



MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
February 8, 2016
6:30 p.m.

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. January 25, 2016 Study Session minutes
2. January 25, 2016 Regular Session minutes

F. APPOINTMENTS

1. Robyn Williams and Brendan O'Brien are nominated for appointment to the Economic Development Retail Sales Tax Board by Mayor Welsch.
2. Derek Heiderman is nominated for appointment to the Traffic Commission by Councilmember Glickert, replacing Jackie Womack.

G. SWEARING IN

1. Joe Edwards was sworn in to the Loop Special Business District Commission in the City Clerk's office.
2. Felecia Hickman to be sworn in to the Arts and Letters Commission

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Approval to award the City's annual tree trimming contract to Clipper Tree Services in the amount of \$59,475.00
VOTE REQUIRED

L. UNFINISHED BUSINESS

BILLS

M. NEW BUSINESS

RESOLUTIONS

1. **RESOLUTION 2015 – 3** A resolution approving participation in the Amicus Brief. Requested by Councilmember Glickert and Mayor Welsch.
2. **RESOLUTION 2015 – 4** A resolution for Council guidelines in approving City bids. Requested by Councilmembers Kraft and Crow.

BILLS

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

UNIVERSITY CITY COUNCIL
STUDY SESSION
5th Floor of City Hall
6801 Delmar Blvd
January 25, 2016
5:30 p.m.

The City Council Study Session was held in the Council Chamber, 5th floor of City Hall, on Monday, January 25, 2016. Mayor Shelley Welsch called the meeting to order at 5:30 p.m. In addition to the Mayor the following members of the Council were present:

Councilmember Paulette Carr
Councilmember Arthur Sharpe, Jr.
Councilmember Terry Crow
Councilmember Michael Glickert.
Councilmember Stephen Kraft
Councilmember Rod Jennings - arrived at 5:50 p.m.

Also in attendance were Lehman Walker and Interim Director of Public Works and Parks Sinan Alpaslan.

Mr. Walker stated that the study session will begin with the process of which the City awards contracts. Council questioned the process of the awarding of the tree-trimming contract which was on the agenda at the last Council meeting. He stated the staff is seeking direction on the how the City awards contracts. Mr. Walker referred to University City's Charter, Article XI, Section 93, which states, "The city manager shall let the contract to the lowest responsible bidder." The discussion at the last Council meeting was in regard to a bid submitted by a company located within the city-limits. The staff recommendation followed the Charter by awarding the contract to the lowest responsible bidder. By awarding to the lowest responsible bidder, we are assured that the residents of University City receive the lowest price for goods and services.

Councilmember Carr said she had received two phone calls and an email from citizens who were contacted by the city-forester who said they would not have their trees trimmed because of the Council. Mr. Walker asked if he understood Councilmember Carr correctly that the City's forester told people this. He asked Councilmember Carr to forward the citizen's email to him. He stated that this was new information to him as he has not received any calls.

Councilmember Carr stated that to change this section would not be simply by an ordinance. She said that in this Section 93 states, "Any and all bids may be rejected. Except for such right of rejection, the city manager shall let the contract to the lowest responsible bidder and shall cause the contract to be formally executed". She questioned why some city contracts were not let to the lowest bidder, such as to a lawyer or to a bond underwriter. Councilmember Carr said that Finance Director Tina Charumilind said that in regard to the bond underwriter, the City requested a Request for Qualifications (RFQ) rather than a Request for Proposal (RFP). Councilmember Carr said Section 93 did not differentiate between a RFQ and RFP. She said that Section 93 does not say it only relates to one class of contracts. She noted that the Loop is losing businesses as the Market Place in the Loop is now closing. Councilmember Carr stated that reason she was given for contracting with a particular underwriter and legal was because the City has previously worked with them. She noted that the City has worked with Gamma Tree Service for years. Councilmember Carr asked where it specifies that contracts can be treated differently.

Mayor Welsch asked Mr. Walker to explain the difference between professional contracts and other contracts. She said this Charter section is related to public works or public improvement contracts. Mr. Walker stated that this section is related to public improvements and there is a distinction between the City retaining an attorney or retaining a firm for marketing purposes versus a contract for tires, gasoline, street repair, etc.

Councilmember Crow asked if this paragraph is the only policy the City has regarding contracts. Mr. Walker said yes and in addition there is a purchasing policy. Councilmember Crow stated that there is not an exception for professional contracts in this section. He noted there needs to be a level of consistency.

Mr. Walker stated that Section 93 is very clear that it is for contracts for public improvements.

Councilmember Crow said that would mean that the City can go anyway they want to for bids. He said the City should have a policy on contracting with professional services.

Councilmember Kraft stated his understanding was that certain professional areas cannot bid, such as engineers, architects, attorneys. He said the section of the Charter states that any and all bids can be rejected and it did not say Council needed a reason to reject it. He stated that he would not mind if that Council had a policy that provided special consideration, such as, if contracts are within one percent of lowest bid Council will look at other factors.

Councilmember Glickert stated this was a great example of why the Council needs to have a review of the City Charter again. He said the City has come to Council with a recommendation, with the lowest bid, the company is qualified and he would not want to see the city go away from the Charter. Councilmember Glickert said in reference to Councilmember Carr's statement on citizens being told that there would not be any tree trimming; he noted he has not received any phone calls or emails concerning it.

Councilmember Sharpe noted he would like to support the business in his ward but he cannot fight the City Charter.

Councilmember Crow stated that the City does have the right to reject the bids. He said public improvement bids are no more significant than professional services. He said lawyers, accountants and engineers bid for services.

Mayor Welsch asked Mr. Walker if staff could look at developing a policy relating to Councilmember Kraft's suggestions. She asked if, however, such a policy would open it up to a company with a business license in U City using a P O Box contact information, but whose actual business operation is located outside of city-limits. Mayor Welsch said the City's taxpayers should get the lowest price possible. She stated that this section of the Charter relates to public improvements and professional services have always been held to a different standard.

Councilmember Kraft would ask that staff not change their policy but rather Council has the power to reject any or all bids. It would be helpful if Council had a group of guidelines to follow. He stated that if Council had a set of guidelines, it would prevent Council from being lobbied by businesses seeking the bid.

Councilmember Carr stated that she agrees that there is an escape clause in Section 93 stating that Council can reject any or all bids. It can be rejected within a set of guidelines or rejected individually making their own decision.

Councilmember Crow said he wants to see the citizens get the best price but it should be applied across the board.

Mr. Walker said the Charter is clear and in this particular case staff is following the Charter in making the recommendation to Council. He said Council can make another decision but the job of staff is to make recommendations. Councilmember Crow stated staff should research other cities to compare bidding processes used for professional services and other services.

Councilmember Kraft again stated he wanted staff to provide the bids, prices and recommendations based on the lowest responsible bidder and Council can reject any or all bids. He said it is Council that does the rejecting and for consistency it would be best to have some guidelines to be used.

Mayor Welsch asked Councilmember Kraft if he would like to come up with some guidelines for Council to consider. He said it would be helpful for bidder, for Council and everybody involved if Council preset what the criteria are. He suggested the following criteria.

A responsible bid that is:

- Within one percent of the lowest bid
- Consideration of a business in U City for five or more years

Councilmember Sharpe asked if there was a timeline when the contract should be signed. Mr. Walker said it should be approved within the next month.

Mayor Welsch asked Mr. Walker if he would provide Council with an explanation of the difference between Request for Proposal (RFP) and Request for Qualification (RFQ). She noted that she does not want her personal feelings to come into a decision for a contract and therefore she was not in favor of changing the present policy. She did not want to be lobbied by companies to change the staff's recommendations. Mayor Welsch said U City's form of government was established to keep politics out of decisions.

Councilmember Jennings stated that he trusted staff's decision, noting that they are professionals.

Mr. Walker stated that if Council considers creating their guidelines that would also include a time frame for reviewing to see how well it is working. Companies not in University City may be reluctant to bid knowing a U City company would be favored and there also would be cost considerations associated with it.

Mr. Walker next spoke on the second part of the agenda, the Ruth Park Driving Range. He presented some background information found in the January 13, 2016, Park Commission meeting minutes showing their motion and approval. The motion supported removing the driving range lights in return for the elimination of the berm, but the landscaping would remain. Mr. Schuman's attorney rejected the elimination of the berm. His attorney stated that Mr. Schuman would accept either the obligation of the City by replacing lights with four - twelve feet high pedestrian lights in order to reduce light pollution on the adjoining properties or the removal of the lights.

Councilmember Kraft spoke as the council liaison to the Park Commission. He noted that there is a landscape architect that is working on the landscaping design of the driving range. There was a consensus of the Park Commission that the driving range was not functioning in many different ways. They needed a professional landscape architect who was familiar with driving ranges to evaluate the driving range needs. Staff had additional issues with the present driving range in

maintaining it, picking up balls, etc. The numbers have not come back from bids on the berm and landscaping which are due by the end of the second week in February. The landscape architect is paid out of current budget and the \$300,000 in the 2016 budget for the driving range. The landscape architect will be paid approximately \$60,000 out of the \$300,000 driving range budget. The \$60,000 will include three parts of the design:

- Berm and landscaping - \$150,000 to \$200,000 estimate
- Lights needed to be redesigned, moved and additional bunker lights added - \$140,000 estimate.

With all the other expenses of the driving range, the Park Commission felt this was low on the list of needs.

- Rebuilding the driving range - \$500,000 to \$700,000 estimate.

The synopsis of the meeting was that there is money in the 2016 budget to rebuild the berm and pay the architect for the design. It is not unusual for a design to be created one year and implemented later when funds become available.

Mayor Welsch asked if part of the \$300,000 was to go to the grading and irrigation of the slope. Councilmember Kraft said it was not. He said for \$200,000 you get the berm and landscaping. Councilmember Kraft noted to do the berm; landscaping, lights and a rebuild would be around one million dollars.

Councilmember Glickert said the present architect stated the lights present now on the driving range are poorly designed. He asked if there was an assurance that the design of the present architect would not result in another poor design.

Mr. Sinan Alpaslan stated that it has not been designed yet. He noted that if the tall lights are removed there is doubt that the remaining lights would be enough for the operation of the range.

Councilmember Carr stated that the City has an agreement that was not brought back to Council in total to vote on. She noted the golf course and the driving range are a revenue profit center. She stated the money for the berm should come out of the reserves and not the \$300,000. Councilmember Carr noted that when the light measurements were taken it did not show any difference between the lights coming over to Dr. Schuman's house whether they were off or on.

Mayor Welsch interjected that Council would need to continue the study session on another date as time had run out.

Councilmember Crow quickly stated that the agreement was signed September 2015 and the agreement needed to be completed within six months. He noted that we are already four months into the March completion date. Councilmember Crow stated that it looked like this has been pushed back so that there will be no other option but to turn the lights off. He stated that the numbers discussed now, the City could have bought Dr. Schuman's house two times over.

Councilmember Kraft thought that the previous Public Works' director said that work on the driving range is best done in a particular season of the year.

Mayor Welsch said that the decision on the lights did not need to be done in connection with the building of the berm. Mr. Walker said that the landscaping and the berm have to be done and the City is proceeding on those.

Meeting was adjourned at 5:25 p.m.

Joyce Pumm, City Clerk, MRCC/CMC

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
January 25, 2016
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, January 25, 2016, 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
Councilmember Terry Crow
Councilmember Michael Glickert
Councilmember Arthur Sharpe, Jr.

Also in attendance was City Manager, Lehman Walker.

C. APPROVAL OF AGENDA

Hearing no amendments, Councilmember Glickert made a motion to approve the agenda as presented, was seconded by Councilmember Sharpe and the motion carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. January 11, 2016 Regular Session minutes were moved by Councilmember Jennings, was seconded by Councilmember Sharpe and the motion carried unanimously.

F. APPOINTMENTS

1. Robert Kuhlman, Jr. was nominated for reappointment to the Economic Development Retail Sales Tax Board by Mayor Welsch, was seconded by Councilmember Jennings and the motion carried unanimously.
2. Steven Goldstein was nominated for reappointment to the Park Commission and Curtis Tunstall and Eva Creer are nominated for reappointment to the Traffic Commission by Mayor Welsch, on behalf of Councilmember Kraft, was seconded by Councilmember Carr and the motion carried unanimously.
3. Felecia Hickman was nominated for appointment to the Arts & Letters Commission by Councilmember Jennings, replacing Joy Wade, was seconded by Councilmember Sharpe and the motion carried unanimously.
4. Joe Edwards, Dan Wald, Michael Alter, Shawn Jacobs, Angela Fitzgerald, Ryan Patterson, Nora Vandivort, Steve Stone and Mary Gorman are were appointed the Loop Special Business District Board by Mayor Welsch, was seconded by Councilmember Carr and the motion carried unanimously.

G. SWEARING IN

1. Nora Vandivort was sworn in to the Loop Special Business District Commission in the City Clerk's office.
February 8, 2016

Mayor Welsch stated 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 discussion on an agenda item on which you would like to speak. The Council Reports & business section is for Council discussion. Those asking to speak on those issues may do so during the regular Citizen Comments sections of the agenda. Comments should be limited to five (5) minutes.

Decorum at Council meetings is required in order to make possible civil discourse among people who may have different views. With that in mind, personal attacks on City Council members, staff and anyone else will be ruled out of order. I reserve the right to disallow those engaging in personal attacks to speak at this or future Council meetings.

As I have said in the past, if someone chooses to continue speaking beyond the Council-accepted time limit on an individual citizen comment, after my advising of the deadline, I will not call them to the podium at future meetings. I will consider a request for additional time – but the speaker must make a request to go beyond the time limit and be given permission to do so.

Finally, I encourage members of this Council to remember that, per our Council rules, we follow Roberts Rules of Order. According to Robert's Rules, we should all desist in making personal attacks on our colleagues – limiting our comments to the merits of an issue, and not calling into question the motives of our colleagues.

A reminder to those in the audience - 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.

Again, personal attacks on City Council members, staff, and anyone else by members of the public or by members of this Council, will be ruled out of order. I reserve the right not to call back to the podium at this or future meetings anyone who engages in personal attacks on anyone.

These meetings are held for this Council to do the business of the people. That is what we should all be focusing upon.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Thomas Jennings, 7055 Forsyth Avenue, University City, MO

Mr. Jennings stated that the information received regarding the erection of a sign for Northmoor Park has raised several concerns.

1. Have funds already been allocated for the erection of this sign?
2. Why was this information not provided to residents on Lindell, Maryland and Westmoreland?

He stated that the signage is unnecessary and a waste of money, especially when there are so many other important issues to be addressed. However, if the funds have already been allocated, then he would suggest placing the sign at Lewis Park.

Patricia McQueen, 1132 George Street, University City, MO

Ms. McQueen, Acting Chair of the Commission on Local Access Programming; (CALOP), stated that at their October 20, 2015 meeting members of CALOP made the decision to issue an RFP seeking applicants to create and operate a new Missouri non-profit corporation, to be known as the University City Media Collaborate; (UCMC). Start-up capital will be provided by CALOP, which may consist of a limited, restricted endowment or grant, to ensure continual operations. UCMC will be a community technology center, whereby U City residents of all ages will have access to media forms for creative expression and civic involvement through education and cultural programming.

Jo Ann Roberts, 940 Alanson, University City, MO

Ms. Roberts expressed concerns regarding the amount of money that has been spent in the second quarter on overtime for firefighters, and posed the following questions:

1. If the City is in compliance with the court order for a minimum of eleven firefighters, why the \$400,000 in overtime?
2. How is outsourcing the City's EMS going to save \$500,000?

Suzanne Greenwald, 836 Barkley Square, University City, Mo

Ms. Greenwald expressed her opinion about the Mayor's list of accomplishments found in the January 3rd newsletter, which specifically states, *"Reorganized City operations to run more efficiently in the most cost-effective way possible"*. Ms. Greenwald asked that her written comments be attached to the record.

Steve McMahon, 8135 Stanford Avenue, University City, MO

Mr. McMahon voiced concerns about the Schuman lawsuit settlement, and its impact on the lighted driving range at Ruth Park.

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

L. UNFINISHED BUSINESS

BILLS

1. **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. Bill 9282 was read for the second and third time.

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

Roll Call Vote Was:

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

NAYS:

M. NEW BUSINESS

RESOLUTIONS

BILLS

N. CITIZEN PARTICIPATION (continued if needed)

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed

Mayor Welsch read the appointments that were needed.

2. Council liaison reports on Boards and Commissions

Councilmember Carr stated that the Urban Forestry Commission, in collaboration with U City in Bloom, will be holding an Arbor Day celebration. They will also be erecting *"We are a tree city,"* signs throughout the community.

Councilmember Kraft stated that he had attended the Pension Board meeting. He stated that he was very impressed by the caliber of its members, who seem to have a conservative

investment strategy that is providing good results. However, no one on that commission believed that the 11.4 million dollar deficit for the two separate funds will be resolved by simply making investments in the bond market, because the problem stems from underfunding. Councilmember Kraft stated that the non-uniformed fund gets a three-percent contribution from the employee and 13 percent from the City. When you compare these contributions to other funds, like the Missouri State Teachers' Pension Fund, the employee contribution seems to be very low. But while this fund is fixable, the Uniformed Pension Fund which gets its funding from a tax generating \$900,000 a year, with no employee contribution, is very frightening. In this case, the City's contribution is roughly only 11 percent, which in his mind seems to indicate the need to initiate a conversation about defined benefits versus defined contributions. He stated that while these are his own conclusions, he does believe Council should begin to look at this and come up with a solution, because the liabilities are real.

3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business

P. COUNCIL COMMENTS

Councilmember Carr stated that her understanding is that there was an accident at Hanley and Olive, on December 13th, which necessitated the need for additional ambulances and that two of Gateway's ambulances were not equipped with paramedics. She stated that she was interested in learning more about the facts surrounding this incident, and therefore, would ask Mr. Walker to provide her with a full safety report on the December 13, 2015 incident.

Councilmember Glickert stated he wanted to reassure everyone that the rumors about a restaurant closing in the Loop are simply that, rumors. He stated that the restaurant is closed for renovations, and will reopen once they are completed.

Councilmember Kraft stated that he had received a number of emails and calls about the electronic sign being placed at Adams Park, and based on those concerns it seems pretty unanimous that nobody wants it there.

Councilmember Crow concurred with Councilmember Kraft's comments regarding the Adams Park sign, and hopes that Council will take his neighbors' concerns into consideration when making a decision.

He stated that he appreciated Councilmember Kraft's interest in the Pension Board, and would agree, 100 percent, with the dedication exhibited by its members. He would also agree that this issue needs Council's attention. However, he does not believe that comparing any municipal pension fund to the Missouri State Teachers' Pension Fund, one of the single most lucrative funds in the state, is a good comparison. Councilmember Crow stated that what he would like to see a comparison between where U City stands with other similar cities, with respect to size and demographics.

Councilmember Crow stated that Mr. McMahon's comments were spot-on. The fact that this work on the driving range is supposed to be completed within six months from the time of the settlement agreement and the City is now entering the fourth month and nothing has been done. This tells him that this is just one more attempt to turn the lights off at the driving range.

Councilmember Crow stated that not one question was asked of him during his censuring process held at the last meeting, and only one member of Council even made a statement. His hope is that the four members who took that vote realize the impact this has had on their reputations in this community.

He stated that Ms. Glickert had it right in her letter to the editor. The Mayor's receipt of \$3 million dollars from St. Louis County to complete the construction of three blocks for the trolley has now taken away monies needed to repair and maintain this City's streets. And the Loop TDD, the recipient of this \$3 million dollars has not lifted a finger to help those businesses who have been severely impacted by their presence.

Councilmember Crow reiterated the questions raised by Ms. Roberts regarding the City's Emergency Medical Services, and then posed the following questions:

1. How many ambulances does Gateway have in the Metropolitan area?
2. Is Gateway answering emergency calls in U City with ambulances that have no paramedics on board?
3. Has there been any type of coordinated training conducted between Gateway and the City's firefighters?

He stated that at some point in time, Council has an obligation to not only recognize but acknowledge that no savings will be realized in the first or second years, and that this deal was never designed to save the City money.

Q. ADJOURNMENT

Mayor Shelley Welsch adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Joyce Pumm
City Clerk, MRCC/CMC

January 25, 2016

Looking at the 2nd quarter budget I see that we have spent \$191,000 on overtime for our fire-fighters. If the last half of the year ~~follows~~ continues on this trajectory we will spend almost \$400,000 on overtime alone.

Compare this to 2014 & 2015 when the overtime was about \$225,000 and \$275,000 respectively.

I have 2 questions: 1) If we are in compliance with ^{the} court order of a minimum of 11 fire-fights why are we paying almost \$400,000 in overtime?

and

2) How is outsourcing our EMS saving us \$500,000?

Jo Ann Roberto
940 Alanson Dr.
U. City 63132
314 484-1831

January 25, 2016

Presented to the Council Meeting by Suzanne Greenwald

In her newsletter of Jan.3rd, the mayor provides us with a list of her accomplishments. Many of these "accomplishments" can be summarized by the first item which she states as, "Reorganized city operations to run more efficiently, in the most cost-effective way possible." I wonder what the mayor considers "cost-effective." No doubt, one element that she gives as evidence of "cost-effective" is the accumulation of a large reserve and the city does have a large reserve, millions, in fact. So how did our mayor accomplish this feat?

Well, certainly, it helps to have 11, 12, or is it 13 vacancies in the police department. And, isn't it cost-effective that their salaries cannot compete with many of the surrounding areas? Lower salaries not only saves money, it also discourages new and higher-qualified applicants.

As for the fire department: how many fire-fighters do we really need? Saves money to have less even if we are out of compliance with a court order. I wonder what would happen in case of a tornado or a flood or a multi-building fire. How would we provide the needed personnel and equipment for the required rescue services?

No doubt, Madam Mayor, you found it "cost-effective" to drastically reduce the number of full time employees in The Public Works and Parks Dept. replacing many with part time workers who work less than 40 hrs a week which means they are not eligible for benefits. Was somebody in U. City sent to the Walmart school of management? How many tree trimmers are we down to? Two? One? Does anybody care about safety?

A perusal of past budgets shows that street repairs----for only one year of this administration---received the city engineer's 1.2 million dollar recommended allocated funding. Yet, we were promised that the sales tax approved by voters in 1996 would be used for street capital improvements and, indeed, till 2010 they were. In addition, isn't the county road tax designated for roads and bridges and doesn't the city bring in about \$900,000 from the state gasoline sales tax? Perhaps, I lack enlightenment; perhaps I don't understand the term, cost-effective or even capital improvements. I do wonder, however, since there appears to be ample funding for streets, where is the money going?

And what about pensions? What happened to the taxes allocated for the pension fund?

Madam Mayor, under your administration, how many employees were terminated and how many positions were deemed unnecessary? Incidentally, it's hard to overlook the fact that a large proportion of those who lost their jobs were African-American women. Probably just a coincidence! I wonder what services were cut or reduced because we didn't have the personnel to perform those services or because the money had gone elsewhere? Why were the pedestrian improvements on Olive that were initiated by a previous administration brought to a halt by your administration? Was your vote to attempt to close the summer camp an example of cost-effectiveness, too?

And, finally, Madam Mayor, in spite of your many "cost-effective" measures, how can you take credit for a reserve that resulted mainly from the phone lawsuit initiated and won on behalf of U. City by a previous administration. A team effort, led by a previous city attorney, brought the city millions.

Your definition of "cost-effective" is apparently very different from mine.

Please include this as an attachment in the minutes.

University City Council Meeting
January 25, 2016

CALOP RFP Presentation

My name is Patricia McQueen, acting chair of the University City Commission on Local Access Programming known as CALOP.

At the October 2015 CALOP meeting, the board members decided to move ahead with the issuance of a Request For Proposal (RFP) to seek applicants for a grant to create and operate a new Missouri non-profit corporation to be known as The University City Media Collaborative (UCMC). CALOP will provide the start-up capital for this new venture and no, we have not disclosed how much that capital will be because it depends on the proposal. As it says at the beginning of the RFP, the start-up capital will provide to the new collaborative either a limited, restricted endowment or grant to assure continual operation.

The idea of changing the direction of CALOP is not new. Back in 2011, CALOP faced a dilemma. The city's control over the community access contract with then-

Charter Communication and AT&T ended. For those of you who don't know, Charter Communication and AT&T used to be CALOP's funding source where the commission received 1% for every customer that used Charter and AT&T cable. The city was allowed to collect 5% as well as \$ 1 for CALOP. The Community Access Preservation Act (CAP) bill presented in 2011 was not passed. That bill could have saved the funding stream. Even prior to 2011, CALOP had flirted with appointing an executive director to run the commission. That idea changed in 2007 whereby the CALOP decided to use the services of the City for its financial, legal and secretarial services. CALOP is very thankful for the wonderful service that Keith Cole provides.

CALOP's previous chair, Eric Friedman and our ex-officio member, Dennis Riggs of Higher Education Channel (HEC), have tried since 2012 to explore various entities in talks of collaboration so that CALOP could remain self-sustaining. In

fact it was in August 2013, Dennis Riggs introduced the idea of having an Apple authorized Training Center somewhere in the Loop. Three months later in November 2013, University City Public Library was chosen to partner with MOREnet for the 21st Century library services. These services include developing a technology Maker Space with a variety of technical equipment and software that include the capabilities of utilizing audio and video recording/editing, graphic design, digitization, photo editing, 3D modeling and other tools and resources to enable creativity. I believe the library would like to explore options with CALOP on some of these types of services and resources. The current RFP shares in the aforementioned ideas and the spirit of technological creativity. You can see this on page 3 of the RFP following the text “The Collaborative could be one or more of the following:...”

When I came on CALOP, Mr. Friedman shared the idea of establishing an Apple Training Center through CALOP. However, in my research, I found out that Apple is not currently establishing any more Training Centers in the United States. It was not until the proposal for a future for CALOP presentation by Mayor Shelley Welsh, Councilman Rod Jennings and Dennis Riggs last Fall did I find out from Mr. Riggs that HEC had some Apple trained staff that the idea was not lost. By the way, the proposal from Mayor Welsh, Mr. Jennings and Mr. Riggs was to prompt the CALOP board into some transition action. The current RFP listed on the University City government website is that action.

The CALOP Board realizes the request for proposals is a risky and challenging move but what is life if not challenging and risky. Microsoft, Apple and Google , all technological giants, had to start somewhere and they took that challenge.

The RFP lists four attributes that the new non-profit corporation should have and those are listed on page 4. The goals and objects are presented on page 2 and 3. I want to highlight that the UCMC will be a community technology center at its core whereby University City residents of all ages, especially our young people, to use technological media forms for creative expression and civic involvement through educational and cultural programming- the original mission of CALOP.

The RFP is a continuation and expansion of CALOP's decades of innovative service to the citizens of University City and our entire community. CALOP commissioners are willing to extend the application deadline again if we hear of well-positioned organizations that may be considering applying.

I want to thank and show my appreciation for David Stokes and Dennis Riggs in their leadership in crafting the RFP.

In closing, CALOP Board is open to questions that could be sent to us either by email or by phone. We look forward to your input.



Council Agenda Item Cover

MEETING DATE: February 8, 2016

AGENDA ITEM TITLE: FY16 Annual Tree Trimming

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED?: Yes

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:

Contractor	Base Bid
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

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.

* 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

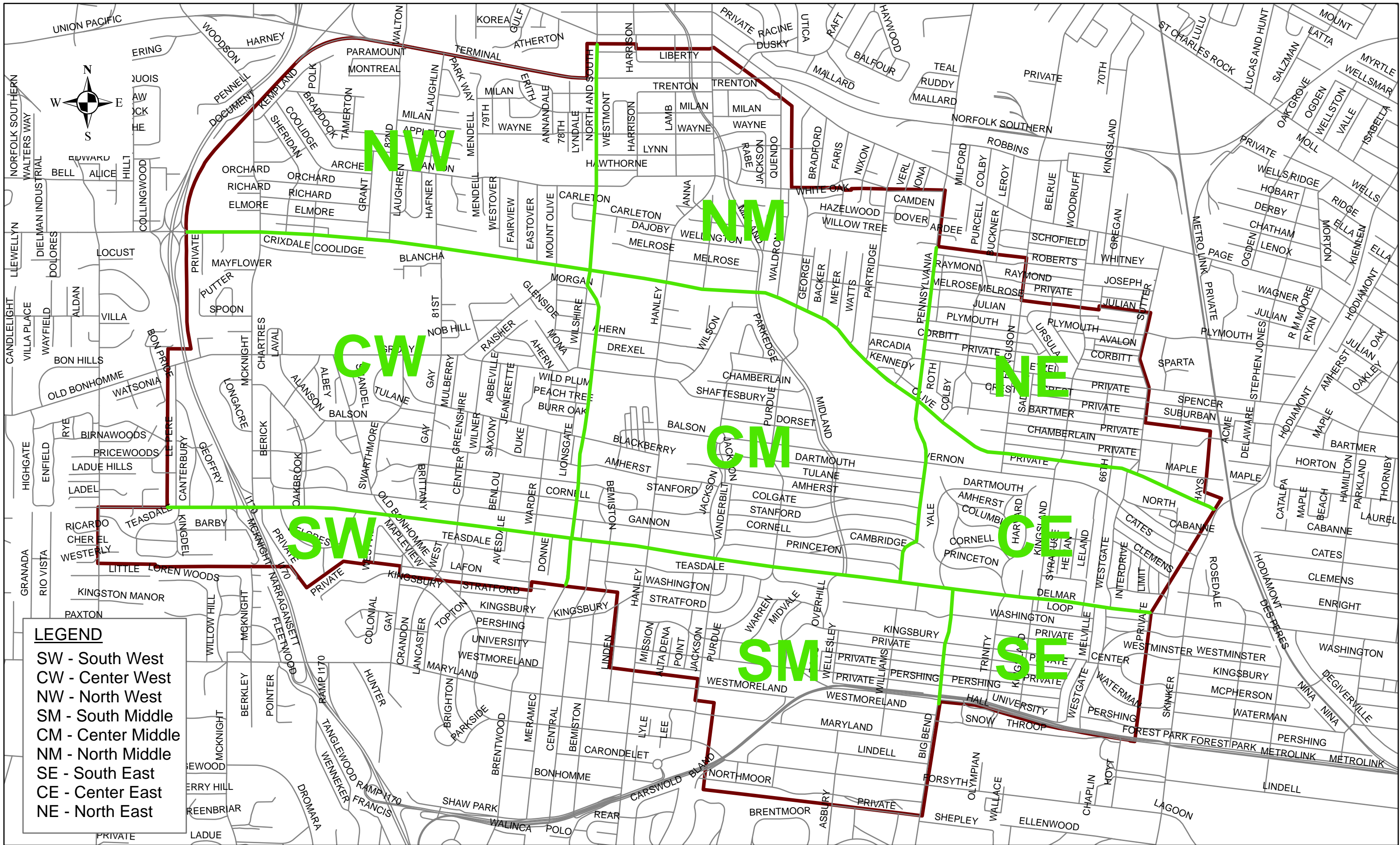
BLOCK PRUNES

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

BLOCK PRUNES - CONTINUED				
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
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LEGEND
 SW - South West
 CW - Center West
 NW - North West
 SM - South Middle
 CM - Center Middle
 NM - North Middle
 SE - South East
 CE - Center East
 NE - North East

RESOLUTION 2016 - 3

RESOLUTION TO JOIN AMICUS BRIEF

A Resolution approving participation in a Friend of the Court (Amicus) Brief on the authority of municipalities to set standards above state mandated minimum standards and against unconstitutional restrictions on local control.

WHEREAS, the Missouri Supreme Court has before it two cases concerning the authority of local governments to set standards appropriate for their communities on matters of local concern; and

WHEREAS, recent circuit court rulings in St. Louis and Kansas City have placed limits on that authority; and

WHEREAS, the City believes that while state government has an important role in setting minimum standards for Missouri's citizens, local governments should be allowed to build upon and improve upon those standards to meet local needs; and

WHEREAS, because municipalities vary in size and demographics, there is no one size fits all approach that meets the needs of every different municipality in Missouri; and

WHEREAS, the City believes it is best positioned to determine policies that best meets the needs of its citizens; and

NOW THEREFORE BE IT RESOLVED:

The City Council approves the City's participation in pending litigation in the Missouri Supreme Court in cases arising out of St. Louis and Kansas City, and authorizes Counsel from the Saint Louis University Legal Clinic and other private counsel who provide legal assistance to the Legal Clinic to file amicus briefs in those cases under the City's name and on the City's

behalf arguing in favor of the authority of local governments to set standards higher than state minimums and against unconstitutional restrictions on local control.

The City Attorney will coordinate with Counsel from the Saint Louis University Legal Clinic and other private counsel who are providing legal assistance at no charge to the City in preparation of briefs for the Missouri Supreme Court.

The City Attorney will keep the City Council appraised of all developments and arguments in the pending litigation.

PASSED AND APPROVED THIS ____ DAY OF FEBRUARY, 2016

Shelley Welsch, Mayor

Attest:

Joyce Pumm, City Clerk

RESOLUTION 2016 – 4

WHEREAS, the City Charter allows the Council “to reject any and all bids”; and

WHEREAS, the City staff presents all bids to Council; and

WHEREAS, the City staff recommends the lowest responsible bid; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF UNIVERSITY CITY will use the following guidelines for evaluating bids:

1. Council reserves the right to reject any and all bids
2. In most cases Council will accept the lowest responsible bid
3. Council may use additional criteria to consider any and all bids within 1% of the lowest responsible bid.

Passed and adopted by the City Council of the City of University City, Missouri this day of , 2016.

Shelley Welsch, Mayor

ATTEST:

Joyce Pumm, City Clerk