's Work Rules and Offenses are being revised to reflect the new law.

Section 67.140 of the Missouri Revised Statutes specifically states:

First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit.

67.145. No political subdivision of this state shall prohibit any first responder, as the term first responder is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

If you have any questions please let me know.

We understand that as early as May 6, 2014, after receiving a Sunshine Law request encompassing Ms. Forster's e-mail, the City Clerk consulted with the City Manager and/or City Attorney concerning whether Ms. Forster's e-mail of February 20, 2014 was privileged and confidential and, on that basis, exempt from disclosure. We further understand that, as a result of that consultation, it was concluded Ms. Forster's e-mail was not confidential and exempt, and the City proceeded to publicly release the February 20, 2014 e-mail in response to the Sunshine Law request.<sup>1</sup>

Additionally, the first paragraph of Ms. Forster's e-mail, *i.e.*, the entirety of the e-mail other than the verbatim quotation of a Missouri statute, was published in a public document titled Findings, Conclusions and Recommendation, issued by the University City Civil Service Board on June 16, 2014, in the *Appeals of Jen Stuhlman, et al.* ("CSB Findings"). Moreover, the CSB Findings state, at p. 5, "Mr. Walker forwarded the e-mail to members of the City Counsel [sic]. Upon his doing so, Ms. Forster's e-mail became a public record."

Based on any or all of the circumstances recounted above, Ms. Forster's e-mail is a public document and cannot properly be viewed as a confidential legal opinion, and the allegations in the Petition that Mr.

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<sup>1</sup> The City's May, 2014 determination that Ms. Forster's February 20, 2014 e-mail was not privileged and confidential clearly was correct. The attorney-client privilege does not cover every communication between a lawyer and a client; rather it extends only to *confidential* communications, made for purposes of obtaining legal advice, and principally is intended to restrict disclosure of confidential communications *from a client to the attorney*. Moreover, in the context of an entity like University City, any privilege that might otherwise cover a communication is waived and lost if the communication is disclosed to one or more persons outside of those having an official need for the privileged information. See *generally, Diversified Indus. Inc. v. Meredith*, 572 F.2d 596 (8th Cir. 1978). Here, any even arguable measure of confidentiality concerning Ms. Forster's February 20, 2014 e-mail went by the wayside when Mr. Walker forwarded it to the City Clerk on February 20, 2014.



Ms. Catherine R. Grantham  
December 14, 2015  
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Crow improperly disclosed a confidential legal opinion, and such disclosure caused harm to the City, are ludicrous.<sup>2</sup>

We note, finally, that with respect to e-mails from the City Attorney, the City Council, under the present administration as well as previous ones, long has followed the policy and practice of treating as confidential only those e-mails that are expressly marked confidential. The e-mail in question here bore no such designation. (Something more is required than the boilerplate disclaimer automatically added by counsel's computer system to virtually every e-mail counsel sends.) To the extent anyone wishes to now argue that the e-mail should have been designated as confidential – despite the City administration concluding, in May, 2014, there was no need for confidentiality – any such argument might justify criticism of Mr. Walker or Ms. Forster, not Mr. Crow.<sup>3</sup>

6. A further false, defamatory and outrageous accusation embodied in the Petition appears in Count II, par. 9, which states: "Upon information and belief, Respondent may have received campaign contributions and other remuneration in exchange for his complicity in disclosing confidential information which could be damaging to the City." As discussed above, there has been no improper disclosure of confidential information, so the above-referenced allegations cannot possibly be true. Furthermore, the allegations cannot be true in that Mr. Crow has not received campaign contributions or other remuneration from the firefighters – a fact which you and your clients could have verified for yourselves had you bothered to check publicly available campaign finance disclosure reports.

Couching the paragraph 9 allegations under the guise of "information and belief," as the Petition does, will not serve to insulate your clients from liability for defamation, abuse of process and malicious prosecution. An allegation made on that basis connotes that the parties and lawyer making the allegation have supporting information, and their belief has been "formed after an inquiry reasonable under the circumstances." Mo. R. Civ. P. 55.03(c). In making the very serious accusation that a public official has engaged in nefarious conduct in return for campaign contributions, the accusers hardly can be deemed to be acting reasonably and in good faith when they have not even bothered to review publicly available campaign finance disclosure reports, to determine whether they reflect campaign contributions by the party supposedly benefiting from the alleged conduct.

Not only do your clients face tort liability for their actions to-date, and contemplated future actions, you and your clients both will be exposed to the risk of sanctions, under Mo. R. Civ. P. 55.03, should you proceed to sign and file the Petition. Rule 55.03 provides that by signing and filing a pleading with a court, a party and its attorney are certifying that there are proper factual and legal bases for the claims asserted. No such factual or legal basis exists for the claims alleged in Count II or, indeed, any of the other counts, of the Petition.

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<sup>2</sup> For these and other reasons, the approach reflected in the Petition of including Ms. Forster's February 20, 2014 e-mail in Exhibit 2 to the Petition, but redacting the entire contents of that e-mail, is silly.

<sup>3</sup> As discussed above, no factual or legal basis exists for concluding that Ms. Forster's February 20, 2014 e-mail was a confidential legal opinion not to be disclosed. However, even assuming *arguendo* that the disclosure of the e-mail implicated some kind of impropriety, such a minor transgression hardly can be deemed to warrant the draconian punishment of forfeiture of a duly elected public official's office.



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December 14, 2015  
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7. The allegations in Count III of the Petition – that Mr. Crow committed breaches of his ethical responsibilities – similarly lack any factual or legal basis. And, Count III of the Petition further is fatally flawed in that the law is well settled that removal from office under quo warranto is not a proper remedy for an alleged transgression if the law provides other remedies. Here, if it ultimately were determined that Mr. Crow committed any ethical impropriety – which we vigorously dispute – the Missouri Rules of Professional Conduct provide ample means for addressing such matters. Quo warranto cannot properly be invoked to address ethics complaints.

8. The allegations in Count IV of the Petition – that Mr. Crow is improperly interfering with the functioning of the Council – similarly lack any factual or legal basis.

As a starting point, paragraph 20 references “Respondents’ actions as described herein” as the basis of the claims asserted in Count IV. Accordingly, we presume that Count IV is predicated on the claims that Mr. Crow improperly disclosed confidential information and engaged in nefarious conduct in return for campaign contributions. However, those allegations are debunked above, so cannot provide any proper basis for Count IV.

Beyond the already discredited claims, it is hard to even understand the nature of the allegations embodied within Count IV, as they are vague, conclusory and devoid of any specifics. Count IV essentially consists of bare allegations, unaccompanied by any facts or other specifics, that: “Upon information and belief Respondent has actively cooperated and participated with the Union in an attempt to cause harm to the City,” and “[s]uch collusion with the Union was designed to and does interfere with the lawful operation of the City.” (Petition, pars. 22-23). These, and other, aspects of the Petition read as if they were drafted by Joseph McCarthy – the dark stain on American history from the 1950s, who was a master at making accusations based on innuendo, with no facts existing to support them.

Count IV, like the rest of the Petition, is patently frivolous.

## CONCLUSION

In sum, the Petition is riddled with flaws, both factually and legally. It is filled with false and defamatory allegations and, for the reasons addressed above, cannot properly be viewed as having been prepared, published and disseminated in connection with any proper and good faith quo warranto proceedings.

The Petition clearly is nothing other than a highly transparent effort to undermine Mr. Crow’s re-election efforts. Your clients’ actions to-date in causing the Petition to be prepared, published and disseminated constitute libel and slander, malicious abuse of process, and abuse by members of the Welsch Kraft Group of their official positions and the public trust. Moreover, should you proceed to file the Petition in court, your clients further will be exposing themselves to liability for malicious prosecution, and you and your clients will be subject to sanctions under Rule 55.03.

Should your clients decide to move forward with the Petition, prudence would dictate that the City, or more appropriately your clients, personally, should establish a reserve fund in the amount of at least \$5,000,000 to cover Mr. Crow’s potential recovery of compensatory and punitive damages, as well as his



SpencerFane

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December 14, 2015  
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attorney's fees and expenses. I note that Missouri statutes expressly provide that if a respondent prevails in a quo warranto action against him, he is entitled to recover his defense costs from the relator(s) bringing the action. Mo. Rev. Stat. § 531.050.

Sincerely,




Gerald P. Greiman

GPG:kmm

January 11, 2016

SL 17419203  
E-1-22



Paulette Carr  December 11, 2015 8:09 AM  
<paulette\_carr@sbcglobal.net>  
To: Shelley Welsch <mayor@ucitymo.org>, Terry Crow <terry@cttla  
Steve Kraft <kraftstephene@gmail.com>, Paulette Carr  
<paulettexcarr@gmail.com>, Michael Glickert <imglickert@yahoo.com>,  
Rod Jennings <rjmiracle007@gmail.com>, Arthur Sharpe  
<qforlifeasj@att.net>, Lehman Walker <lwalker@ucitymo.org>, Catherine  
Grantham <cgrantham84@hotmail.com>  
Cc: "Kathryn B. Forster" <kforster@crotzerormsby.com>  
Petition in Quo Warranto - REMOVE MY NAME FROM THE PETITION

1 Attachment, 3 KB

Ms. Welsch, Councilmembers, Mr. Walker and Ms. Grantham (as Special Counsel):

I am absolutely disgusted, ashamed and embarrassed by the quo warranto proceeding you are putting forth to remove Councilmember Crow for something both Ms. Welsh and the City Clerk have done themselves without reprimand. I find this to be like the proceeding of censure you wrongfully passed against former Councilmember Price in February 2011. I note that you have included my name on the petition as a plaintiff. You have listed my name as a plaintiff without my permission. I respectfully request that my name be removed from this Petition in Quo Warranto against Councilmember Crow immediately.

Sincerely,  
Paulette Carr

Please note: this is a public document.



**Paulette Carr**  
Councilmember, Ward 2  
City of University City

7901 Gannon Ave.  
University City, MO 63130  
PH.: (314) 727-0919  
email: [paulette\\_carr@sbcglobal.net](mailto:paulette_carr@sbcglobal.net)

**IT IS THE OPINION OF THE AUTHOR THAT THIS DOCUMENT CONSTITUTES A PRIVILEGED COMMUNICATION BETWEEN A GOVERNMENTAL BODY AND ITS ATTORNEY AND MAY BE MAINTAINED AS A CLOSED RECORD IN ACCORD WITH THE PROVISIONS OF SECTION 610.021(1) RSMo. 2010.**

**MEMORANDUM**

TO: The Councils of Olivette and University City

FROM: Paul Martin

DATE: January 29, 2013

RE: Intergovernmental Cooperation Agreement Proposed Between Olivette and University City Regarding Redevelopment of the Olive Blvd. Corridor at I-170.

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This memo summarizes and comments on the draft Intergovernmental Cooperation Agreement (the “Agreement”) proposed between Olivette and University City to facilitate joint redevelopment initiatives in the Olive Boulevard Corridor at its intersection with I-170 (the “Redevelopment Area”).

**I. Overview.**

The Agreement establishes a commitment by the cities of Olivette and University City to form and fund a Joint Development Commission (“JDC”), and through the JDC to participate in the coordinated planning and zoning of the Redevelopment Area and the subsequent land use approvals, redevelopment, and marketing of the area (the “Services”).

The Agreement also requires the cities’ cooperation in forming other statutory development entities to implement the Services within the Redevelopment Area. These entities include a redevelopment corporation under Chapter 353 of Revised Statutes of Missouri (“RSMo.”), a Transportation Development District (Sections 238.200 through 238.275 RSMo.), and possibly a Community Improvement District (Sections 67.1401 through 67.1571 RSMo.) or a Neighborhood Improvement District (Sections 67.453 through 67.475 RSMo.).

This memorandum addresses the Agreement’s major components, including the JDC’s operating structure, the Services, funding, termination of the Agreement, and legal considerations.

**II. The JDC’s Operating Structure.**

The Agreement creates a Joint Development Commission (the “JDC”) to oversee the noted functions and delineates the powers and authority of the JDC in the context of those functions. The JDC by is to be governed by a Board of Directors (the “Board”) consisting of ten voting members (residents, business owners, or property owners), five from each city, who cannot be

**From:** Joyce Pumm <jpumm@ucitymo.org>  
**Subject:** FW: Sunshine request for emails/destroy  
**Date:** June 22, 2012 10:58:04 AM CDT  
**To:** "Paulette Carr (paulettexcarr@gmail.com)" <paulettexcarr@gmail.com>  
**Cc:** Lehman Walker <lwalker@ucitymo.org>

FYI

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**From:** Joyce Pumm  
**Sent:** Friday, June 22, 2012 10:56 AM  
**To:** 'Jan Adams'  
**Subject:** RE: Sunshine request for emails/destroy

Ms. Adams

It has been brought to my attention that there was another email from Paulette Carr that had a legal opinion from Paul Martin included at the end of her email. The date on the email sent was 4/20/12 and subject line was Sign Removal on Election Day. Could you please do the same with this email as you did with the other and send me an email confirming it.

Thank you  
Joyce Pumm

**From:** Jan Adams [<mailto:janadams@sbcglobal.net>]  
**Sent:** Wednesday, June 20, 2012 11:26 AM  
**To:** Joyce Pumm  
**Cc:** Paul Martin (external)  
**Subject:** Re: Sunshine request for emails/destroy

I am aware that a privileged document was inadvertently included in the response to my Sunshine request. As an officer of the court, I respect the attorney/client privilege and have not disseminated that document. I did not print the document and deleted the electronic version from my computer. If you need any further assurances, please let me know.

Sincerely, Jan Adams

--- On Wed, 6/20/12, Joyce Pumm <[jpumm@ucitymo.org](mailto:jpumm@ucitymo.org)> wrote:

**From:** Joyce Pumm <[jpumm@ucitymo.org](mailto:jpumm@ucitymo.org)>  
**Subject:** Sunshine request for emails/destroy  
**To:** "[janadams@sbcglobal.net](mailto:janadams@sbcglobal.net)" <[janadams@sbcglobal.net](mailto:janadams@sbcglobal.net)>  
**Date:** Wednesday, June 20, 2012, 11:06 AM

Ms. Adams

Please note that I did not realize one email sent from Ms. Carr's emails per your Sunshine Request, included an opinion from Paul Martin's Law Firm. Any emails from Mr. Martin are to remain confidential and I ask that you destroy this document and not pass it on to anyone. The date on Ms. Carr's email was June 11, 2012 at 3:16 PM.

— On Sun, 2/10/13, Shelley Welsch <[billandshelley@ucitymo.com](mailto:billandshelley@ucitymo.com)>wrote:

From: Shelley Welsch <[billandshelley@ucitymo.com](mailto:billandshelley@ucitymo.com)>

Subject: 2.10.2013 University City Bulletin Board

Date: Sunday, February 10, 2013, 6:02 PM

## University City Bulletin Board February 10, 2013 From the desk of Mayor Shelley Welsch

### News from City Hall

From City Hall this week, please see the attached:

-Two weekly crime reports

-A memo from City Attorney Paul Martin on the proposed Intergovernmental Agreement between Olivette and University City

-The DRAFT agenda packet for tomorrow night's meeting, and an UPDATED agenda for that meeting, posted separately to this newsletter.

And a follow-up to our last Council meeting

At the last meeting of the City Council a majority of the Council voted to support a resolution in support of the School District Prop U ballot issue - asking for support for a no-tax-increase bond issue in April. I abstained from the vote, making the point that I was focusing my attention on the capital needs of the City of University City - a total of \$63 million over the next ten years. I said at the meeting that I felt it was best to leave it to the School Board to educate residents on the need for the bond issue, what it would be used for, and why it's a good idea to seek voter approval for the bond issue at this time. There was also some question in my mind about City Council involvement in this manner, since I did know the City is not allowed to expend any funds in support of our own ballot propositions.

The day after the meeting a U City property owner contacted City Hall and complained about the vote, saying it was illegal, and quoting a section of State law. According to a legal opinion written by City Attorney Paul Martin, he did not agree that the section noted by the complainant was applicable, but...

"Section 115.646, however, provides as follows:

"No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure."

Preparing and submitting a resolution supporting a ballot proposition, even one germane to another jurisdiction, involves the use of public resources, and very likely constitutes an expenditure of public funds to advocate a ballot measure. The city's resolution probably violates this statute, but please note that the statute does not prohibit any public officials from personal advocacy. The prohibition only extends to the use of public funds to do so."

The City Attorney has further recommended that the Council refrain from future resolutions supporting ballot measures - our own or other jurisdictions'

### Happenings on Olive Boulevard

A charette will be held on February 19th related to the City-owned property at the northeast corner of Olive and North and South. That charette is scheduled for 6:30 p.m. at the Heman Park Community Center, and anyone who is interested in sharing ideas on what the City might do on that property are invited to attend.

### Coming up...

#### City Council meeting

Monday, February 11th

6:30 p.m.

Council chamber

DRAFT agenda packet is attached. Also attached is the UPDATED agenda for the Council meeting.

#### Other meetings

##### Wednesday, February 13th

Traffic Commission

6:30 p.m.

Heman Park Community Center

Arts & Letters Commission

7:00 p.m.

Centennial Commons

Library Board

5:15 p.m.

University City Public Library

##### Thursday, February 14th

Green Practices Commission

6:30 p.m.

Heman Park Community Center

Mini workshop on rain scaping program will be held.

#### Police Safety Seminar

February 12th

6:00 p.m.

Barbara Jordan Elementary School

HPES FREE health screening

[shelleywelsch@ucitymo.com](mailto:shelleywelsch@ucitymo.com)

Please feel free to share this Bulletin Board with your friends, neighbors or colleagues. If they would like to receive this e-mail directly, tell them to contact me.

Of course, if you have any questions, comments or concerns about this e-mail or anything happening in the City of University City, let me know at [shelleywelsch@ucitymo.com](mailto:shelleywelsch@ucitymo.com).

Mayor Shelley Welsch

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©2013 Shelley Welsch

**Attachments:**

- 📎 [February 11 2013 DRAFT Council packet.pdf \(1276K\)](#)
- § [Paul Martin Memo on Intergovernmental Agreement.pdf \(365K\)](#)
- 📎 [Autism Awareness & Understanding Event.pdf \(312K\)](#)
- § [Middle School Principal of the Year Dr. Jamie Jordan.pdf \(359K\)](#)
- 📎 [01-21 to 01-27 '13 Crime Report-\(1\)-.pdf \(201K\)](#)
- 📎 [01-28 to 02-03 '13 Crime Report.pdf \(57K\)](#)
- 📎 [February 11 2013 UPDATED Regular Meeting Agenda.pdf \(187K\)](#)
- § [MO Municipal League Legislative Update.pdf \(76K\)](#)
- 📎 [Photo with Returning Artist Saaba Buddenhagen Lutzeler.jpg \(5211K\)](#)
- 📎 [Prop U Fact Sheet.pdf \(134K\)](#)
- 📎 [RainScape Rebates Program description-\(1\)-.pdf \(406K\)](#)
- 📎 [RainScapePoster\\_lowres-\(1\)-.pdf \(435K\)](#)
- 📎 [Olive & North and South Intersection Design Charrette.pdf \(358K\)](#)

This email was sent by Shelley Welsch, 7141 Delmar Boulevard, Saint Louis, MO 63130-4304, using Express Email Marketing.

Express Email Marketing supports permission-based email marketing.  
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**From:** Kurt Becker <Kurt.Becker@iaff2665.org>  
**Date:** Monday, February 10, 2014 6:48 AM  
**To:** Kathryn Forster <kforster@crotzerormsby.com>  
**Cc:** Rick Barry <rickbarry@rickbarrypc.com>  
**Subject:** Request for Removal of Items #6 and #7 of the Group IV offenses of AR-4

Ms. Forster -

Please see the attached memo submitted on behalf of our members of the University Fire Department Shop of IAFF Local 2665.

Thank you in advance for your consideration of and attention to this request. Very truly yours,

Kurt Becker IAFF Local 2665



**Professional Fire Fighters of Eastern Missouri IAFF Local 2665**

115 McMenemy · St. Peters, Missouri 63376 · Phone (636) 397-1572 · Fax (636) 397-3809  
Dennis Murray · President Kurt Becker · 4<sup>th</sup> District Vice President



**Memorandum**

**Date:** February 10<sup>th</sup>, 2014

**To:** Ms. Kathryn Forster, City Attorney – University City, Missouri

**Cc:** Mr. Rick Barry

**From:** Kurt Becker, Vice President – IAFF Local 2665

**Re:** Request for Removal of Items #6 and #7 of the Group IV offenses of AR-4

This correspondence is written on behalf of the IAFF members of the University City Fire Department Shop of the Professional Fire Fighters of Eastern Missouri, Local 2665 ("Local") and for the purpose of requesting that the City remove Items #6 and #7 of the Group IV Offenses of Administrative Regulation #4 (AR-4) which pertains to Employee Discipline, so as to bring AR-4 into compliance with recently enacted state law regarding first responder political activity.

On June 28, 2013, Governor Nixon signed Senate Bill No 216, which provides for the enactment of RSMo 67.145. RSMo 67.145 reads as follows:

*"No political subdivision of this state shall prohibit any first responder, as the term "first responder" is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law."*

Items #6 and #7 of the Group IV Offenses of Administrative Regulation #4 (AR-4) which pertains to Employee Discipline restricts the employees of the City from engaging in political activity of any kind, even if the employee is off duty and not in uniform. This restriction clearly conflicts with the language of the newly enacted statute.

The laws of the State of Missouri bind University City, and therefore the City has an obligation to remove Items #6 and #7 of the Group IV Offenses of Administrative Regulation #4 (AR-4) which pertains to Employee Discipline so as to be consistent with Missouri law.

Please provide the City's position on the Local's request in writing, to me, on or before February 14<sup>th</sup>, 2014.

Very truly yours,

Kurt Becker  
IAFF Local 2665

**From:** Kurt Becker

**Date:** Wednesday, February 19, 2014 7:37:23 AM Central Standard Time

**To:** Kathryn Forster

**CC:** Rick Barry, Shelley Welsch, Terry Crow, Paulette Carr, L. Michael Glickert, Arthur Sharpe, Byron Price, Steve Kraft, Jen Stuhlman

**Subject:** FW: Request for Removal of Items #6 and #7 of the Group IV offenses of AR-4

Ms. Forster -

As a follow-up to the email I sent you last Monday, February 10th, to which you have not responded, I am writing again today to inquire as to the status of the request contained within the attached memo.

As you are aware, On June 28, 2013, Governor Nixon signed Senate Bill No 216, which provides for the enactment of RSMo 67.145. University City's Administrative Regulations do not comply with RSMo 67.145.

Please advise as to the City's intent to comply with this state statute.

Thank you.

Very truly yours,

Kurt Becker

IAFF Local 2665





**Professional Fire Fighters of Eastern Missouri IAFF Local 2665**

115 McMenemy · St. Peters, Missouri 63376 · Phone (636) 397-1572 · Fax (636) 397-3809

Dennis Murray · President

Kurt Becker · 4<sup>th</sup> District Vice President



**Memorandum**

**Date:** February 10<sup>th</sup>, 2014

**To:** Ms. Kathryn Forster, City Attorney – University City, Missouri

**Cc:** Mr. Rick Barry

**From:** Kurt Becker, Vice President – IAFF Local 2665

**Re:** Request for Removal of Items #6 and #7 of the Group IV offenses of AR-4

This correspondence is written on behalf of the IAFF members of the University City Fire Department Shop of the Professional Fire Fighters of Eastern Missouri, Local 2665 ("Local") and for the purpose of requesting that the City remove Items #6 and #7 of the Group IV Offenses of Administrative Regulation #4 (AR-4) which pertains to Employee Discipline, so as to bring AR-4 into compliance with recently enacted state law regarding first responder political activity.

On June 28, 2013, Governor Nixon signed Senate Bill No 216, which provides for the enactment of RSMo 67.145. RSMo 67.145 reads as follows:

*"No political subdivision of this state shall prohibit any first responder, as the term "first responder" is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law."*

Items #6 and #7 of the Group IV Offenses of Administrative Regulation #4 (AR-4) which pertains to Employee Discipline restricts the employees of the City from engaging in political activity of any kind, even if the employee is off duty and not in uniform. This restriction clearly conflicts with the language of the newly enacted statute.

The laws of the State of Missouri bind University City, and therefore the City has an obligation to remove Items #6 and #7 of the Group IV Offenses of Administrative Regulation #4 (AR-4) which pertains to Employee Discipline so as to be consistent with Missouri law.

Please provide the City's position on the Local's request in writing, to me, on or before February 14<sup>th</sup>, 2014.

Very truly yours,

Kurt Becker  
IAFF Local 2665

January 11, 2016

**From:** "Joyce Pumm" <[jpumm@ucitymo.org](mailto:jpumm@ucitymo.org)>  
**To:** "Rick Barry" <[rickbarry@rickbarrypc.com](mailto:rickbarry@rickbarrypc.com)>  
**Subject:** Sunshine request for Mr. Walker's emails

Mr. Barry

Please find attached the one email Mr. Walker sent to Council on February 20, 2014, per your Sunshine request.

Joyce Pumm  
City Clerk

**From:** Joyce Pumm  
**Sent:** Monday, May 05, 2014 4:26 PM  
**To:** '[rickbarry@rickbarrypc.com](mailto:rickbarry@rickbarrypc.com)'  
**Cc:** 'Katie Forster'  
**Subject:** Sunshine request for Mr. Walker's emails

Mr. Barry

Your Sunshine request "Any and all e-mails sent by City Manager Lehman Walker on February 20, 2014 to the City Council regarding Political Activity of First Responders."

I have one email of Mr. Walker's that fits your above description but I am waiting for legal opinion as to whether I can supply this since it contains legal advice with a confidentiality clause from the City Attorney. As soon as hear a reply I will be in correspondence with you.

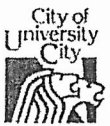
Joyce Pumm  
City Clerk  
University City

Joyce Pumm

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**From:** Lehman Walker  
**Sent:** Thursday, February 20, 2014 3:50 PM  
**To:** Arthur Sharpe; Byron Price (creator.price@gmail.com); L. Michael Glickert; Mayor Shelley Welsch; Paulette Carr; Shelley Welsch; Stephen Kraft; Terry Crow  
**Cc:** Joyce Pumm  
**Subject:** FW: Political Activity of First Responders

Please see the information below.



**Lehman Walker**  
*City Manager*

City of University City, 6801 Delmar Boulevard, University City, MO 63130  
P: 314.505.8534 | F: 314.863.9146 | [www.ucitymo.org](http://www.ucitymo.org)

**From:** Katie Forster [<mailto:kforster@crotzerormsby.com>]  
**Sent:** Thursday, February 20, 2014 3:45 PM  
**To:** Lehman Walker  
**Subject:** Political Activity of First Responders

Lehman,

The Missouri Legislature enacted Section 67.145 of the Missouri Revised Statutes during its last session. Section 67.145 went into effect on August 28, 2013 and permits first responders to engage in political activity while off duty and not in uniform. The City was aware of this change and is taking steps to update the City's Administrative Regulations. Pursuant to your direction, we have been working with Elaine Williams to review all of the City's Administrative Regulations to bring them up to date and ensure they are compliant with state and federal law. The City was aware of the change in the law when passed and has and will continue to follow it. The City's Work Rules and Offenses are being revised to reflect the new law.

Section 67.140 of the Missouri Revised Statutes specifically states:

First responders, political activity while off duty and not in uniform, political subdivisions not to prohibit.

67.145. No political subdivision of this state shall prohibit any first responder, as the term first responder is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.

If you have any other questions please let me know.

Thanks.

Katie

Kathryn B. Forster  
*Attorney at Law*



Crotzer & Ormsby, LLC  
130 S Bemiston Ave #602  
Clayton, MO 63105  
314.726.3040  
314.754.0780 (direct)  
314.726.5120 (fax)  
[kforster@crotzerormsby.com](mailto:kforster@crotzerormsby.com)

*CONFIDENTIALITY STATEMENT*

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**UNIVERSITY CITY CIVIL SERVICE BOARD**

Appeals of:  
 JEN STUHLMAN,  
 JEFF BARLAGE,  
 NICK ROBBEN  
 NICK WERNER, and  
 LUCAS ANDERT

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**FINDINGS. CONCLUSIONS AND RECOMMENDATION**

Before the University City Civil Service Board are appeals filed by Jen Stuhlman, Jeff Barlage, Nick Robben, Nick Werner and Lucas Andert (collectively, "Appellants") on May 1, 2014, from actions taken by the City Manager, Lehman Walker, on April 24, 2014, suspending each of them from their position as a University City fire fighter, without pay, for 30 shift days, beginning April 24 and ending July 23, 2014.

Appellants appeal pursuant to Rule XIII, sec. 2, of the Civil Service Rules of the City of University City. Each of them seeks rescission of the suspension and reinstatement to his or her position, with full back pay and benefits of employment restored, and that any documentation in their personnel files regarding the suspension be removed. The Board consolidated the appeals, and a hearing was held May 29, 2014.

For reasons set forth below, the Board finds and concludes that it has jurisdiction over these appeals under Civil Service Rule XIII, sec. 2, and that the appeals should be sustained, and recommends that all of the relief sought by Appellants be granted.

However, the City maintained that fire fighters should have recognized that the rule now should be read as being modified by RSMo. § 67.145, and, viewed as such, continued to be a valid restriction on political activity by City employees.

Notably, on February 20, 2014, Katie Forster, a lawyer for the City, sent an e-mail to Mr.

Walker, stating:

The Missouri Legislature enacted Section 67.145 of the Missouri Revised Statutes during its last session. Section 67.145 went into effect on August 28, 2013 and permits first responders to engage in political activity while off duty and not in uniform. The City was aware of this change and is taking steps to update the City's Administrative Regulations to bring them up to date and ensure they are compliant with state and federal law. The City was aware of the change in the law when passed and has and will continue to follow it. The City's Work Rules and Offenses are being revised to reflect the new law.

Mr. Walker forwarded the e-mail to members of the City Council. Upon his doing so, Ms.

Forster's e-mail became a public record.

The City acknowledges that, as of the time of the conduct in question and, indeed, to-date, Rule 6 has not been revised to bring it into compliance with RSMo. § 67.145.

## JURISDICTION

As a threshold matter, the City maintains that the Board lacks jurisdiction to consider these appeals under sec. 2 of Civil Service Rule XIII, asserting that sec. 2 confers jurisdiction on the Board only with respect to complaints relating to discharge or reduction in rank or compensation, and this is not such a matter. The City argues that, at most, the Board might have jurisdiction of these appeals pursuant to sec. 3 of Civil Service Rule XIII, which authorizes the Board to hear complaints and grievances other than those relating to discharge or reduction in rank or compensation. However, the City goes on to argue that these appeals would not presently be ripe for consideration under sec. 3 because that section provides for a dispute

Good evening, Madam Mayor and Council Members:

Those who know me – and know Councilmember Price, know that we do not share the same views on most issues discussed by Council, but there are indeed two issues that we do agree upon: The first is that an elected official has an obligation and responsibility to represent his or her constituency, where the majority rules and the minority is protected/considered... does not just substitute their judgment for the will of the people or make bargains with other politicians. Second, and even more fundamental, is the right of free speech a protected 1<sup>st</sup> amendment right. For both of these, I stand with everyone who embraces these rights and responsibilities. Tonight I stand with Councilmember Byron Price.

Unique to most of this audience, I have listened to the entire Valentine's Day Council Meeting in its entirety 4 separate times – once in person, and the recording 3 times – a total of 10 hours, 54 minutes and 40 seconds. It is a little like listening to the audiotape of the book, *Men are From Mars, Women are from Venus*. The first time I listened to the tape of the book, I said, "See there, it is my husband who is creating the problem!!! The second time I finished listening, I said, "Well maybe I did provoke the situation once – maybe twice, but he is still largely at fault and he needs to fix it." By the third time I finished listening, I said, "I can see where I am responsible for many of the disconnects, and I need to find a way to change that." So it is with this council.

I did not see in person nor hear in the audio recordings what the Mayor has alleged in her resolution. The mayor does NOT have to issue these reprimands. It only escalates the situation and it takes on the proportions of hyperbole and hysteria. Many of the charges and accusations that I hear repeated by council members and the community seem grossly out of proportion with what I saw and heard that night – and more importantly, what I heard when I listened, and re-listened, and re-listened to the audio.

I beg you, if you are intent upon taking this vote, please listen to the audio recording another couple of times before you do. The resolution of reprimand, and the march to remove Mr. Price, a duly elected representative, for something other than criminal behavior is so grievous that you will literally rip this city apart. You will not be remembered as the Mayor who brought good will and prosperity to this community. I challenge you to retreat from your autocratic approach to a more (small d) democratic approach... our charter reads that way – you are one of seven, but with real leadership – and in my opinion, not a lot of effort – you could find a way to bring ALL of the council to the table. You need help – I offer my time and effort to assist in any way I can. Many in this room offer the same. Madam Mayor, I challenge you to rise to real leadership and the occasion – withdraw this resolution of reprimand and embrace the real work of a democratic government.

Paulette Carr  
7901 Gannon Ave.  
February 28, 2011

Tom Sullivan <tsullivan@sullivanadv.net>      December 14, 2015 12:53 PM  
To: Catherine Grantham  
<cgrantham84@hotmail.com>  
Cc: Mayor Shelley Welsch <mayor@ucitymo.org>, Terry Crow  
<crow@ctlaw.net>, "Steve E. Kraft" <kraftstephene@gmail.com>, Paulette  
Carr <paulette\_carr@sbcglobal.net>, Michael Glickert  
<imglickert@yahoo.com>, Rod Jennings <rjmiracle007@gmail.com>,  
"Arthur Sharpe Jr." <qforlifeasj@juno.com>  
Reply-To: Tom Sullivan <tsullivan@sullivanadv.net>

---

12/14/15

**TO: Catherine Grantham, Attorney at Law, 225 So. Meramec,  
Clayton, MO 63105**  
**FR: Tom Sullivan, 751 Syracuse Avenue, University City, MO  
63130, 314-732-9993**  
**RE: Quo Warranto Proceeding/ University City Councilman  
Terry Crow**

Not long ago, Post-Dispatch columnist Bill McClellan quoted what the late Judge William Hungate liked to say to lawyers making specious arguments: "If you had ham you could have ham and eggs, if you had eggs." After reading your draft of the "Petition In Quo Warranto" against University City Councilman Terry Crow, I would say the judge's remarks would apply. There is no substance to the petition. A lot of puff but no substance.

The petition is only part of the foolishness that has been taking place at City Hall in recent years due to Mayor Shelley Welsch. As I assume you know, there is a recall petition currently being conducted against her and her close ally, Councilman Steve Kraft. I'm sure this is a considerable part of the the mayor's motivation in regard to Councilman Crow. As Post-Dispatch columnist Tony Messenger writes in his column this morning, the action against Terry Crow takes on "the flavor of revenge." No doubt about that.

Mayor Welsch has the freedom to engage in foolishness but you are constrained by legal ethics and it seems you are violating them. The Rules of Professional Conduct for lawyers, Rule 4 of the Missouri Supreme Court Rules, states in the preamble:

*"A lawyer's conduct should conform to the law, both in professional service to clients and personal affairs. A lawyer should use the the law's procedures for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials."*

It seems you are doing exactly what the Rules tell you not to do. You might notice the headline to the Messenger column: "Sloppy email use



trips up University City mayor's firefighter vendetta." It is unquestionably a vendetta and one a reputable lawyer should not be part of.

It is a very safe bet that St. Louis County Prosecuting Attorney Robert McCulloch would never proceed with such a flimsy petition. Removing a duly elected public official is a serious matter that has to do with considerable wrongdoing or misconduct. This is why it is a rare occurrence and why the Petition for Quo Warranto in regard to Terry Crow would be given short shrift.

In 1995, then-Attorney General Jay Nixon removed the sheriff of Case County through a *quo warranto* petition. In supporting the removal, the Missouri Supreme Court handed down a decision that gave new standards for defining key elements of a *quo warranto* action. You might want to take a look at it. The case is styled, *STATE ex inf. Fuchs v. Foote, 903 S.W. 2nd 535 (1995)*.

Also, the UCity United group came out with a letter on Saturday about the allegation that Councilman Crow released a confidential legal opinion. This is what it says in part:

*"The alleged 'confidential legal opinion' is actually neither confidential, nor a legal opinion. On February 20, 2014, City Manager Lehman Walker forwarded this email from the City Attorney to the entire council. It was not marked as a 'closed record' pursuant to the state statute and you can see it is actually a status report on bringing city regulations into compliance with State law."*

The letter goes on:

*"This alleged 'confidential legal opinion' was also presented and made part of the record in an open University City Civil Service Board hearing on May 29th and was referenced on page 5 of their findings: 'Mr. Walker forwarded the email to the City Counsel (sic). Upon his doing so, Ms. Forster's e-mail became a public record.'" (Emphasis in letter.)*

As was found out this morning from Tony Messenger's column, Mayor Welsch unintentionally sent the columnist a copy of the memo in question. As Messenger writes: "There is nothing confidential about the memo." This is the same thing that UCity United and Terry Crow have said. It would seem the Petition In Quo Warranto you drafted misrepresents the memo.

I would suggest you review the relevant documents in this matter and also do a little more research. You might also consider your responsibilities as a lawyer and your obligation to comply with the Rules of Professional Conduct.

Copy: Mayor Shelley Welsch & Members of the University City Council,  
Interested Citizens

## Statement to Council

Andrew Roberts

Monday, December 4, 2015

You've brought four charges against Mr. Crow, and while I'm sure he can defend himself, it would be wrong of me to not call you out on such wild hypocrisies.

First, malfeasance. When *you* violate the law, you can just apologize. When *Mr. Kraft* insults a citizen for no reason, that's fine. When *Mr. Walker* refuses to answer questions from the Council, that's fine. When *Ms. Pumm* refuses lawful requests from the Council, that's fine. When *Mr. Crow* attempts to discover whether the City is obeying the law, that's a crime. It's absolute nonsense. At the very worst, Mr. Crow is a whistleblower, and if you weren't in compliance with the law, the public has a right to know.

Second, the violation of the public trust. I cannot believe these words are coming from *you*. You have no ground to stand on here, and neither does the rest of the Council. Mr. Jennings negotiates in bad faith, then accuses his opponents of intransigence. Mr. Kraft shows outright contempt for the public, then pretends to be the arbiter of Fact. Mr. Glickert throws sexist, offensive comments at Ms. Carr with impunity. Mr. Sharpe is on the verge of sleep through important Council business. Mr. Walker mutters lies and dodges under his breath so we can't understand him. The idea that Mr. Crow, who has been reasonable and respectful, has violated the public trust is absolute nonsense.

Third, the breach of ethical responsibilities. Where are *your* ethical responsibilities? You refuse to listen to your constituents. You hired Mr. Walker after he was kicked out of *his* profession's ethical organization and then changed the rules so he could remain your personal agent. You award single-bid contracts to outside companies at inflated rates. You suspend firefighters - whom you once called heroes - out of vengeance and pettiness. You declare pressing concerns unfit for public discussion. You call your opponents liars, conspirators, extremists, and malcontents, belittling legitimate concerns and criticism until our only recourse is recall and outrage. And you have the gall to say Mr. Crow has breached *his* ethical responsibilities? It would be laughable if it weren't so disgusting.

Fourth, interfering with the functioning of the Council. What *functioning* is that, exactly? In what way could he possibly have interfered with it? Despite his objections, despite hours of

public support for his position, you were able to outsource our EMS without delay, contemplation, or public input. Any motion he brings is instantly voted down, five-to-two. No matter how many times he speaks, what he says, or how reasonable his arguments are, the business of council - the union-busting, the outsourcing, the ignorance, the lies - continues unimpeded. And with the way this Council has "functioned", I would welcome a little interference.

Your motivations are obvious. You've known about his actions for months, and you've been holding it close to your chest as your trump card. It's no coincidence that this Petition is brought up just before Mr. Crow decides whether to file to run for re-election. You're hoping he might just decide not to run, but I don't think you're counting it. What you're counting on is that it will cast enough of a shadow on his campaign that any challenger can rely on that alone to win. You're counting on it costing him money to retain a lawyer in the middle of an expensive campaign. You're giving his enemies fuel and his supporters doubt. You don't care that your case holds no water, or that Robert McCulloch (himself an unethical, illegitimate public official) will take up the case. All you need to do is keep this process going through April. If it succeeds after then, you get your wish; if it fails, it's no loss - you just spin it as impartial legal proceedings. That is *if* you're still in office come April.

The first time I spoke at a Council meeting, I spoke about the value of civility and compromise. I don't care about that any more; do what you're going to do. I'm not standing up here to speak politely, or argue, or ask for reasonable debate. I'm just up here to remind you what a contemptible job you do, because you need to be reminded of that as often as possible.

**City of University City  
Commission for Access and Local Original Programming  
6801 Delmar Blvd.  
University City, MO 63130**



**REQUEST FOR PROPOSAL:**

**The University City Media Collaborative (UCMC)**

**For**

**Commission for Access and Local Original Programming (CALOP)**

**PROPOSALS MUST BE SUBMITTED BY**

**5:00 P.M., JANUARY 8, 2016**

**RESPONSES RECEIVED AFTER THE DUE DATE**

**WILL NOT BE EVALUATED**

**NO FAX OR EMAIL REQUESTS ACCEPTED**

### **Request for Proposal**

The Commission for Access and Local Original Programming (CALOP) seeks applicants for a grant to create and operate a new Missouri non-profit 501(c) (3) corporation to be known as The University City Media Collaborative (UCMC). CALOP will provide start-up capital for this new venture and may, at its discretion, provide either a limited, restricted endowment or grants to assure continual operation.

The purpose of this document is to provide qualified individuals and existing Missouri non-profit corporations to enable them to prepare and submit a proposal for The University City Media Collaborative (UCMC).

Proposals may be mailed or delivered to the Finance Department:

City of University City  
Commission for Access and Local Original Programming (CALOP)  
Attn: Keith Cole  
6801 Delmar Blvd.  
University City, MO 63130

**Proposals must be submitted by 5:00 p.m. on Friday, January 8, 2016.** Proposals received after the specified date will not be evaluated.

CALOP reserves the right to reject any and all proposals. The contract is subject to approval by the CALOP Commission Members. Proposals are all inclusive and will **not** be partially awarded. All proposals shall be deemed final, and once opened, no proposal shall be subject to correction or amended for any errors. All proposals that are submitted will become the property of CALOP.

### **GENERAL CONDITIONS**

#### **1. Goals and Objectives**

Our goal is to create a self-sustaining organization located in University City dedicated to training our young people for permanent employment and empowering them for creative expression and civic involvement, while simultaneously ensuring that every University City resident will have access to instruction and current technology as noted below regardless of age, race, or socio/economic status.

The objective is to create a University City Media Collaborative that will train University City residents of all ages how to use both new and older media forms to share ideas, organize community conversations, or simply stay in touch with family and friends. The training will be provided for a fee or on a reduced-cost basis.

The University City Media Collaborative (UCMC) would, at its core, be a community technology center. "A community technology center (CTC) is a facility that provides free or low-cost

computer access, and/or training, to people lacking the resources to have a computer and/or internet in their home. Such facilities are generally established through a collaborative effort on the part of government and non-profit organizations, as well as corporate and private citizens.”<sup>1</sup> Beyond providing access to computers, the UCMC would offer training in audio and video production and classes in various forms of creative production, such as art, writing, filmmaking, and radio story telling. With this added component, the UCMC would empower citizens to understand current technology and continue the tradition of creating educational and cultural programming—the original mission of CALOP—while moving into the future by enhancing digital literacy and bridging a growing digital divide.

The Collaborative could be one or more of the following:

1. Be a partnership of local institutions that want to encourage the spread of technology to a wider audience and/or want to provide support for artistic and educational outreach and expression. Potential partners may include, but not necessarily be limited to: University City Public Library, Loop Media Hub, KDHX Community Media, the Center of Creative Arts, the Regional Arts Commission, the School District of University City, the Higher Education Channel (HEC-TV), Cinema St. Louis, and Washington University.

On the consumer level, the UCMC could offer training on hardware and software that increasingly people need on a daily basis to remain fully functioning, engaged citizens capable of making valuable contributions to society.

The Collaborative could teach audio and video production in multiple formats for multiple distribution platforms, which would align with the original vision and mission of CALOP.

UCMC could guarantee access to high speed internet and the equipment and training necessary to be an internet citizen. Also, it could be an incubator for the next generation of entrepreneurs who, through the Collaborative, will have access to the tools and knowledge they need to create the next Twitter, Etsy, or Facebook.

2. Be a site for an Apple Authorized Training Center (AATC) (<http://training.apple.com/aatc>)

The UCMC could become an Apple Authorized Training Center for people of all ages throughout the St. Louis region. Once established, revenue streams may come from charging fees for services, such as school lab fees, or through grants from corporations who need a trained labor force.

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<sup>1</sup> Margaret Rouse, Manager Tech Target’s IT encyclopedia and Learning Center. Cited as an authority in major publications such as the New York Times, Time Magazine, USA Today, The Washington Times, the Miami Herald, ZDNet, PC Magazine and Discovery Magazine. Before joining TechTarget in 2000, Margaret worked for New York State Model Schools, teaching computer science and technology integration

Upon successfully completing instruction at an AATC the students would be awarded a certificate of employability in Apple and Adobe products, which they could then present to prospective employers as evidence of their job qualifications. This is a crucial component in building the skilled labor force that corporations need to fill existing positions and create new jobs. The UCMC could be the leader in the field in the St. Louis region.

3. Be an AVID Learning Partner  
(<https://www.avid.com/US/services/training/become-partner>)

The UCMC could also consider becoming an AVID Learning Partner to provide training to people from University City and throughout the region on film and video production. The link above is for the AVID website where it describes in detail what it takes to become an AVID Learning Partner. Ideally, the UCMC could find certified instructors needed to proceed and develop a fee-based system (and revenue stream) similar to what would be used at the AATC.

The new non-profit corporation will:

- Create a new board of directors of outstanding and respected citizens to govern the actions of the organization. Current CALOP board members may be willing to serve as an interim board of directors for a limited period of time.
- Locate the operations of the UCMC in a University City location easily accessible to all residents of the greater metropolitan area.
- Seek additional grants and donations from multiple sources to facilitate growth and continual operation.
- Build partnerships with organizations in University City and throughout the region to collaborate on the use, operation, and funding of the UCMC.

### **REQUIREMENTS**

Each proposal must be submitted in a sealed envelope, which shall be endorsed on the outside thereof with the following information.

Proposal for:

1. The University City Media Collaborative (UCMC)
2. CALOP
3. Name and Address of Respondent

The proposal itself, should include:

- A broad project concept and detailed business plan, along with proof of expertise in the field and a demonstrated track record of success **(including examples of prior work and**

**references).** This concept and project business plan with components should be no longer than 10 pages with a maximum two-page summary of the project. This concept and business plan should include the following appendices which do not count toward the page limit:

(a) financial projections (for 3 or 5 years, or for two years past financial breakeven),  
(b) an initial list of sources of grant, in-kind, and charitable funding, as well as any revenue-generating activities they can identify that might help fund the organization,  
(c) resumes of key team members and job descriptions for future team members needed to meet the staffing requirements to make the initial organization capable of delivering on its goals.

- Interested persons or organizations should have experience in video/film production and business operation and management.
- The full proposal will be presented to the Commission to make a final selection.
- No current or former University City employees or CALOP commission members may apply.

The person(s) or group(s) selected will work closely with CALOP as well as other relevant community resources to insure compliance with the goals and guidelines of the UCMC initiative.

No proposal shall be modified, withdrawn, or cancelled without the consent of CALOP after the scheduled due date. All proposals submitted must be valid for a minimum period of sixty (60) days.

The individual / non-profit organization shall protect, indemnify and hold CALOP harmless against any liability, claims and costs of whatsoever kind and nature or performance of work in connection with the proposal.

Your signature acknowledges that he/she has read this solicitation, understands it, and agrees to be bound by its terms and conditions.

All proposals must be received by the date specified. Proposals received after the date prescribed shall not be considered for award and shall be returned to the respondent.

### **SELECTION**

The Commission's goal is to make a final selection after the first submission and initiation of the business plan/concept, no later than March of 2016.



Kathy Straatmann -- 6855 Plymouth Avenue, Third Ward, University City.

I am addressing my third ward Council members -- Arthur Sharpe Jr. and Rod Jennings. I am asking you to please, in the future, do due diligence and enough research for any projects affecting our third ward. And then, please listen to your constituents.

Further, I would like to, once again, thank Council Member Terry Crow and Council Member Paulette Carr for doing their due diligence and research – thereby trying to minimize some of the damage that is being done to our city.

Council Member Crow, Council Member Carr -- please stay with us and continue your efforts.

I know Madame Mayor you like to say there are just a few of their supporters in the audience -- making a lot of noise. Trust me -- our numbers are far greater than those who come and suffer through these meetings and listen to your spin on things.

During the past weeks, I have had many citizens of University City snatch my recall petitions out of my hand – BECAUSE THEY CAN'T SIGN THEM FAST ENOUGH.

Thank you and please make this a part of tonight's minutes.

My name is Leif Johnson. I live at 836 Barkley Square, 725-5429; [suz836@hotmail.com](mailto:suz836@hotmail.com)

The discriminatory Parks and Recreation Policy against the poor must be eliminated. The policy is “If you can't pay, don't play”. It is a policy of ultra right-wing politicians who are followers of Edmund Burke, whose reactionary parliament in England we fought, and won, the American Revolution. I urge every Council member to eliminate that policy this evening.

On a personal note, I suppose that I did not realize the cruelty, viciousness, and desire to win at all costs, here tonight displayed by the followers of Edmund Burke. You in the audience will once again witness this. In my parent's generation this was called “Triumph of Will”. (Those younger should get the movie from Netflix.) Triumph of Will.

I am reminded of the immortal words of Abraham Lincoln, spoken in the Illinois legislature on the day after Christmas, 1839:

“Many free countries have lost their liberty; and *ours may* lose hers; but if she shall, be it my proudest plume, not that I was the *last* to desert, but that I *never* deserted her. I know that the great volcano at Washington, aroused and directed by the evil spirit that reigns there, is belching forth the lava of political corruption, in a current broad and deep, which is sweeping with frightful velocity over the whole length and breadth of the land, bidding fair to leave no green spot or living thing, while on its bosom are riding like demons on the waves of Hell, the imps of that evil spirit, and fiendishly taunting all those dare resist its destroying course, with the hopelessness of their efforts; and knowing this I cannot deny that all may be swept away. Broken by it, I, too, may be; bow to it I never will.”



## Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** Traffic Signal Maintenance Agreement

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

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### BACKGROUND REVIEW:

The City of University City owns and maintains eight (8) traffic signals. St. Louis County Department of Transportation has provided maintenance services on these signals under a maintenance agreement signed in June of 2003. In a letter dated March 27, 2015, St. Louis County notified all the area municipalities that their traffic signal maintenance services contract will cease on December 31, 2015. The County's decision was predicated on their maintenance needs for their own infrastructure which have escalated beyond their ability to perform municipal contract work.

In October 2015, staff obtained a proposal from Crawford, Bunte & Brammeier (CBB) Transportation Engineers for maintenance and specialized traffic engineering services for the University City signals, as needed. CBB is a prequalified traffic engineering consultant by the Missouri Department of Transportation (MoDOT). The agreement includes the following services:

1. Initial Services: Collect existing intersection info and upload controller programming
2. Annual Maintenance Services
3. Scheduled maintenance Services
4. Emergency Maintenance Services
5. Signal Timing and Programming
6. Signal Locate Services

Before obtaining the proposed agreement from CBB the City staff engaged in a discussion with the City of St. Louis municipal traffic division about that City's performance of contracted traffic signal maintenance services for University City with a possibility of future signal interconnection on Delmar Blvd. between the two neighbor cities. The City of St. Louis has to date not decided whether it is feasible to provide these services externally. If that City becomes a provider of traffic signal maintenance/engineering services, then University City can consider entering into an agreement with them in the future after the expiration of its contract with CBB Transportation Engineers.

The costs associated with the signal maintenance services under the CBB Agreement are comparable to the costs provided to neighboring municipalities planning to use the same services. Below is a list of the other municipalities that have signed agreements with CBB:

City of Ferguson (6 signals), City of Frontenac (5 signals), City of Ladue (13 signals), City of Maryland Heights (10 signals and beacons), City of Clayton (23 signals).

**STAFF RECOMMENDATION:**

Staff recommends that the City Council authorize the City Manager to execute attached agreement with CBB to provide Traffic Signal Maintenance Services. This work is budgeted under the Public Works-Parks Street Maintenance section of the General Revenue Fund.

**ATTACHMENT:**

- Proposed draft agreement between CBB and University City

## TRAFFIC SIGNAL MAINTENANCE CONTRACT

This CONTRACT, made and entered into this \_\_ day of \_\_\_\_, 2016, by and between GEORGE L. CRAWFORD & ASSOCIATES, INC. d/b/a CBB, a of Missouri corporation, hereinafter referred to as "CBB", and UNIVERSITY CITY MISSOURI, a municipal Corporation, hereinafter referred to as the "CITY".

**WHEREAS**, the CITY desires CBB to provide traffic signal maintenance services ("Services") necessary within the CITY on non-county and non-state highways and roads; and

**WHEREAS**, CBB is an approved consultant on MoDOT's LPA pre-qualification list and is willing to perform such Services and provide such materials upon the terms and conditions hereinafter stated.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth to be performed by the parties hereto, it is hereby mutually agreed as follows:

- I. OBLIGATIONS OF CBB.** CBB will serve as the point of contact for the Services provided and will coordinate all work. CBB has contracted with Gerstner Electric in order to provide the Services to the CITY. CBB will provide:
- a.** A licensed Professional Engineer (PE), a certified Professional Traffic Operations Engineer (PTOE) and certified IMSA Traffic Signal Level III Senior Field Technician ("Project Manager").
  - b.** The Initial Services as set forth in Exhibit A, attached hereto and incorporated herein.
  - c.** Annual Maintenance Services as set forth in Exhibit A.
  - d.** Scheduled maintenance Services as set forth in Exhibit A.
  - e.** Emergency Maintenance Services as set forth in Exhibit A.
  - f.** Signal Timing and Programming as set forth in Exhibit A.
  - g.** Signal Locate Services as set forth in Exhibit A.
  - h.** Additional Services set forth in Exhibit A.

- II. OBLIGATIONS OF THE CITY.** The City will provide CBB with a written Notice to Proceed for the Initial Services. The City will provide CBB with a list of CITY staff that are authorized to request services from CBB.
- III. TERM.** This Contract shall commence on February 1, 2016 and will extend until December 31, 2016. The CITY shall have the option to renew the Contract for additional one (1) year terms, subject to CITY Council approval. The CITY shall provide CBB written notice of its intent to renew the Contract, sixty (60) days prior to its expiration.
- IV. COMPENSATION.** The CITY will pay CBB for all Services provided, in accordance with the fees set forth in Exhibit B. CBB will present invoices to the CITY on a monthly basis. Such invoices will include copies of the invoices submitted by Gerstner Electric detailing the work performed, the person performing the work, and the detailed fees and costs. The CITY shall pay such invoice amount within thirty (30) days of its receipt of the invoice from CBB.
- V. TERMINATION.** This Contract shall terminate on December 31, 2016 unless terminated at an earlier date as permitted herein or renewed pursuant to Section III of this Contract. Either party may terminate this Contract at any time and in its sole discretion by giving the other party thirty (30) days written notice.
- VI. BREACH OF CONTRACT.** Either party's failure to perform any duties or obligations that such party is to perform under this Agreement is in breach of this Contract. Upon learning of a breach of this Contract, the non-breaching party shall notify the breaching party in writing of such breach. In the event a breach of this Contract is not remedied within thirty (30) calendar days after delivery of written notice of such breach to the breaching party, the non-breaching party will be in default. If a party is in default under this Contract, the non-breaching party may terminate this Contract by written notice to

the breaching party, such termination to be effective upon the date of the breaching party's receipt of such notice and may pursue any and all remedies, at law or in equity against the breaching party for such default.

**VII. COMPLIANCE WITH ALL LAWS.** CBB and Gerstner Electric will observe and comply with all laws, rules, regulations, requirements, orders and directions that may pertain to its activities and will require, and will be responsible for, such observance and compliance from each agent, employer, contractor or subcontractor engaged by it in connection with the services provided to the CITY.

**VIII. INSURANCE.**

- a. CBB will maintain workers' compensation and appropriate employer's liability insurance covering any of its own employees engaged in activities relating to the Services. CBB will be responsible for informing any contractor or subcontractor it retains in connection with the Services that such contractor or subcontractor should maintain appropriate insurance coverage and should not rely on insurance through the CITY.
- b. CBB will require that such outside contractors provide it with a certificate of insurance demonstrating insurance coverage in connection with the work to be performed by such contractor in connection with the Services, for personal and property liability, medical benefits, as well as general liability insurance.
- c. CBB at its own expense, shall obtain and shall maintain in full force and effect for the term of this Contract, at its own expense, commercial general liability insurance for the protection of the parties, their officers, directors, agents and employees, with limits not less than:
  - i. \$1,000,000 per occurrence and \$2,000,000 in the aggregate for comprehensive general or commercial general liability insurance policies; and
  - ii. \$1,000,000 per occurrence-combined single limit or \$1,000,000 bodily injury and \$1,000,000 property damage for automobile liability insurance policies.

CBB shall provide the CITY with a certificate of insurance upon request.

- IX. INDEMNIFICATION.** CBB agrees to defend, indemnify and hold harmless the CITY, its officers, directors, employees and agents from and against any and all claims, actions, damages, liability and expense, including reasonable attorneys' fees and expenses and other professional fees and expenses, in connection with loss of life, bodily injury and/or damage to property to the extent caused by the negligent acts or omissions of CBB, its officers, directors, agents, contractors, sub-contractors or employees in the performance of CBB's obligations under this Contract.
- X. RELATIONSHIP OF PARTIES.** No agency or employment agreement is created by this Contract and CBB shall be an Independent Contractor for the limited purpose of completing the Services. CBB shall have no authority to legally bind the CITY without the CITY's express written consent.
- XI. EXECUTION IN COUNTERPARTS.** This Contract may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.
- XII. CHOICE OF LAW; VENUE.** This Contract will be governed and construed in accordance with the laws of the State of Missouri. Any action arising out of, or concerning, this Contract shall be brought in the Circuit Court of St. Louis County, Missouri.
- XIII. SEVERABILITY.** Should any clause, sentence, provision, paragraph, or other part of this Contract be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Contract. Each of the parties declares that it would have entered into this Contract notwithstanding the fact that any one or more of this Contract's clauses, sentences, provisions, paragraphs, or other parts have been so declared invalid. Accordingly, it is the intention of the parties that the remaining portions of this Contract shall remain in full force and effect without



regard to the clause(s), sentence(s), provision(s), paragraph(s), or other part(s) invalidated.

**XIV. PREVAILING PARTY.** In any action arising out of this Contract, the parties agree that the prevailing party shall be entitled to reasonable attorney's fees and all costs, fees and expenses, including the fees of expert witnesses and consultants, whether or not such costs, fees and expenses are recoverable or allowed as costs. Such fees and costs shall be proven and awarded by the court after the conclusion of the trial on all other issues.

**XV. ASSIGNMENT.** This Contract shall not be assignable by either party hereto without the prior written consent of the other party, which consent shall not be unreasonably withheld.

**XVI. WAIVER.** The failure of one party to require performance of any provision of this Contract shall not affect that party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this Contract constitute a waiver of any subsequent breach or default.

**XVII. INTEGRATION AND MODIFICATION.** This Contract supersedes any prior agreement, oral or written, and contains the entire agreement between the parties on the subject matter hereof. This Contract is intended to be a final expression of the agreement of the parties and is an integrated agreement. There are no contemporaneous separate written or oral agreements between the parties in any way related to the subject matter of this Contract. This Contract may be changed, altered, modified or amended upon mutual agreement of the parties hereto. No such change, alteration, modification or amendment shall be valid unless presented in writing and duly executed by both parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their hands and seal this \_\_day  
of \_\_\_\_\_, 2015.

GEORGE L. CRAWFORD &  
ASSOCIATES, INC. d/b/a CBB

CITY OF UNIVERSITY CITY,  
MISSOURI

By \_\_\_\_\_

By \_\_\_\_\_  
City Manager

Attest:

Attest:

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Approved as to legal form:

\_\_\_\_\_  
University City Attorney



## **Exhibit A - Scope of Services**

### **I. Initial Services**

- a. Collect existing intersection info (inventory of devices, as-built plans, etc.) from the agency.
- b. Inventory signal equipment – The consultant will perform a detailed inventory of each signal cabinet. The inventory will document each device present along with its model number, serial number, installation date, etc. along with digital photos taken within each cabinet. This inventory will be maintained and updated by the Consultant during the duration of the contract.
- c. Upload existing controller programming - The controller programming will be uploaded with the appropriate software and stored by the consultant. A hardcopy of the controller programming will be placed in each cabinet.

### **II. Annual Maintenance (annual or bi-annual)**

- a. Conflict Monitor Testing – The consultant will perform routine conflict monitor testing using an ATSI certified tester and will maintain testing records. For monitors that are found to be faulty, the consultant will arrange for repairs or replacement upon authorization from the agency.
- b. Cabinet Preventative Maintenance – The following tasks will be completed on a routine basis. If issues are found during preventative maintenance the agency will be notified of each issue and proposed solutions. However, no repairs would be completed until receiving authorization from the agency.
  - i. Vacuum cabinet and replace air filter
  - ii. Check and repair all wiring and connections and proper ground
  - iii. Inspect power supply
  - iv. Verify properly working detection

### **III. Scheduled Maintenance (5 day response time)**

- a. Customer Service Requests – The consultant will investigate and troubleshoot signal related concerns received from agency staff and the general public. The consultant will respond within two working days and will attempt to resolve issues within five working days. If the issue is determined to be critical to traffic management or safety, the work will be considered emergency maintenance (Scope Item IV)
- b. Repair detection – Vehicle and pedestrian actuation will be repaired within five working days. The controller programming will be modified as necessary until the repairs are completed.
- c. Replace bulbs – Burnt out bulbs will be replaced within five working days.



**IV. Emergency Maintenance**  
**(1 hour response time Mon-Fri 7:00am-3:30pm)**  
**(2 hour response time 3:30pm-5:30pm)**  
**(4 hour response time for after hours and weekends)**

- a. Signal Malfunctions
- b. Detector Malfunctions
- c. Damaged Equipment

**V. Signal Timing and Programming**

- a. Maintain database of controller programming – The consultant will maintain an updated database of controller programming for each location. The database will be updated following timing adjustments and/or signal modifications.
- b. Respond to signal timing related customer concerns – The consultant will respond to and investigate signal timing related concerns within two working days. As needed, the consultant will perform timing adjustments following authorization from the agency.
- c. Evaluate vehicle and pedestrian clearance intervals – As authorized, the consultant will measure intersection geometrics and pedestrian crosswalks. These measurements will be used to calculate vehicle and pedestrian intervals per MUTCD standards. This task is recommended following intersection improvements and/or MUTCD revisions.
- d. Signal timing adjustments as needed – The consultant will adjust signal timing plans in order to accommodate changes in traffic patterns, intersection improvements, or construction activity.

**VI. Signal Locate Services**

- a. Upon notification, the consultant will locate and mark underground conduit and signal equipment within two working days.

**VII. Additional Services**

- a. Signal Training Sessions
- b. Signal Plan Review
- c. Data collection
- d. Inspection services
- e. Miscellaneous traffic engineering services



## Exhibit B - Proposed Fees

### **I. Initial Services**

- a. \$250 per signal cabinet location

### **II. Annual Maintenance (annual or bi-annual)**

- \$405 per signal cabinet location
- Additional costs would be required for video detection
- Flasher and beacon locations without a signal cabinet would not be included in this task

### **III. Scheduled Maintenance (5 day response time)**

- 1 Man & Bucket Truck - \$105/hour (1 hour minimum)
- Additional Man - \$75/hour

### **IV. Emergency Maintenance**

- 7:00 AM to 3:30 PM (1 hour response)
  - o 1 Man & Bucket Truck - \$105/hour (1 hour minimum)
  - o Additional Man - \$75/hour
- 3:30 PM to 5:30 PM (2 hour response)
  - o 1 Man & Bucket Truck - \$155/hour (2 hour minimum)
  - o Additional Man - \$110/hour
- After Hours & Weekends
  - o 1 Man & Bucket Truck - \$200/hour (2 hour minimum)
  - o Additional Man - \$149/hour

### **V. Signal Timing and Programming**

- Pay item will be paid on an hourly basis using the attached billing rates

### **VI. Signal Locate Services**

- \$100 per location

### **VII. Additional Services**

- Negotiable based on attached billing rates



**2016 FEE SCHEDULE\***  
For Contracted Services

<u>Classification</u>		<u>Hourly Rate</u>
Senior Engineer	Level I	\$135.00
Project Engineer	Level III	\$120.00
Project Engineer	Level II	\$115.00
Project Engineer	Level I	\$110.00
Staff Engineer	Level I	\$85.00
Jr. Engineer		\$80.00
Designer		\$85.00
CADD Tech	Level II	\$75.00
CADD Tech	Level I	\$65.00
Construction Inspector		\$75.00
Field Tech	Level II	\$65.00
Field Tech	Level I	\$55.00

Other Direct Costs (ODC)

Mileage	IRS Standard Rate/Mile
Xerox Copies	\$ 0.12/Copy
Plan Sheets (Standard)	\$ 1.25/Sheet
Plan Sheets (Color or Enlarged)	Varies
Overnight Mail/Express	Actual Cost
Miscellaneous	Actual Cost

\* Note: Effective January 1, 2016  
Rates subject to change January 1 of each calendar year.



**Council Agenda Item Cover**

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** Annual Fuel Bid

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** The City solicited for bids from regional fuel suppliers to provide gasoline, diesel, and biodiesel fuel for City vehicles and equipment. The bids are based on a markup of the Oil Price Information Service (OPIS) wholesale rack average. The rack average price fluctuates daily according to market conditions. Three vendors responded. The bid results are as follows:

Vendor	Unleaded		B5 Diesel		#2 Off Road Diesel
	Tank Wagon	Transport	Tank Wagon	Transport	
Petroleum Traders	+\$0.075	+\$0.0079	+\$0.075	-\$0.001	+\$0.075
The Kiesel Co.	+\$0.069	-\$0.009	+\$0.069	+\$0.005	+\$0.069
Energy Petroleum	+\$0.055	-\$0.0115	+\$0.055	-\$0.0200	+\$0.055

For a simplification of the fuel bid evaluation process the below example uses typical transport delivery quantities of each type of fuel (3,000 gallons for Unleaded and 3,000 gallons for B5 Diesel) and calculates each bidder's extended prices for a mark-up of the OPIS wholesale rack average in order to determine the lowest bid:

Petroleum Traders  $(3,000 \times +\$0.0079) + (3,000 \times -\$0.001) = +\$20.70$  (\$20.70 mark-up)  
 The Kiesel Co.  $(3,000 \times -\$0.009) + (3,000 \times +\$0.005) = -\$12.00$  (\$12.00 mark-down)  
 Energy Petroleum  $(3,000 \times -\$0.0115) + (3,000 \times -\$0.0200) = -\$94.50$  (\$94.50 mark-down)

Energy Petroleum has the lowest bid and this bidder also offers the least mark-up of the OPIS wholesale rack average (+\$0.055) for Tank Wagon deliveries.

**RECOMMENDATION:** It is recommended by Staff to award the bid to Energy Petroleum Company based on the overall lowest price.

**ATTACHMENTS:**

- Bid proposal forms
- Sample OPIS Report for 12/2/2015 (submitted with bid from Petroleum Traders)



**CITY OF UNIVERSITY CITY**

6801 Delmar Blvd.

University City, Mo 63130

314-862-6767

November 23, 2015

**Invitation to Bid**

Bid proposals for the estimated requirements of GASOLINE AND DIESEL FUEL for the calendar year January 1, 2016 to December 31, 2016 will be accepted in the Purchasing Office, 6801 Delmar Boulevard, University City, Missouri 63130, until 11:00 am, December 7, 2015 there and then to be opened and the award made subject to the approval of the City Council. The City reserves the right to reject any and all bids or parts of bids, to waive any technicalities and to accept the bid that in its judgment, best meets the requirements of the City of University City.

Unless special circumstances acceptable to the City Council are provided, no contract over \$50,000 involving ten or more workers in the work force providing the contracted services will be awarded to any company with less than 20% minorities and females in the work force. These conditions also apply to subcontractors, if two or more are used and the contract exceeds \$100,000 [Section 135.010 Items A and B of the Municipal Code of the City of University City].

Gasoline, unleaded, 87 octane	100,000 gallons (Central Garage, Golf Course)
5% Bio Diesel Fuel	100,000 gallons (Central Garage)
#2 Diesel	1,500 gallons (Golf Course)

The quantities offered in this Invitation are for bidding purposes only and may be altered by the City, if necessary. Vendors in the preparation of their bids are asked to quote the price per gallon in tank wagon and transport quantities, if applicable, and the gallonage of delivery constituting a minimum tank wagon or transport delivery. Each bidders price per gallon should be based on OPIS rack average, plus the Bidder's markup per gallon, not to exceed 1.5 cents per gallon. An OPIS report for St. Louis, MO must accompany the bid for the same specified day of the bid submittal. Orders will be made via a blanket purchase order throughout the contract year.

Should the supplier at any time fail to supply the product in accordance with the terms of this contract, the City shall have the option to purchase on the open market such materials as are necessary, of an equivalent quantity, and charge any excess cost of such purchase or purchases over the gallon, pound or case prices as shown in this contract against any monies due or which may become due to the supplier from the City.

The City shall not be bound in any manner to accept any amount of material greater than its immediate requirements as advised in advance by telephone from the Central Garage office. Nor shall the City be held liable for any demurrage or wait time charges on any of the deliveries or the total quantities as offered in this Invitation.

Invoice prices shall be based on a price Not-To-Exceed .015 dollars per gallon over St. Louis Area OPIS Average Rack price for the fuel.

Locations and capacities of the City's gasoline tanks are as follows:

Central Garage, 1015 Pennsylvania

Unleaded gasoline	1 each	6,000 gallons
5% Bio Diesel	1 each	6,000 gallons

Ruth Park Golf Course, 1100 N. McKnight Road (Both are tank wagon filled)

Unleaded gasoline	1 each	300 gallons-above ground
#2 Off Road Diesel	1 each	300 gallons-above ground

All bid requirement and administrative questions may be addressed to Danella Lang, Purchasing Specialist at 314-505-8538, Technical questions regarding the specified products can be addressed to Tom Brushwood at 314-505-8559.

**PLEASE ADDRESS YOUR BID TO THE PURCHASING OFFICE AND MARK OUTSIDE OF ENVELOPE: GASOLINE, DIESEL, FUEL-**

**BID FORM**

To: The City of University City

The following bid is being submitted in response to your Invitation to Bid dated December 7, 2015.

	<u>Tank Wagon</u>	<u>Transport</u>
Description	Opis Rack Average + Mark-Up <b><u>(OPIS Rack Average x Mark-Up)</u></b>	Opis Rack Average + Mark-Up <b><u>(OPIS Rack Average x Mark-Up)</u></b>
Gasoline, unleaded, 87 octane	$\$1.3854 \times \$ 0.075 = \$ 1.4604$	$\$ 1.3854 \times \$ 0.0079 = \$ 1.3933$

Estimated Usage: 100,000 gal Transport, 1,500 gal Tank Wagon

	<u>Tank Wagon</u>	<u>Transport</u>
Description	Opis Rack Average + Mark-Up <b><u>(OPIS Rack Average x Mark-Up)</u></b>	Opis Rack Average + Mark-Up <b><u>(OPIS Rack Average x Mark-Up)</u></b>
Diesel Fuel B5 Blend	$\$1.4667 \times \$ 0.075 = \$ 1.5417$	$\$ 1.4667 \times \$ -0.001 = \$ 1.4657$

Estimated Usage: 100,000 gallons Transport, 1,500 Tank Wagon

	<u>Tank Wagon</u>
Description	Opis Rack Average + Mark-Up <b><u>(OPIS Rack Average x Mark-Up)</u></b>
#2 Off- Road Diesel	$\$1.3010 \times \$ 0.075 = \$ 1.376$

	<u>Tank Wagon</u>	<u>Transport</u>
Minimum Deliveries:		
Gasoline, unleaded	<u>200</u>	<u>5000</u>
#2 Diesel	<u>200</u>	<u>5000</u>
Bio Diesel Blend	<u>200</u>	<u>5000</u>
Charges if Minimum Delivery is not met	<u>\$ \$100</u>	<u>\$ \$100</u>

**Payment Terms:** Net 30, no discount

EXCEPTIONS: \_\_\_\_\_

PLEASE CHECK IF BUSINESS IS: MINORITY OWNED \_\_\_ WOMAN OWNED \_\_\_  
 Minorities and females in work force assigned to carry out this contract: 59 %

ITEM BID IS UNITED STATES MANUFACTURED, ASSEMBLED AND PRODUCED: YES  NO \_\_\_  
 If "NO", please indicate which item(s) are foreign manufactured, assembled and/or produced.

ALL STATE AND CITY TAXES DUE HAVE BEEN PAID: YES  NO \_\_\_

<u>December 2, 2015</u>	<u>Petroleum Traders Corporation</u>
DATE	COMPANY
<u>Net 30, no discount</u>	<u>7120 Pointe Inverness Way</u>
TERMS	ADDRESS
<u>35-1462227</u>	<u>Fort Wayne, IN 46804</u>
FEDERAL TAX I.D. NUMBER	CITY/STATE/ZIP CODE
<u>800-348-3705 option 4</u>	<u><i>Gayle Newton</i></u>
TELEPHONE	SIGNATURE AND TITLE
	Gayle Newton - Contract Sales Manager

**BID FORM**

To: The City of University City

The following bid is being submitted in response to your Invitation to Bid dated December 7, 2015.

	<u>Tank Wagon</u>	<u>Transport</u>
AVERAGE 1.3854 Description OPIS 12/2/15 Gasoline, unleaded, 87 octane	<u>(OPIS Rack Average x Mark-Up)</u> \$1.3854 x \$.069 = \$1.4544 1.3854 + .069 = 1.4544	<u>(OPIS Rack Average x Mark-Up)</u> \$1.3854 x \$.009 = \$1.3764 1.3854 + .009 = 1.3764
Estimated Usage: 100,000 gal Transport, 1,500 gal Tank Wagon		

	<u>Tank Wagon</u>	<u>Transport</u>
AVERAGE 1.4667 Description OPIS 12/2/15 Diesel Fuel B5 Blend	<u>(OPIS Rack Average x Mark-Up)</u> \$1.4667 x \$.069 = \$1.5357 1.4667 + .069 = 1.5357	<u>(OPIS Rack Average x Mark-Up)</u> \$1.4667 x \$.005 = \$1.4717 1.4667 + .005 = 1.4717
Estimated Usage: 100,000 gallons Transport, 1,500 Tank Wagon		

	<u>Tank Wagon</u>	<u>Transport</u>
AVERAGE 1.301 Description OPIS 12/2/15 #2 Off-Road Diesel	<u>(OPIS Rack Average x Mark-Up)</u> \$1.301 x \$.069 = \$1.37 1.301 + .069 = 1.37	

	<u>Tank Wagon</u>	<u>Transport</u>
Minimum Deliveries: Gasoline, unleaded	200	6,000
#2 Diesel	200	6,000
Bio Diesel Blend	200	6,000
Charges if Minimum Delivery is not met	\$ 25.00 *	\$ 100.00 * SEE BELOW

Payment Terms: NET 15 DAYS

EXCEPTIONS: AS LONG AS THE COMBINED TOTAL OF SPLIT TRANSPORT LOADS OF N/L & B-5 EXCEED 6,000 GALLONS, THIS IS NOT A \$100.00 SERVICE FEE & TWO DELIVERIES LESS THAN 200 GALLONS IS A \$25.00 SERVICE FEE.

PLEASE CHECK IF BUSINESS IS: MINORITY OWNED  WOMAN OWNED   
Minorities and females in work force assigned to carry out this contract: 51%

ITEM BID IS UNITED STATES MANUFACTURED, ASSEMBLED AND PRODUCED: YES  NO   
If "NO", please indicate which item(s) are foreign manufactured, assembled and/or produced.

ALL STATE AND CITY TAXES DUE HAVE BEEN PAID: YES  NO

12/3/15  
DATE

NET 15 DAYS  
TERMS

43-0834609  
FEDERAL TAX I.D. NUMBER

314-351-5500  
TELEPHONE

THE KISSEL COMPANY  
COMPANY

4001 Fyler Avenue  
ADDRESS

St. Louis, MO. 63116  
CITY/STATE/ZIP CODE

[Signature] - Sales Mgr.  
SIGNATURE AND TITLE

**BID FORM**

To: The City of University City

The following bid is being submitted in response to your Invitation to Bid dated December 7, 2015.

	<u>Tank Wagon</u>	<u>Transport</u>
Description	<u>(OPIS Rack Average x Mark-Up)</u>	<u>(OPIS Rack Average x Mark-Up)</u>
Gasoline, unleaded, 87 octane	$\$13972 \times \$1500 = \$209580$	$\$13297 \times \$100,000 = \$1329700$
	<i>OPIS Avg + .0550</i>	<i>OPIS Avg - .0115</i>
Estimated Usage: 100,000 gal Transport, 1,500 gal Tank Wagon		
Diesel Fuel B5 Blend	<u>(OPIS Rack Average x Mark-Up)</u>	<u>(OPIS Rack Average x Mark-Up)</u>
	$\$14737 \times \$1500 = \$221055$	$\$13987 \times \$100,000 = \$1398700$
	<i>OPIS Avg + .0550</i>	<i>OPIS Avg - .0200</i>
Estimated Usage: 100,000 gallons Transport, 1,500 Tank Wagon		

Description	<u>(OPIS Rack Average x Mark-Up)</u>
#2 Off- Road Diesel	$\$13119 \times \$1500 = \$196710$
	<i>OPIS Avg + .0550</i>

Minimum Deliveries:	<u>Tank Wagon</u>	<u>Transport</u>
Gasoline, unleaded	<u>150</u>	<u>6000</u>
#2 Diesel	<u>150</u>	<u>6000</u>
Bio Diesel Blend	<u>150</u>	<u>6000</u>
Charges if Minimum Delivery is not met	<u>\$ 25.00</u>	<u>\$ 25.00</u>

Payment Terms: Net 10

EXCEPTIONS: Transport and tankwagon volumes can be met by combining gasoline and diesel. Winter additive +.0200 if requested

PLEASE CHECK IF BUSINESS IS: MINORITY OWNED  WOMAN OWNED   
 Minorities and females in work force assigned to carry out this contract: 20%

ITEM BID IS UNITED STATES MANUFACTURED, ASSEMBLED AND PRODUCED: YES  NO   
 If "NO", please indicate which item(s) are foreign manufactured, assembled and/or produced.

ALL STATE AND CITY TAXES DUE HAVE BEEN PAID: YES  NO

12/4/15  
DATE

Net 10  
TERMS

43-0725844  
FEDERAL TAX I.D. NUMBER

314-383-3700  
TELEPHONE

Energy Petroleum Company  
COMPANY

2130 Kienler Ave  
ADDRESS

St. Louis MO 63121  
CITY/STATE/ZIP CODE

[Signature] Manager Commercial Fuels  
SIGNATURE AND TITLE

	Terms	Unl	Mid	Pre
Shell	u N-10	1.3632	1.6092	1.8432
Shell	b 1-10	1.3896	1.5613	1.8583
BP	b 1-10	1.4013	1.5413	1.8003
Hartford	u N-10	1.3888	1.5701	1.8688
Streett	u N-10	1.3600	1.5100	1.8100
XOM	b 1-10	1.3945	1.5220	1.7745
PSX	b 1-10	1.4005	1.5207	1.7540
OPIS Low		1.3600	1.5100	1.7540
OPIS High		1.4013	1.6092	1.8688
OPIS Average		1.3854	1.5478	1.8156
Branded Low		1.3896	1.5207	1.7540
Branded High		1.4013	1.5613	1.8583
Branded Average		1.3965	1.5363	1.7968
Unbranded Low		1.3600	1.5100	1.8100
Unbranded High		1.3888	1.6092	1.8688
Unbranded Average		1.3707	1.5631	1.8407
Contract Low		1.3600	1.5100	1.7540
Contract High		1.4013	1.6092	1.8688
Contract Average		1.3854	1.5478	1.8156
Cont Branded Low		1.3896	1.5207	1.7540
Cont Branded High		1.4013	1.5613	1.8583
Cont Branded Avg		1.3965	1.5363	1.7968
Cont Unbranded Low		1.3600	1.5100	1.8100
Cont Unbranded High		1.3888	1.6092	1.8688
Cont Unbranded Avg		1.3707	1.5631	1.8407

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	Terms	LS	ULS
Shell	u N-10	-- --	1.2043
BP	b 1-10	-- --	1.2816
Apex	u N-10	-- --	1.3268
U.S. Oil	u N-10	-- --	1.5644o
Center	u 1-10	-- --	1.4250
Hartford	u N-10	-- --	1.2722
Streett	u N-10	-- --	1.3100
Musket	u N-10	-- --	3.3225d
PSX	b 1-10	-- --	1.2871
OPIS Low		-- --	1.2043
OPIS High		-- --	1.4250
OPIS Average		-- --	1.3010
Branded Low		-- --	1.2816
Branded High		-- --	1.2871
Branded Average		-- --	1.2844
Unbranded Low		-- --	1.2043
Unbranded High		-- --	1.4250
Unbranded Average		-- --	1.3077
Contract Low		-- --	1.2043
Contract High		-- --	1.4250
Contract Average		-- --	1.3010
Cont Branded Low		-- --	1.2816
Cont Branded High		-- --	1.2871
Cont Branded Avg		-- --	1.2844
Cont Unbranded Low		-- --	1.2043
Cont Unbranded High		-- --	1.4250

Cont Unbranded Avg -- -- 1.3077

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St. Louis, MO OPIS Standard Rack  
\*\*OPIS B5 SME Gross Prices\*\*

Daily 12/02/2015

	Terms	ULS No.2	ULS Pre	ULS2P RD
Hartford	u N-10	1.2988	1.3188	1.3223
PSX	b 1-10	1.6345	-- --	-- --
OPIS Low		1.2988	1.3188	1.3223
OPIS High		1.6345	1.3188	1.3223
OPIS Average		1.4667	1.3188	1.3223
Branded Low		1.6345	-- --	-- --
Branded High		1.6345	-- --	-- --
Branded Average		1.6345	-- --	-- --
Unbranded Low		1.2988	1.3188	1.3223
Unbranded High		1.2988	1.3188	1.3223
Unbranded Average		1.2988	1.3188	1.3223
Contract Low		1.2988	1.3188	1.3223
Contract High		1.6345	1.3188	1.3223
Contract Average		1.4667	1.3188	1.3223
Cont Branded Low		1.6345	-- --	-- --
Cont Branded High		1.6345	-- --	-- --
Cont Branded Avg		1.6345	-- --	-- --
Cont Unbranded Low		1.2988	1.3188	1.3223
Cont Unbranded High		1.2988	1.3188	1.3223
Cont Unbranded Avg		1.2988	1.3188	1.3223

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## Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** FY16 Annual Tree Trimming

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED?:** Yes

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**BACKGROUND:** The City removes or prunes trees in the public right-of-way that have been identified by the City Forester. In support of the in-house efforts the City lets an annual contract for outside assistance in the above-described tree trimming work. The contractor is responsible for removing/pruning the trees in the project scope and removing/chipping any debris to the City's specifications. The budget for this project is \$75,000 and will come from account number 01-40-45-6050.

The City advertised for bids for the Annual Tree Trimming Project and posted the bid on the City's website. On December 9, 2015 the City opened bids for this project. The tabulation of bid proposals is as follows:

<b>Contractor</b>	<b>Base Bid</b>
Clipper Tree Services	\$59,475.00
Gamma Tree Experts, LLC	\$59,932.50
Omni Tree Service, Inc.	\$64,050.00
Worley Services, Inc.	\$174,765.00
Timberline Professional Tree Care	\$274,500.00

**RECOMMENDATION:** It is recommended that the City Council approve the award for the FY16 Annual Tree Trimming Contract to Clipper Tree Services in the amount of \$59,475.00.

**ATTACHMENT:** 1) Project No. 1254 – FY16 Annual Tree Trimming Contract  
2) Project Locations List  
3) Project Map

**CITY OF UNIVERSITY CITY, MISSOURI**

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**CONTRACT**

THIS AGREEMENT, made as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between City of University City, MISSOURI (hereinafter called the CITY) and Clipper Tree Service, a company with offices at 7208A Weil Avenue, Shrewsbury, MO 63119 (herein after called the CONTRACTOR), WITNESSETH, that whereas the CITY intends to construct improvements for Project No. 1254 – Annual Tree Trimming Contract, hereinafter called the PROJECT, in accordance with the Drawings, Specifications and Contract Documents prepared by the City of University City.

NOW, THEREFORE, The OWNER and CONTRACTOR for the considerations hereinafter set forth, agree as follows:

THE CONTRACTOR AGREES to furnish all the necessary labor, materials, equipment, tools and services necessary to perform and complete in a workmanlike manner all work required for the construction of the PROJECT, in strict compliance with the Contract Documents herein mentioned, which are hereby made a part of the Contract.

- a. Contract Time: Work under this Agreement shall be commenced upon written Notice to Proceed, and shall be completed within ninety (90) calendar days of the authorization date in the Notice to Proceed.
- b. Liquidated Damages: The Contractor hereby expressly agrees to pay the City the sum of Five Hundred Dollars (\$200.00) per day for each and every day, Sundays and legal holidays only excepted, after calendar days have expired during or upon which said work or any part thereof remains incomplete and unfinished.
- c. Subcontractors: The Contractor agrees to bind every subcontractor by the terms of the Contract Documents. The Contract Documents shall not be construed as creating any contractual relation between any subcontractor and the City. No sub-contractor shall further subcontract any of his work.

THE CITY AGREES to pay, and the Contractor agrees to accept, in full payment for the performance of this Contract, the amount as stipulated in the Proposal, which is:

Fifty-nine-thousand-four-hundred-seventy-five and 00/100 Dollars

(\$ 59,475.00 )

Final dollar amount will be computed from actual quantities constructed as verified by the City Forester and in accordance with the unit prices set out in the Proposal.

(See following pages)



CONTRACT DOCUMENTS:

The Contract comprises the Contract Documents as bound herein and the Drawings. In the event that any provision of one Contract Document conflicts with the provision of another Contract Document, the provision in that Contract Document first listed below shall govern, except as otherwise specifically stated:

- A. Contract (This Instrument)
- B. Addenda to Contract Documents
- C. Conditions of the Contract
- D. Remaining Legal and Procedural Documents
  - 1. Proposal
  - 2. Instruction to Bidders
  - 3. Invitation for Bids
- E. Special Provisions
- F. Standard Specifications
- G. Drawings/Location Maps
- H. General Provisions
- I. Bonds/Attachments
  - 1. Performance/Payment Bond
  - 2. Bid Bond

AUTHORITY AND RESPONSIBILITY OF THE CITY FORESTER:

All work shall be done under the general inspection of the City Forester. The City Forester shall decide any and all questions which may arise as to the quality and acceptability of materials furnished, work performed, rate of progress of work, interpretations of Drawings and Specifications and all questions as to the acceptable fulfillment of the Contract on the part of the Contractor.

SUCCESSORS AND ASSIGNS:

This Agreement and all of the covenants hereof shall insure to the benefit of and be binding upon the Owner and Contractor respectively and his partners, successors, assigns and legal representatives. Neither the Owner nor the Contractor shall have the right to assign, transfer, or sublet his interests or obligation hereunder without consent of the other party.

**CITY OF UNIVERSITY CITY, MISSOURI**

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\* In making out this form the title that is not applicable should be struck out. For example, if the Contractor is a corporation and this form is to be executed by its president, the words "Sole owner, a partner, secretary, etc." should be struck out.

The Contract contains a binding arbitration provision that may be enforced by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

(SEAL)

Attest:

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Title

By: \_\_\_\_\_

"Contractor"

(SEAL)

Attest:

\_\_\_\_\_

City Clerk

Date: \_\_\_\_\_

CITY OF UNIVERSITY CITY

By: \_\_\_\_\_

City Attorney

Date: \_\_\_\_\_

CITY OF UNIVERSITY CITY

By: \_\_\_\_\_

City Manager

Date: \_\_\_\_\_

## DETAILED TREE PRUNING LIST

### INDIVIDUAL PRUNES

AREA	ADDRESS	STREET	SPECIES	NOTES	NUMBER
CE	712	PENNSYLVANIA	PIN OAK		1
CM	7442	AHERN	RED MAPLE		1
CM	7442	AHERN	SWAMP WHITE OAK	ON WILSON	2
CM	7324	BALSON	PIN OAK		1
CM	1156	BURCH	PIN OAK		1
CM	7366	CHAMBERLAIN	PIN OAK AND HACKBERRY	ON JACKSON	2
CM	7306	DARTMOUTH	PIN OAK		1
CM	7314	DARTMOUTH	PIN OAK		1
CM	7329	DARTMOUTH	PIN OAK		1
CM	7343	DARTMOUTH	PIN OAK		1
CM	7519	GANNON	PIN OAKS		2
CM	7607	STANFORD	ELM		1
CW	851	ALANSON	PIN OAK	ON BALSON	1
CW	8034	CORNELL	PIN OAK		1
CW	919	DALKIETH	PIN OAK		1
CW	8101	TULANE	ZELKOVA		1
NE	6732	CREST	SYCAMORE		1
NE	6921	ETZEL	PIN OAK		1
NE	6861	JULIAN	HACKBERRY, LACEBARK ELM		2
NE	6861	JULIAN	PIN OAK	ON PURCELL	1
NE	6938	ROBERTS	PIN OAK		1
NM	7350	CANTON	SYCAMORE		1
NM	7600	LYNN	PIN OAK		1
NM	7328	TRENTON	PIN OAK		1
NM	7445	TULANE	PIN OAK		1
NM	7704	WELLINGTON	SYCAMORE		1
NW	8117	APPLETON	SILVER MAPLE		1
NW	8011	BRADDOCK	PIN OAK		1
NW	1343	COOLIDGE	PIN OAK		1
NW	8328	FULLERTON	PIN OAK		1
NW	8349	FULLERTON	PIN OAK		1
NW	8024	MILAN	PIN OAK		1
NW	8018	PARKWAY	PIN OAK		1
NW	8019	PARKWAY	PIN OAK		1
SM	443	JACKSON	PIN OAKS		2
SM	401	MISSION CT	RED OAK	ON PERSHING	1
SM	7224	PERSHING	SYCAMORE		1
SM	7238	PERSHING	SYCAMORES		2
SM	7009	WATERMAN	SYCAMORE		1
SW	8324	TEASDALE	PIN OAK		1

**SUBTOTAL** 46

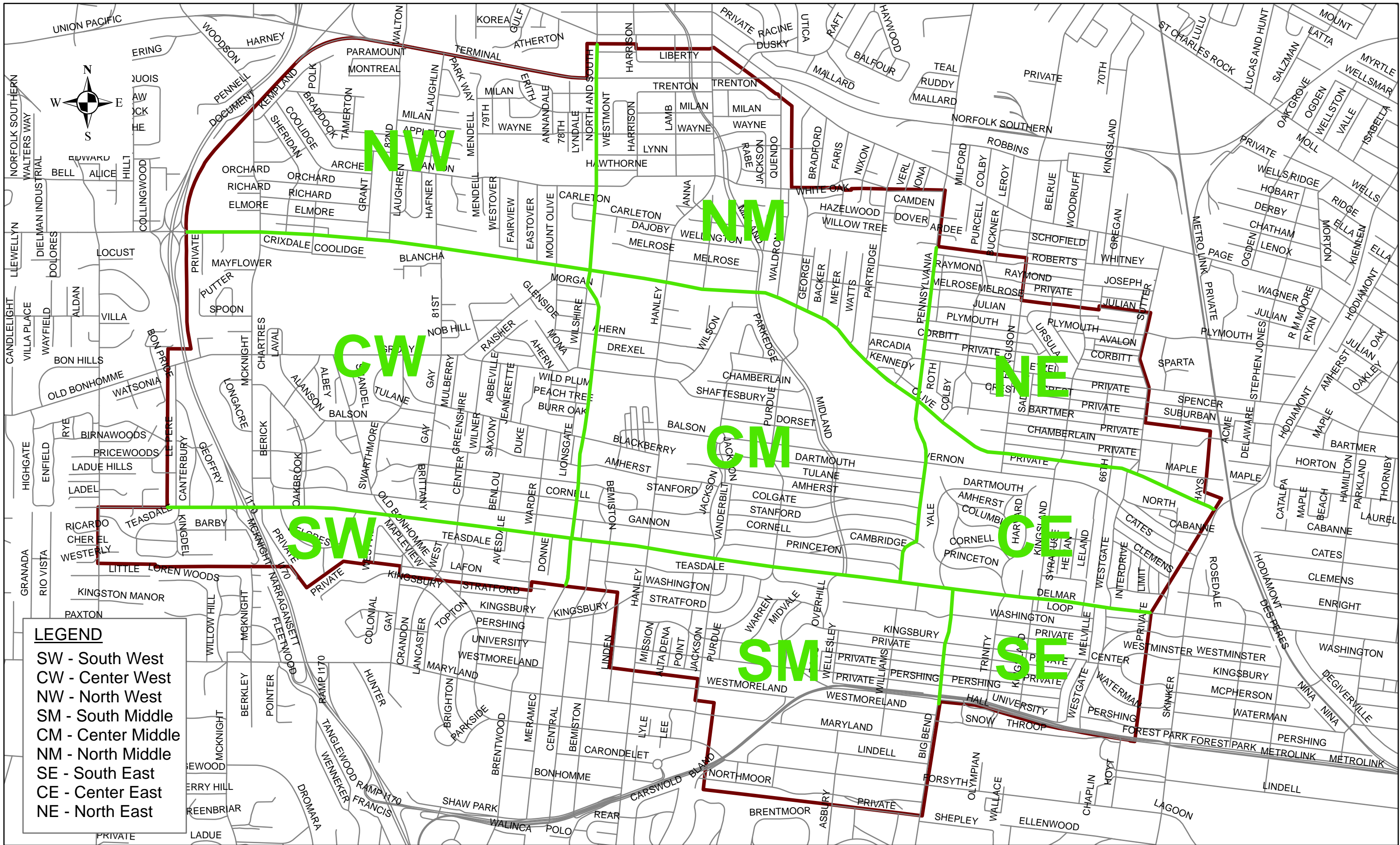
### BLOCK PRUNES

AREA	BLOCK	STREET	BOUNDS	COUNT
CW	1000	LAVAL	FROM OLD BONHOMME NORTH TO CHARTES	12
CW	1000	CHARTES	FROM OLD BONHOMME NORTH TO CHARTES	8
CW	600-800	BERICK	FROM DELMAR NORTH TO OAKBROOK	47

<b>BLOCK PRUNES - CONTINUED</b>				
CW	600-800	OAKBROOK	FROM DELMAR NORTH TO MCKNIGHT	70
CW	8300	CORNELL AVE	FROM GANNON WEST TO OAKBROOK	18
NW	1400-1500	MENDELL	FROM CANTON NORTH TO CIRCLE	41
NW	1300	MENDELL	FROM CANTON SOUTH TO CIRCLE	20
NW	7700-7800	TRENTON	FROM N&S WEST TO 79TH ST	53
NW	1500	79TH ST	FROM WAYNE NORTH TO MILAN	16
NW	7700-7900	MILAN	FROM N&S WEST TO MENDELL	33
NW	1400-1500	LYNDALE	FROM CIRCLE NORTH TO MILAN	12
NW	1400-1500	78TH ST	FROM CIRCLE NORTH TO DEAD END AT R.R. TRACKS	23
NW	1500	ANNANDALE	FROM WAYNE NORTH TO TRENTON	12
NW	7700-7900	WAYNE	FROM N&S WEST TO MENDELL	35
NW	7600	HAWTHORNE PL	FROM N&S WEST TO HARRISON	13
NW	7600	LYNN	FROM N&S WEST TO HARRISON	15
NM	7500	DAJOBY	FROM HANLEY WEST TO CIRCLE	17
NM	7100	WILLOWTREE	FROM PARTRIDE WEST TO HAZELWOOD	30
NM	7100	HAZELWOOD	FROM PARTRIDE WEST TO PURDUE	27
NM	7100	WHITE OAK	FROM FARIS WEST TO PURDUE	24
NM	1400	QUENDO	FROM CANTON SOUTH TO CARYLE	7
NM	1200-1400	WALDRON	FROM CANTON SOUTH TO OLIVE	42
NM	1200-1400	PURDUE	FROM CANTON SOUTH TO OLIVE	37
NM	7300	TRENTON	FROM QUENDO WEST TO DEAD END	16
NM	7300	MILAN	FROM QUENDO WEST TO DEAD END	17
NM	7300-7400	WELLINGTON	FROM MIDLAND TO HANLEY	40
NM	7300-7400	MELROSE	FROM MIDLAND TO HANLEY	46
NM	7300-7400	CARLETON	FROM MIDLAND TO HANLEY	28
NM	1200-1400	MT VERNON	FROM OLIVE NORTH TO CIRCLE	23
NM	7300	LYNN	FROM QUENDO WEST TO MIDLAND	19
NM	7300	HAWTHORNE AV	FROM JACKSON WEST TO RABE	11
NM	1500	JACKSON	CANTON NORTH TO WAYNE	25
NM	7300	WAYNE	FROM JACKSON WEST TO MIDLAND	17
CM	7400	TULANE	FROM JACKSON WEST TO DEAD END	15

**SUBTOTAL** 869

**TOTAL TREES TO BE TRIMMED** 915





## Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** 2016 Tire Bid

**AGENDA SECTION:** City Manager's Report

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** Invitations for bids were solicited for replacement tires and tire services for calendar year 2016. Three vendors responded.

The bid results are as follows:

**BID RESULTS:**

Company	Tires/Services
Froesel Tire	\$3,064
MFR Tire	\$3,255
Cross Midwest Tire	\$3,172

Whenever possible, tires will be purchased using the Missouri State Cooperative Tire Purchasing Contract. The primary focus of this bid was to determine the lowest cost for tire refurbishment and repair.

**RECOMMENDATION:**

Staff recommends that the contract be awarded to Froesel Tire. Froesel Tire has the lowest combined price for heavy truck tire and tire services.

**ATTACHMENTS:**

- 1) Bid Forms
- 2) Bid Tabulation

CITY OF UNIVERSITY CITY  
6801 Delmar Blvd.  
University City, Mo 63130  
314-862-6767

November 23, 2015

Invitation to Bid

Bids for the replacement, refurbishing, and repair of tires for the calendar year January 1, 2016 ending December 31, 2016 will be accepted in the Purchasing Office, 6801 Delmar Boulevard, University City, Mo 63130, until 10:00 am December 7, 2015 there and then to be opened and the award made subject to the approval of the City Council. The City reserves the right to reject any and all bids or parts of bids, to waive any technicalities and to accept the bid that in its judgment, best meets the requirements of the City of University City.

Unless special circumstances acceptable to the City Council are provided, no contract over \$50,000 involving ten or more workers in the work force providing the contracted services will be awarded to any company with less than 20% minorities and females in the work force. These conditions also apply to subcontractors, if two or more are used and the contract exceeds \$100,000. [Section 135.010 Items A and B of the Municipal Code of the City of University City].

The bidder is requested to submit firm prices for the various tires and services which will be purchased on an "as needed" basis throughout the city's fiscal year. Bid prices should be f.o.b. the City's Central Garage at 1015 Pennsylvania Ave. University City, Mo 63130.

**TIRES MUST BE DELIVERED WITHIN TWO BUSINESS DAYS OF PLACING ORDER.  
ONLY TIRES MANUFACTURED WITHIN ONE YEAR OF DELIVERY DATE WILL BE ACCEPTED.**

**All submitted bids must be accompanied by adequate literature giving full description of features, technical data, and capabilities of the product being offered.**

All bid requirement and administrative questions may be addressed to Danella Lang, Purchasing Specialist at 314-505-8542. Technical questions regarding the product request or specifications may be addressed to Tom Brushwood at 314-505-8559.

**PLEASE ADDRESS YOUR BID TO THE PURCHASING OFFICE AND MARK OUTSIDE OF ENVELOPE: TIRES, December 7, 2015.**

TIRE BID FORM

To: The City of University City

The following bid is being submitted in response to your Invitation to Bid dated December 7, 2015.

**UNIT DESCRIPTION**

**PER UNIT**

P235/55R17 (Police pursuit V speed rated only) \$ 105.38

11R22.5 All-Position, cut resistant, Waste/Sanitation \$ 335.00

11R24.5 All-Position, cut resistant, Waste/Sanitation \$ 360.00

315/80R22.5 All-Position, cut resistant, Waste/Sanitation \$ 454.00

Can you provide tires from the Missouri State Tire Purchasing Contract?  YES  NO

**TIRE SERVICES AND SUPPLIES:**

**Total cost for waste hauler lug retread (recap only)**

- 11R22.5 BDX or equivalent 142.00
BDM or equivalent 139.00
11R24.5 BDX or equivalent 148.00
BDM or equivalent 145.00
315/80R22.5 BDX or equivalent 154.00
BDM or equivalent 154.00

**Total cost for waste hauler lug retread (cap and casing)**

- 11R22.5 199.00
11R24.5 200.00
315/80R22.5 214.00

Maximum turnaround time for refurbished tires (in days) 5



Cost to mount & dismount heavy truck tire	(on vehicle)	10.00 _____
	(off vehicle)	15.00 _____
Cost of refurbished powder-coated heavy truck wheel		37.50 _____
Cost of valve stems for heavy truck wheels		2.50 _____
Cost of heavy truck tire flat repair (off vehicle)		15.00 _____
Cost of section repair of heavy truck tire		35.00 _____
Cost of scheduled service calls to our facility		50.00 _____
Cost of emergency road service calls		75.00 _____
Cost of overtime charges		170.00 AFTER HOURS
What days/hours do these charges apply?		-
4PM-7AM_M-F ALL DAY SAT. ALL DAY SUN.		
Cost for tire disposal: Specify minimum pick up		
• Passenger car		2.00 _____
• Light truck		3.00 _____
• Heavy truck		5.00 _____

EXCEPTIONS: \_\_\_\_\_

PLEASE CHECK IF BUSINESS IS: MINORITY OWNED \_\_\_ WOMAN OWNED \_\_\_  
 Minorities and females in work force assigned to carry out this contract: 40 %

ITEM BID IS UNITED STATES MANUFACTURED, ASSEMBLED AND PRODUCED: YES X NO \_\_\_  
 If "NO", please indicate which item(s) are foreign manufactured, assembled and/or produced.

ALL STATE AND CITY TAXES DUE HAVE BEEN PAID: YES X NO \_\_\_

12/4/2015  
 DATE  
 NET 10TH \_\_\_\_\_ 9273 MANCHESTER RD  
 TERMS ADDRESS

FROESEL TIRE  
 COMPANY

38-3751012  
 FEDERAL TAX I.D. NUMBER

ST. LOUIS, MO. 63144  
 CITY/STATE/ZIP CODE

(314) 962-2422  
 TELEPHONE

Tom Kappel Sales Rep  
 SIGNATURE AND TITLE

TIRE BID FORM

To: The City of University City

Firestone #2

The following bid is being submitted in response to your Invitation to Bid dated December 7, 2015.

UNIT	DESCRIPTION	PER UNIT
P235/55R17	Fire Hawk GT2 003874 (Police pursuit V speed rated only)	\$ 104 <sup>00</sup>
11R22.5	FS820 #241252 All-Position, cut resistant, Waste/Sanitation	\$ 331 <sup>00</sup>
11R24.5	FS820 #233840 All-Position, cut resistant, Waste/Sanitation	\$ 356 <sup>00</sup>
315/80R22.5	FS820 #233874 All-Position, cut resistant, Waste/Sanitation	\$ 450 <sup>00</sup>

Can you provide tires from the Missouri State Tire Purchasing Contract?  YES  NO

TIRE SERVICES AND SUPPLIES:

Total cost for waste hauler lug retread (recap only)

• 11R22.5	BDX or equivalent	\$ 127 <sup>00</sup>
	BDM or equivalent	\$ 166 <sup>00</sup>
• 11R24.5	BDX or equivalent	\$ 133 <sup>00</sup>
	BDM or equivalent	\$ 172 <sup>00</sup>
• 315/80R22.5	BDX or equivalent	\$ 147 <sup>00</sup>
	BDM or equivalent	\$ 190 <sup>00</sup>

Total cost for waste hauler lug retread (cap and casing)

• 11R22.5	Grade A Casing	\$ 85 <sup>00</sup>	\$ 251 <sup>00</sup>
• 11R24.5	"	\$ 80 <sup>00</sup>	\$ 252 <sup>00</sup>
• 315/80R22.5	"	\$ 90 <sup>00</sup>	\$ 280 <sup>00</sup>

Maximum turnaround time for refurbished tires (in days) 7

Cost to mount & dismount heavy truck tire (on vehicle)	<u>\$ 25<sup>00</sup></u>
(off vehicle)	<u>\$ 15<sup>00</sup></u>
Cost of refurbished powder-coated heavy truck wheel	<u>\$ 24.50</u>
Cost of valve stems for heavy truck wheels	<u>\$ 3.50</u>
Cost of heavy truck tire flat repair (off vehicle)	<u>\$ 25<sup>00</sup></u>
Cost of section repair of heavy truck tire	<u>\$ 39<sup>00</sup></u>
Cost of scheduled service calls to our facility	<u>\$ 75<sup>00</sup></u>
Cost of emergency road service calls	<u>\$ 90<sup>00</sup></u>
Cost of overtime charges	<u>N/A</u>
What days/hours do these charges apply?	<u>7 DAYS A WEEK</u>
Cost for tire disposal: Specify minimum pick up	
• Passenger car	<u>\$3<sup>00</sup></u>
• Light truck	<u>\$4<sup>00</sup></u>
• Heavy truck	<u>\$8<sup>00</sup></u>

EXCEPTIONS: \_\_\_\_\_

PLEASE CHECK IF BUSINESS IS: MINORITY OWNED \_\_\_ WOMAN OWNED \_\_\_  
 Minorities and females in work force assigned to carry out this contract: 66 %

ITEM BID IS UNITED STATES MANUFACTURED, ASSEMBLED AND PRODUCED: YES  NO \_\_\_  
 If "NO", please indicate which item(s) are foreign manufactured, assembled and/or produced.

ALL STATE AND CITY TAXES DUE HAVE BEEN PAID: YES  NO \_\_\_

<u>11-25-2015</u>	<u>MFR's Best One Fleet Service</u>
DATE	COMPANY
<u>1ST 10th</u>	<u>5475 Brown Ave</u>
TERMS	ADDRESS
<u>43-1609632</u>	<u>ST. Louis MO 63120</u>
FEDERAL TAX I.D. NUMBER	CITY/STATE/ZIP CODE
<u>314-383-7300</u>	<u>Jim Crandell VP Commercial Sales</u>
TELEPHONE	SIGNATURE AND TITLE

TIRE BID FORM

To: The City of University City

The following bid is being submitted in response to your Invitation to Bid dated December 7, 2015.

<u>UNIT</u>	<u>DESCRIPTION</u>	<u>PER UNIT</u>
P235/55R17 (Police pursuit $\nabla$ speed rated only)		\$ <u>105.00</u>
11R22.5	All-Position, cut resistant, Waste/Sanitation	\$ <u>354.00</u> FIRESTONE 820
11R24.5	All-Position, cut resistant, Waste/Sanitation	\$ <u>377</u> FIRESTONE 820
315/80R22.5	All-Position, cut resistant, Waste/Sanitation	\$ <u>478</u> - FIRESTONE 820 <u>443.30</u> - YOKOHAMA M627

Can you provide tires from the Missouri State Tire Purchasing Contract? \_\_\_\_\_ YES \_\_\_\_\_ NO

TIRE SERVICES AND SUPPLIES:

Total cost for waste hauler lug retread (recap only)

• 11R22.5 BDX or equivalent

\$ 115.00

c

	BDM or equivalent	<u>\$ 165.00</u>
• 11R24.5	BDX or equivalent	<u>\$ 124.00</u>
	BDM or equivalent	<u>\$ 169.00</u>
• 315/80R22.5	BDX or equivalent	<u>\$ 138.00</u>
	BDM or equivalent	<u>\$ 215.00</u>
<b>Total cost for waste hauler lug retread (cap and casing)</b>		
• 11R22.5		<u>\$ 210.00</u>
• 11R24.5		<u>\$ 200.00</u>
• 315/80R22.5		<u>\$ 230.00</u>
Maximum turnaround time for refurbished tires (in days)		<u>7</u>
Cost to mount & dismount heavy truck tire	(on vehicle)	<u>\$ 18.00</u>
	(off vehicle)	<u>\$ 12.00</u>
Cost of refurbished powder-coated heavy truck wheel	(ZINC COATED)	<u>\$ 28.50</u>
17.	<u>\$ 350</u> Cost of valve stems for heavy truck wheels	
Cost of heavy truck tire flat repair (off vehicle)		<u>\$ 25.00</u>
Cost of section repair of heavy truck tire		<u>\$ 35.00</u>
Cost of scheduled service calls to our facility		<u>\$ 75.00</u>
Cost of emergency road service calls		<u>\$ 85.00</u>
Cost of overtime charges	_____	
What days/hours do these charges apply?		<u>\$ 100.00</u>
Cost for tire disposal: Specify minimum pick up		

- Passenger car \$3.00
- Light truck \$3.00
- Heavy truck \$7.00

EXCEPTIONS: \_\_\_\_\_  
 \_\_\_\_\_

PLEASE CHECK IF BUSINESS IS: MINORITY OWNED  WOMAN OWNED   
 Minorities and females in work force assigned to carry out this contract:  %

ITEM BID IS UNITED STATES MANUFACTURED, ASSEMBLED AND PRODUCED: YES  NO   
 If "NO", please indicate which item(s) are foreign manufactured, assembled and/or produced.

ALL STATE AND CITY TAXES DUE HAVE BEEN PAID: YES  NO

12-4-15 CROSS MIDWEST TIRE  
 DATE COMPANY

NET 10<sup>th</sup> OF THE MONTH 13931 ST CHARLES Rk. Rd.  
 TERMS ADDRESS

48-1082035 BRIDGETON, MO 63044  
 FEDERAL TAX I.D. NUMBER CITY/STATE/ZIP CODE

636-262-8010 Randy Jurgensmeyer ACCOUNTS MNGR.  
 TELEPHONE SIGNATURE AND TITLE

## CITY OF UNIVERSITY CITY, MISSOURI

## BID TABULATION SHEET

OPENING DATE December 7, 2015 10:00:00 AM

ITEMS		BRIEF DESCRIPTION	Mitchell Tire Service LLC dba/ Froesel Tire	MFR	Cross Midwest Tire
QTY	UNIT	Tires	UNIT PRICE	UNIT PRICE	UNIT PRICE
		<b>Police Tires</b>			
1	Each	P235/55R17	\$ 105.38	\$ 104.00	\$ 105.00
		<b>Truck Tires</b>			
1	Each	11R22.5	\$ 335.00	\$ 331.00	\$ 354.00
1	Each	11R24.5	\$ 360.00	\$ 356.00	\$ 377.00
1	Each	315/80R22.5	\$ 454.00	\$ 450.00	\$ 478.00
			<b>\$ 1,149.00</b>	<b>\$ 1,137.00</b>	<b>\$ 1,209.00</b>
		<b>Waster Hauler (Recap Only)</b>			
1	Each	11R22.5 BDX	\$ 142.00	\$ 127.00	\$ 115.00
1	Each	11R22.5 BDM	\$ 139.00	\$ 166.00	\$ 165.00
1	Each	11R24.5 BDX	\$ 148.00	\$ 133.00	\$ 124.00
1	Each	11R24.5 BDM	\$ 145.00	\$ 172.00	\$ 169.00
1	Each	315/80R22.5 BDX	\$ 154.00	\$ 147.00	\$ 138.00
1	Each	315/80R22.5 BDM	\$ 154.00	\$ 190.00	\$ 215.00
			<b>\$ 882.00</b>	<b>\$ 935.00</b>	<b>\$ 926.00</b>
		<b>Waster Hauler (Cap and Casing)</b>			
1	Each	11R22.5	\$ 199.00	\$ 251.00	\$ 210.00
1	Each	11R24.5	\$ 200.00	\$ 252.00	\$ 200.00
1	Each	315/80R22.5	\$ 214.00	\$ 280.00	\$ 230.00
			<b>\$ 613.00</b>	<b>\$ 783.00</b>	<b>\$ 640.00</b>
		<b>Tires-Service Supplies</b>			
1	Each	On Vehicle	\$ 10.00	\$ 25.00	\$ 18.00
1	Each	Off Vehicle	\$ 15.00	\$ 15.00	\$ 12.00
1	Each	Refurbish Heavy Truck Wheel	\$ 37.50	\$ 24.50	\$ 28.50
1	Each	Valve Stems for Heavy Truck Wheels	\$ 2.50	\$ 3.50	\$ 3.50
1	Each	Heavy Truck Flat Repair	\$ 15.00	\$ 25.00	\$ 25.00
1	Each	Section Repair of Heavy Truck	\$ 35.00	\$ 39.00	\$ 35.00
1	Each	Service Calls	\$ 50.00	\$ 75.00	\$ 75.00
1	Each	Emergency Road Service	\$ 75.00	\$ 90.00	\$ 85.00
1	Hour	Overtime	170.00	\$ 90.00	\$ 100.00
			<b>410.00</b>	<b>\$ 387.00</b>	<b>\$ 382.00</b>
		<b>Tire Disposal</b>			
1	Each	Passenger car	\$ 2.00	\$ 3.00	\$ 3.00
1	Each	Light truck	\$ 3.00	\$ 3.00	\$ 4.00
1	Each	Heavy truck	\$ 5.00	\$ 7.00	\$ 8.00
			<b>10.00</b>	<b>13.00</b>	<b>15.00</b>
			<b>\$ 3,064.00</b>	<b>\$ 3,255.00</b>	<b>\$ 3,172.00</b>



## City Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** **City Council review and approval of public survey regarding the Police Facility analysis**

**AGENDA SECTION:** City Manager's Report

**COUNCIL ACTION:** Approval

**CAN THIS ITEM BE RESCHEDULED?:** Yes

**BACKGROUND REVIEW:** At the September 8, 2015 City Council study session on the Police Facility Space Needs Analysis, Chiodini and Associates presented an overview of the study including existing physical and operational conditions and two alternatives to address Police Department needs. The two alternatives presented include renovation of the existing Annex or construction of a new Police facility. Two public meetings were subsequently held to provide an update on the analysis including a review of facility conditions, space needs and alternatives (including conceptual cost estimates) and seek feedback. Attendees were also advised that a survey seeking a preferred option and funding alternatives would be distributed to residents and help inform City Council's decision.

At its October 12, 2015 meeting, City Council requested that it be allowed to "**to review and approve the survey prior to distribution to the public.**" The draft survey was e-mailed to City Council on December 24, 2015 with a request for comments by January 6, 2016. No comments were received by that deadline.

City Council approval of the attached survey is being requested. Once provided, an announcement process, with City Council assistance, will occur to make the public aware of the survey. The survey will then be made available in various public locations such as the Library, Centennial Commons, City Hall and placed online. Display boards about the analysis will located at the library, Centennial Commons, and City Hall. Additional suggestions are welcome.

**Attachments:**

1: Draft survey

**RECOMMENDATION:** Approval



# POLICE FACILITY SPACE NEEDS ANALYSIS

## About the Analysis

The University City Police Department is one of the largest municipal police departments in St. Louis County. There are currently 79 commissioned officers, 19 civilians, and 6 part-time employees that serve the City's 35,000 residents. The Department has a high volume of calls for service, with about 2,300 911 calls per month.

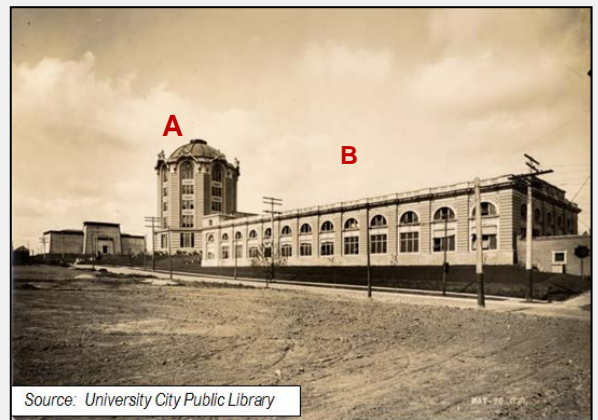
The Department is currently located in City Hall "Annex", at 6801 Delmar Boulevard. The Annex was constructed in 1903 as a printing press for the Women's Magazine publication. It has been used as a Police Department since 1938. The Department is currently spread throughout three separate floors of the Annex, which makes proper operations as per best practices impossible. In addition to operational difficulties, the facility does not meet current building codes, is in structural and environmental disrepair, and has safety and security concerns. The City has been studying the physical conditions of the building since 1980, but few improvements have been made due to funding constraints.

The City engaged an architecture firm, Chiodini and Associates, in December 2014 to evaluate the existing physical and operational conditions of the Annex, identify existing and future space needs for the Department and determine cost and feasibility of either renovating the Annex or constructing a new facility. Work on the Space and Operational Programming and Conceptual Development phases are complete. At this time, the options are being reviewed and refined.



### LEGEND

- A – City Hall
- B – Annex



## How Can I Get Involved?

To date, several public involvement tools have been used to share information about the project and gather input from the community. These efforts included presentations at a Police Focus Group meeting and City Council Study Session, two public workshops, articles in ROARS (the City's newsletter), social media updates, project page on the City's website, bi-weekly updates to City Council, and an online question and answer forum. The City is also seeking your input via survey, which is part of this packet, and available online and by hard copy at the University City Public Library - 6701 Delmar Boulevard, City Hall 1<sup>st</sup> Floor – 6801 Delmar Boulevard, and Centennial Commons – 7210 Olive Boulevard. Please review the project fact sheets and visit the project page on the City's website for background information <http://www.ucitymo.org/DocumentCenter/View/8740>

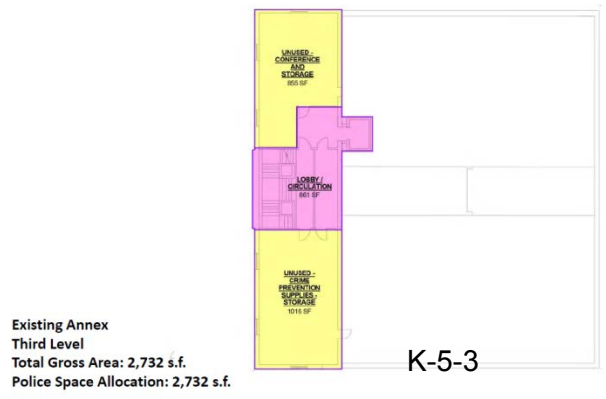
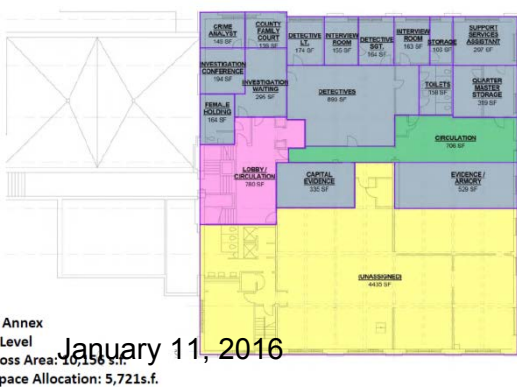
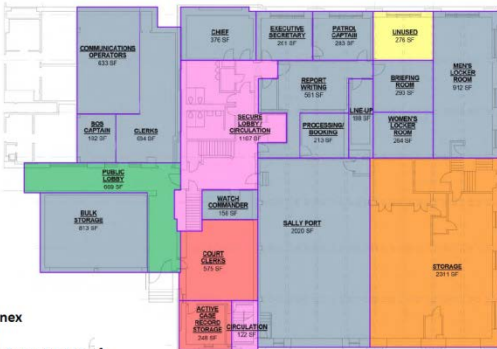
# POLICE FACILITY SPACE NEEDS ANALYSIS

## What Do We Have Now?

The Annex was constructed in 1903 as a printing press for the Women’s Magazine publication, and was retrofitted in 1938 for use as a Police Department. The Annex is a three-story building and approximately 38,000 square feet. About 12,000 square feet of the space assigned to the Police Department is unusable due to environmental conditions – specifically water infiltration, mold and flooding.

Through a physical and structural evaluation, the Analysis revealed the following (this is a partial list, for additional information, please visit <http://www.ucitymo.org/DocumentCenter/View/8740>):

- Antiquated systems (mechanical, electrical, and plumbing)
- Continual water infiltration
- Lack of secure parking areas for Police Department personnel and visitors
- Lack of separation between the public and prisoners
- Separation of Police Department divisions and functions/lack of adjacencies
- Evidence processing and storage spread out in various locations
- Prisoner holding cells that do not meet current standards
- Mold
- Asbestos and lead
- Pest infiltration
- ADA compliance issues
- Structural deterioration



January 11, 2016

K-5-3



# POLICE FACILITY SPACE NEEDS ANALYSIS

## What Do We Need?

Based on a survey of Police Department operational needs, and an analysis of spatial industry standards for Police Facilities, a 37,779 square feet facility is needed for the University City Police Department. This facility must comply with State and National standards and meet modern functional needs, which includes:

- Construction to “essential facilities” standards, which means that certain public safety facilities (fire, rescue, ambulance, police stations, emergency vehicle garages) must be designed to withstand natural disaster conditions. These facilities must be structurally reinforced and weatherproofed in the event of seismic, wind, snow, and flooding events.
- Addressing all safety and security requirements
- Providing separation of police/public/prisoner circulation
- Improving operational facilities

In addition, Missouri Senate Bill No. 5 requires a police department to be accredited or certified by the Commission on Accreditation for Law Enforcement Agencies or the Missouri Police Chiefs Association. Accreditation or certification shall be completed on or around year 2021. Failure to achieve accreditation will result in the disbanding of a Police Department. In its current state, the Annex will not enable the Police Department to attain accreditation.

## What Are the Options?

1. **Complete Gut Renovation of the Annex.** A complete gut renovation of the Annex will address physical conditions and antiquated systems. An addition to the Annex will be necessary to meet space and operational needs because the column spacing in the annex will not permit construction to essential services requirements. A parking garage will be needed to provide secure parking for Police Department personnel. If the Annex option was pursued, the Police Department personnel would need to be temporarily relocated to ensure operations continue.

ANNEX RENOVATION / ADDITION CONCEPTUAL COST ESTIMATE				Neighborhood to the World University City
Renovation/Addition Construction Costs (2016 Dollars)				Cost/SF
Annex Building – Renovation (\$/sf)	\$300	26,096 sf	\$	7,828,800
Basement/3 <sup>rd</sup> Floor Renov	\$100	11,079 sf	\$	1,107,900
Building Addition	\$240	6,208 sf	\$	1,489,920
Annex Building – Façade Demo/Reconstruction (\$/sf)	\$95	10,062 sf	\$	955,820
Annex Building – Essential Services Structure			\$	1,700,000
Library Building – Renovation	\$300(1&2) \$100 (B)	9,400 sf 4,700 sf	\$	2,820,000 470,000
Library Building – Façade Demo/Reconstruction	\$95	5,640 sf	\$	535,800
Library Building – Essential Services Structure			\$	639,200
Environmental Abatement			\$	241,435
Site (Retaining Walls Req'd)			\$	500,000
Subtotal Renovation Cost:			\$	18,288,875
Design Contingency(Unforeseen/Phasing)	15%		\$	2,743,332
<b>Renovation/Addition Cost (Hard Cost)</b>		<b>43,383 sf</b>	\$	<b>21,032,207</b>
<b>B. ALLOWANCE FOR SOFT COSTS</b>	<b>20%</b>		\$	<b>4,206,441</b>
<b>C. TOTAL PROJECT BUDGET (2016 Dollars)</b>				<b>25,238,648</b>
				<b>\$582</b>

- \* CONSTRUCTION OF TEMPORARY FACILITY:  
30,000 +/- SF @ \$200/SF = \$6,000,000
- \* RENT: 30,000 +/- SF @ \$20/SF = \$1,200,000  
(24 Months)
- \* MOVING/STORAGE EXPENSES
- \* INCREASED RISK OF UNFORSEEN CONDITIONS
- \* HISTORICAL RECONSTRUCTION BIDDING IS  
NOT VERY COMPETITIVE



# POLICE FACILITY SPACE NEEDS ANALYSIS

## 2. Construction of a New Facility.

### NEW POLICE DEPARTMENT FACILITY CONCEPTUAL COST ESTIMATE



**Total Cost \$12,463,387**

A. NEW Construction Costs (2016 Dollars)				Cost/SF
Building (\$/sf)	\$ 240	37,779 sf	\$ 9,066,960	
Site (per Acre)	\$ 150,000	2.5	\$ 375,000	
<b>Subtotal - Building Cost</b>			\$ 9,441,960	\$ 250.00
Design Contingency			10.0%	\$ 944,196
<b>Building Construction Cost (Hard Cost)</b>			\$ 10,386,156	\$ 275
<b>B. ALLOWANCE FOR SOFT COSTS</b>		20.0%	\$ 2,077,231	
<b>C. TOTAL PROJECT BUDGET (2016 Dollars)</b>			<b>\$ 12,463,387</b>	<b>\$ 330</b>

\*Plus Land Cost

\* Alternate Bulk Evidence/Ancillary Storage: 2,500 sf Outbuilding @ \$70/sf = \$175,000  
(Within Secure Parking Area; Outbuilding is less expensive to build than the main building.)



## Did the Analysis Consider What Could Happen to the Annex if it is No Longer Used by the Police Department?

Yes, and no. First, demolition of the Annex is not being considered. It is of historic significance to the City's Civic Complex. The analysis included an estimate to "white box" the Annex if it were to be re-used for a purpose other than an essential service. If not used for a public safety facility, the Annex would not need to meet essential service construction criteria and the renovation costs significantly decrease. The use of the facility, if no longer occupied by the Police Department, should be determined at a later time with public input. There are many public purposes that could be considered, but need to be explored AFTER an option is selected.

### ANNEX FACILITY CONCEPTUAL COST ESTIMATE Annex Renovation – White Box



Renovation Construction Costs (2016 Dollars)				Cost/SF
Exterior Renovation	\$25/sf	(Masonry, Windows, Roof)		
Interior Renovation	\$80/sf			
Systems Replacement	\$60/sf			
Water/Structural Remediation	\$10/sf			
Demolition	\$5/sf			
Renovation Cost/sf	\$180/sf			
Annex Renovation				
Floors 1, 2, & 3	\$180/sf	27,597 sf	\$4,967,450	
Basement	\$100/sf	12,767 sf	\$1,276,700	
<b>Annex Renovation Subtotal</b>			<b>\$6,244,150</b>	<b>\$154/sf</b>
Library Renovation:				
Floors 1 & 2	\$180/sf	9,400 sf	\$1,692,000	
Basement	\$100/sf	4,200 sf	\$420,000	
<b>Library Renovation Subtotal</b>			<b>\$2,112,000</b>	<b>\$154/sf</b>
Environmental Abatement			\$241,435	
Site Work Allowance			\$500,000	
<b>Subtotal Renovation Cost:</b>			<b>\$9,147,585</b>	
Design Contingency – Renovation		15%	\$1,372,140	
<b>Renovation Total Construction Cost: (Hard Cost)</b>			<b>\$10,519,725</b>	<b>\$194/sf</b>
Allowance for Renovation Soft Costs:		15%	\$1,577,560	
<b>Total Project Cost – Renovation "White Box" (2016 Dollars)</b>			<b>\$12,097,285</b>	<b>\$222/sf</b>

The estimate includes the Annex AND City-owned former Library at 630 Trinity





# POLICE FACILITY SPACE NEEDS ANALYSIS

## Now What?

The City has reviewed the alternatives being considered and is seeking your input. For more detailed information about these options, please visit the project website at <http://www.ucitymo.org/index.aspx?NID=692> or contact Andrea Riganti, Director of Community Development at [ariganti@ucitymo.org](mailto:ariganti@ucitymo.org). The survey results will be compiled and forwarded to City Council.

Several attempts to draft a survey were made. In the end, we determined that a few simple open-ended questions would be the best way to opportunity to elicit a meaningful response from you.

1. After a review of the information for Annex gut renovation, do you think this option should be pursued?

Yes. Why? (Please explain below so we understand your position.)

No. Why Not? (Please explain so we understand your position.)

2. After a review of the information for new construction, do you think this option should be pursued?

Yes. Why? (Please explain below so we understand your position.)

No. Why Not? (Please explain so we understand your position.)

3. The City has \$7 million set aside for a Police Facility project. There are no grant funds currently available for this project. Given that the cost of either option exceeds available funds, do you have an opinion as to how the project should be financed? Some possible ways are voter approved general obligation bonds, certificates of participation, and general fund allocation.



## City Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** **AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.480 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.480.**

**AGENDA SECTION:** Unfinished Business

**COUNCIL ACTION:** Approval

**CAN THIS ITEM BE RESCHEDULED?:** Yes

**BACKGROUND REVIEW:** In 2006, Ordinance No. 6634 imposed a sales tax at the rate of one-fourth of one percent on all retail sales made in the City pursuant to Section 67.1305 RSMo. An Economic Development Retail Sales Tax Board (EDRSTB) was subsequently established by Ordinance 6678 on December 11, 2006 to consider economic development plans, projects designations and more, subject to approval of City Council approval and was comprised of five members.

In 2012, the state revised RSMO 67.1305.12.2 relating to number of board members as follows:

*(2) The economic development tax board established by a city shall consist of at least five members, but may be increased to nine members. Either a five-member or nine-member board shall be designated in the order or ordinance imposing the sales tax authorized by this section...*

The purpose of the attached ordinance is to increase the number of EDRSTB members from five (5) to (9) nine members. Section 120.480 of the Municipal Code relates to the number of EDRSTB members.

**Attachments:**

1: Ordinance

**RECOMMENDATION:** Approval

**INTRODUCED BY: Councilmember Glickert**

**DATE:** December 14, 2015

**BILL NO. 9279**

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.480 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.480.**

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

**Section 1.** The Missouri Revised Statutes expressly permit a city to increase the number of members of the Economic Development Retail Sales Tax Board (“EDRSTB”) that is already in existence to nine (9) members.

**Section 2.** Section 120.480 of Chapter 120 of Article X of the City of University City, Missouri Municipal Code is hereby repealed and a new Section 120.480 is hereby in acted in lieu thereof to read as follows:

**Section 120.480 – Established – Number of Members**

An Economic Development Retail Sales Tax Board (“Board”) is established by the City and shall consist of nine (9) members. The volunteer Board shall receive no compensation or operating budget.

\* \* \*

**Section 3.** This ordinance shall be and become in full force and affect from and after its date of passage by the City Council and the approval of the Mayor.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_

MAYOR

ATTEST:

\_\_\_\_\_

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_

CITY ATTORNEY



## City Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** **AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.490 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.490.**

**AGENDA SECTION:** Unfinished Business

**COUNCIL ACTION:** Approval

**CAN THIS ITEM BE RESCHEDULED?:** Yes

**BACKGROUND REVIEW:** In 2006, Ordinance No. 6634 imposed a sales tax at the rate of one-fourth of one percent on all retail sales made in the City pursuant to Section 67.1305 RSMo. An Economic Development Retail Sales Tax Board (EDRSTB) was subsequently established by Ordinance 6678 on December 11, 2006 to consider economic development plans, projects designations and more, subject to approval of City Council approval and was comprised of five members.

In 2012, the state revised RSMO 67.1305.12.2 establishing the EDRSTB shall consist of at least five members, but may be increased to nine members. This increase is proposed in a separate ordinance. The purpose of the attached ordinance revision to Section 120.490 is to designate how the members are to be appointed as follows:

- (a) One member of a five-member board, or two members of a nine-member board, shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member or members shall be appointed in any manner agreed upon by the affected districts;*
- (b) Three members of a five-member board, or five members of a nine-member board, shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city;*
- (c) One member of a five-member board, or two members of a nine-member board, shall be appointed by the governing body of the county in which the city is located.*

**Attachments:**

1: Ordinance

**RECOMMENDATION:** Approval



**INTRODUCED BY: Councilmember Sharpe**

**DATE:** December 14, 2015

**BILL NO. 9280**

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF UNIVERSITY CITY, MISSOURI; REPEALING SECTION 120.490 OF CHAPTER 120 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE; AND ENACTING IN LIEU THEREOF A NEW SECTION 120.490.**

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

**Section 1.** The Missouri Revised Statutes expressly permit a city to increase the number of members of the Economic Development Retail Sales Tax Board (“EDRSTB”) that is already in existence to nine (9) members.

**Section 2.** Section 120.490 of Chapter 120 of Article X of the City of University City, Missouri Municipal Code is hereby repealed and a new Section 120.490 is hereby in acted in lieu thereof to read as follows:

**Section 120.490 – Appointment and Terms of Members – Filling Vacancies**

- A. Board members shall be appointed as follows:
1. Two (2) members shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized under Section 67.1305 RSMo. (the “Tax”). Such member shall be appointed in any manner agreed upon by the affected districts;
  2. Five (5) members shall be appointed by the Mayor with the consent of the majority of the City Council; and
  3. Two (2) members shall be appointed by the St. Louis County Council.
- B. Of the membership initially appointed, three (3) shall be designated to serve for terms of two (2) years and the remaining members shall be designated to serve for a term of four (4) years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four (4) years, except that all vacancies shall be filled for unexpired terms in the same manner as were the additional appointments pursuant to Section 67.1305.12(4) RSMo.

\* \* \*

**Section 3.** This ordinance shall be and become in full force and affect from and after its date of passage by the City Council and the approval of the Mayor.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

INTRODUCED BY: Councilmembers Carr & Glickert      DATE: January 11, 2016

BILL NO.    **9281**

ORDINANCE NO.

**AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF UNIVERSITY CITY, MISSOURI, AT AN ELECTION TO BE HELD ON APRIL 5, 2016, A PROPOSED AMENDMENT TO CHARTER OF THE CITY OF UNIVERSITY CITY ADDING SECTION 97 OF ARTICLE XI OF THE CHARTER REQUIRING THE APPROVAL OF A MAJORITY OF THE QUALIFIED VOTERS PRIOR TO THE SALE, LEASE OR DISPOSITION OF UNIVERSITY CITY HERITAGE SITES.**

**WHEREAS**, Under the provisions of Article XII, Section 122 of the Charter of the City of University City, Charter amendments may be proposed by petition of not less than ten per centum of the registered qualified electors of the City; and

**WHEREAS**, A Petition for a proposed Charter amendment was filed with the City Clerk on or about November 6, 2015; and

**WHEREAS**, the St. Louis County Board of Election Commissioners determined on November 16, 2015, that the Petition for the proposed Charter amendment received more than the required number of valid signatures for placement on the ballot; and

**WHEREAS**, City Council shall provide by ordinance that the proposed Charter amendment be submitted to the electors of the City at the next available election date as determined by Missouri State statute; and

**WHEREAS**, the next General Election will be held on April 5, 2016.

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

**Section 1.** That at the General Election to be held in the City of University City, Missouri, on Tuesday, the 5th day of April, 2016, there shall be submitted to the qualified electors of the City of University City, the following proposed Charter amendment, Proposition H, to-wit:

UNIVERSITY CITY HERITAGE SITES “PROPOSITION H”

Shall the City of University City amend Article XI “Public Improvement Generally” by adding a new section to be designated Section 97 stating that the following land and structures, to the extent now or hereafter owned by the City or any agency or instrumentality of the City, shall not be sold, leased, given away or otherwise disposed of unless such sale, lease, disposal or gift be approved by a majority of the qualified electors

voting on an ordinance to be submitted by the council in the manner prescribed in Article XII, Section 122 of this Charter: (a) the land and buildings on the site described in the general warranty deed of May 15, 1930, deed book 1088, page 113, including City Hall at 6801 Delmar Boulevard, the Annex commonly known as the police station and old firehouse, and the Old Public Library at 630 Trinity Avenue; (b) the University City Public Library at 6701 Delmar Boulevard and the land described in the general warranty deed of June 20, 1968, deed book 6333, page 2313; (c) the Sutter-Meyer house at 6826 Chamberlain Court and the site described in the general warranty deed of October 22, 2003, deed book 15429, page 3043; (d) The Gates of Opportunity, commonly known as the Lion Gates monument on the public right-of-way near Delmar Boulevard and Trinity Avenue.

YES

NO

#### INSTRUCTIONS TO VOTERS:

If you are in favor of the proposition submitted upon this ballot, place an X in the box opposite the word "YES". If you are opposed to the question, place an X in the box opposite the word "NO".

**Section 2.** The City Clerk is hereby authorized and directed to file with the Board of Election Commissioners for St. Louis County, Missouri, a duly certified copy of this Ordinance and shall provide such Notice of the aforesaid election as required by Section 115.127(2) RSMo.

**Section 3.** The ballots to be used at said election shall contain the information in substantially the form set forth above in Section 1, subject to such revisions and modifications as to form, but not content, as may be required for use of the voting system selected by the Board of Election.

**Section 4.** The qualified voters of the City residing in the election precincts located within the City shall vote at such polling places and at such times as are otherwise established in connection with the General Election Day scheduled for April 5, 2015.

**Section 5.** The Board of Election Commissioners of St. Louis County are authorized to take all action necessary or appropriate such that the election shall be conducted in full compliance with the requirements of applicable law and particularly Chapter 115 RSMo.

**Section 6.** The Board of Election Commissioners of St. Louis County, as election authority for the election herein provided for, shall give the Notice of said election required by law, shall appoint the election judges for the polling places at which said election is to be held, and shall apply all voting equipment, ballot boxes, ballots, tally sheets, precinct registers, and other supplies necessary for the conduct of said election.

**Section 7.** All ordinances or parts of ordinances in conflict with this Ordinance shall be and the same are repealed hereby insofar as they may so conflict.

**Section 8.** This Ordinance shall be in force and shall take effect from and after its passage.

PASSED by the City Council of the City of University City, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_

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MAYOR

ATTEST:

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CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM

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CITY ATTORNEY



## Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** Resolution for Fiscal Year 2015-2016- Budget Amendment # 2

**AGENDA SECTION:** New Business

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** Attached is the second budget amendment of the fiscal year 2016. This amendment incorporates the adjustment of expenditures between divisions and departments that have significant variances to the adopted budget and previously approved transfers from the fund reserve for all funds.

### General Fund

#### 1) **Police**

The City's Memorandum of Agreement (MOA) with the Police Union calls for the construction of a shower facility (separate facilities for men and women). The estimated cost for this project is \$30,000. As a result of staff turnover during transition period, there is some savings of full time salaries that can be used for this project. A transfer of \$30,000 is needed.

#### 2) **Fire**

A transfer of \$120,000 from Salaries-Full time to cover \$60,000 overtime and \$60,000 injury leave.

### Other Funds

#### 3) **Solid Waste Fund**

The City applied for and was awarded grant funds through the St. Louis County Department of Health to expand the City's commercial sanitation/recycling program. The City will receive \$50,000 with a committed \$69,400 match. This matched fund needs to be transferred from the Solid Waste fund reserve to be spent on solid waste supplies, public notices, printing services and postage.

#### 4) **Economic Development Sales Tax Fund**

As a part of Small Business Retail Retention Program for the Delmar Loop, the Economic Development Retail Sales Tax Board recommended a transfer of \$50,000 from the fund reserve to provide a forgivable loan to retail businesses in the Loop; that can demonstrate a loss of sales due to construction of the Loop Trolley. The detailed background, requirements and some restrictions of this program are provided on the next page.

#### 5) **Capital Improvement Sales Tax Fund**

- City of Clayton notified the University City Public Works and Parks Department that they awarded a construction contract for their residential resurfacing project, which included sidewalks, curbs, ramps and street resurfacing, including work proposed on University City streets that share boundaries with the City of Clayton. The University

City Council considered an unbudgeted expenditure to pay for the cost of the City's portion in the amount of \$65,700. The approval to transfer this money from the fund reserve was also made on September 8, 2015. \$42,200 will be used for curbs, sidewalk and alleys, and \$23,500 will be used for street maintenance.

- The City of Ladue applied for and received a Federal Highway Administration grant for reconstructing Price Road, including a small portion of University City. The construction phase of this project within University City is scheduled to be performed in FY 2016 and the required funds as a local match of \$7,400 is needed.

#### **6) Parks and Storm Water Sales Tax Fund**

The FY 2016 Budget includes \$300,000 that covers improvements to the golf course driving range that are necessary based on the erosion and rutting that has occurred over time. The consultant began to look at all issues in the range. It became clear that additional funds would be necessary to provide a finished project to address all the issues. These additional items add up to approximately \$325,000.

In addition, based on the settlement agreement between Schuman and the City, additional work must be completed. The estimated cost associated with the City's obligations is \$400,000.

#### **6) Parking Garage Fund**

In October 2015, City Council approved a transfer of \$300,000 from the Parking Garage fund reserve to pay for an improvement at 6323 Delmar Road. The City discovered that there is some additional electrical work to be done that will cost approximately \$23,000. A transfer of \$23,000 from the Parking Garage fund reserve is needed.

The changes in budget amendment # 2 will not have any impact to the General Fund unassigned fund reserve while the changes in the Solid Waste, Economic Development Retail Sales Tax, Capital Improvement Sales Tax, Park and Storm Water Sale Tax and Parking Garage will also reduce the fund reserve by \$69,400, \$50,000, \$73,100, \$725,000 and \$23,000, respectively.

The resolution for approval of the amendment is attached, as well as details of the budget amendment. The details of budget transfers for the amounts up to \$25,000 that were delegated to the City Manager are also attached for information only.

**RECOMMENDATION:** Approval

**ATTACHMENT:** Small Business Retail Retention Program for Delmar Loop

**Resolution 2016 - 1**

**A RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 (FY16)  
BUDGET – AMENDMENT # 2 AND APPROPRIATING SAID AMOUNTS**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of University City, Missouri, that the Annual Budget for the fiscal year beginning July 1, 2015, was approved by the City Council and circumstances now warrant amendment to that original budget.

**BE IT FURTHER RESOLVED**, that in accordance with the City Charter, the several amounts stated in the budget amendment as presented, are herewith appropriated to the several objects and purposes named.

Adopted this 11th day of January, 2016

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Certified to be Correct as to Form:

\_\_\_\_\_  
City Attorney



**FY 16 Budget Amendment # 2  
To be Approved by the City Council  
January 11, 2016**

**GENERAL FUND**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
1) <b>Police</b>			
8001 Building Improvement	30,000		Construction of a new shower facility, separate for men and women.
5001 Salaries Full-time		(30,000)	
2) <b>Fire</b>			
5380 Overtime	60,000		Increase overtime budget
5220 Injury Leave	45,000		Tracking workers' com wages
5230 Injury Leave - Taxable	15,000		previously charged to salaries full time
5001 Salaries Full-time		(120,000)	
<b>TOTAL GENERAL FUND</b>			
<b>REDUCTION IN FUND BALANCE</b>		<b>\$ -</b>	

**SOLID WASTE**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
2) 6090 Postage	\$5,300		City's commercial sanitation and recycling program
6130 Advertising/Public Notices	500		
6150 Printing Services	5,600		
7250 Solid Waste Supplies	58,000		
<b>TOTAL ECONOMIC DEVELOPMENT SALES TAX FUND</b>			<b>\$ 69,400</b>
<b>REDUCTION IN FUND BALANCE</b>			

**ECONOMIC DEVELOPMENT SALES TAX**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
3) 8040 Misc. Improvement	\$50,000		Forgivable loan to Loop Business due to loss of sales - impact from the Loop Trolley Construction
<b>TOTAL ECONOMIC DEVELOPMENT SALES TAX FUND</b>			<b>\$ 50,000</b>
<b>REDUCTION IN FUND BALANCE</b>			

**CAPITAL IMPROVEMENT SALES TAX**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
4) 8060 Curb, sidewalk and alleys	\$42,200		City's portion for for residential resurfacing project with City of Clayton
8080 Street Maintenance	23,500		
<b>TOTAL CAPITAL IMPROVEMENT SALES TAX FUND</b>			<b>\$ 65,700</b>
<b>REDUCTION IN FUND BALANCE</b>			

**PARK AND STORM WATER SALES TAX**

<u>Account</u>	<u>Revenue Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
5) 8020 Golf Improvements	\$325,000		Additional work to driving range
8020 Golf Improvements	400,000		Additional work based on the settlement agreement
<b>TOTAL PARK AND STORM WATER SALES TAX FUND</b>			<b>\$ 725,000</b>
<b>REDUCTION IN FUND BALANCE</b>			

**PARKING GARAGE**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
6) 8100 Building Improvement	\$23,000		Additional electrical work at 6323 Delmar Blvd.
<b>TOTAL PARKING GARAGE FUND</b>			<b>\$ 23,000</b>
<b>REDUCTION IN FUND BALANCE</b>			

**FY 16 Budget Amendment # 2  
To be Delegated to City Manager  
January 11, 2016**

**GENERAL FUND**

<u>Account</u>	<u>Expenditure Increase</u>	<u>Expenditure Decrease</u>	<u>Description</u>
<b>1) Police</b>			
5220 Injury Leave	24,000		Tracking workers comp wages
5230 Injury Leave - Taxable	8,000		previously charged to salaries-full time
5001 Salaries Full-time		(32,000)	
7770 Uniforms & Safety Gear	9,000		Increase uniform expense
5001 Hardware & Hand Tools		(9,000)	
<b>2) General Administration</b>			
6220 Insurance - Public Officials	11,000		Insurance premium increase
6650 Memberships & Certifications	2,100		Municipal League fees increase
5340 Salaries-Part time		(13,100)	
<b>3) Finance</b>			
6700 Misc. Operating Services	4,100		Increase payroll taxes interest
6770 Bank & Credit Cards Fees		(4,100)	
<b>4) Information Technology</b>			
6320 Internet Service	1,800		Adjust internet service fees
6270 Telephone & Pagers		(1,800)	
6560 Technology Services	23,000		Increase budget to cover a fees
6050 Maintenance Contracts		(10,000)	for redesigning the website
6270 Telephone & Pagers		(8,000)	
7090 Office & Computer Equip.		(5,000)	
<b>5) Public Works-Street</b>			
5220 Injury Leave	5,200		Tracking Workers' comp wages
5230 Injury Leave-Taxable	1,500		
5340 Salaries - Part-time		(6,700)	
6380 Equipment Maintenance	3,400		Increase budget for equip maintenance
6010 Professional Service		(3,400)	
<b>6) Community Development</b>			
8001 Building Improvement	5,000		From Facilities to Centennial Commons-
8001 Building Improvement		(5,000)	replacing carpet

**APPROVAL SECTION:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date



## Department of Community Development

6801 Delmar Boulevard · University City, Missouri 63130 · 314-505-8500 · Fax: 314-862-3168

### **Economic Development Retail Sales Tax Small Business Retail Retention Program for Delmar Loop**

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**Background Review.** In the summer of 2015, many Delmar Loop retailers reported that sales had declined from 20-60% since trolley construction began in March. The City, while not managing the Loop Trolley project, recognized the financial challenges faced by small businesses and implications of long-term construction. Small independent retailers in the Loop are critical to the Loop's success as a viable destination and diverse business district. Retention of these businesses is an important component of the City's economic development strategies. Therefore, a modest assistance program for retail shops, boutiques, and galleries was proposed to provide one-time relief to businesses that demonstrated a loss of sales due to construction.

In August 2015, the City and Loop Special Business District (LSBD) agreed to offer up to \$100,000 in total assistance. Each entity would provide \$50,000 to fund the program, which is modeled after a one administered in St. Paul and Minneapolis during the construction of an 11 mile light rail line. Economic Development Retail Sales Tax (EDRST) fund reserves would be used for the program. The EDRSTB voted to recommend approval of these funds to City Council on September 3, 2015.

The assistance would be a forgivable loan for basic business expenses, including payroll, inventory, rent/mortgage, utilities, taxes, marketing, etc. To qualify, an applicant should be a for-profit small independent retail businesses or others on a case by case basis with no more than \$2 million in annual gross sales that:

- Are independently owned (with four or fewer locations)
- Are located on Delmar Blvd. in University City
- Have been at their current location for more than 3 years
- Are focused on retail services: boutiques, galleries, etc.
- Are current with all St. Louis County and City of University City taxes, fees and other bills associated with the business and property.
- Can demonstrate a decline in revenue due to the construction of the Loop Trolley

Up to \$12,000 would be available per business. Loan amounts would vary per business based on demand and percent of demonstrated loss of revenue. The forgivable loan would be provided as a one-time lump sum amount directly to a business. The loan would be 100% forgivable after 3 years. It would be forgiven at a rate of 33% on the anniversary date of execution for each year the business remains on Delmar Blvd. Otherwise, the balance of the loan would be payable upon the sale, abandonment or relocation of business from the Loop on Delmar Boulevard in University City.

The LSBD allocation has been used to fund four businesses, and there is currently a waiting list for the program. This matter was presented to City Council in October 2015 for consideration as part of the budget amendment process, but no action was taken.

**Recommendation:** Staff recommends approval of \$50,000 in EDRST reserves for the program. This would be accomplished through the budget amendment process.

**RESOLUTION 2016 - 2**

**RESOLUTION ON THE CITY COUNCIL'S CENSURE OF COUNCILMEMBER TERRY CROW IN ACCORDANCE WITH THE CITY COUNCIL'S RULES OF ORDER AND PROCEDURE AND THE CITY CHARTER AND MUNICIPAL CODE OF UNIVERSITY CITY**

WHEREAS, Article XII, Section 111 of the City Charter of the City of University City mandates that every member of the City Council of University City take an Oath of Office, promising to faithfully discharge the duties of his office or employment with impartiality and justice; and

WHEREAS, Section 110.040 of the Municipal Code of University City mandates that public officials of the City be independent, impartial and responsible to the people and that government decisions and policies be made in the proper channels of the governmental structure; and

WHEREAS, the City Council of University City has adopted its Rules of Order and Procedure; and

WHEREAS, Rule 37 in the Council Rules of Order and Procedure states that contents of confidential memos must be kept confidential; and

WHEREAS, on February 21, 2014, Councilmember Terry Crow shared an e-mail he received as a member of Council from City Attorney Katherine Forster, relating to the firefighters, with Kurt Becker, the Vice President of Firefighters' Union Local 2665; and

WHEREAS, at the time the e-mail was provided to Kurt Becker, the City of University City was being sued by Firefighters' Union Local 2665; and

WHEREAS, Councilmember Crow's sharing of an e-mail he received through his position as a member of Council with a party that was engaged in litigation against the City was not an impartial act and bypassed the City's procedures for the release of records retained by the City; and

WHEREAS, the interests of the City of University City have been harmed by the release of this e-mail to this organization which was and is litigating against the City; and

WHEREAS, it is incumbent upon the City Council to make clear it will not allow the interests of the City to be harmed without taking action to discipline one of its members who does so.

NOW THEREFORE BE IT RESOLVED, that this City Council formally censures Councilmember Terry Crow for intentionally sharing an e-mail of the City Attorney with Firefighters' Union Local 2665, an organization involved in litigation against the City, putting the interests of the City at risk. This Council also declares that it is considering additional action in response to a breach of the Councilmember's Oath of Office and violation of the Municipal Code by Terry Crow.

Adopted this 11<sup>th</sup> day of January, 2016.

---

Shelley Welsch, Mayor

Attest:

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Joyce Pumm, City Clerk



## Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** Ordinance to approve a Final Plat for a proposed Minor Subdivision at 6709-6711 Plymouth Avenue to subdivide a two-family dwelling into two condominium units in the "SR" – Single Family Residential District

**AGENDA SECTION:** New Business

**COUNCIL ACTION:** Passage of Ordinance required for Approval

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** Attached are the Staff Report and documents for the above-referenced Minor Subdivision application.

The Plan Commission recommended approval at their December 23, 2015 meeting. Passage of an ordinance is needed to approve the Final Plat. A public hearing is not required. The first reading should take place on January 11, 2016 and the second and third readings could occur at the subsequent meeting on January 25, 2016.

**Attachments:**

- 1: Transmittal Letter from Plan Commission
- 2: Staff Report and Final Plat
3. Draft Ordinance and Exhibits

**RECOMMENDATION:** Approval

**ATTACHMENT 1:**  
**Transmittal letter from Plan Commission**



**Plan Commission**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

December 29, 2015

Ms. Joyce Pumm, City Clerk  
City of University City  
6801 Delmar Boulevard  
University City, MO 63130

RE: Minor Subdivision – Final Plat  
6709-6711 Plymouth Avenue

Dear Ms. Pumm,

At its regular meeting on December 23, 2015 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, the Plan Commission considered an application by Charles Coyle (property owner) for Final Plat approval of a Minor Subdivision, subdividing a two-family dwelling into two condominium units in the “SR” – Single Family Residential District.

By a vote of 5 to 0, the Plan Commission recommended approval of the Final Plat.

Sincerely,

Linda Locke, Chairperson  
University City Plan Commission

**ATTACHMENT 2:  
Staff Report and Final Plat**





**Department of Community Development**

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-3168

**STAFF REPORT**

MEETING DATE: December 23, 2015

FILE NUMBER: PC 15-08

COUNCIL DISTRICT: 3

Applicant: Charles Coyle (property owner)

Location: 6709-6711 Plymouth Avenue (north side of Plymouth Avenue, approximately 100 feet west of Kingsland Avenue)

Request: Minor Subdivision – Final Plat to subdivide existing two-family dwelling into two condominium units

Existing Zoning: “SR” – Single Family Residential District

Existing Land Use: Two-family residential building

Proposed Zoning: No change – “SR” District

Proposed Land Use: No change – two-family residential building

Surrounding Zoning and Land Use:

North: SR- Single Family Residential District	Single-family residential
East: SR- Single Family Residential District	Single-family residential
South: SR- Single Family Residential District	Single-family / multi-family residential
West: SR- Single Family Residential District	Single-family / multi-family residential

COMPREHENSIVE PLAN CONFORMANCE

Yes       No       No reference

STAFF RECOMMENDATION

Approval       Denial

ATTACHMENTS:

- A. Map
- B. Final Plat

**Existing Property**

The subject property, approximately 0.24 acres in area, is occupied by a vacant two-story, two-family dwelling built in 1914, according to St. Louis County records. The existing units are each approximately 1,600 square feet in area and have separate basements. There are two curb-cuts onto Plymouth Avenue providing vehicular access with parking at the rear of the building. The existing use is legal non-conforming since it was established prior to

enactment of the current “SR” – Single Family Residential District zoning which does not permit two-family dwellings. As such, it is allowed to continue, subject to certain restrictions in the Zoning Code including no building expansion.

### **Applicant’s Request**

The current request is to subdivide the existing two-family dwelling into two individual condominium units. No changes to the property or modifications to the building are proposed. This is just a change in the form of ownership which will result in two separate properties with common areas as shown on the Final Plat.

### **Analysis**

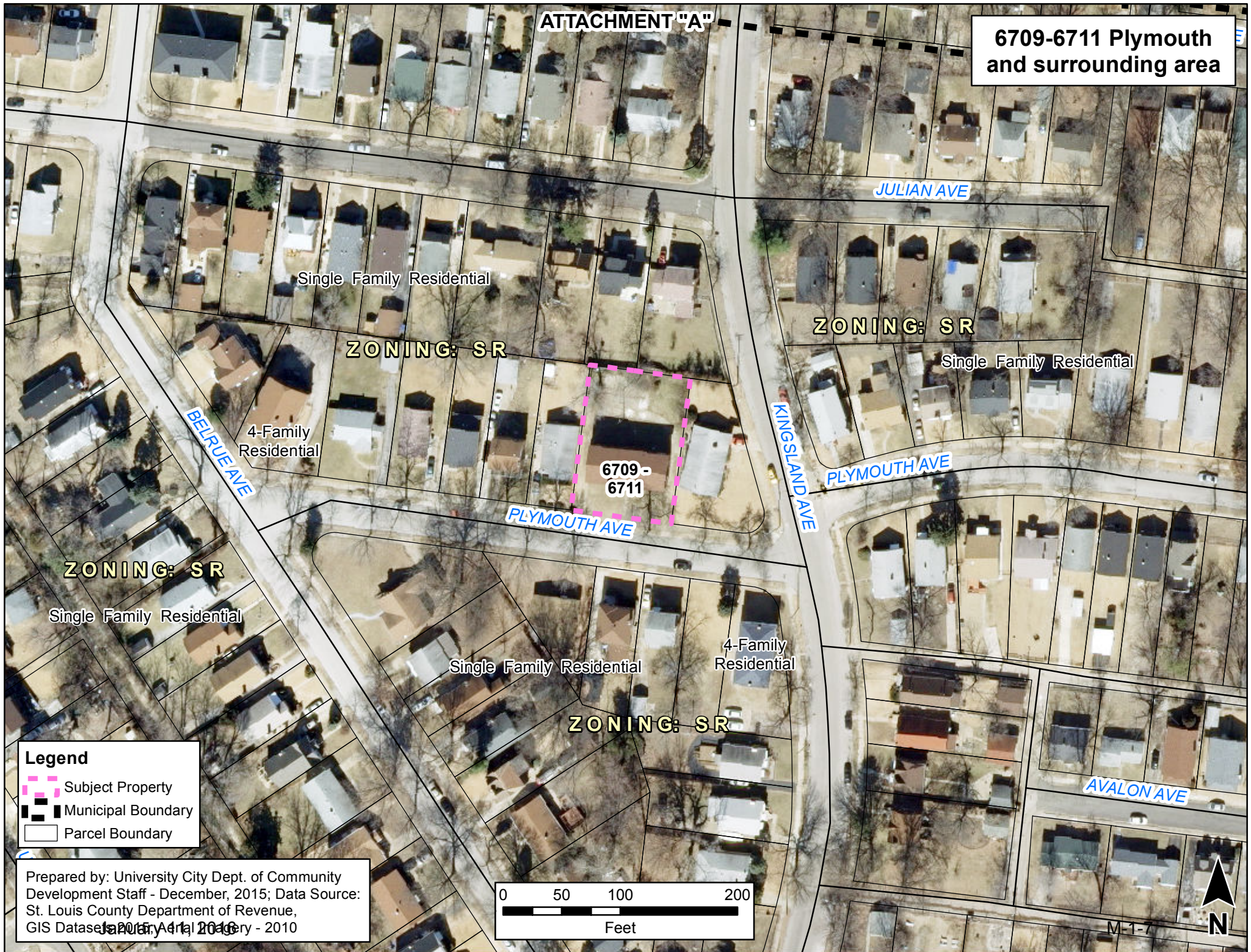
Creation of a condominium form of ownership is considered a Subdivision; however, this is being reviewed as a Minor Subdivision because the proposal does not meet any of the characteristics of a Major Subdivision as described in Section 405.165.A of the Subdivision Regulations. It is therefore not required to go through the Preliminary Plan process but the Final Plat process. No public hearing is required. On review, staff has determined that the request is in compliance with the requirements of the Zoning Code and Subdivision Regulations. The proposed action does not change the legal non-conforming status of the property.

### **Conclusion/Recommendation**

The proposal meets all Zoning Code and Subdivision Regulation requirements for a Final Plat. Thus, staff recommends approval of the Final Plat for the proposed Minor Subdivision.

ATTACHMENT "A"

6709-6711 Plymouth and surrounding area



Single Family Residential

ZONING: SR

4-Family Residential

6709 - 6711

PLYMOUTH AVE

JULIAN AVE

ZONING: SR

Single Family Residential

KINGSLAND AVE

PLYMOUTH AVE

ZONING: SR

Single Family Residential




Single Family Residential

4-Family Residential

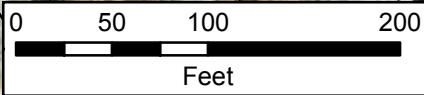
ZONING: SR

AVALON AVE

**Legend**

-  Subject Property
-  Municipal Boundary
-  Parcel Boundary

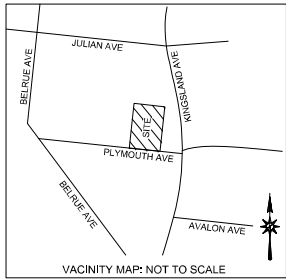
Prepared by: University City Dept. of Community Development Staff - December, 2015; Data Source: St. Louis County Department of Revenue, GIS Database, April 2016



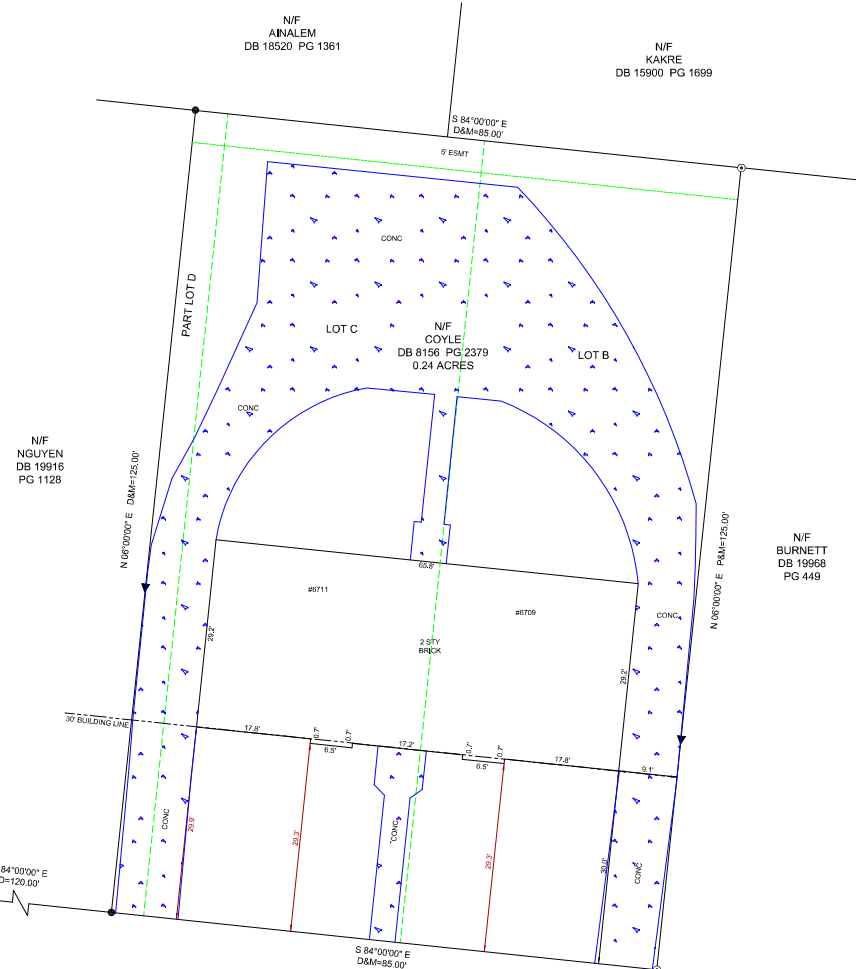
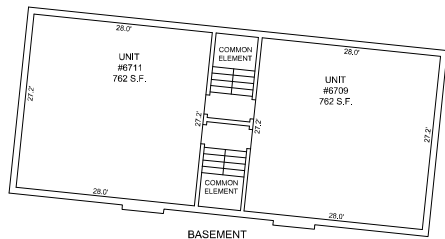
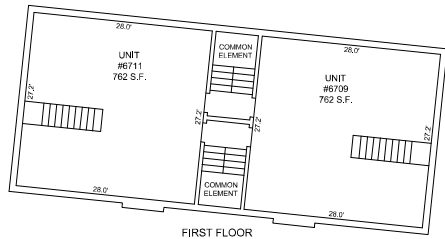
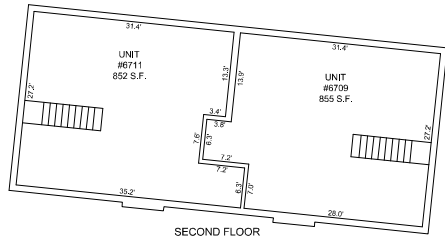
M-1-7

ATTACHMENT "B"

6709-6711 PLYMOUTH AVENUE CONDOMINIUM  
 LOTS B, C & EAST 5' OF LOT D IN BLOCK 9 OF  
 BELLEMOOR PARK AMENDED SUBDIVISION  
 UNIVERSITY CITY, ST. LOUIS COUNTY, MISSOURI  
 ZONING DISTRICT SR-SINGLE FAMILY RESIDENTIAL DISTRICT



- P PLATTED DISTANCE
- D DISTANCE
- M MEASURED DISTANCE
- SET REBAR
- ▲ SET POINT ON LINE
- FOUND IRON PIPE
- ✦ FOUND CROSS 2.0% OFFSET



**LENDER CERTIFICATE**  
 THE UNDERSIGNED HOLDER OF LEGAL OWNER OF NOTES SECURED BY A DEED OF TRUST RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF THE ST. LOUIS COUNTY RECORDS HEREBY JOINS IN AND APPROVES IN EVERY DETAIL, THIS CONDOMINIUM PLAT OF 6709-6711 PLYMOUTH AVENUE...  
 IN WITNESS WHEREOF, SAID HOLDER OR LEGAL OWNER HAS SIGNED AND SEALED THIS SUBDIVISION PLAT THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.  
 LENDER: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 PRINT NAME: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 STATE OF MISSOURI )  
 COUNTY OF ST. LOUIS )  
 ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BEFORE ME APPEARED \_\_\_\_\_ WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS \_\_\_\_\_ A CORPORATION DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF MISSOURI, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT THE SAID INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND THAT SAID \_\_\_\_\_ DECLARED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.  
 IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND YEAR LAST ABOVE WRITTEN, IN THE STATE AND COUNTY FIRST ABOVE WRITTEN.

NOTARY PUBLIC SIGNATURE \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_  
 PLEASE PRINT NAME \_\_\_\_\_

**OWNERS CERTIFICATE:**  
 THE UNDERSIGNED OWNER OF THE LAND DESCRIBED IN THE PROPERTY DESCRIPTION STATED, HAS CAUSED SAID TRACT OF LAND TO BE ADJUSTED AS SHOWN ON THIS PLAT, WHICH CONDOMINIUM PLAT SHALL HEREAFTER BE KNOWN AS 6709-6711 PLYMOUTH AVENUE CONDOMINIUM.

OWNER SIGNATURE \_\_\_\_\_ PLEASE PRINT NAME \_\_\_\_\_  
 OWNER SIGNATURE \_\_\_\_\_ PLEASE PRINT NAME \_\_\_\_\_

STATE OF MISSOURI )  
 COUNTY OF ST. LOUIS )  
 ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.  
 IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND YEAR LAST ABOVE WRITTEN, IN THE STATE AND COUNTY FIRST ABOVE WRITTEN.

NOTARY PUBLIC SIGNATURE \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_  
 PLEASE PRINT NAME \_\_\_\_\_

**6709-6711 PLYMOUTH AVENUE PROPERTY DESCRIPTION:**  
 LOTS B AND C AND THE EAST 5 FEET OF LOT D IN BLOCK 9 OF BELLEMOOR PARK AMENDED SUBDIVISION, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 19, PAGE 49 OF THE ST. LOUIS COUNTY RECORDS, CONTAINS 10,530 SQ. FT. & 0.24 ACRES

- SURVEYORS NOTES:**
1. BASIS OF ASSUMED BEARING ADOPTED FROM THE RECORD PLAT OF BELLEMOOR PARK AMENDED AS SHOWN IN PLAT BOOK 19 PAGE 49 OF THE ST. LOUIS COUNTY RECORDS.
  2. EASEMENTS AND BUILDING LINES SHOWN PER SAID RECORD PLAT AND NO ADDITIONAL EASEMENTS LISTED PER LAWYERS TITLE INSURANCE COMPANY COMMITMENT NUMBER 170852. NO ADDITIONAL RESEARCH WAS COMPLETED BY SURVEY COMPANY.
  3. PROPERTY IS ZONED "SR" - SINGLE FAMILY RESIDENTIAL.
  4. SOURCE OF TITLE: LAWYERS TITLE INSURANCE COMPANY COMMITMENT #170852 WITH AN EFFECTIVE DATE OF DECEMBER 3, 2001

**SURVEYORS CERTIFICATE**  
 AT THE REQUEST OF CHARLE COYLE, A CONDOMINIUM PLAT HAS BEEN PERFORMED ON THE ABOVE NAMED PROPERTY DURING THE MONTH OF AUGUST 2015. THIS SURVEY WAS EXECUTED IN COMPLIANCE WITH THE CURRENT STANDARDS FOR PROPERTY BOUNDARY SURVEYS (20 CSR 2036-16.040) OF THE MISSOURI STATE STATUTES. THIS SURVEY MEETS THE ACCURACY STANDARDS SET FORTH FOR AN URBAN PROPERTY.

WILLIAM JACOB CLARK PLS 2002014101  
 STATE OF MISSOURI  
 CARDINAL SURVEYING AND MAPPING INCORPORATED  
 CORPORATE #2095000229



**CITY CERTIFICATE**  
 THIS IS TO CERTIFY THAT 6709-6711 PLYMOUTH AVENUE CONDOMINIUM IS APPROVED BY THE CITY PLAN COMMISSION, CITY OF UNIVERSITY CITY, MISSOURI ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CHAIRPERSON OF THE CITY PLAN COMMISSION \_\_\_\_\_ EXECUTIVE SECRETARY OF THE CITY PLAN COMMISSION \_\_\_\_\_  
 CITY OF UNIVERSITY CITY, MO CITY OF UNIVERSITY CITY, MO  
 CITY CLERK FOR THE CITY OF UNIVERSITY CITY, COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, UNDER ORDINANCE NO. \_\_\_\_\_ PASSED AND APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.  
 CITY CLERK, CITY OF UNIVERSITY CITY, MO.

PLYMOUTH AVENUE (50' W)(PUBLIC)

PO BOX 278 COTTLEVILLE, MO 63338  
 636.922.1001 OFFICE 636.922.1002 FAX  
 DRAWN BY: JLK CHECKED BY: WJC  
 JOB # 1508100 FB 346:12  
 FIELDWORK BY: TAO/TJ/TEM



January 11, 2016

M-1-8

**ATTACHMENT 3:  
Draft Ordinance and Exhibits**

INTRODUCED BY: \_\_\_\_\_

DATE: January 11, 2016

BILL NO. **9282**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A FINAL PLAT FOR A MINOR  
SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS 6709-6711  
PLYMOUTH AVENUE CONDOMINIUM, A SURVEY AND  
CONDOMINIUM PLAT OF LOTS B, C, AND EAST FIVE FEET OF LOT D  
IN BLOCK 9 OF BELLEMOOR PARK AMENDED SUBDIVISION.

WHEREAS, on November 25, 2015, Charles Coyle, property owner, submitted for approval a final subdivision plat of a tract of land to be known as 6709-6711 Plymouth Avenue Condominium, a Survey and Condominium Plat of Lots B, C, and east five feet of Lot D in Block 9 of Bellemoor Park Amended Subdivision, University City, Missouri; and

WHEREAS, at its meeting on December 23, 2015, the University City Plan Commission reviewed the final plat for the minor subdivision, determined that the final plat is in full compliance with the requirements of the University City Municipal Code, and recommended to the City Council of University City approval of the final plat; and

WHEREAS, the final plat for the minor subdivision application, including all required documents and information submitted therewith, is before the City Council for its consideration;

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

Section 1. Attached, marked Exhibit "A" and made a part hereof is a final subdivision plat of a tract of land to be known as 6709-6711 Plymouth Avenue Condominium, a Survey and Condominium Plat of Lots B, C, and east five feet of Lot D in Block 9 of Bellemoor Park Amended Subdivision, located at 6709-6711 Plymouth Avenue, University City, St. Louis County, Missouri. The final plat for the minor subdivision subdivides the two-family dwelling, thereby converting it into two condominium units, zoned "SR" – Single Family Residential District.

Section 2. It is hereby found and determined that the final plat for the minor subdivision is in full compliance with the University City Municipal Code, including Section 405.390 thereof. Accordingly, the final plat for the minor subdivision marked Exhibit "A" is hereby approved.

Section 3. The City Clerk is hereby directed to endorse upon the final plat for the minor subdivision the approval of the City Council under the hand of the City Clerk and the seal of University City.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



## Council Agenda Item Cover

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**MEETING DATE:** January 11, 2016

**AGENDA ITEM TITLE:** Ordinance to approve a Final Plat for a proposed Minor Subdivision at 6709-6711 Plymouth Avenue to subdivide a two-family dwelling into two condominium units in the "SR" – Single Family Residential District

**AGENDA SECTION:** New Business

**COUNCIL ACTION:** Passage of Ordinance required for Approval

**CAN THIS ITEM BE RESCHEDULED? :** Yes

**BACKGROUND REVIEW:** Attached are the Staff Report and documents for the above-referenced Minor Subdivision application.

The Plan Commission recommended approval at their December 23, 2015 meeting. Passage of an ordinance is needed to approve the Final Plat. A public hearing is not required. The first reading should take place on January 11, 2016 and the second and third readings could occur at the subsequent meeting on January 25, 2016.

**Attachments:**

- 1: Transmittal Letter from Plan Commission
- 2: Staff Report and Final Plat
3. Draft Ordinance and Exhibits

**RECOMMENDATION:** Approval





## Green Practices Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 863-9146

### Meeting Minutes – University City Green Practices Commission

**September 10, 2015**

Location: Heman Park Community Center  
Attendees Present: Lois Sechrist, Dianne Benjamin, Tim Michels, Jeff Mishkin, Scott Eidson, Steve Kraft (Council Liaison), Jenny Wendt (Staff Liaison)

Absent Excused: Richard Juang  
Guests: Mayor Shelley Welsh  
Rich Wilson  
Jana Flora (Resident)

1. Meeting called to Order, Roll Call at 6:00 p.m.
2. Opening Round
  - a) Bob reported that the St. Louis County Building Code Review Committee has recommended weakening the 2015 International Energy Conservation Code. It appears to be dominated by associates of home builders. Bob attended several meetings of a Sierra Club group hoping to get the County to adopt a stronger code.
    - b) Tim has been working with other departments within Washington University toward a Solar Decathlon – a worldwide competition. They are looking for sponsors at this point. It is a 2 year process to do the project.
    - c) Dianne and Jenny attended the Native Plant Landscaping Open House in the bird garden behind Centennial Commons. The event was a success.
    - d) Jeff attended a University City Chamber of Commerce meeting event at Salt and Smoke. He also announced the annual Chamber of Commerce Golf Tournament at the Normandy Golf Club.
3. Approval of Minutes
  - a) July meeting minutes were approved with one amendment
  - b) August meeting minutes were approved
4. Special Presentations
  - a) Mayor Shelly Welsch discussed the International Council for Local Environmental (ICLEI) Compact of Mayors, a global coalition of mayors and city officials committing to reduce local greenhouse gas emissions, enhance resilience to climate change, and track their progress publically. The Compact for Mayors was started the end of 2014. There is a goal to get 100 cities to join, right now there are 50 and none from Missouri so far. The mayor would like the Green Practices Commission to endorse the City joining this program. An updated Greenhouse Gas Inventory would need to be done. The commission suggested budgeting staff or an intern to do this inventory. The commission will continue to discuss.
  - b) Rich Wilson, outgoing Director of Public Works and Parks, thanked the commission for their diligence on green priorities. Rich indicated that Sinan Alpaslan, the current City Engineer, will be the interim Director of Public Works and Parks. Rich also discussed the proposed idea of outsourcing the compost operation for the following reasons:
    - i. The current sight is 1.8 acres, but the operation needs 15 acres to adequately process the materials brought in. This space is not available or affordable within or near the municipal boundaries.
    - ii. Missouri Department of Natural Resources (MoDNR) has pointed out numerous

environmental violations at our collection and distribution sites. The City has struggled to stay in compliance to avoid expensive fines, which has added extra costs.

Violations include smell, runoff, pollution and spill-over in the River des Peres.

- iii. The cost to process leaves and yard waste is more than \$450,000 per year which does not include collection of leaves, delivery of mulch to residents, or a new leaf grinder which is needed in the near future.
  - iv. The majority of leaf mulch produced is given away free to residents and commercial landscapers outside the city and the delivery of compost and leaf mulch cost more than the manpower needed.
  - v. It is being proposed to use St. Louis Compost to transfer the take over the operation. The City can purchase the processed mulch at a reduced rate at an estimated total cost.
- c) Jana Flora, a new resident, attended the meeting as an observer to see what the Green Practices Commission was all about.

## 5. New Business

- a) Community Solar Program – Tim will discuss this under reports.
- b) Compost/Mulch Site Discussion – The commission agreed with Rich Wilson that the removal of the compost site was a good decision, with a few questions and caveats:
  - i. The City will still be performing leaf collection
  - ii. The GPC create a program for residents on how to make their own leaf mulch.
  - iii. If a contract is signed with St. Louis Compost, it is not for more than one year (or no term).
  - iv. The residents would still have the ability to have mulch delivered at cost.
  - v. The Commission voted and endorsed the following:  
*“The Green Practices Commission endorses outsourcing composting services to a vendor with a non-binding contract for a one-year trial period.  
The Green Practices Commission recommends the City make bulk purchases of mulch and redistribute to residents at cost.”*
- c) GPC Goals – The commission will meet on December 10<sup>th</sup> specifically to reassess the Goals. Jeff Mishkin will lead this discussion.

## 6. Old Business

- a) Property Assessed Clean Energy (PACE) Program - The PACE ordinance was presented for the first reading at the September 8<sup>th</sup> City Council Meeting. The second and third reading will be September 24<sup>th</sup>.
- b) Recycling Drop-Off Area – The design of the drop-off area is underway. Plastic film will be added but Styrofoam will not.
- c) Green Cities Challenge – Jenny met with the pilot group of Green Cities in the challenge which include Maplewood, MO, Highland IL, Madison County IL, and Alton IL. The group has the basic challenges as the Green business challenge but during the pilot program the Cities will alter them to fit cities more appropriately.

## 7. Reports

- a) Land Use/Open Space/Parks – Rich Wilson reported the following sustainable practices underway at U City parks:
  - i. Fogerty Park Master Plan has been submitted to Parks Commission and includes native landscaping and LED lights.
  - ii. Millar Park has raingardens, native landscaping, and LED lights installed.
  - iii. Lewis Park has raingardens, native landscaping, and LED lights installed.
- b) Energy – Tim Michels reported on two items:
  - i. The Community Solar Program, Ameren is looking for pilot areas. Tim is pursuing this for University City.
  - ii. Tim has investigated and suggested the City consider a Waste to Fuel option for City Compost where the leaves and other yard waste can be converted to fuel.
- c) Green Buildings – No reports.

d) Council Liaison – No reports.

8. Closing Round - No comments

9. Meeting adjourned at 7:40pm



## Park Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

### MINUTES OF THE PARK COMMISSION Centennial Commons, 7210 Olive Blvd. Thursday, November 19, 2015

President Ed Mass called the meeting to order at 6:33 pm. Members present were:

William Field  
Kathy Standley  
Steven Goldstein  
Kimberly Jones

Megan Fuhler II, Project Manager & Park Commission Liaison  
Lynda Euell-Taylor, Deputy Director of Recreation  
Ewald Winker, Park Operations Superintendent

Excused Absence: Luther Baker, Nancy McClain  
Not Present: Steven Kraft

#### **Deposition of Minutes from October 20, 2015**

Mr. Field moved to approve the minutes of the October 20, 2015 Park Commission meeting with no changes, Ms. Jones seconded – vote taken, all approved.

#### **Citizens' Comments**

Suzanne Greenwald, 836 Barkley Square, spoke on the Parks & Recreation Policy. Specifically she addressed her opinion that the policy defies the values of University City and said policy has been used as a basis for recommending cuts in the recreation and parks budget. She requested the Park Commission work with City Council to amend the policy and remove the discriminatory language. Ms. Greenwald provided handouts to the Commissioners.

#### **82<sup>nd</sup> Street to I-170 Sanitary Relief – MSD Work (Informational)**

Mr. Curt Kimmel, Burns & McDonnell, provided general information on the sanitary relief program planned to go through the golf course and Ruth Park Woods. He indicated that they are still in the preliminary design phases, thus are showing two options for construction. Noting that at least one hole will need to be dug on the west side of the golf course. From there, the current preferred option is to bore through Ruth Park Woods and then along Crixdale Avenue. The second option is to bore the pipe along the northern edge of the golf course. Based on comments from the Commission, Burns & McDonnell will do everything possible to keep the hole on the west side of the course on the outside of the netting, thus minimizing the impact on play. The Commission also recommended the plan that bores through Ruth Park Woods and then along Crixdale Avenue.

Mr. Kimmel indicated that when the plans were closer to completion, they would present everything to the Commission again.

*Due to having guests, the Park Commission agreed to rearrange items on the agenda, moving the discussion of the Ruth Park Driving Range Improvements higher in the agenda.*

#### **Ruth Park Driving Range Improvements (Informational)**

City staff provided handouts of the preliminary design cost estimate information which was established based on the settlement agreement and discussion by the Ruth Park Golf Course Subcommittee and City Staff. Ms. Fuhler indicated that currently the City has an approved budget of \$300,000 for the project, but the cost estimate is approximately three (3) times the budget. Ms. Fuhler indicated City staff has presented this cost estimate to the City Manager and Director of Finance for consideration of additional funds. She then indicated that as City staff and the design



## Park Commission

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

consultant moved further into design, staff would need to determine ways to cut cost, as complete funding would likely not be possible. The Commission and staff discussed the project and budgeting in detail.

Ms. Fuhler then spoke of the compact timeline for design and implementation based on the settlement agreement. Mr. Mass suggested a special meeting be held in December to review and provide input on the design.

### **Council Liaison Report**

Councilmember Kraft was not at the meeting, so Mr. Mass asked Councilmember Carr if she had any information she would like to present. Councilmember Carr indicated signatures had been collected to get five (5) sites listed as heritage sites. With these signatures, the sites will be listed on the next ballot for a vote of the people.

### **Department Reports**

Public Works and Parks Operations – Mr. Winker discussed projects that he and his crews have been working on this past month:

#### Parks Crews

- Repaired cracks at Kaufman Park tennis courts.
- Providing supplemental manpower for street curbside leaf pickup thru mid-December
- Continue stump grinding and grounds cleanup operations
- We will complete winterization of park irrigation systems, restrooms, drinking fountains by the end of the day tomorrow. Low 24 degrees on Saturday night

#### Forestry Crews

- Continue hazard tree removals and planting.
- Fall/Winter planting continues.

#### Golf Crews

- Removing leaves from fairways and greens (full time job)

Public Works and Parks Projects – Ms. Fuhler indicated the project updates were included in the agenda packet and asked if there were any questions. Mr. Mass asked about the River des Peres through Heman Park. Ms. Fuhler explained the plan and that the project was still in very early design stages. Mr. Goldstein asked about leaf mulch and if City staff will still be doing curbside leaf pick-up. Mr. Winker explained the City will no longer be processing leaf mulch, but would still be doing the leaf pick-up. The leaves would then be hauled off by St. Louis Compost for processing. The City will also be delivering mulch for a fee.

Community Development/Recreation Division – Ms. Euell-Taylor reported:

- REMINDER: Try It Before You Buy It Program – is a new innovative way to try out one of our many fitness classes for FREE and the easiest way to determine if a class is right for you. For more information, contact our Fitness Supervisor, Jessica Prichard @ 505.8628 or [jprichard@ucitymo.org](mailto:jprichard@ucitymo.org).
- Back for 2015 – our popular Centennial Commons “Holiday Fitness Mini”, a variety our popular fitness/leisure classes will be offered from November 23-December 19. NEW CLASS INTRODUCTION: Saturday AM Zumba. Registration going on now (class schedule/descriptions are provided).
- On Thursday, November 12th The St. Louis Rams and the American Red Cross held their annual Rams Blood Drive at Centennial Commons. Donors were able to meet Rams player



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Cameron Lynch, cheerleaders and mascot Rampage, enjoy a tailgate party. Overall 87 units were obtained and a worthwhile day was had by all who attended.

- Received an email from 2015 Sculpture Series artist Madeline Marak. Due to the condition of her sculpture "Have A Seat: Say, What's Good?", located in Millar Park – she has chosen to remove it vs. keeping them installed until September 2016.
- Centennial Commons Holiday Hours: Closed Thanksgiving Day; Friday, November 27th – 5:30 am – 6:00 pm.
- REMINDER: Don't forget to "like us" on Facebook – University City Recreation Division

### Individual Park Reports

- Ms. Standley stated all was good in her parks.
- Ms. Jones indicated she did not have anything additional to add for Heman Park. Any items she had were already discussed.
- Mr. Goldstein stated all parks are seasonally appropriate.
- Mr. Field indicated all of his parks look good.
- Mr. Mass stated some Lewis Park users requested additional picnic tables to be placed near the playground. He also asked about the purpose of the message boards, to which Ms. Fuhler indicated a policy was being drafted to address these. Mr. Mass stated that the pond water looked great, but the water box near the pond needs some repairs. Mr. Mass stated he received concern from a resident that a child could fall from the edge of the playground and maybe a fence should be considered. Mr. Winker indicated a fence was not required, as the height of the drop was below the minimum for a fence requirement. Ms. Carr brought to the Commission's attention the child in a stroller that rolled into Lewis Park pond.

### Old Business

Standardization of Park Signs. The general consensus from the October meeting was the wooden signs should stay. Mr. Goldstein, who was not at the October meeting, stated that he agreed with the sentiment of the Commission. After much discussion, Ms. Jones indicated she was not sure there was a reason to vote and suggested waiting on the vote. The Commission agreed to postpone the vote until the meeting in January 2016.

### Subcommittee Reports

- Ruth Park Golf Course – Nothing to Report.

### New Business

University City Message Boards. Ms. Fuhler provided information on the project for replacing the message boards within the City. She indicated at the City Council meeting, it was suggested a new sign be installed at Adams Park. After some discussion, Mr. Goldstein moved to recommend that Adams Park be an acceptable location, but City staff should also look at the intersection of I-170 and Delmar, as well as Lewis Park, Ms. Standley seconded and additional discussion occurred. Mr. Goldstein then withdrew his original motion and moved that no new digital signage be installed in a neighborhood park without neighborhood input, Ms. Stanley seconded and discussion continued. Mr. Goldstein withdrew his second motion. Mr. Goldstein then moved that no new signs be placed in a public park without (1) a staff recommended plan for such future signage, (2) the plan contain a requirement for community input before any such sign be installed, and (3) any particular proposal come before the park commission for approval. The motion was seconded by Ed Mass. Vote taken, all approved.



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### **Other Business**

Mr. Mass indicated he would like to add to add the comments from Ms. Greenwald to the January 2016 agenda.

### **Adjournment**

Mr. Field moved to adjourn, Mr. Mass seconded – vote taken, all approved. The meeting ended at 9:11 pm.

DRAFT



## Park Commission

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### MINUTES OF THE PARK COMMISSION Heman Park Community Center, 975 Pennsylvania Ave. Tuesday, October 20, 2015

President Ed Mass called the meeting to order at 6:33 pm. Members present were:

William Field  
Kathy Standley  
Luther Baker

Megan Fuhler II, Project Manager & Park Commission Liaison  
Lynda Euell-Taylor, Deputy Director of Recreation  
Ewald Winker, Park Operations Superintendent  
Steven Kraft, City Council Liaison

Excused Absence: Steve Goldstein, Kimberly Jones

Unexcused Absence: Nancy McClain

#### **Deposition of Minutes from September 15, 2015**

Mr. Mass indicated that there was an error on page 2 of the minutes. Millar Park should be changed to Kaufman Park on line 2 of the first paragraph. Ms. Standley moved to approve the minutes of the September 15, 2015 Park Commission meeting with the one change documented above, Mr. Mass seconded – vote taken, all approved.

#### **Citizens' Comments**

Noah Kirby, Senior Lecturer in Sculpture at Washington University requested the extension of Madeline Marik's artwork "Hey Say What's Good" currently installed in Millar Park. Mr. Kirby indicated that this is the 30<sup>th</sup> year of the program and the group is trying to maximize the number of pieces in parks and around the City this year. The Park Commission indicated that this item would be added to item number 4 of the agenda and would be voted on at that time.

#### **Washington University/University City Public Sculpture Series – Site Requests**

Mr. Noah Kirby, Senior Lecturer in Sculpture at Washington University provided a brief overview of the program. The theme for this year is boundary, so each proposal will fit within this theme. Mr. Kirby indicated that there are a total of seven (7) proposals that will be presented, but only the first three (3) are seeking approval from the Park Commission. The other four (4) sculptures are proposed in areas other than parks.

Mr. Daniel Sheih proposed his sculpture "Inter-Playground Talking Tubes" to the Commission stating that users would be able to talk and listen to people in other parks. He proposed that the tubes be located in Lewis Park, Eastgate Park, and Kingsland Park. After some discussion, City staff and the Commission recommended that Fogerty Park be used in lieu of Eastgate Park.

Mr. Dante Migone-Ojeda introduced his sculpture "Mending Wall" to the Commission. This brick and concrete pillar fitted with an interior infinity mirror would be installed in Metcalfe Park. The Commission liked this concept and had no problem with the location.

Ms. Jessica Sun proposed her experiential sculpture that captures and plays back the surrounding sonic environment entitled "Listen" in Heman Park behind Centennial Commons. The general location was acceptable to staff, but due to the proximity of the proposed location to the ball fields, Mr. Winker indicated that he would work with Ms. Sun to pin-point a final location.

Mr. George Bowles talked about his proposal for a mural on a vacant property along Olive. This is on private property, thus does not require approval by the Park Commission.





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Ms. Hannah Blumer spoke about her idea for interactive street lamps where individuals sitting in a chair could peddle and light up a different seat. Ms. Blumer proposed a location on Hanley Rd. Mr. Winker advised Ms. Blumer that Hanley Rd is a St. Louis County maintained right-of-way and if she chose to pursue that location, she would need approval/permitting through the County.

Ms. Natalie Rainer presented her idea to distribute ~74,000 pennies throughout the community with printed messages on each penny.

Mr. Kirby presented Ms. Sherry Xiao's proposed piece entitled "Give Tired Your." He stated that this is an interactive grid of sand pictures on a metal frame.

The Commission thanked the group for their thoughtful ideas for sculptures. Mr. Mass then moved to approve the locations for Mr. Sheih's piece at Lewis Park, Fogerty Park, and Kingsland Park, Mr. Migone-Ojeda's sculpture in Metcalf Park, and Ms. Sun's piece in Heman Park, as well as the extension of Madeline Marik's artwork "Hey Say What's Good" in Millar Park until September 30, 2016. This motion was seconded by Ms. Stanley – vote taken, all approved.

### Council Liaison Report

Mr. Kraft indicated that he had nothing new to report to the Commission.

### Department Reports

Public Works and Parks Operations – Mr. Winker discussed projects that he and his crews have been working on this past month:

#### Parks Crews

- Repairing cracks at Kaufman Park tennis courts.
- Completed the new light fixture installations at Civic Plaza.
- Leaf mulch operations have started.
- Giving City maintained alleys a good general cleaning and sweeping.
- Preparing for curbside leaf pickup and stump grinding operations.
- Pool mechanical system shut down and winterized.
- Winterization of park irrigation systems, restrooms, and fountains will begin in November.

#### Forestry Crews

- Continue hazard tree removals and planting.
- Fall/Winter planting will begin in November.

#### Golf Crews

- Greens deep tined aerated this week.
- Play is up and the course is very busy.

Public Works and Parks Projects – Ms. Fuhler indicated the project updates were included in the agenda packet and asked if there were any questions. Mr. Mass asked about details of the Ackert Plaza project and Ms. Fuhler explained. Mr. Field asked if the project included the lighting of the arch sign, and Ms. Fuhler indicated that this was not part of the approved project, but was something that could be considered as a future project. Mr. Mass asked for an update on the driving range, and Ms. Fuhler indicated that City staff was still awaiting notice from the City Manager that they could proceed with the project. Mr. Mass asked for a general cost estimate on settlement portion and Ms. Fuhler



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stated that the estimate was approximately \$300,000. She then indicated that she could email the commission the project cost estimate for their information.

Community Development/Recreation Division – Ms. Euell-Taylor reported:

- Our SilverSneakers programs continue to grow. As of September 30, 2015, we are three (3) shy of 650 (647) active seniors who have obtained free Centennial Commons memberships and made 836 visits to Centennial Commons in September.
- Centennial Commons will host the American Red Cross' St. Louis Rams Blood Drive on Thursday, November 12, 2015 from 11 am until 7 pm in the Gymnasium.
- Try It Before You Buy It Program is a new innovative way to try out one of our many fitness classes for FREE and the easiest way to determine if a class is right for you. For more information, contact our Fitness Supervisor, Jessica Prichard at 314-505-8628 or [jprichard@ucitymo.org](mailto:jprichard@ucitymo.org).
- Centennial Commons Veterans Day holiday hours (Wednesday, November 11, 2015): 5:30 am – 6:00 pm.
- New LED lighting upgrades have been installed in the Centennials Commons soccer turf facility and in the parking lot. Plans are underway for the next round of upgrades to the lobby and cardio fitness area.

### Individual Park Reports

- Ms. Standley stated that the new trail and lights in Millar Park look great. She also indicated that there are two small trees covering the path. Mr. Winker indicated that he would take care of them.
- Mr. Field indicated that all of his parks look good, especially the golf course. He asked if it was possible to illuminate the new arch sign on Ackert Walkway. City staff said that this would need to be a budgeted project, but was a great suggestion and should be considered as a future project. Mr. Mass mentioned that the lookout platform at Hole 7 of the Golf Course was looking bad. Mr. Winker responded that he would look in to it.
- Mr. Baker said that his parks were generally good, but there were some dead tree limbs on the ground in Fogerty Park and one of the dumpsters near the pavilion needed replaced as the bottom was gone.
- Mr. Mass had nothing to report on his parks.

### Old Business

Proposal for Metcalf Park Garden Bed Installation. Jesse Gilbertson, Director of Horticulture with U. City in Bloom indicated that he was approached by Parkview Garden Association to install a garden bed around the sign in Metcalf Park. The association will pay for the installation of the garden and irrigation. Mr. Gilbertson then answered the questions that were posed at the past meeting: approximately 30-50% of the plants are native and the plants scheduled to be planted below the sign will be low setting as to reduce any visual impairment to the sign as the plants grow. Ms. Standley moved to approve the proposal for the Metcalf Park Garden Bed Installation, Mr. Field seconded – vote taken all approved.

### Subcommittee Reports

- Ruth Park Golf Course – Nothing to Report.

### New Business

Standardization of Park Signs. Mrs. Fuhler provided a memorandum and spreadsheet analyzing the cost for the production of park signs. These numbers were based on current cost for wooden signs to



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be constructed and installed by staff, wooden signs to be constructed and installed by contractor, and monument signs constructed and installed by contract. Mr. Mass began the conversation by stating that based on the value; his preference is to stick with the wooden signs. The members present generally agreed with Mr. Mass's preference. After some additional discussion, the Commission agreed to table the discussion until a future meeting when more members can be present. Mr. Mass asked Ms. Fuhler to add this to the November meeting agenda.

### **Other Business**

November Meeting. Mr. Mass indicated that due to scheduling conflicts, the Heman Park Community Center is not available on the 3<sup>rd</sup> Tuesday of November. Ms. Euell-Taylor stated that she would review the calendar for the Centennial Commons Board room and report back which days that week are available for a meeting. City staff will distribute this information to the Commission in order to reschedule/relocate the November meeting.

### **Adjournment**

Mr. Baker moved to adjourn, Mr. Mass seconded – vote taken, all approved. The meeting ended at 7:50 pm.

Meeting minutes of the Board of Trustees for the University City Public Library for November 11, 2015  
Members Present: Dorothy Davis, Joan Greco-Cohen, Luise Hoffman, Joy Lieberman, Rubina Stewart-McCadney  
Members Absent: Edmund Acosta, Deborah Arbogast, LaTrice Johnson, Rosalind Turner  
City council Liaison: absent  
Library staff: Patrick Wall, Christa Van Herreweghe  
The meeting was called to order at 5:32 p.m. by Dorothy Davis

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Minutes - The Minutes of the October 14, 2015 meeting were approved.

Friends report – the Friends will host author George Hodgman, author of *Bettyville: a memoir* on Sunday, February 7. Trivia night will be on May 14. The Friends are interested in exploring, as a larger committee, a fundraiser involving beer tasting. The Friends have sent out their annual membership letter.

Librarians report – The Holiday gathering will be a potluck on December 12 @ 5 p.m. There will be a Personnel & Policy committee meeting following the December 9<sup>th</sup> board meeting. The Building and Grounds committee needs to set a time for their annual walk through.

Action Items – Board Bylaw Revision – Approved  
Grand Funded Music Program – Approved  
Changes to Library Credit Cards – Approved

Adjournment - The meeting adjourned at 6:26 p.m.

**Plan Commission  
October 28, 2015 Meeting Minutes  
(approved 12-23-2015)**

The Plan Commission held their regular meeting at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, October 28, 2015. The meeting commenced at 6:30 pm.

**1. Roll Call**

**Voting Members Present**

Linda Locke (Chairperson)  
Cirri Moran (Vice-Chairperson)  
Michael Miller  
Rick Salamon  
Rosalind Williams  
Samuel Jones

**Voting Members Absent (excused)**

Andrew Ruben

**Non-Voting Council Liaison Present**

Michael Glickert

**Staff Present**

Andrea Riganti, Director of Community Development  
Ray Lai, Deputy Director of Community Development  
Zach Greatens, Planner

**2. Approval of Minutes**

**2.a. May 27, 2015 Plan Commission meeting**

A motion was made by Mr. Miller to approve the May 27, 2015 meeting minutes. The motion was seconded by Ms. Moran and carried unanimously.

**3. Public Hearings – None**

**4. Hearings – None**

**5. Old Business – None**

**6. New Business**

**6.a. Zoning Text Amendment – PC 15-07 – Proposed Zoning Code Text Amendments pertaining to landscape buffer and screening requirements**

Mr. Greatens explained the proposed Text Amendments and provided background information. The proposed Text Amendments came at the request of the Plan Commission members at the April 22, 2015 meeting to research landscape buffer and screening requirements for multi-family residential developments when adjacent to single-family residential uses since it was not addressed in the current Zoning Code. The proposed Text Amendments would address this matter by establishing landscape buffer requirements for multi-family residential developments when adjacent to single-family or two-family residential zoning districts. The proposed Text Amendments also included revisions to improve the current landscape buffer requirements for commercial uses when established adjacent to residential zoning districts and for residential

subdivisions and multi-family residential developments when adjacent to commercial or industrial zoning districts. They would also enhance current landscaping requirements for parking lots and established a side yard setback of five feet for parking lots.

#### Questions, Comments, and Discussion

- Plan Commission members discussed the change to provide a minimum requirement for evergreen trees rather than canopy trees and the amount of screening provided by evergreen trees as opposed to canopy trees.
- Plan Commission members suggested to keep the sentence that stated “provided such landscaping...will effectively screen the non-residential uses from view of the residential zoned properties.”
- Plan Commission members also discussed the term “adjacent” as used in these Code Sections, especially how it may or may not apply when there is an alley between properties. Staff suggested adding “abutting or” prior to each occurrence of the term “adjacent” in the applicable Code Sections. “Abutting” is defined in the Zoning Code and would clarify the matter.
- Plan Commission members suggested leaving the sentence regarding the incorporation of ground cover in the Section that addressed landscaping requirements for parking lots adjacent to streets.

A motion was made by Mr. Miller to include all changes to the proposed Text Amendments as discussed. The motion was seconded by Ms. Moran and was approved unanimously.

A motion was made by Mr. Miller to approve the proposed Text Amendments with the approved changes. The motion was seconded by Ms. Moran and was approved unanimously.

### **7. Other Business**

#### **7.a. Public Comments**

There were no public comments.

### **8. Reports**

#### **8.a. Code Review Committee Report**

Mr. Miller stated that a Code Review Committee (CRC) met on June 24 to discuss the proposed Text Amendment that was approved at tonight’s meeting.

#### **8.b. Comprehensive Plan Committee Report**

Ms. Moran stated that the Comprehensive Plan Advisory Committee (CPAC) was in the process of reviewing draft chapters submitted by the planning consultants. The next meeting was scheduled for November 3.

#### **8.c. Council Liaison Report**

Mr. Glickert stated that a study session was held to review the report from the Washington University Advisory Committee. The report included research on the relationship between University City and Washington University and was compared to other similar communities. He added that City Council recently approved new police cars and that the renovation of the old

Walgreen's store at Delmar Boulevard and McKnight Road was almost complete and it was the future location of Half-Price Books.

#### **8.d. Department Report**

Ms. Riganti stated that the City-owned building in The Loop (parking garage) had leases signed for three new businesses. The current police department facilities were still being studied and further input from the public would be gathered at two upcoming meetings in November.

The Plan Commission members, Council liaison, and staff discussed the former Delmar-Harvard School property.

Ms. Riganti stated that the developer for the previously proposed redevelopment concept of a multi-family residential development had put project on hold for now. There was opposition from the neighbors in the adjacent subdivision, University Heights. The recent proposal from the same developer was to use the vacant western lot of the site (601 Trinity) for public parking. The property had been used for both off-street parking and a play area for students when Delmar-Harvard School was still open. The use of the lot for off-street parking continued after the school was closed and is a grandfathered use.

The Chairperson stated she was a resident in University Heights Subdivision but had not been involved in any of the Subdivision's activities or meetings related to this matter. She had concerns about the staff decision to consider the parking use grandfathered with little public input.

#### **Questions, Comments, and Discussion**

- There were some discussions as to whether or not the property was used for parking.
- The current location of the library was originally the playground for Delmar-Harvard School. After the library was built in 1967, the vacant property at 601 Trinity was then used as a play area and parking.
- There had been little communication from the School District to the City.
- Some of the Plan Commission members asked to receive updates on the Delmar-Harvard project in the future and perhaps another public meeting would be necessary.

Ms. Riganti stated the property had been used as a play area and off-street parking for a long time but it was unknown exactly how long. When Delmar-Harvard school was still open, the lot was used for parking and that use continued after the school closed, including overflow parking on weekends and during other events. She stated that the continuation of a non-conforming use does not have a public process set forth in the Zoning Code and gathering any public input would be voluntary by the property owner. However, she stated that any expansion of the use, construction of a building, or other substantial change would require a public process.

#### **9. Adjournment**

The meeting adjourned at 7:40 pm.



## Traffic Commission

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### CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION October 14, 2015

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, October 14, 2015, Chairwoman Carol Wofsey called the meeting to order at 6:30 p.m. In addition to Chairwoman Wofsey, the following members of the commission were present:

- Curtis Tunstall
- Robert Warbin
- Jeff Hales
- Mark Barnes
- Eva Creer

Also in attendance:

- Councilmember Stephen Kraft (arrived at 6:34pm & departed at 7:12pm) (non-voting commission member – Council Liaison)
- City Engineer, Sinan Alpaslan P.E.
- Police Department Sergeant Shawn Whitley (non-voting commission member – Police Department Liaison)

Absent:

- Jackie Womack (excused)
- Angelica Gutierrez (excused) (non-voting commission member – Public Works Liaison)

#### 1. Approval of Agenda

Mr. Tunstall moved to approve the agenda. Mr. Barnes seconded the motion and was unanimously approved.

#### 2. Approval of the Minutes

##### A. May 13, 2015 minutes – Amended

Mr. Tunstall moved to approve the minutes from the May 13, 2015 meeting as amended. Mr. Barnes seconded the motion and the minutes were approved with 5-1 vote with Dr. Warbin opposed.

##### B. September 9, 2015 minutes – Amended

Mr. Barnes moved to approve the minutes from the September 9, 2015 meeting as amended. Ms. Creer seconded the motion. Ms. Wofsey requested three typographical corrections be made. Dr. Warbin made a motion to approve the minutes with the requested corrections and was seconded by Mr. Tunstall. The minutes were approved by a vote of 5-1 with Dr. Warbin opposed.





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### 3. Agenda Items

#### **A. 8370 Elmore Ave (Coolidge side) Parking Restriction**

Mr. Alpaslan presented a request from a resident at 8370 Elmore for a parking restriction on Coolidge related to commercial parking at 8375 Olive Blvd. There is currently one hour parking restriction on Coolidge Dr. between Olive and the alley between 9 am and 6pm on all days. Business parking spaces are limited and the Community Development Department indicates this business requires 6 off street parking spaces, but it appears the business may require more spaces and longer parking times. Staff recommended that the Traffic Commission determine the list of affected households for a petition to implement the requested parking restriction, or request the resident request the implementation of residential permit parking.

Mr. Barnes asked for clarification about the block in question.

Mr. Alpaslan indicated that the block of Coolidge in question is from Olive Blvd. to Elmore Ave. including the alley which runs behind the properties. The area north of the alley is zoned residential. The area south of the alley is zoned commercial.

Mr. Barnes indicated that this would make the residential area eligible for parking restrictions.

Dr. Warbin asked about the two requested recommendations.

Mr. Alpaslan indicated that the two recommendations were considered after consulting the rules and procedures.

Ms. Wofsey noticed that the only restrictions in the area include the 1 hour parking restriction on Coolidge from Olive north to the alley and a handicap accessible restriction in front of 8370 Elmore Ave. Ms. Wofsey asked Sergeant Whitley if there had been any complaints in the area.

Sergeant Whitley was unaware of any complaints related to parking the area and suggested the commission consider restricting parking on the east side of Coolidge and leaving open parking on the west side of Coolidge.

Petitioner Rochelle Johnson spoke to the commission about the ongoing lack of parking available to her residence related to commercial parking for a yoga studio at 8375 Olive Blvd. Ms. Johnson indicated that what Sergeant Whitley had suggested is what they are seeking. Ms. Johnson had also recently spoken to one of the owners of the building Janet Cronin.



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Janet Cronin indicated that she only recently became aware of the parking issues related to the commercial parking at her building and indicated that she hoped to work together with the resident to find a resolution to the issues.

Mr. Barnes asked where a residential parking permit would be applied.

Mr. Alpaslan indicated that at a minimum it would be one side of the street in front of one house, from the alley north to Elmore Ave on the east side of Coolidge and indicated that the affected area would be the properties from Olive to Elmore on the east side of Coolidge.

Mr. Hales asked if the city would be giving residential permit parking passes to commercial businesses.

Mr. Alpaslan indicated we had never done something like this before and residential permit parking should not be open to commercial parking and he did not believe the commission had dealt with a case like this.

Mr. Hales stated that the commission had addressed a similar situation prior to his serving on the commission when he petitioned the commission related to residential parking for a neighborhood adjacent to commercial buildings. He indicated that in that instance that the residential permit area began at the first house and extended for the entire block and signatures were obtained for 75% of the homeowners on the block. He indicated that there were 12 homes on the block and the commercial properties were not included on the petition.

Dr. Warbin stated that in this case, there is only 1 property owner north of the alley to the end of the block and asked the petitioner how many spaces she would like to which Ms. Johnson responded "2 or 3".

Ms. Wofsey indicated that she cannot think of another instance where the sole beneficiary of residential parking restrictions is one resident and expressed concern about that.

Mr. Hales asked if Ms. Johnson knew the owner at 8404 Elmore and suggested that the commission consider including 8404 Elmore as part of the affected area.

Mr. Kraft expressed concern over the precedent for one petitioner to seek residential parking solely for their house.

Ms. Creer stated the petitioner should be able to have residential parking and referenced a similar request the commission dealt with on Braddock.

Mr. Hales recalled the Braddock case was not a case of residential parking but a request to restrict parking behind a driveway to allow egress for the resident. It was an unusual case but 3 adjacent property owners were unanimous in supporting the restriction. Mr. Hales agreed with the concern over the precedent, but also cited the unique circumstance of this case.



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Mr. Tunstall asked Ms. Johnson if her preference was to have restrictions on both Elmore and Coolidge.

Ms. Johnson indicated she would like to park on the east side of Coolidge and the south side of Elmore.

Mr. Tunstall asked how many spaces were available to her building.

Ms. Cronin indicated that there were 4 spaces directly behind her building and 2 spaces in front. The other buildings to the east are owned by another owner. Ms. Cronin indicated that she was more than willing to reach out to the other businesses on the block to see if they could work together to minimize the problem.

Ms. Cronin and Ms. Johnson agreed to work together to try to find a suitable resolution and would be in touch with staff from Public Works.

#### 4. Council Liaison Report

None

#### 5. Miscellaneous Business

##### A. Chapter 305, Traffic Administration – University City Traffic Code

Mr. Alpaslan provided this section of the code for the commissions review relating to temporary parking regulations. Temporary parking regulations cannot exceed 12 months and must be established by the City Manager. City Council is advised by the City Manager of any temporary regulations and is not often used.

Ms. Wofsey asked if the commission could ask the City Manager for temporary regulations and Mr. Alpaslan confirmed.

Mr. Hales recalled the last meeting where Mr. Barnes had asked if the commission could make recommendations on its own initiative. He noted that this section of the code does not address that question.

Ms. Wofsey stated that she believed that just as a citizen may, the commission may bring forward its own issues and suggestions to consider.

##### B. Bylaws Approval

C.

Mr. Warbin asked if we were going to address the items marked in yellow.

Ms. Wofsey believed that was the case, and asked that we put a date on the revised bylaws once approved.

Mr. Hales stated that we had approved the changes to the bylaws at the last meeting and he was confused as to why it was on the agenda again.



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Ms. Wofsey indicated she thought it might be just a review of what was passed at the previous meeting and suggested that we accept the approved minutes.

Dr. Warbin moved to "accept" the approved bylaws changes made at the previous meeting and was seconded by Mr. Barnes and unanimously approved.

### **D. Additional Miscellaneous Business**

Mr. Hales stated that he had attended a meeting the night before of University Heights and City Staff regarding a proposed parking lot on the site of the Delmar Harvard Playground. He stated that a number of residents expressed that they would like to see the proposal go through the commissions and wanted to know if the city was planning to bring the proposal to the commission, and if not, he believed the commission should consider addressing the issue itself as the proposal calls for a 112 space parking lot which he believed represented a significant change that would potentially impact traffic, particularly on Sgt. Mike King Blvd.

Ms. Wofsey requested that staff advise the commission as to whether the matter will be brought to the commission, and if not, why not.

Mr. Alpaslan indicated that the Public Works Department was asked for comments by the Community Development Department that would be incorporated into the final proposal. He indicated that he would find out whether the proposal would be brought to the Traffic Commission, and if not, why.

Dr. Warbin asked if the commission has dealt with parking lots in the past.

Ms. Wofsey stated that the commission addresses issues traffic and traffic studies and mentioned the Loop Parking Study which the commission had yet to have seen. She indicated that the number of parking spaces could affect parking and traffic patterns and would be appropriate for the commission to discuss. Ms. Wofsey believed this might be a gray area as it relates to the Traffic Commission's jurisdiction and would like to know from staff.

Mr. Hales clarified that the lot is to be 112 spaces and will be privately owned, but will be a public pay lot and that per the ordinance related to the Traffic Commission in the city code, the commission has discretion over issues of both traffic and parking and believes the proposal would fall under the purview of the commission.

## **6. Adjournment.**

The meeting was adjourned at 7:21 pm

Minutes prepared by Jeff Hales, Traffic Commission Secretary



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### CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION September 9, 2015

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, **September 9, 2015**, Chairwoman Carol Wofsey called the meeting to order at 6:30 p.m. In addition to Chairwoman Wofsey, the following members of the commission were present:

- Curtis Tunstall
- Robert Warbin
- Jeff Hales
- Jackie Womack
- Mark Barnes
- Eva Creer

Also in attendance:

- Councilmember Stephen Kraft
- City Engineer, Sinan Alpaslan P.E.
- Public Works and Parks Liaison, Angelica Gutierrez
- Police Department Representative Sergeant Shawn Whitley

#### 1. Approval of Agenda

Mr. Tunstall moved to approve the agenda with the following amendment:

- Move item "7346 Forsyth Boulevard parking restriction" before the item "Approval of Minutes".

Dr. Warbin seconded the motion and was unanimously approved.

#### 2. Agenda items

##### **A. 7346 Forsyth Boulevard parking restriction**

Ms. Gutierrez presented the request from resident of 7346 Forsyth Blvd, to review parking restrictions in front of this apartment building. The recent parking changes were explained along the south side of the 7300 block of Forsyth Blvd as petitioned by the 7310, 7318 and 7320 Forsyth Blvd property owners.

Patrick Dolan, property owner at 7346 Forsyth Blvd, Unit #4, presented the safety issues residents at this building (7 units) experience while exiting their parking garage. This is a corner lot building, located at the south east corner of Forsyth Blvd and DelLin Dr. There is a parking area with access to DelLin Dr. located behind the building. Parking on DelLin Dr. is restricted on the west side only. Pictures were presented to illustrate the sightline obstructions. Mr. Dolan clarified he is only requesting for two (2) parking spaces to the east of their driveway.



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A discussion was held by the Commission regarding the appropriate distance to be restricted, and make safety a priority on this request. It was also discussed the interaction between commercial and residential parking and what properties were affected by the implementation of a parking restriction as requested.

Mr. Womack asked if the parking problem in front of the driveway was a common occurrence and Mr. Dolan indicated it was and that they would like minimally one spot restricted east of the driveway for sightline.

Sgt. Whitley indicated that he believed something could be done to remedy the problem and he would run a report to find out how many incidents there have been.

Mr. Hales asked if staff had an opinion about whether they would like to see multiple small stretches of parking restrictions with limited parking in between and asked if staff would prefer that the restriction extend the entire length of the block.

Ms. Gutierrez indicated that staff would prefer the restriction to extend the entire block, but in consideration of the limited parking on the street, the smaller areas have been considered.

Mr. Tunstall asked if residents were required to back out of the driveway; Mr. Dolan said they could turn around in the garage.

Mr. Hales expressed concern about restricting parking in front of another property and confirmed with Ms. Gutierrez that the parking restriction from an intersection without a stop sign is 25 feet and asked if that would be a suitable distance to restrict parking from the driveway. Mr. Hales also suggested the commission might consider exploring a policy generally restricting parking within some distance of a driveway due to the number of narrow driveways thought University City.

Ms. Wofsey asked the distance between the east side of the driveway and eastern corner of the property line, which Ms. Gutierrez confirmed is approximately 30 ft., or two parking spaces.

Ms. Wofsey asked Mr. Dolan if Krueger's traffic was an issue for their building. Mr. Dolan indicated that it was common for patrons of businesses to park in the no parking zone with their flashers and run across the street.

Mr. Barnes asked staff what the commission would have to do to restrict parking on the entire block and expressed concerns about having to revisit the issue of parking on this block and the partial restrictions in front of certain properties.

Ms. Gutierrez indicated 75% of all property owners would be needed to restrict parking in front of all properties.



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Ms. Wofsey asked if we could make that recommendation on our own initiative to the Council.

Ms. Gutierrez indicated that the commission had never done that before.

Dr. Kraft expressed concern about not getting signatures of 75% of the property owners and whether that could create a potential legal challenge if the procedure is not followed.

Mr. Hales asked if there was an ordinance about getting signatures for 75% restricting parking because he recalled that was only for residential permit parking restrictions.

Ms. Gutierrez indicated she would research the answer to that question.

Mr. Barnes suggested that this would be different, because it would be an innovative of the commission as opposed to residents.

Ms. Wofsey suggested the commission address the citizen's request.

Mr. Tunstall asked if rental properties were considered commercial and Ms. Gutierrez explained that apartment buildings are zoned residential.

Mr. Hales asked if the commission could make a motion pending verification that it be permissible in the code to make a recommendation to restrict parking on the entire block.

Ms. Gutierrez asked what would happen if the owner of 7334 Forsyth objected and relies on the street parking.

Mr. Barnes indicated that the owner of 7334 Forsyth would have the opportunity to speak to the commission if the commission were to proceed with a recommendation to restrict parking on the entire block

Dr. Kraft told the commission that restricting parking could make a building not in compliance with code for not providing enough parking for the building and suggested the commission address the issue that had been proposed and revisit the broader issue later.

The Commission believed that the building located to the east of 7346 Forsyth Blvd. (7334 Forsyth Blvd) needed to be included in the petition, as they might be affected by the change.

Dr. Warbin wanted to ensure that the property owner at 7334 Forsyth, Baron Properties be presented with the petition and have an opportunity to review and sign.

*Mr. Barnes moved to request a petition from 75% of the affected property owners (7346 and 7334 Forsyth Blvd) to restrict parking at all times for a distance of 60 feet to the east, from the 7346 Forsyth Blvd. driveway. The petition shall consider signatures from the*



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*seven (7) owners of 7346 Forsyth Blvd and one (1) owner from 7334 Forsyth Blvd. Ms. Creer seconded the motion.*

Mr. Hales indicated he was a little uncomfortable with the motion as presented and would prefer that the restriction be limited to 7346 Forsyth. He mentioned he appreciated the concern raised about code compliance and expressed concern that 7 property owners in 7346 Forsyth could restrict the parking in front of 7334 Forsyth which we don't know how many apartment units the building has or how many long-term residents and believed that the bylaws state "affected households" which could be inclusive of apartment tenants.

Ms. Wofsey stated that in other instances, we have addressed apartment buildings as having one owner.

Mr. Wilson said he understood the dilemma, but suggested that the staff look at the adequate distance for safety, and if that distance is 60 ft., the commission should follow that recommendation in the interest of safety and should the recommendation encroach on the neighbor's property to invite the neighbor to the next meeting.

Mr. Hales asked if the concern about pulling out of a driveway requires greater distance than 25 ft. required an intersection without a stop sign.

Ms. Gutierrez indicated that ideally you would like 100 ft. at an intersection and you would want greater visibility.

Mr. Alpaslan indicated that the width of the street is a consideration.

*The votes were:*

*Ayes: Mr. Tunstall, Mr. Barnes, Ms. Wofsey and Ms. Creer*

*Nays: Mr. Warbin, Mr. Womack and Mr. Hales*

*Motion passed.*

*Requestor was instructed to solicit responses to their petition and submit it to City Staff.*

Dr. Kraft had to leave the meeting early and had no report to share.

*Mr. Barnes made a second motion to review the expansion of the parking restriction at all times on the south side of Forsyth Blvd, from DeLLin to Manhattan Ave. Motion seconded by Mr. Hales.*

Dr. Warbin asked that the commission look into the allocation of public space for parking for private properties.





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The votes were:

Ayes: Dr. Warbin, Mr. Tunstall, Ms. Wofsey, Ms. Creer, Mr. Barnes

Nays: Mr. Womack

### 3. Approval of Minutes

#### A. April 8, 2015 minutes

Mr. Womack moved to approve the Minutes drafted by staff and amended by Mr. Hales and seconded by Mr. Tunstall. Dr. Warbin abstained to vote as he waits for clarification on how minutes shall be written.

Mr. Hales stated that he received the Records Retention Schedule from the Secretary of State's office about records retention and would be happy to share.

Roll Call vote was:

Ayes: Mr. Tunstall, Mr. Barnes, Ms. Wofsey and Ms. Creer, Mr. Womack and Mr. Hales

Nays: None

Abstained: Dr. Warbin

Motion passed.

#### B. May 13, 2015 minutes

Mr. Hales moved to postpone the approval of the Minutes drafted by staff and seconded by Ms. Creer and unanimously approved.

### 4. Council Liaison Report

None

### 5. Miscellaneous Business

Ms. Wofsey thanked Mr. Wilson for his hard work and wished him well in retirement.

Mr. Wilson thanked the commission for their work and wished the commission well and is looking forward to retirement and travelling.

#### A. By-Laws discussion

The discussion about the amendments made by Mr. Hales to the By-Laws included the following sections:



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- 2.5 Chairperson – Terms. Eliminating the limit to serve no more than two terms.
  - *Mr. Barnes moved to approve the change, seconded by Mr. Tunstall, Ms. Wofsey abstained. Motioned passed.*
- 2.6 Vice Chairperson – Add this role
  - *Dr. Warbin moved to approve the change, seconded by Mr. Hales and unanimously approved.*
- 3.2 Petitions and 3.3 Clarification on Informational Role, changed “Secretary” to “Staff Member” and delete the language “and/or the secretary”
  - *Mr. Hales moved to approve the change, seconded by Mr. Tunstall and unanimously approved.*
- 5.1 Secretary - Add provisions to the Secretary’s Role

Ms. Wofsey reminded the commission that the citizen commissioners are voting members and the staff member, council liaison, and police officer are non-voting members of the commission.

Mr. Hales stated that the ordinance states that the secretary of the commission “shall be elected” and he stated that in his view, the bylaws are not in compliance with the ordinance and this change would correct that.

Dr. Warbin expressed concern over the word “delegate” in the proposed change and indicated that this is an enormous job for a commissioner and would take two weeks to prepare the minutes.

Ms. Wofsey indicated that she could not envision electing anyone other than the staff member.

Mr. Hales stated that the amendments to the minutes take him two hours and does not view the role of secretary as a burden and would like to serve as secretary.

Mr. Hales asked if there was a preferred wording that Dr. Warbin would be more comfortable with.

Dr. Warbin expressed that he was not comfortable with serving as secretary and wanted to get a sense of whether the commission believed this to be practical.

Mr. Womack stated that if Mr. Hales wanted to serve as secretary, he supported that.

- *Mr. Barnes moved to approve the change, seconded by Ms. Creer and unanimously approved.*

### 5.2 Meeting minutes recording requirements.

Mr. Hales was asked by the chair to explain why he believed the changes are necessary.

Mr. Hales stated that he believed it to be profoundly helpful for future commissions to be able to look back at the minutes and understand the considerations of the commission that



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went into the commission's recommendations. He also stated that it's profoundly important for the council to be able to see the considerations of the commission in the minutes. He noted that the Traffic Commission minutes have historically included summary discussion minutes and that the City Council minutes contain detailed discussion of all those who speak. Mr. Hales stated that he believed that as a public body, the commission should apply the same standard to the recording of its minutes as the council.

Dr. Warbin agreed for the need for a record of the considerations but had concern over the language "a discussion from all speakers" He stated that a good summary is sufficient and that he believed it is incumbent upon the council to ask questions. Mr. Warbin indicated that he feels comfortable that if the commission has been responsible in its considerations and has voted, the issue is closed.

Mr. Hales addressed why he included "discussion from all speakers. He pointed out that if you review the staff prepared minutes, you will see summary discussion from the citizens, from the staff members, from the police officer's comments, but there are no summary discussion comments from any of the voting commissioners. He indicated that it did not make sense we are recording the summary discussion of the staff, citizens and police officers but not the commissioners. He stated that he believed it is important that commissioners' comments be included.

- Mr. Womack moved to approve the change, seconded by Mr. Barnes and the roll call vote was:

Ayes: Ms. Creer, Mr. Hales, Mr. Womack, Mr. Barnes

Nays: Ms. Wofsey, Dr. Warbin, Mr. Tunstall

- 5.4 Meeting Audio – One commissioner to record audio

Dr. Warbin expressed concern about the legal requirement for maintaining audio records.

Mr. Hales stated that he contacted the Secretary of State's office and received the Records Retention schedule and a response from the Secretary of State's office which stated that once the official meeting minutes have been recorded and approved the audio recordings may be disposed of as non-records.

Mr. Hales made a motion to add an additional sentence: Once the official meeting minutes have been produced and approved, the recording may be disposed of per the Local Records General Records Retention Schedule."

Ms. Wofsey stated she remained concerned about the records retention and stated she believes all public meetings should be recorded and publicly available but that is not the position the city is taking and the commission cannot change that. Ms. Wofsey expressed concern over putting the staff member in a position of having to record a meeting when staff has been directed not to do so.

Mr. Hales indicated that section 5.4 as proposed does not require staff to record, it states that the "secretary or at least one commission member".

Ms. Wofsey stated that any commission member is free to record and pointed out that Mr. Hales was recording the audio of the meeting.



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- Mr. Hales moved to approve the change *with the amended additional sentence as proposed by Mr. Hales*. It was seconded by Mr. Barnes and roll call was as follows:
  - Ayes: Ms. Creer, Mr. Hales, Mr. Womack
  - Nays: Ms. Wofsey, Dr. Warbin, Mr. Tunstall and Mr. BarnesMotion did not pass.

A copy of the amendments to the Bylaws will be made part of this record.

### **B. Election of new Chair Person**

Vice Chairperson elected: Mr. Curtis Tunstall to serve until September 2016 subject to re-election.

Chairperson elected: Ms. Carol Wofsey to serve until September 2016 subject to re-election.

Secretary elected: Mr. Jeff Hales to serve until September 2016 subject to re-election.

### **6. Adjournment.**

The meeting was adjourned at 8:30 pm

Minutes prepared by Angelica Gutierrez, Public Works and Parks Department *with amendments by Jeff Hales (shown underlined)*