



MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**March 14, 2016**  
**6:30 p.m.**

**A. MEETING CALLED TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF AGENDA**

**D. PROCLAMATIONS**

**E. APPROVAL OF MINUTES**

1. February 22, 2016 Regular Session minutes

**F. APPOINTMENTS**

1. Linda Locke is nominated for reappointment to the Plan Commission by Councilmember Glickert.

**G. SWEARING IN**

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

**I. PUBLIC HEARINGS**

1. Text amendment to the Zoning Code

**J. CONSENT AGENDA**

**K. CITY MANAGER'S REPORT**

1. Approval to award the contract for the City Hall HVAC upgrades to American Boiler and Mechanical in the amount of \$149,860.  
*VOTE REQUIRED*
2. Approval to increase the fees and charges for Ruth Park Golf Course beginning April 1, 2016.  
*VOTE REQUIRED*
3. Approval to award to Erb Equipment the purchase of an Out-Front Mower for the amount of \$26,796.52.  
*VOTE REQUIRED*
4. Approval of additional funds from the Reserves in the amount of \$1,972,000.00 needed to address the environmental issues of the Police Department Annex.  
*VOTE REQUIRED*
5. Approval of new Police Facility building  
*VOTE REQUIRED*

**L. UNFINISHED BUSINESS**

*BILLS*

1. **BILL 9283** - An ordinance amending Schedule VII, Table VII-A – Stop Intersections, Chapter 300 Traffic Code of the University City Municipal Code, to revise traffic regulation as provided herein.
  
2. **BILL 9284** - An ordinance amending Article II. Definitions, Section 400.030 and Article V. Supplementary Regulations, Section 400.1460 of the Zoning Code of the City of University City; providing an effective date: and declaring an emergency.

**M. NEW BUSINESS**

*RESOLUTIONS*

*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. Roll-Call vote to go into a Closed Council Session according to RSMo 610.021 (1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.**

**R. ADJOURNMENT**

MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**February 22, 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, February 8, 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.

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 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.

**C. APPROVAL OF AGENDA**

Councilmember Sharpe moved to approve the agenda as presented and the motion was seconded by Councilmember Jennings.

Councilmember Kraft requested that the motion be amended to permit Resolution 2016-5 to be heard after Approval of the Minutes. The motion was seconded by Councilmember Glickert.

Voice vote on the motion to amend carried unanimously

**D. PROCLAMATIONS**

**E. APPROVAL OF MINUTES**

1. February 8, 2016 Study Session minutes were moved for approval by Councilmember Glickert, seconded by Councilmember Jennings and the motion carried unanimously.
2. February 8, 2016 Regular Session minutes were moved for approval by Councilmember Jennings, seconded by Councilmember Sharpe and the motion carried unanimously.

**RESOLUTION UNDER NEW BUSINESS MOVED TO THIS POINT OF THE AGENDA**

*Introduced by Councilmember Kraft*

**RESOLUTION 2016 – 5** A resolution on maintaining the Loop’s success. Requested by Councilmembers Kraft and seconded by Councilmember Carr.

Point of Information: Councilmember Carr stated that she received an email from a constituent and asked that she be allowed to read it into the record after Citizens’ Comments. Mayor Welsch stated that it would be allowed, if it was within the five-minute time limit.

Mayor Welsch stated that the name of the restaurant related to this item is Market Pub House, however the resolution states Market in the Loop, which refers to the market as a whole. She asked to amend the resolution and insert the right entity. Councilmember Kraft stated while he had no problem with such an amendment, he does think that there is some confusion about the name. The motion to amend to reflect the restaurant’s actual name was seconded by Councilmember Glickert.

Voice vote on the amendment to insert Market Pub House as the name of the restaurant identified in the resolution, carried unanimously.

Citizens' Comments

**Margaret Johnson, 7509 Gannon Ave.**

Ms. Johnson noted that when she was a guest on KMOX radio the owner of the Soulard Social House called in and said that he and John Racanelli had formed a partnership with opening of Social House II. She stated that this is now a new business, under new ownership and should not be allowed to use the liquor license issued to the Market Pub House.

**Ed Schmidt, 819 Jackson Ave.**

Mr. Schmidt was opposed to Social House II and requested Council to vote against its opening in the Loop. He noted that his son’s business shares a parking lot with the Soulard location and in five years he has witnessed five murders, drug dealing and prostitution.

**Laura Kipnis, 585 Stratford Ave.**

Ms. Kipnis said the Loop is a family-friendly area and the business model for the Social House is not compatible with that characteristic. She asked the City to a ordinance that would prevent this restaurant or any similar business from opening in U City.

**Kathleen O'Brien, 533 Warren**

Ms. O'Brien was opposed to the opening of Social House II in the Loop and asked Council to make sure that an institution like this does not open in anywhere in U City.

**Marcy Brodsky, 564 Stratford Ave.**

Ms. Brodsky mirrored the previous comments and asked Council to take whatever measures available to keep this restaurant from opening in the Loop.

**Eileen McLaughlin, 6640 Delmar Blvd.**

Ms. McLaughlin, Director of Craft Alliance, stated they were opposed to the opening of Social House II, located directly across the street. She noted that Craft Alliance has invested years in establishing a welcoming diverse art center that serves people of all ages and walks of life. She said that RSMo 57352815 prohibits sexually-oriented business from operating within 1000 feet of a public library and places of worship. She was certain the opening of the restaurant would have a disastrous impact on their ability to operate at this location.

**Joe Edwards, 6504 Delmar Blvd.**

Mr. Edwards, President of the Loop Special Business District, stated that Loop merchants wondered why John Racenelli did not present this concept to the district like he did when he wanted support for his pizza house. Mr. Edwards stated that Mr. Wald, the owner of the building, should terminate Mr. Racenelli's lease sooner than later and part ways now. He noted that the Loop has been designated as one of the ten great streets in America and they are striving to keep it that way.

**Bart Stewart, 714 Harvard**

Mr. Stewart was glad that Council is taking time to listen to the public on this issue and hoped that going forward; this body will listen to the public they represent.

**Rev. Johanna Wagner, 6800 Washington Ave.**

Rev. Wagner supported the position expressed by Craft Alliance. She noted this was a public health issue and is why the state has chosen to regulate the location of businesses like this. Rev. Wagner said that this is an opportunity for local government to think about communities in a holistic way and take action to protect the most vulnerable, the children.

**Gary Nelling, 850 McWhorter Ave**

His letter read by Councilmember Carr and is attached to end of minutes

Mr. Nelling stated that he and his wife are opposed to the restaurant especially in the Loop which is emblematic of our City.

Councilmember Kraft stated the reason residents do not want this establishment in the Loop have been fairly clearly stated. The question is what can Council do tonight? He believed that there are two approaches.

First, standing up loudly and clearly saying we don't want you here in U City, because it impacts businesses in the Loop and the citizens showing up and making it clear that they do not want this restaurant here, should send a message. He stated that Council has talked with staff about the City's ordinances; if they need to be more strenuous, but the process involves going to the Plan Commission first.

Secondly, this restaurant needs a liquor license and he did not see this Council granting a license to this establishment. He said tonight was not about the legal argument but rather it was about all of us saying that we do not want that establishment here in U City

Councilmember Glickert asked Mr. Walker if the Plan Commission was scheduled to have meeting this week in reference to this subject. Mr. Walker stated that it was, and his belief is that there will be an amendment to the Municipal Code to address this particular issue. Several permits would be required for this type of establishment; a liquor license, commercial occupancy permit, business license and a sign permit.

Councilmember Crow thanked his colleagues for bringing this resolution forward and thanked the speakers for their involvement. It is clear that this body does not want this business here, and the need to look at what really needs to be done to protect the current establishments.

Mayor Welsch said is clear the Council is in agreement on this issue and called for a vote of the Council.

Roll Call Vote:

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

**NAYS:**

At the request of some in attendance Mayor Welsch read the resolution.

*"Resolution 2016-5. Whereas, the U City Loop has overcome many challenges over the last three decades to become a popular, diverse and successful district; and Whereas, the business owners, the citizens of U City, and the members of this Council support the continued success of the Loop; and Whereas, the city and the members of Council have received no notice that a new business is proposed for the space known as the Market Pub House, but have seen coverage from social media that an establishment featuring nudity and serving alcohol is being considered for that space. Now Therefore Be it Resolved that this Council asks building owner, Dan Wald, and business owner John Racanelli, to not open a business featuring nudity and alcohol in the Loop, and furthermore, Council asks the City Manager to take any necessary legal action to prevent this establishment from opening in the Loop. Passed and adopted by the City Council of the City of University City, this twenty-second day of February, 2016."*

## **F. APPOINTMENTS**

## **G. SWEARING IN**

1. Robyn Williams and Brendan O'Brien were sworn in to the Economic Development Retail Sales Tax Board in the City Clerk's office.
2. Derek Heiderman was sworn in to the Traffic Commission in the City Clerk's office

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

### **Linda Fried, 7623 Stanford, University City, MO**

Ms. Fried stated that a house on Delmar displays two signs, one for Bernie Sanders, whose priority is the need to remove money from politics, and the other for Terry Crow, and found it ironic that these signs should be together. She then expressed her views regarding the four candidates supported by Councilmember Crow and Councilmember Carr during the 2014 elections. Those candidates received upwards of \$55,000 from three different Firefighter Union PACs. She expressed concern about the impact of such money on the current election. She stated that it is a sad time for U City, once renowned for being a progressive and intellectually- advanced center.

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

Mr. Jennings stated that it has been brought to his attention that the Annex building was condemned. He said that this city has wasted money on shredded logs at Heman Park, bond issues that have failed and should be taking care of the police that are taking care of us.

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

Mr. Hales stated that he received less than \$4,000 from the Firefighter's Union, and Jan Adams received \$2,000. He said the real issue is that the firefighters did not support the Mayor's candidate. A bigger question is the city would not have had to make a settlement agreement had the City Manager followed the recommendation of the Civil Service Board. He then expressed concerns about the condemnation of the Annex building, noting that the City of Clayton just renovated a 65,000 square foot old building for \$20 million dollars. Mr. Hales said the Council knew this building was a problem, no action was taken, and now you want the residents to foot the bill for the neglect.

**Jen Jensen, 706 Pennsylvania, University City, MO**

Ms. Jensen brought copies of the Sutter-Meyer newsletter for everyone, and provided a brief history of the Sutter-Meyer property. She thanked City administration for their support and invited Council to join the society at the Sutter-Meyer farmhouse, which was built in 1873.

**I. PUBLIC HEARINGS**

**J. CONSENT AGENDA**

**K. CITY MANAGER'S REPORT**

**1. Presentation of the DRAFT 2017 University City Budget.**

Mr. Walker gave a PowerPoint presenting the draft budget for the 2017 fiscal year, commencing July 1, 2016, and ending June 30, 2017. The budget was presented in the latter part of February to provide Council an opportunity to deliberate until its final adoption in June. Staff has held three public meetings to obtain input. Following submission of the draft budget tonight there will be two more public meetings, and subsequent revisions to the document.

**Budget Influences**

- No Sales Tax Increases
- Partnering with U City School District and local business for funding for a youth program
- Hired a part-time Senior Coordinator to provide assistance to the Senior's Commission
- Funding to U City In Bloom
- Funding for The Chamber of Commerce
- Funding for Fair U City
- Increased funding to upgrade aging city-owned buildings

**Budget Challenges**

- Declining population (5%)
  - ✓ More housing units
  - ✓ Smaller household size
- Increase in residential property assessed value
- Aging infrastructure
  - ✓ Streets, sidewalks and curbs
  - ✓ ADA compliance
  - ✓ Forestry maintenance
- Sales tax
  - ✓ Bill HB-1561 (cap on pool tax system to 50% will equal reduction in review)

- ❖ The proposed budget for this year represents a balanced budget with a modest surplus.
- ❖ Proposed 2% cost of living increase for all full-time employees
- ❖ Expenditure increases with respect to benefits

### Revenues

- Sales taxes (*in excess of 26% of revenues*)
- Gross receipts taxes

### Expenditures

- Police/Fire (*equals 50%*)
  
- ❖ Revenues continue to be flat and expenditures continue to increase

### Employees

- Decreased over the last six years
  - ✓ 2008 (307)
  - ✓ 2015 (264)

### Residential Property Tax Bill

- On \$100 the City collects 8 1/2 percent
- 70% goes to U City and Special School Districts
  
- ❖ If your house is worth \$75,000, your tax bill would be approximately \$1,200.
- ❖ U City receives \$104; the School District receives \$725; the Special School District receives \$176.

Mr. Walker stated that the budget will be posted on the City website tomorrow, and copies will be distributed to Council and candidates.

2. Approval to award the sanitary sewer lateral repairs' contract to Labib S. Wajih for \$112,598.

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

The power point presentation can be found at the end of these minutes.

### Citizen's Comment

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

Mr. Hales stated that he was pleased that the City had gone away from a giant contract to one contractor for the sewer laterals. He stated that he had used the program two or three times and had an excellent experience with City staff. The contractor recommended by staff performed the sewer lateral work at his mother's house for \$11,000 when he just had a more difficult sewer lateral job done for \$3,000. His hope is that Council asks questions about how the process works to ensure that taxpayers are getting a good value, because he thinks that the individual bid process was a much better system.

3. Approval to award the Ruth Park Driving Range improvements to Munie Greencare Professionals for \$174,186.70.

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

Councilmember Kraft stated that he has been the liaison to the Park Commission for a number of years, and these meetings have now turned into meetings of the golf commission to some  
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extent, because the issues on the driving range have been a recurring issue for discussion. The commission's recommendation is to build the berm and fix the driving range. Therefore, he would ask that the motion be amended to utilize the Economy Version Bid A, submitted by Munie Greencare Professionals, at a cost of \$346,000. The motion was seconded by Councilmember Glickert.

Councilmember Kraft stated that if the City is going to have the driving range at all, it should be fixed. There is \$230,000 left in the budget, so if the project is completed in one step, it will only cost \$114,000 to build the berm, and the remaining balance can be used to fix the driving range. The City would be over-budget by \$130,000; the economy version actually pares down the cost when both projects are completed at the same time. Councilmember Kraft stated that he is not against the berm-only proposal but would be easier to get it all done and move on.

Councilmember Glickert stated that what caught his eye is how much the commission strongly recommended that Council approve Base Bid A. He stated that although he would agree with Councilmember Kraft's assessment for the need to complete the entire project, based on his experience at the range, and his review of Bid A, he would suggest that the expanded and short game practice tees be removed from the project. This removal would reduce the cost by roughly \$18,000. Councilmember Glickert made a motion to remove the expanded and short game practice tees from Base Bid A and was seconded by Councilmember Kraft.

Voice vote on Councilmember Glickert's motion to remove the practice tees, carried unanimously.

Councilmember Carr expressed the following concerns:

- a) That a portion of the \$300,000 previously set aside to address conditions at the driving range have now been appropriated towards the settlement agreement with Dr. Shuman, in spite of the fact that the Plan Commission recommended that the funds to satisfy the settlement agreement come from other sources, other than the parks and storm water tax funds, as opposed to some planned improvement.
- b) The lights from the driving range have disappeared, in spite of the fact that the settlement states that they should simply be lowered.

Councilmember Carr stated that until the driving range was installed, the golf course was not profitable. Now it brings in money. She is uncomfortable with the fact that that the money designated to improve the driving range is now being used for the berm.

Councilmember Crow questioned whether it was typical for the consultant's fee to represent 20% of the budget? Sinan Alpaslan, Director of Public Works and Parks, stated that 15 percent is the norm for a design contract however, this contract also includes construction engineering services to ensure that the berm is installed to its correct elevations and that compaction tests are taken on the soil. He stated that the City received a very low bid for this project, which included the percentage of the design services agreement within the construction costs. Councilmember Crow asked Mr. Alpaslan if he was comfortable with the 20 percent. Mr. Alpaslan stated that the 20 percent would be reduced based on the fact that \$15,000 for the lighting portion of the design has been eliminated. Councilmember Crow asked if the lights were being eliminated. Mr. Alpaslan stated that the plan is to remove the 30-foot pole lights at the beginning of the construction project.

Councilmember Kraft stated that the reason the Park Commission made this recommendation is because they realized that there was not going to be an answer that was going to make everybody happy. This is not about rearguing whether the driving range should have ever been built or why it was losing so much money, or that the driving range does not enhance the golf course, it's about finding a compromise that works.

Voice vote on Councilmember Kraft's motion to amend the motion to accept Economy Version Bid carried by a majority, with a Nay vote by Mayor Welsch.

### Citizen's Comments

#### **Ed Mass, 8360 Cornell Avenue, University City, MO**

Mr. Mass, Chair of the Park Commission, stated that Council is in receipt of a spreadsheet that he put together to help illustrate the various options available. He stated that City staff has done a very inadequate job of presenting the opportunities that are available to satisfy the settlement costs, as well as problems, and enhancements to the driving range, which was the original goal of the Park Commission. As a point of information, Mr. Mass noted that there was no need for Council to make the second amendment, because the first amendment of \$346,000 did not include the practice tees. So the total repairs and enhancements with the short game practice area; which is very much needed, and the settlement costs, can all be accomplished for the original budgeted amount of \$300,000, plus an additional \$186,000 from next year's budget. This could be taken out of the park and storm water sales tax fund, which the Park Commission voted to do. He stated that all of this could be done now, by borrowing the \$186,000 from reserves, interest-free, making it a very short-term loan because the sales tax funds come in on a regular basis.

Mr. Mass stated that the City never provided a bid to replace the 30- foot pole lights with four 20 foot poles and multiple lights, thereby forfeiting the opportunity to obtain the design for free.

Mr. Mass stated that he received an email from a resident, who expressed his desire to keep the lights, because it would be a shame to diminish such a jewel of U City. He stated that 70% of the revenue from the driving range comes from outside the community.

Councilmember Crow asked Mr. Mass whether it is his belief that this amendment gets everyone to a common ground. Mr. Mass stated that although he appreciated Councilmember Kraft's amendment, what he was proposing is that Council takes this project further, because the attitude of the Park Commission is that the city should make this a greater benefit for the community. So at a minimum, his hope is that Council will pass the combination of the driving range and berm.

Councilmember Glickert noted that the undulations in the driving range cause havoc with the ball retriever.

Councilmember Carr stated that now that Council is looking at amendments to the driving range making it more amenable for her to approve. However, she is not amenable to removal of the lights or supporting a settlement, which in her opinion, is illegitimate, because Council did not vote on it. *(Councilmember Carr read the motion made by Councilmember Glickert on November 24, 2014, and an email from Mr. Walker, into the record.)* She stated that the settlement was in excess of \$125,000, \$180,000 is going to construct the berm, and there is an additional \$25,000 payout that did not go to settle attorney's fees. Councilmember Carr asked that all of the documents presented, including the settlement, be included in the record.

Councilmember Kraft stated that the City settles matters on a regular basis without a vote of Council, but this is a compromise, so his hope is that it will pass.

Councilmember Carr stated that she is going to vote in favor of the award, because she wants to see the improvements that were originally scheduled to be made. However, she would like the claim of what actually happened regarding the vote, to become a part of the record.

Councilmember Crow stated that he would also support this award, but could not agree more with the comments made by Councilmember Carr, that the settlement, as it was entered into, was not approved by Council.

Mayor Welsch stated that she does not think the City can afford to put more money into this golf course, and that Council should approve staff's recommendation for Plan B. She stated that she is not aware of whether the oldest tree in the city has been lost at the golf course, because of the driving range, but when it is taken down, a massive amount of work will be needed to deal with drainage on the course. Therefore staff should begin to execute a comprehensive long-term plan for the drainage, and apply for municipal park grant funds to cover the costs. The Mayor said she thinks it is irresponsible to spend this much more money on this driving range, when the City has an extremely tight budget, when we can only give employees a 2% raise for the third or fourth year in a row, when the pension plan is underfunded, and the costs of benefits is increasing. Mayor Welsch stated that she has received complaints from the public about the Park Commission's concentrated focus on the golf course, when there are so many parks that need attention – for instance Greensfelder Park in the northwest corner of the City, which could use a track, exercise equipment and other attention. . So if the City is going to keep this driving range, the repairs should be executed in a manner that eliminates the need to keep coming back to this community for more money.

Councilmember Jennings stated that with all due respect to the Park Commission and the golfers who come to Ruth Park, he is in favor of taking staff's recommendations. He stated that some contracts have been renegotiated or eliminated, so the goal should be to make the driving range profitable the way that it is, and use that money to help pay for any improvements.

Councilmember Sharpe asked Mr. Walker for his opinion regarding the additional money required to fulfill this amendment. Mr. Walker stated that he stands behind staff's recommendation, which is consistent with the City's financial situation. As the Mayor and Councilmember Jennings have indicated, there are many priorities, and when staff does anything related to the finances of the City, it's a matter of determining what is most important. Councilmember Sharpe questioned whether this amendment, which in his opinion, represents a substantial change, and so should not be voted on tonight... Mayor Welsch stated that she believed this is a substantial change. Mr. Walker stated that while it is a substantial change, he is not sure that a delay would add anything to the discussion and that Council should make a decision tonight.

Roll Call Vote on the Amendment Was:

**Ayes:** Councilmembers Carr, Kraft, Crow and Glickert

**Nays:** Councilmembers Sharpe, and Jennings and Mayor Welsch.

## **L. UNFINISHED BUSINESS**

### *BILLS*

1. **BILL 9283** - An ordinance amending Schedule VII, Table VII-A – Stop Intersections, Chapter 300 Traffic Code of the University City Municipal Code, to revise traffic regulation as provided herein. Bill 9283 was read for the first time.

## **M. NEW BUSINESS**

*Introduced by Councilmember Glickert*

**BILL 9283** – An ordinance amending Schedule VII, Table VII-A – Stop Intersections, Chapter 300 Traffic Code of the University City Municipal Code, to revise traffic regulation as provided herein.

Bill 9283 had its first reading.

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

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

Mr. Fitz expressed his concerns about the recent condemnation of the Annex building. He thought that it was a coincidence that the condemnation occurred six weeks before Proposition H, to preserve historic buildings, was to be on the April 5 ballot. Council is using this to circumvent an open and fair discussion concerning Proposition H.

**Leif Johnson, 836 Barkley Square, University City, MO**

Mr. Johnson stated he believes that in the near future there are going to be three major bond issues on the agenda; streets, police station and pensions. He provided his concerns with respect to the City's fiscal irresponsibility with respect to all three issues, leading the public to accept another bond issue.

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

Mr. Hales noted talk about budget priorities, since the previous Public Works Director talked about how the City should be spending \$1.2 million dollars a year on streets and sidewalks, yet nothing has been done. He asked what happened to the \$4.5 million dollars of surplus over the last two years.

Mr. Hales stated he brought up the issue about the possibility of Gateway sending one or more of BLS ambulances to respond to an accident in U City, with no paramedic staff on the backup ambulances. If taxpayers are not getting the quality and caliber of service that they should be, it's incumbent upon all seven members of this Council to look into it.

**Greg Pace, 7171 Westmoreland, University City, MO**

Mr. Pace humorously stated that he would become healthier, as previously suggested, when walking to Social House II, III, IV etc.

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

Mr. Stewart expressed his concerns regarding the condemnation of the Annex and implored Council to listen to their constituents and to those that will surely be heard when Proposition H passes in April. He spoke on the petitions for recall.

**Carol Wofsey, 7171 Kingsbury, University City, MO**

Ms. Wofsey stated that she and Councilmember Crow are in the midst of a hotly- contested race for the 1st Ward position of Councilmember. She noted that she did not authorize the previous statement made by Ms. Fried. Ms. Wofsey stated that it was implied that Councilmember Crow had taken money from the Firefighters' Union and that was not true.

**O. COUNCIL REPORTS/BUSINESS**

**1. Boards and Commission appointments needed**

Mayor Welsch made the appointments that were needed

**2. Council liaison reports on Boards and Commissions**

Councilmember Kraft stated while there is no doubt that pensions are underfunded, the statement made earlier that there were zero contributions for fire and police pensions is incorrect. The fire and police pensions get about \$900,000 a year as a direct contribution from a special tax, and the additional contributions that show up on the budget come from general funds to make up the shortfall. He hoped to talk with some of the City's outside consultants about ways to fix the plans.

Councilmember Carr stated that the oak tree had been removed at the golf course so a full plan can now be developed.

Mayor Welsch stated that it was sad the oak tree had to be removed, as it was one of the City's oldest trees. Its demise came from the effects related to the driving range, a change in  
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the flow of the water, and the removal of protective vegetation.

3. Boards, Commissions and Task Force minutes

4. Other Discussions/Business

- **Police Department location – emergency situation. Requested by Councilmembers Carr and Crow**

Councilmember Carr stated that Council had received an email from Ms. Riganti, informing them that the police Annex is uninhabitable, condemned, and that it will take three months to move the employees out of the building. She stated that as she views this, there are two issues:

- a) The current habitability of the Annex for the City's employees.
- b) Whether the building could be renovated.

She stated that nobody told her when she found out that because she had to do some tuck pointing or that her electricity had to be upgraded; that she would need to tear down her house and believed the same would be true of the Annex.

When she was first elected to Council she asked that money be put aside to look at the annex, and the next year she asked that even more money be put aside to look at the interior. An RFQ was solicited but no one was selected. A year ago the City decided to use the set aside money to obtain a police facility analysis. The analysis identified the fact that there was mold and asbestos, and at that time she put a remediation plan on the agenda, for which \$500,000 was allocated. She stated that what has happened is neglect, and that this discussion needs to be public.

Councilmember Carr stated that she received a letter of resignation from the Building Commissioner, which said, in part, that he was resigning because there was no real urgency to remove policemen out of what he considered an unsafe environment. She stated that it's also her understanding that there was a memo sent on the first of February, from the Facilities Manager, which she would like to receive a copy of, along with a copy of Notice of Condemnation. She stated residents want to know how we are going to handle this.

1. What are the alternatives to relocating the police?
2. Why is the city refusing to recognize the historical importance of this building?

Mr. Walker stated that the City's prisoners cannot be transported to the county jail, because there are too many practical difficulties identified by the Police Chief. Any alternatives will have to require that a jail be on-site. He listed current options as:

1. Remediate some of the issues in the existing facility. \$500,000 has been allocated for this option.
2. Looking for a vacant building to accommodate the police department, which currently occupies approximately 30,000 square feet?
3. Looking at the utilization of modular units.

Mr. Walker stated that with respect to timing, it is a relatively complex issue. Not only are you looking at office space, you're looking at equipment, a jail, storage, and there are security issues associated with being able to accomplish all of that. Staff put a timeframe of perhaps, three months, but obviously, the hope is that it can be done much sooner.

Councilmember Carr asked Mr. Walker who told him that the prisoners could not be transported to the county jail? Mr. Walker stated that the Police Chief has indicated that it would be impractical. Councilmember Carr asked if the County had rejected a request from the City. Mr. Walker stated that they had not.

Councilmember Carr asked if the Heman Park Community Center or Delmar-Harvard have been considered as options. Mr. Walker stated that his belief is that this is covered under one of his previous alternatives, which staff is diligently working on.

Councilmember Crow asked that he continue to keep Council advised on this issue. It was a surprise that to find out that staff condemned one of its own buildings. Councilmember Crow requested copies of the reports mentioned by Councilmember Carr, and asked that they be provided as soon as possible, since public safety is their number one concern.

Councilmember Jennings stated that the City ought to be ashamed. This is a forty- year- old problem and there have been plenty of opportunities to address this. We have officers that are leaving for a safer environment and some who won't even consider coming to U City, because other cities have brand new facilities. He stated that his fear is that this is going to develop into a political issue, rather than a public safety issue. While there is no talk about demolishing the Annex, so at best, it can be repurposed, but not as a police station, because it will not meet the requirements of Senate Bill 5.

Councilmember Glickert asked Mr. Walker if his intent is to set up a Study Session, with all of the parties. Mr. Walker stated that one would be established once staff has more information.

Councilmember Carr suggested that Council give consideration to increasing the amount of money set aside to perform repairs. She stated that she does not believe that she is going to allow this building to sit there and deteriorate. She has read where they have taken older buildings, built a box inside, and made a spectacular new police station.

Mayor Welsch reiterated the fact that no one is talking about demolishing the Annex and that no decision has been made behind closed doors on anything. She stated that Mr. Walker has advised Council that he will be bringing a recommendation from staff, at which time there will be a Study Session to discuss that recommendation. If you look at budgets going back as far as 1980, you will see that there have been few or no funds put into the renovation of this police department facility. However, this is the Council that elected to take \$7 million dollars out of reserves to set aside for the police department, and put \$500,000 towards an analysis and renovation work. The Mayor stated that what happens, as most architects know, is that sometimes after you get into a building and discover conditions are worse than originally thought. Council knew the conditions were bad, but thought they could make enough repairs to maintain staff at this location. Now it seems as though that is not the case. Mayor Welsch stated that when ABC Network News in Washington moved its bureau, just to complete the wiring took five or six months. Her hope is that this remedy will occur in three months, as it is the only responsible thing to do. Mayor Welsch stated that she also wished that everyone would stop comparing this 106- year- old annex to the Clayton building. This is a very, very different situation.

- **Ambulance Calls - December 13, 2015. Requested by Councilmembers Carr and Crow**

Councilmember Carr stated that she asked for the December 13, 2015 Incident Report involving a Gateway ambulances. She followed up with the same request and what she received was a long litany from the Chief of Police that said they were too busy to take care of her request. Mr. Walker then sent her email to the entire Council and said that he would not provide this information to Councilmember Carr, unless Council voted to allow her to have it. The Charter states that the purpose of inquiry is the right of each member of Council. *(Councilmember Carr read a portion of the Charter; Interference, Chapter C, Article II, Section 12, into the record.)*

Councilmember Carr read Mr. Walker's response to Ms. Ricci, of March 15, 2010, when she complained about the City Manager, Julie Feier, refusing to provide her with access to the City Attorney. *"To Mayor Welsch, have you seen this from Julie Feier to Lynn Ricci? It's insubordination and should be added to the list of actions to justify termination for just cause."* She is entitled to this information and it should be provided to her.

Councilmember Carr stated that she also received notice from a constituent that there was another call that came in last week, in which there was a tragic outcome that she is also seeking to obtain information about.

Councilmember Crow stated that his colleagues need to understand that they have lost the trust and confidence of so many people in this community. When roadblocks are being created a public safety request, it certainly does nothing to regain peoples' confidence. The last thing this Council and this administration need to be doing is hiding information from its citizens.

Councilmember Jennings stated that just because Councilmember Crow has implied that Council has lost the trust of the people, does not make it so. Should Gateway's high caliber of service be publicized? He noted that he has heard several instances where residents have said that Gateway did a wonderful job. He stated that he also thinks his colleagues are being disingenuous when they fail to disclose all of the facts. The Chief's statement was based on the amount of man hours that it would take to obtain all of this data.

Councilmember Kraft stated that although he is sympathetic to his colleagues' concerns about inquiry, he had not encountered any problems when searching to find answers related to this incident. What he learned was that it was an unusual situation, almost unprecedented. U City had seven calls in a 28 minute period for ambulances, and six of those calls were answered by full paramedic, Level 1, trauma ambulances. The seventh call was answered by a BLS ambulance. The system worked. It was triaged, the patient was evaluated by a paramedic, it was determined that they did not need advanced life support, and was transported to the ER for further evaluation. There is no question that when you deal with emergency services they can get overwhelmed. On the other hand, responding with seven calls in 28 minutes, it is hard to imagine that even with outside mutual aid, we could have done much better.

Councilmember Kraft stated that he also talked to the Medical Director at Gateway, who felt that the system worked; that all of the entities worked together well; did their jobs professionally and people were well treated. Gateway has made it clear that if there is any ambulance, whether it's advanced or a basic life support, there is no reason why an additional paramedic cannot assist. He stated that there are protocol issues that can be improved, but as you talk to the emergency room doctors the issues really revolve around the fact that there are so many different protocols, and so many different organizations responding to calls, it is difficult.

Councilmember Kraft stated that in his opinion, responding to seven calls in 28 minutes is really an exemplary performance, and is beyond what a two ambulance organization would normally be able to handle.

Councilmember Carr stated that the subject noted on the Chief's email was "*Process for Retrieving Police and Fire Calls for Service Information*," because that is what Mr. Walker asked him. At the end, the Chief wrote, "*Due to numerous other duties, both deadlines and unexpected concerns requiring immediate attention, time-consuming projects such as these, cannot be accomplished at an expedient rate without ignoring other important duties.*" Councilmember Carr stated that she waited for a month, when all she needed to know was when the information would be delivered. She said she received some self-generated reports from Gateway, and while she would like to trust them, the skepticism has been earned.

Councilmember Carr stated that she ran into Captain Jackson, who she learned was in possession of data that had not been provided to her, that she had prepared for Chief Long, almost instantaneously. So the reason Councilmember Kraft was able to tell everyone what happened, is because he got the information. She had asked for it, and was refused. Councilmember Carr stated that she is still expecting this information, a date when it will be delivered, and an answer to the email sent on Friday regarding another incident. Once that happens, she will be happy to offer praise, if the facts demonstrate that this system is working.

Mayor Welsch stated that she would like to go on record and say that no one is violating the Charter, and no one is saying that any member of Council does not have the right of inquiry. What s Council has to acknowledge is that the City Manager based his decision on the time that it would take for his staff to fulfill this request. So he made a management decision and was asking the full Council for further guidance. The Council cannot direct the work of employees. Mayor Welsch stated that Council has not told the City Manager to respond to the request..

**P. COUNCIL COMMENTS**

Councilmember Glickert announced that the police department has new cars coming on board, that he believes will enhance U City's appearance - four SUV(s) and a couple of Ford Taurus'. He then offered his congratulations to everyone involved in the Lunar 2016 festivities.

Councilmember Carr read the letter of Andrew Roberts, 940 Alanson Drive, into the record. *"The Mayor continues to violate my right to speak for what seems to be personal reasons. Over the past months my statements to Council have grown increasingly hostile. But for that, I offer no apology. We have the right to speak freely, with certain exceptions. None of those exceptions require that we hide our anger, mince our words or speak in a polite tone. We are not required to be inoffensive, and our rights are not bound by Robert's Rules of Order." (Mr. Roberts' entire letter was made a part of the record.)*

Councilmember Crow stated that once again, he was amazed that Councilmember Kraft was able to answer every question which Councilmember Carr has been requesting. So the divergence in level of service to individual members of Council is astonishing. Councilmember Crow thanked Ms. Wofsey and stated that he looks forward to the same level of professional conversation that they had four years ago, in the upcoming election.

Councilmember Kraft stated that he had not obtained his information from the Chief of Police, nor had he interfered with any functions of staff.

**Q. ADJOURNMENT**

Mayor Shelley Welsch adjourned the meeting at 9:08 p.m.

Respectfully submitted,

Joyce Pumm  
City Clerk, MRCC/CMC



Testimony of Leif Johnson, 836 Barkley Square, U. City, 63130 February 22, 2016

Mayor and City Council, I see that on the near future agenda are three major bond issues. Streets, Police Station, Pensions.

**1. Streets.** The present budget allocated only \$140,000 for general streets and sidewalk repair. The City Engineer claims we need \$1.2 million every year for streets and sidewalk repair. So it looks like another \$20 million bond issue is just around the corner—together with a \$7 million price tag for borrowing that amount of money. Fiscal irresponsibility.

**2. Police Station.** The City conveniently condemned the Police Station and it has to move. Where do you move a police station to? The Moonrise Hotel? The Ritz Carleton? Relocate the jail facilities? Communications equipment? This could be very expensive. So it looks like we need a \$20 million bond issue for a new police station-- right away. Another \$7 million price tag. Fiscal irresponsibility.

**3.Pensions.** The last budget cut funding for non-uniformed workers to \$105,000 from \$228,000 the previous year, and slashed the Fire and Police contribution to zero—nothing—from the \$393,000 the previous year. So we are going the way of Illinois. Fiscal irresponsibility. If there is an economic downturn, the pension underfunding could be as much as \$20 million. Probably need a bond issue to fully fund the pension funds. Another \$7 million price tag.

Now, it may just be simple fiscal irresponsibility, or it could be a set-up to stampede the City Council and the public to accept a bond issue. There are bond dealers, lawyers, consultants, and bond holders who might well be pleased.

(City clerk: please enter this into the record as written.)

February 22, 2016

Helen and I are both strongly opposed to a restaurant such as Twin Peaks or Social House being allowed in University City, especially in the Loop, which is emblematic of our city. Whether by chance or by design, both the citizens and City government can be proud of attracting two new fine-dining establishments, Publico and Randolphi's, to the Loop, with no discredit to subsequent new-comers which we don't yet know personally. But this sort of achievement, as well as of other long-standing restaurants, retailers and entertainment venues would be put at risk were such a restaurant or restaurants to open. Many of us can recall the swift decline and downfall of Gaslight Square, which devolved from a nationally-known midwest Greenwich Village of restaurants and coffee houses offering national performers of jazz, folk and dixieland music, to a sorry version of itself after discotheques were established with girls in skimpy outfits or less dancing in suspended cages. It was enough to destroy the whole street atmosphere and class of patrons.

I understand that Dan Wald, the building owner, is reviewing his lease with the current tenant regarding limitations on use of the space for the next year until the lease lapses. But rather than leave him at risk and expense for legal debate, the City government could do him, and all of us, a great favor by reviewing and interpreting our nuisance zoning code restrictions or amending them to prohibit the sort of lewd behavior intended in these restaurants. For a change, I believe this is one sort of speedy legislation that the citizens would all appreciate. And then it may be a conversation you wish to have with all your commercial property owners to help them avoid a future invasion of the body watchers.

Sincerely  
Gary Nelling

Gary Nelling•Architect  
850 Warder Avenue  
St. Louis. MO 63130  
314•560•0006

Margaret Johnson

7509 Gannon Ave

February 22, 2016

I'm here to speak, again, against the new establishment proposed for 6655 Delmar. When I spoke last week my information was incorrect, and for that I apologize, but I was not alone in my confusion at that point. It is not a Twin Peaks Bar that is proposed, but our very own home grown Soulard Social House that wants to open a second Social House in the Loop.

This establishment would be an even worse tenant than Twin Peaks. I won't go into the details about the establishment itself, we have that information on a flyer we have distributed. What I want to get into the record is that I, along with Boo McLoughlin, Executive Director of Craft Alliance was on the Charlie Brennan radio show on KMOX last Wednesday, February 17. Nick Trupiano, the owner of Soulard Council House, refused to appear on the show, but he did call in. During this call he stated, on the record, that he and John Racanelli had formed a partnership to open a second Social House in the Loop. So, it's a new business with new ownership and should not be allowed in under a liquor license owned by the failed and closed previous business. If you need the record of his exact statement I am sure it is available from KMOX.

There is a house on Delmar which displays 2 signs: the first is for Bernie Sanders who's priority is the need to remove money from politics. Bernie rails against PACs and the influence big money has on elections and, of course, the effect of that money on votes made subsequently by its recipients. The second sign is for Terry Crow. That these signs should be together is ironic.

Four candidates whom Mr. Crow (and Ms Carr) supported during the campaign 2 years ago received upward of \$55,000 in contributions from 3 different Fire Fighter Union PACs, Professional Firefighters of Central St. Louis County, Professional Firefighters of Northwest St. Louis County, and U City Professional Firefighters Fund. Granted, \$55,000 is not much on a national scale, but for a small town such as ours, and compared with the sums other candidates received, it was significant. Add to that, the "in kind" received in man-hours from fire fighters for advising, canvassing, poll watching... it all added up. Can anyone wonder at the support the Firefighters' Union has received from Mr. Crow and Ms Carr? By the way, the net result of the election was that, in spite of the major differences in the amount of monies collected by candidates in all four elections, Mr. Crow's and Ms Carr's candidates all lost.

So now were back in election season. After years on the Council the two incumbent candidates, Mr. Crow and Ms Carr, have little to show but a record of very strong support for the Firefighters' Union and opposition to most everything else. I have yet to see any data on current contributions, however, I do have to wonder why a firefighter, the University City shop steward, sat in a car in front of my house during an event I held for David Heimos, who is running against Ms. Carr.

I also have to wonder about the Vice President of the firefighters' union appearing at an open forum with Mr. Crow and Ms. Carr where the focus of the conversation, I'm told, was outsourcing including, surprise, the outsourcing of firefighters jobs with the ambulance service.

Does this firefighter sitting in front of my house, and two members of Council appearing in a public forum with a firefighter involved in litigation against this City, mean that the firefighters are back in the race? Does it mean that we need, again, to be concerned about undue influence in our city by people – none of whom live here - with a definite agenda and who have succeeded, with fiction and misinformation, to instigate disagreement and antagonism among many of our citizens?

It really is a sad time for UCity – once renowned for being a progressive and intellectually-advanced center. But we shouldn't be too surprised. We seem to be a microcosm of the rest of the country. We have an unhappy minority with a strong outside financial support which unceasingly attacks others. Actual facts have been obscured in the wake of intense and unceasing misinformation.

And I continue to wonder...what was that firefighter doing sitting in front of my house????

February 22, 2016		
<b>Driving Range and Settlement Costs</b>		
Park Commission passed a resolution to do the whole Driving Range and settlement berm project for a total of:		\$ 376,000
Park Commission resolution included two components: 1) "Economy" version of Bid A	\$ 346,000	
Park Commission resolution included two components: 2) Short Game Practice Area added back in that staff had taken out	\$ 30,000	
Berm Cost for Settlement: Out of the \$346,000, at least \$114,000 is the berm. (Note that the Bid B to do the berm only is \$174,000. However, staff estimated this would be reduced to \$114,000 if it is part of the Bid A covering the entire project of the range and berm together.)		\$ 114,000
<b>Therefore, Driving Range Cost alone:</b>		<b>\$ 262,000</b>
Consultant Fee: Total consultant's fee is \$70,000. This is roughly split evenly for the driving range aspects and the berm aspects. One-half of consultant fee:		\$ 35,000
<b>Driving Range Cost with Consultant Fee</b> Note that this is the same amount as the \$300,000 budgeted in FY 2016 Park and Stormwater Sales Tax Fund for the driving range project.		<b>\$ 297,000</b>
Without the settlement, we could have left the lights as is and continued the night operation of the range, which is used by thousands of users. However, the settlement calls for replacing the current 2 tall poles of lights with 4 20-foot poles of lights. This cost was not included in the above total project cost. These new lights would cost \$30,000 - \$40,000.		\$ 40,000
<b>Driving Range Cost with Consultant Fee and Replacement Lights for Tee Area</b>		<b>\$ 337,000</b>
For an understanding of the costs related to the Settlement, they include the Berm plus Consultant Fee plus Replacement Lights (Note the amount shown to the right is already included in the total project cost numbers.)	\$ 189,000	
<b>Funding -</b> Park Commission passed a resolution to recommend taking the settlement costs out of funds other than the Parks and Stormwater Sales Tax Fund.		
<b>Scenario 1: Driving Range Costs only from Park and Stormwater Sales Tax Fund</b>		
FY 2016 already allocated		\$ 300,000
Consultant Fee for Driving Range only		\$ (35,000)
Remainder available		\$ 265,000
Driving Range Cost from above		\$ (262,000)
Surplus from allocated funds		\$ 3,000
<b>Scenario 1: Settlement Costs needed from other funds, from above</b>		<b>\$ (189,000)</b>
<b>Scenario 2: Summary of All costs for Driving Range and Settlement Items if they all come from the Park and Stormwater Sales Tax Fund</b>		
FY 2016 already allocated		\$ 300,000
Consultant Fee for Driving Range only		\$ (35,000)
Driving Range Cost from above		\$ (262,000)
Berm Cost from above		\$ (114,000)
Consultant Fee for Berm		\$ (35,000)
<b>If the replacement lights are not included then:</b>		
<b>To be allocated from FY 2017 Park and Stormwater Sales Tax Fund</b>		<b>\$ (146,000)</b>
Replacement Lights, if added back into the project		\$ (40,000)
<b>With Replacement Lights:</b>		
<b>To be allocated from FY 2017 Park and Stormwater Sales Tax Fund</b>		<b>\$ (186,000)</b>

February 22, 2016		
<b>Driving Range and Settlement Costs</b>		
<b>Perspective:</b>		
<p>The total driving range project, without the settlement costs, is about \$300,000. UCity has invested more than this amount of money into a park, such as Millar Park, for the UCity portion of matching funds.</p> <p>The driving range and golf course are the only profit making facilities in UCity. They make somewhere between \$72,000 - \$140,000 net profit based on two revenue/expense summaries from 2011 and 2015.</p>		
<p>Many other municipalities provide wonderful benefits to their residents in the form of recreation facilities that have indoor and outdoor extensive water slides and swimming amenities and more. The Driving Range and Golf Course are a differentiator of recreation for UCity residents. The Driving Range is used by families ranging from kids who can barely hold a golf club and on it. The Range is also used in school programs and camp programs. It would be nice if UCity had an attitude of wanting to enhance its resident benefits which also happen to add net profit from revenues.</p>		
<p>Just to be clear, the Park Commission did not recommend or approve to remove the lights except under one condition. They passed a resolution only to negotiate to remove the lights in exchange for not building the berm. Since apparently the berm is to be built then the offer to remove the lights is negated.</p>		

**MINUTES OF THE UNIVERSITY CITY COUNCIL  
CLOSED SESSION  
November 24, 2014**

The Council's Executive Session was called to order on November 24, 2014, in the second floor conference room of City Hall at 7:24 p.m. by Mayor Shelley Welsch according to RSMO 610.021 (1) legal actions, or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representative and its attorneys .

Roll Call vote of who was present::

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

Mr. Glickert moved to instruct the City Manager to meet with Dr. Schuman and his attorney with the following additional litigation points and was seconded by Mr. Sharpe:

- City will not take away parking configurations on the north side of Groby and
- To work with settling legal fees to date with a cap of \$15,000 to be paid directly to Mr. Schuman's attorney.

Roll Call vote:



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

Nays: Dr. Carr, Mr. Crow

Closed session minutes from October 13, 2014 were presented for approval. Mr. Sharpe moved for approval as amended, was seconded by Mr. Glickert and carried unanimously.

Mr. Sharpe moved to go back into an open session and Mr. Glickert seconded to reconvene in an Open Session on the second floor of City Hall at 8:25 p.m.

Joyce Pumm, MRCC/CMC  
City Clerk

Lehman Walker <lwalker@ucitymo.org>    
To: Paulette Carr <paulette\_carr@sbcglobal.net>  
RE: Schuman Settlement Agreement

November 5, 2015 11:20 AM

2 Attachments, 8 KB

On November 24<sup>th</sup> Council authorized the City Manager to meet with Dr. Schuman and his attorney in order to enter into a settlement agreement. Council agreed to the City's construction of the improvements to the driving range and the lighting proposals, the cost of which was acknowledged to be approximately \$100,000. The parties did not agree on legal fees of \$15,000. The City Manager has the authority to approve expenditures up to \$25,000 pursuant to the City Code.



**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)

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**From:** Paulette Carr [mailto:paulette\_carr@sbcglobal.net]  
**Sent:** Tuesday, November 03, 2015 10:31 PM  
**To:** Lehman Walker  
**Subject:** Re: Schuman Settlement Agreement

Mr. Walker:

When did Council approve the terms of the Schuman Settlement Agreement?

Thank you for your assistance.

Sincerely,  
Paulette Carr





**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)**

On Nov 3, 2015, at 10:08 AM, Lehman Walker <[lwalker@ucitymo.org](mailto:lwalker@ucitymo.org)> wrote:

Attached is the Schuman Settlement Agreement.

<image002.jpg>

**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)

<Executed Settlement Agreement (9-28-2015).pdf>

SETTLEMENT AGREEMENT AND FULL AND COMPLETE  
RELEASE OF ALL CLAIMS

THIS SETTLEMENT AGREEMENT AND FULL AND COMPLETE RELEASE OF ALL CLAIMS (hereinafter "Agreement") is made and entered into this \_\_\_\_\_ day of September, 2015, between Ethan J. Schuman ("Schuman"), and the City of University City (the "City"). (collectively referred to as the "Parties").

RECITALS

WHEREAS, on or about July 11, 2015, Schuman filed suit against the City, the claims and nature of that dispute being more fully set forth in the lawsuit in the Circuit Court of St. Louis County, Missouri styled Ethan J. Schuman v. City of University City, Case No. 13SL-CC02427 ("the Lawsuit");

WHEREAS, the City filed its Answer on August 12, 2013 in which it denied liability;

WHEREAS, the Parties desire to settle the Lawsuit and resolve all outstanding disputes and claims between them without the need for further litigation or other proceedings among themselves.

DEFINITION

The following definition applies to the listed term wherever that term appears in this Agreement. The defined term stated in a singular form shall include the plural form, the defined term stated in plural form shall include the singular form, and the defined term stated in the masculine form or in the feminine form shall include the other.

"Claims" shall mean and refer to all claims known or unknown, asserted or unasserted, which were or could have been made by any of the Parties against any of the other Parties in the Lawsuit, for damage or loss caused by, resulting from, or related to the subject matter of the

Lawsuit, including but not limited to any claims arising in relation to inverse condemnation of the property known and numbered as 8258 Groby Road, University City, Missouri 63130 (the "Property").

NOW, THEREFORE, in order to effect a full, final and complete settlement and satisfaction of any and all Claims, the undersigned hereby execute this Settlement Agreement and do agree as follows:

#### AGREEMENT

1. Payment in Full Settlement of Claims

The City shall pay the sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00) for full and final settlement of all Claims in this Lawsuit, after execution of this Agreement by all Parties, payable to Schuman's counsel of record, The Wallach Law Firm. Such payment shall be made in full settlement as to all Claims in the Lawsuit. The payments shall be made within fifteen (15) days of execution of this Agreement.

2. Obligations of the City

In consideration and as material inducement for the City and Schuman signing this Settlement Agreement, after execution of this Agreement by all Parties, the City shall perform the following improvements ("Improvements") to the Ruth Park Driving Range (the "Range"), which are more fully set forth in Exhibit A, which is attached hereto and incorporated herein:

1. Replace lights with four (4) - twelve (12) feet height pedestrian lights in order to reduce light pollution onto the properties on the South side of Groby Road.
2. Restrict the hours of lighting to 8:30 p.m. daily.
3. Place a berm and landscaping between the Range and Groby Road, as more fully set forth in Exhibit A.

The City shall complete the Improvements within six (6) months after the execution of this Agreement by all parties, subject to weather and force majeure.

3. General Release and Discharge

For and in consideration of the payments and improvements set forth in Section 1, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Schuman hereby acquits and forever discharges the City and its agents, servants, successors, assigns, heirs, officers, directors, representatives, insurers, and attorneys, individually and collectively, of and from any and all Claims or demands, which Schuman now has, or hereinafter may have, for all damages on account of, and arising under, in or out of the allegations described in the Lawsuit, or that could have been alleged in the Lawsuit, as well as those consequences thereof, which may hereinafter develop, and those which have developed, or are now apparent.

4. Dismissal with Prejudice of the Lawsuit

As further consideration for this Agreement, Schuman agrees to file a Dismissal with Prejudice of all claims at Plaintiff's costs pending in the Lawsuit against the City within five (5) days after the receipt of the funds paid in Section 1.

5. No Admission of Liability

The Parties hereto mutually agree and understand that by entering into this Settlement Agreement, the Parties do not in any way admit, but rather specifically deny committing any act or failing to act in violation of any law, contract, statute or regulation. The monetary and other valuable consideration was given and accepted to resolve potential, doubtful and disputed claims, and to avoid the expense of litigation and shall not be construed as an admission of liability on the part of any party hereto or any related or affiliated person, partnership or corporation, and the Parties expressly deny such liability.

6. Extinguishment of All Claims

Schuman understands, agrees and acknowledges that this Settlement Agreement is intended to include in its effect, without limitation, claims and causes of action that he does not know of or suspect to exist in his favor against the City at the time of executing this Agreement related to the allegations described in the Lawsuit and that this Agreement contemplates extinguishment of all such Claims and causes of action.

7. Binding Agreement

This Settlement Agreement shall bind and inure to the benefit of all Parties hereto, their predecessors, successors in interest, officers, employees, attorneys, future estates of any Parties, representatives and assigns.

8. Attorneys' Fees and Costs

Each Party referenced herein agrees to pay its own attorneys' fees and costs incurred in connection with both the Lawsuit and this Settlement Agreement.

9. Entire Agreement

The Parties hereto each covenant and warrant that no promise or inducement has been offered or made except as set forth herein; that all Parties hereto have read this Agreement, understand all of its terms, and understand that this Agreement constitutes the entire agreement among the Parties; that the undersigned officers, partners, attorneys and individuals are executing this Agreement voluntarily and with full knowledge of its significance following discussion with counsel.

10. Effective Date

This Agreement shall become effective immediately following its execution by all Parties.

11. Signatures

This Agreement may be executed in counterparts and copies, facsimiles and emailed (scanned) counterparts shall be deemed as valid as originals.

12. Governing Law

This Agreement shall be governed by, and construed in accordance with the laws of the State of Missouri.

13. Disputes

In the event of any dispute regarding this Agreement, the Parties agree to resolve such dispute in a court of competent jurisdiction in the State of Missouri, and in such event, the prevailing party shall be entitled to recover from the non-prevailing party all of the prevailing party's fees, costs and expenses, including reasonable attorneys' fees, incurred in connection with the dispute.

14. Authority

The Parties represent that the individuals or officers signing this Agreement are duly authorized to sign same and bind the Parties to the Agreement.

15. Notice

Each notice ("Notice") provided for under this Agreement or otherwise necessitated must comply with the requirements set forth in this paragraph. Each Notice shall be in writing and sent by facsimile or by depositing it with an overnight courier service recognized in the United States that obtains receipts (such as Federal Express or UPS Next Day Air), addressed to the appropriate Party (and marked to a particular individual's attention, if so indicated) as hereinafter provided. Any Party shall have the right from time to time to change the address or individual's

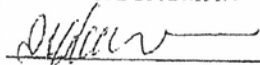
attention to which notices to it shall be sent by giving to the other party at least ten (10) days prior Notice thereof. The Parties' addresses for providing Notices hereunder shall be as follows:

Dr. Ethan J. Schuman  
c/o Stanley J. Wallach  
The Wallach Law Firm  
1068 South Woods Mill Rd.  
St. Louis, Missouri 63017


The City of University City  
Attn: City Manager  
6801 Delmar Blvd.  
St. Louis, Missouri 63130

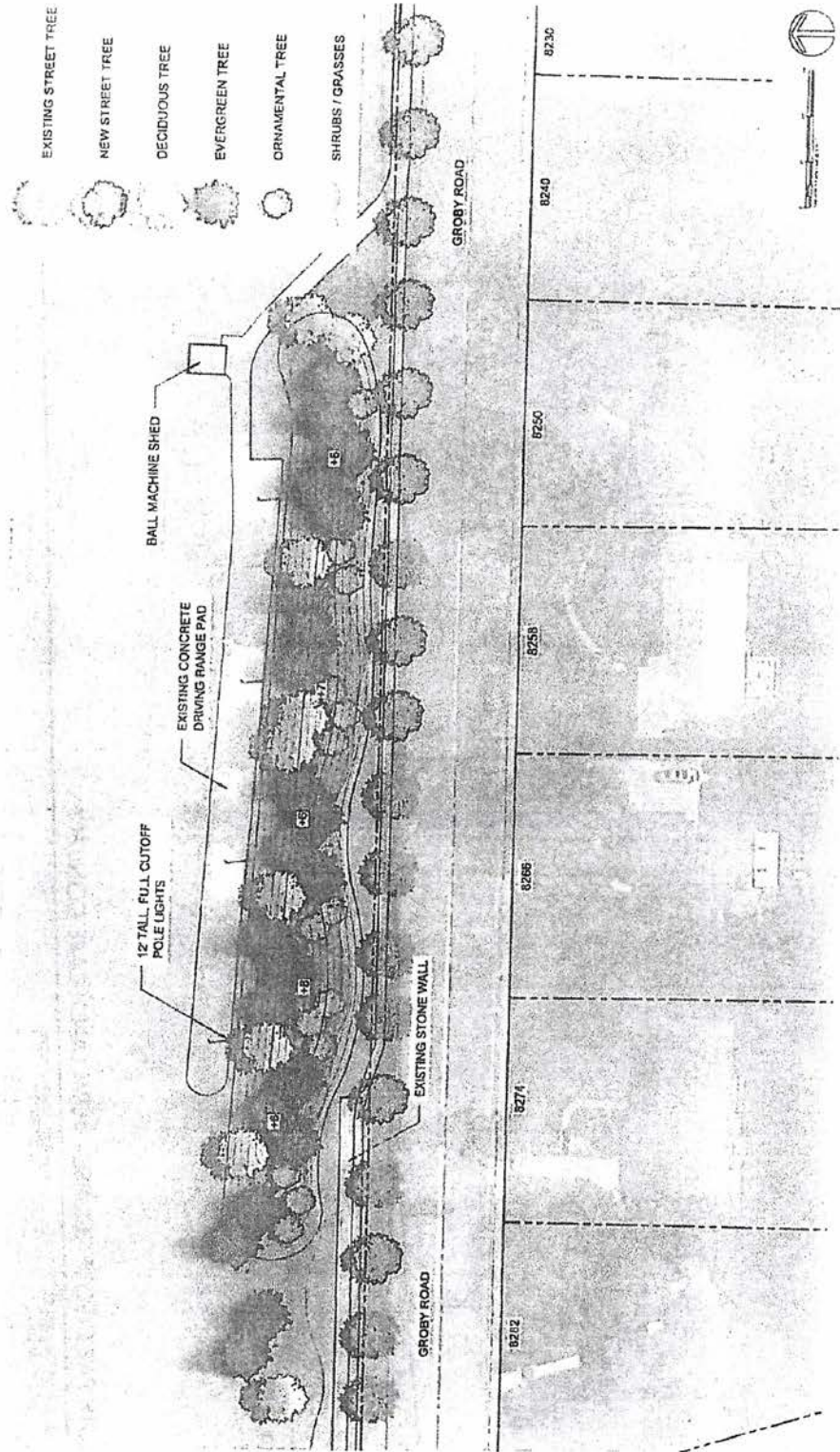
Effective this 2<sup>nd</sup> day of September, 2015.

ETHAN J. SCHUMAN

  
\_\_\_\_\_

THE CITY OF UNIVERSITY CITY

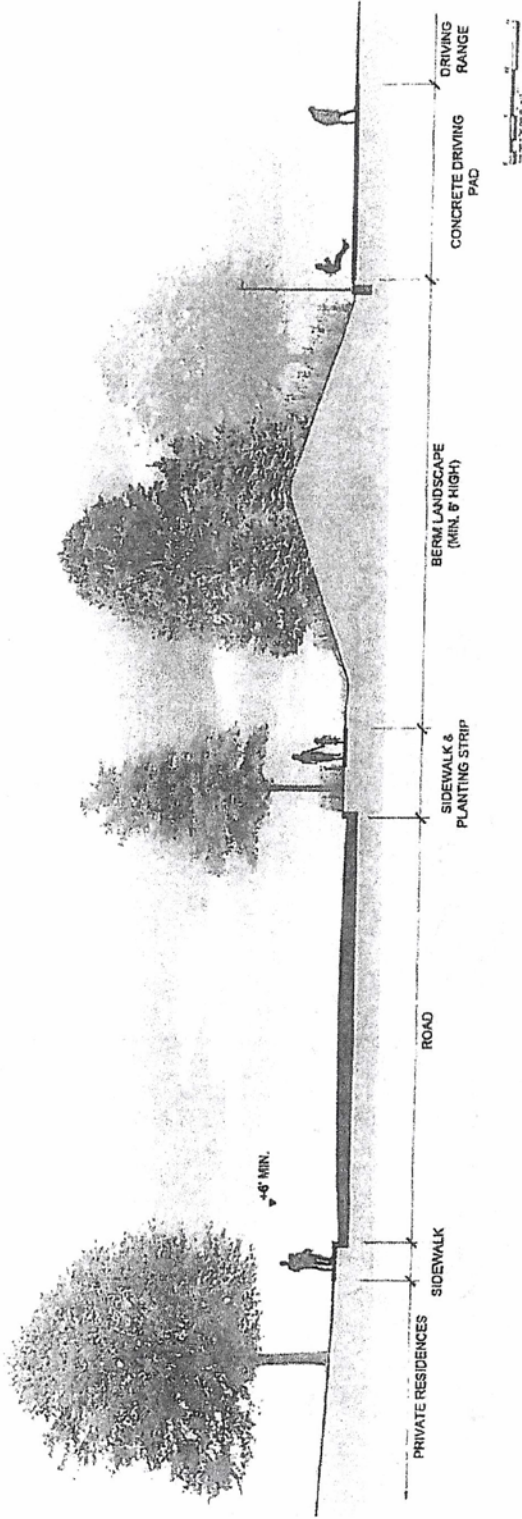
  
\_\_\_\_\_  
Lehman Walker, City Manager



RUTH PARK GOLF COURSE - BERM LANDSCAPE CONCEPT

CITY OF UNIVERSITY CITY  
 PLANNING DESIGN STUDIO  
 1500 UNIVERSITY CITY CENTER  
 UNIVERSITY CITY, MO 63101





**RUTH PARK GOLF COURSE - BERM LANDSCAPE CONCEPT**


 CITY OF UNIVERSITY CITY  
 OFFICE OF PLANNING & COMMUNITY DEVELOPMENT  
 1615 UNIVERSITY AVENUE, SUITE 100  
 SAN DIEGO, CA 92161  
 (619) 594-3100  
 WWW.CITYOFUC.CA


 PLANNING DESIGN STUDIO  
 10000 LA JOLLA VILLAGE ROAD, SUITE 100  
 LA JOLLA, CA 92037  
 (619) 451-1000  
 WWW.PDSSTUDIO.COM

SECTION  
 SHEET 1 OF 1

Andrew Roberts  
940 Alanson Dr., Saint Louis, MO 63132

The mayor continues to violate my right to speak for what seem to be personal reasons. Over the past months, my statements to Council had grown increasingly hostile, but for that, I offer no apology: we have the right to speak freely, with certain exceptions. None of those exceptions require that we hide our anger, mince words, or speak in a polite tone. We are not required to be inoffensive, and our rights are not bound by Robert's Rules of Order.

We have not been "granted" a right to address Council at meetings - we have that right by natural law and the Constitution. Certain limits are acceptable: we can't speak indefinitely, we can't make threats, we must wait our turn, and we should be as civil as possible. Those are compromises. The demand that we not express ourselves as best we are able, the demand that we speak vaguely to spare someone's feelings, and the demand that we not question the motives of anyone else are not compromises: they're violations.

It would be polite to apologize and ask the Mayor to allow me to speak again, but I refuse to do that. The Mayor does not have the authority to allow me, nor anyone else in this room, to speak. The only thing she can do is restrict that right. That the Mayor expects criticism to be weakly worded and in line with arcane rules of etiquette speaks volumes about her apparent attempts to silence opposition.

I expect the Mayor to continue to deny my right to speak for myself, but I still don't know why I was removed from the building and barred to begin with. Was it because of my tone of voice? If that's the case, then the Mayor could just tune me out. Was it because "petty" and "vindictive" seem like personal attacks? If that's true, the Mayor needs thicker skin and should have removed a handful of other people, too. Or was it that I went "off-topic", as she said? Then why, when I offered to explain why my statement was on-topic, was I expelled immediately? I think the true reason she refuses to allow me to speak is that so many people agree with what I say, and that frightens her. I use no profanity, I don't call anyone to violence, I don't speak longer than allowed, and I don't call anyone names.

The crux of it is this: if we aren't allowed to be angry, then we aren't really allowed to be happy, either.

University City, MO  
Sunday, February 21, 2016

## Chapter C. Charter of The City of University City, Missouri

### Article II. The Council and City Officers Generally

#### Section 12. Interference, etc., with administrative officer and employees; penalty.

[R.O. 2011 Charter Art. II §12; Ord. No. 4389, §3; Ord. No. 4962, §5; Ord. No. 5211, §3; Ord. No. 5736, Prop. No. 9, 4-3-1990]

- (1) Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and the city employees solely through the city manager. Neither the council nor any of its members shall give orders to any subordinate of the city manager, either publicly or privately. Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of the city manager's subordinates, or in any manner take part in the appointment or removal of officers and employees, in the administrative service of the city.
- (2) If any councilmember or the mayor has a personal or private interest in any measure or bill pending before the council, that person shall reveal the existence of an intent and absent themselves from the discussion and vote on the measure or bill or file a written report of the nature of the interest with the city clerk prior to passing on the measure or bill.
- (3) Any person who willfully violates the requirements of this section shall forfeit his office and in addition thereto shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be subject to a fine not exceeding one thousand dollars.

**arc, email**

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**From:** Walker, Lehman [lwalker@cityofevanston.org]  
**Sent:** Monday, March 15, 2010 8:45 AM  
**To:** Shelley Welsch; shelleywelsch@ucitymo.com  
**Subject:** [Defender Restored] FW: Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion

Shelley,

Have you seen this from Julie Feier to Lynn Ricci? It is insubordination and should be added to the list of actions to justify termination for just cause.

Lehman

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**From:** Walker, Lehman  
**Sent:** Monday, March 15, 2010 8:37 AM  
**To:** 'Lynn Ricci'  
**Subject:** RE: Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion

Hello Lynn,

Thanks for the update. I will have the W-2 information you requested within the next few days. Of course the boxes in the forms for employee compensation in the W-2's are filled out. Hopefully after the election the new Council and new Mayor will terminate Ms. Feier for just cause in April. University City deserves a professional City Manager and does not have one at present.

Lehman

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**From:** Lynn Ricci [mailto:ricci.ucity@gmail.com]

16

**Hanawalt, Curtis**

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**From:** Walker, Lehman [lwalker@cityofevanston.org]  
**Sent:** Monday, March 15, 2010 8:37 AM  
**To:** Lynn Ricci  
**Subject:** [Defender Restored] RE: Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion

Hello Lynn,

Thanks for the update. I will have the W-2 information you requested within the next few days. Of course the boxes in the forms for employee compensation in the W-2's are filled out. Hopefully after the election the new Council and new Mayor will terminate Ms. Feier for just cause in April. University City deserves a professional City Manager and does not have one at present.

Lehman

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**From:** Lynn Ricci [mailto:ricci.ucity@gmail.com]  
**Sent:** Monday, March 15, 2010 12:30 AM  
**To:** Walker, Lehman  
**Subject:** Fwd: Citizens Important - goes to your choice of leadership:  
**Re:** Budget Transfer Legal Opinion

----- Forwarded message -----  
**From:** Lynn Ricci <ricci.ucity@gmail.com>  
**Date:** Mon, Mar 15, 2010 at 12:26 AM  
**Subject:** Citizens Important - goes to your choice of leadership: Re: Budget Transfer Legal Opinion  
**To:** Julie Feier <jfeier@ucitymo.org>  
**Cc:** Janet Watson <jwatson@ucitymo.org>, "Jfmulliganjr@aol.com" <Jfmulliganjr@aol.com>, Joseph Adams <jadams@ucitymo.org>, "Crow, Terry" <crow@cttlaw.net>, "Crow, Terry" <terry@cttlaw.net>, "Glickert, L. Michael" <lmglickert@yahoo.com>, "Price, Byron" <pricebyron@hotmail.com>, Joyce Pumm <jpumm@ucitymo.org>, "Sharpe, Arthur" <qforlifeasj@att.net>, "Wagner, Robert" <rgwagner7052@yahoo.com>

Council, Ms. Feier, Public:

3

I have taken time to respond to Ms. Feier's email so as to be thoughtful.

ISSUE: Council delegated to the City Manager non-delegable duties and allows the City Manager to transfer [and spend] without prior council approval up to \$25,000 per line item. After it is transferred / spent, council approval is then sought. This is potentially over a million dollar exposure as we have more than 100 line items.

I have for 5 months requested a legal opinion on our processes.

I have attempted to resolve this issue with council and the City Manager. But no councilmember has responded absent Mr. Glickert and from time to time Mr. Wagner. And by the below we are clear on the City Manager's response.

So by City Manager's actions and council's silence, I am left with no option but to take it to the public, and beyond.

Just providing the legal opinion would have been the easy thing. City Manager's gargantuan efforts to thwart this simple request heighten my concerns that indeed we are acting illegally and administration is attempting to hinder discovery of the illegal acts.

This issue of budget transfer approval is a fundamental issue and goes to the essence of our duty of accountability. Public, keep this in mind when you are considering leadership in this next election. How important is doing it right and accountability to you? Who above shows you that financial accountability is important to them? Better yet, who shows by their silence it is not important?

Go to our website [[www.ucitymo.org](http://www.ucitymo.org) <<http://www.ucitymo.org/>> ] and pull down meeting minutes to see for yourself how councilmembers vote.

Lynn Ricci

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To the substance of the City Manager's mail,

First, I am individually entitled by our laws to a legal opinion. I do not need the majority of council to obtain. You know this, yet you keep attempting to stop me by this type of response.

We went through this exercise last year when you attempted to deny individual councilmembers the right to inquire of the Directors. You received legal advise that individual councilmembers have the absolute right inquire. [For the citizens, this was the incident where the City Manager threatened to fire our Directors if they spoke with individual councilmembers].

Next, you are diengenous with the "finally agreeing to explain." My 5 month old request is crystal clear and your games playing is evident, never mind unprofessional and not in the city's best interest.

By separate email I will forward to Ms. Pumm and you for public dissemination my notes of our 2-16-10 meeting which includes among other things the City Manager advising our laws [charter / ordinances] don't work for her so she is not following them [!!!], ie getting us audited financials in 60 days as required by charter; publishing our bids to minority / woment owned businesses; putting to bid contracts above the threshold. At no time in that meeting did I receive advise from Mr. Mulligan. Remember if you will, he was going to go back and research the questions.

As to the study session, you insinuate a legal opinion was given when it was so definately not.

Finally, It is regrettable that this is how the majority of council and you choose to operate.

Lynn Ricci

On Tue, Feb 23, 2010 at 4:28 PM, Julie Feier <jfeier@ucitymo.org> wrote:

You are welcome. Thank you for finally agreeing to explain your concerns last week when we met with Councilman Wagner, Ms. Watson and Mr. Mulligan. Mr. Mulligan was able to provide you legal feedback at that time and again last night. At your request, Ms. Watson surveyed numerous cities on their practices and found that our practices are consistent with their practices. In addition, our auditor confirmed that our financial practices are acceptable, and he even contacted the State Auditor to confirm.

We addressed the issues below and others in the study session last night, and legal opinions were provided and discussed. I will follow up on the revisions to the Code which were discussed last night and for which the City Council indicated its support. We have spent a considerable amount of staff and legal time on the issues, and they appeared to have been addressed to the City council's satisfaction. We will incorporate the feedback into the revised policies for your consideration by June. Council did not indicate last night that this was an issue they desired to spend additional funds to research. If City Council desires more legal research on budget transfers, I can certainly provide it upon the City Council's request.

Thank you,

Julie

From: Lynn Ricci [mailto:ricci.ucity@gmail.com]  
Sent: Tuesday, February 23, 2010 10:24 AM  
To: Julie Feier  
Cc: Joseph Adams; Crow, Terry; Crow, Terry; Glickert, L. Michael; Price, Byron; Joyce Pumm; Lynn Ricci (external); Sharpe, Arthur; Wagner, Robert

Subject: Budget Transfer Legal Opinion

Thank you for the study session on Budget Transfers, Purchasing Agent, etc.

I am now following up on receipt of the written legal opinion on these issues. Please advise when I can receive. It has been over 4 months since the first request.

Thank you,

Lynn

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## Notice of Public Hearing

Notice is hereby given that the City Council of University City will hold a public hearing on **Monday, March 14, 2016 at 6:30 pm** in the 5<sup>th</sup> Floor Council Chambers of City Hall, 6801 Delmar Boulevard, to consider the proposal for Text Amendments to the Zoning Code related to adult business regulations in Sections 400.030 and 400.1460. Please contact Zach Greatens at 314-505-8501 with questions about the proposed text amendments. Persons with disabilities who require special arrangements to attend the public hearing should contact Joyce Pumm at 314-505-8605 at least 5 days prior to the meeting. All interested parties are invited to attend.

CITY OF UNIVERSITY CITY  
Joyce Pumm  
City Clerk



## Council Agenda Item Cover

**MEETING DATE:** March 14, 2016

**AGENDA ITEM TITLE:** City Hall HVAC System Upgrades (Funding from The Missouri Department of Economic Development's Division of Energy - Energy Efficiency Loan Program)

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

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

**BACKGROUND:** In January 2015, the City was awarded a low-interest loan offered by the Division of Energy dedicated to completion of energy-efficiency and renewable energy projects throughout the State of Missouri. This loan is designed to be paid back based on the energy savings from the projects. One of the proposed projects is upgrading the efficiency of the HVAC system at City Hall. This project is for equipment and installation.

This project consists of the following:

- Installation of 3 new condensing hot water boilers and connecting to the existing heat pump water supply system.
- Installation of a new floor drain, including any demolition and excavation required to install new sewer piping.
- Basic system commissioning.
- Training of the Owner's maintenance personnel in the proper function and operation of the heating water system, including the boilers and all associated equipment and controls.

The City advertised for bids for the City Hall HVAC System Upgrades Project and posted the bid on the City's website. On February 16, 2016, the City opened bids for this project. The tabulation of bid proposals is as follows:

Description:	City Hall HVAC System Upgrades (as described above)
<b>Contractor</b>	<b>Bid</b>
American Boiler and Mechanical	\$149,860
American Mechanical	\$151,602
Gross Mechanical Contractors	\$194,800

**RECOMMENDATION:** Staff recommends that the City Council approve staff to award the contract for the City Hall HVAC Upgrades to American Boiler and Mechanical in the amount of \$149,860.

# American Boiler and Mechanical

## ITEMIZED PROPOSAL

Item	Description	Amount
1	Furnish and install 3 condensing boilers as outlined in the attached drawings and specifications.	\$ 149,860 <sup>00</sup>
2	ALTERNATE #1: Demolish the existing steam heat exchanger, condensate pump, and associated steam and condensate piping as outlined in the attached drawings and specifications.	\$ 8,500. <sup>00</sup>
TOTAL BID AMOUNT		\$ 158,360 <sup>00</sup>

# American Mechanical

## ITEMIZED PROPOSAL

Item	Description	Amount
1	Furnish and install 3 condensing boilers as outlined in the attached drawings and specifications.	\$ 151,602.00
2	ALTERNATE #1: Demolish the existing steam heat exchanger, condensate pump, and associated steam and condensate piping as outlined in the attached drawings and specifications.	\$ 8,000.00
TOTAL BID AMOUNT		\$ 159,602.00

# Gross Mechanical Contractors Inc.

## ITEMIZED PROPOSAL

Item	Description	Amount
1	Furnish and install 3 condensing boilers as outlined in the attached drawings and specifications.	\$194,800.00
2	ALTERNATE #1: Demolish the existing steam heat exchanger, condensate pump, and associated steam and condensate piping as outlined in the attached drawings and specifications. <i>NO REMOVAL</i>	\$10,800.00
TOTAL BID AMOUNT		\$205,600.00

Note: DEDUCT OF \$2,250.00 IF G.M.C.  
CAN USE B.F.V. ON 3" LARGER  
PIPING INSTEAD OF BALL VALVES



## Council Agenda Item Cover

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**MEETING DATE:** March 14, 2016

**AGENDA ITEM TITLE:** Ruth Park Golf Course Proposed Rate Increases

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

**CAN THIS ITEM BE RESCHEDULED:** Yes

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**BACKGROUND:** Staff recommended increased fees and charges for Ruth Park Golf Course at the February 16, 2016 meeting of the Park Commission (attached for review). The last fee increases at the golf course were established in March of 2008. Even with the increased fees Ruth Park will be competitively priced with similar nine hole courses in the area (a comparison is attached for reference). The Park Commission voted unanimously to implement these rate increases for green fees and driving range charges.

The proposed rate increases, on which the Park Commission voted favorably, were proposed to be put in effect at the beginning of the new fiscal year on July 1, 2016. The City's Golf Pro has since recommended that the new rates be effective on April 1, 2016. The April 1 date provides consistency throughout the active golf season with making the change near the beginning of the season. In staff's opinion Ruth Park Golf Course's customer retention/satisfaction will be minimally affected if the April 1 date is used and the rates are not changed near the middle of a golf season.

**RECOMMENDATION:** Staff estimates the new rates will generate up to \$30,000 in additional yearly revenue and recommends City Council approval. If approved, the new rates will go into effect on April 1, 2016.

**ATTACHMENTS:** Proposed Rate Increase Spreadsheet  
Local Course Fee Comps

## Ruth Park Golf Course Proposed Rate Increases

<u>GREENS FEES</u>		<u>PROPOSED RATE INCREASES</u>			
Weekend	Current Fee	Date Established	Resident	Non Resident	Effective Date
Resident	\$11.00	1-Jul-07	\$12.00		4/1/2016
Non Resident	\$13.50	15-Mar-08		\$15.00	
Resident - Senior	\$10.00	1-Jul-07	\$11.00		
Non Resident - Senior	\$11.00	15-Mar-08		\$12.00	
Resident/Non Resident Junior	\$9.00	15-Mar-08	\$9.00	\$9.00	
<b>Weekday</b>					
Resident	\$10.00	1-Jul-07	\$11.00		4/1/2016
Non Resident	\$12.00	15-Mar-08		\$13.00	
Resident - Senior	\$9.00	1-Jul-07	\$10.00		
Non Resident - Senior	\$10.00	15-Mar-08		\$11.00	
Resident/Non Resident Junior	\$9.00	15-Mar-08	\$9.00	\$9.00	
<b>Driving Range</b>					
<u>Driving Range</u>	Current Fee	Date Established	<u>PROPOSED RATE INCREASES</u>		
Small Bucket - # of balls 40	\$3.00	September, 2008	<i>increase # of balls 40</i>	\$4.00	4/1/2016
Medium Bucket - # of balls 65	\$5.00	September, 2008	<i>increase # of balls 70</i>	\$7.00	
Large Bucket - # of balls 90	\$8.00	September, 2008	<i>increase # of balls 100</i>	\$10.00	



<b>Fee Type/ Course</b>	<b>Ballwin</b>	<b>Berry Hill</b>	<b>Creve Coeur</b>	<b>St Ann</b>	<b>Ruth Park</b>	<b>Proposed Rates</b>
Resident Weekday / 9	\$12.00	\$10.00	\$11.00	\$10.00	\$10.00	\$11.00
Resident Weekend / 9	\$13.00	\$11.00	\$12.00	\$11.00	\$11.00	\$12.00
Non Resident Weekday / 9	\$15.00	\$14.00	\$14.00	\$13.00	\$12.00	\$13.00
Non Resident Weekend / 9	\$15.00	\$15.00	\$16.00	\$14.00	\$13.50	\$15.00
Resident Weekday / 18	\$19.00	\$17.00	N/A	N/A	\$17.00	\$18.00
Resident Weekend / 18	\$21.00	\$19.00	N/A	N/A	\$18.00	\$19.00
Non Resident Weekday / 18	\$25.00	\$21.00	N/A	N/A	\$19.00	\$20.00
Non Resident Weekend / 18	\$25.00	\$24.00	N/A	N/A	\$21.00	\$22.00
Play All Day Weekday	N/A	N/A	N/A	N/A	\$20 / \$25	
Play All Day Weekend	N/A	N/A	N/A	N/A	N/A	
Resident Senior Weekday	\$10.00	\$9 / \$15	\$10.00	\$9.00	\$9.00	\$10.00
Resident Senior Weekend	\$11.00	\$11 / \$19	N/A	\$10.00	\$10.00	\$11.00
Non Resident Senior Weekday	\$14.00	\$12 / \$19	\$12.00	\$12.00	\$10.00	\$11.00
Non Resident Senior Weekend	\$15.00	\$12 / \$19	N/A	\$13.00	\$11.00	\$12.00
Junior Resident Weekday	\$10.00	\$9 / \$15	\$10.00	N/A	\$9.00	\$9.00
Junior Resident Weekend	\$11.00	\$11 / \$19	\$12.00	N/A	\$9.00	\$9.00
Junior Non Resident Weekday	\$14.00	\$12 / \$19	N/A	N/A	\$9.00	\$9.00
Junior Non Resident Weekend	\$15.00	\$12 / \$19	N/A	N/A	\$9.00	\$9.00
Cart Fee	\$7.00	\$14.00	\$7.50	\$6 / \$12	\$8.00 per	

**Range Ball Pricing**

**The Quarry @ Crystal Springs**

Cost per ball

<u>Small</u>	<u>Medium</u>	<u>Large</u>	<u>X- Large</u>
<b>\$5 / 30</b>	<b>\$8 / 63</b>	<b>\$11 / 95</b>	<b>\$14 / 125</b>
0.17	0.13	0.12	0.11

**Tower Tee**

Cost per ball

	<b>\$6 / 45</b>	<b>\$10 / 75</b>	<b>\$13 / 110</b>
n/a	0.13	0.13	0.12

**Ruth Park (Current)**

Cost per ball

<b>\$3 / 40</b>	<b>\$5 / 65</b>	<b>\$8 / 90</b>	
.07.5	0.08	0.09	n/a

**Ruth Park (proposed)**

Cost per ball

<b>\$4 / 40</b>	<b>\$7 / 70</b>	<b>\$10 / 100</b>	
0.10	0.10	0.10	



## Council Agenda Item Cover

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**MEETING DATE:** March 14, 2016

**AGENDA ITEM TITLE:** Out-Front Mower Purchase

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

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

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**BACKGROUND REVIEW:** The Public Works and Parks Department has an Out-Front Mower that has reached the end of its service life and requires replacement. The replacement unit is available for a cooperative purchase with the Missouri State Procurement Contract. The total purchase price is \$26,796.52.

The replacement of the Out-Front Mower was budgeted as part of the City's Fleet Division FY16 Replacement Plan and is requested by the Public Works and Parks Department. 02-fund (Fleet Division) will be used for this purchase.

**RECOMMENDATION:** Staff recommends that the City Council approve an award to Erb Equipment for the total amount of \$26,796.52. This vendor is approved to be used on the statewide cooperative purchasing contract.

**ATTACHMENTS:**

- 1) Photo of type of vehicle
- 2) Quote with MO State Procurement Contract Line Item Reference



**ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):**

Deere & Company  
 2000 John Deere Run  
 Cary, NC 27513  
 FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:**

Erb Turf Equipment, Inc.  
 1017 E Chain Of Rocks Rd  
 Mitchell, IL 620402815  
 618-931-1034  
 dsimon@erbequip.net

### Quote Summary

**Prepared For:**

City Of University City  
 Ewald Winker  
 Dept. Of Parks, Rec & Forest.  
 6801 Delmar Blvd  
 University City, MO 63130  
 Business: 314-505-8618

**Delivering Dealer:**

**Erb Turf Equipment, Inc.**  
 Kent Critchell  
 1017 E Chain Of Rocks Rd  
 Mitchell, IL 620402815  
 Phone: 618-931-1034  
 Mobile: 618-410-9457  
 kcritchell@erbturf.com

**Quote ID:** 12703039  
**Created On:** 27 January 2016  
**Last Modified On:** 04 February 2016  
**Expiration Date:** 05 March 2016

Equipment Summary	Suggested List	Selling Price	Qty	=	Extended
JOHN DEERE 1570 TERRAIN CUT T4 TRACTOR <b>Contract:</b> MO IA Piggyback Grounds Care Equip_4425-5 <b>Price Effective Date:</b> January 27, 2016	\$ 30,471.58	\$ 23,158.40	1	=	\$ 23,158.40
JOHN DEERE 72SD DECK (DOM) FRONT MOWER <b>Contract:</b> MO IA Piggyback Grounds Care Equip_4425-5 <b>Price Effective Date:</b> January 27, 2016	\$ 4,787.00	\$ 3,638.12	1	=	\$ 3,638.12
<b>Equipment Total</b>					<b>\$ 26,796.52</b>

\* Includes Fees and Non-contract items

**Quote Summary**

Equipment Total	\$ 26,796.52
Trade In	
SubTotal	<b>\$ 26,796.52</b>
Total	\$ 26,796.52
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 26,796.52</b>

Salesperson: March 14, 2016

Accepted By: X K-3-2



## City Council Agenda Item Cover

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**MEETING DATE:** March 14, 2016

**AGENDA ITEM TITLE:** **City Council Authorization for Additional Funds for Police Department Annex Projects**

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

**COUNCIL ACTION:** Approval

**CAN THIS ITEM BE RESCHEDULED?:** No

**BACKGROUND REVIEW:** At the October 6, 2015 meeting of City Council, \$500,000 in reserve funds was approved for Police Department Annex facility projects to alleviate environmental hazards and improve working conditions for personnel. The fund and project request was developed based on a preliminary site evaluation, bid documents and building industry cost standards.

Since that time, contractors and staff engaged in project implementation encountered unforeseen conditions ranging from cracked cast iron pipes to disturbance of environmental material. In February, it became apparent that work should cease until a consultant could be engaged to re-evaluate the building and cope of work. Staff consulted with several contractors and was advised that work should not continue until significant remediation work is completed. This work, along with refined bids for other projects, has significantly increased the cost of repair work for the Annex but is required.

Additional funds from reserves are being sought to address environmental issues and ensure additional building deterioration does not occur. Because of the condition of the building, this work must occur whether or not the Annex is renovated for the Police Department.

**Attachments:**

1: Staff memorandum

**RECOMMENDATION:** Approval



## Department of Community Development

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

# MEMORANDUM

TO: MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: ANDREA RIGANTI, DIRECTOR OF COMMUNITY DEVELOPMENT  
DATE: OCTOBER 6, 2015  
SUBJ: ADDITIONAL FUND REQUEST FOR ANNEX REPAIRS  
CC: LEHMAN WALKER, CITY MANAGER  
CHARLES ADAMS, POLICE CHIEF  
CAROL JACKSON, POLICE CAPTAIN

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This memorandum is a follow-up to the October 6, 2015 City Council approval of \$500,000 in reserve funds for Police Department Annex facility projects to alleviate environmental hazards and improve working conditions for personnel. In the background materials prepared for the request (Attachment A), it was expressed that *"... Though these projects will help improve conditions on a short term basis, they should not be viewed as a finite list of work needed. The costs associated with each project were developed by reviewing previous bid estimates and/or projects recently completed of a similar scope."* The projects and costs were developed from a preliminary site evaluation by staff and contractors. The evaluation included research on the age and condition of systems, the condition of the building, previous bid documents and historic elements.

City Council approved the request for funds in October and staff proceeded with project scoping and scheduling. Contractor bids were solicited for projects beyond in-house abilities while smaller projects were initiated by maintenance staff. Contractors and staff soon encountered unforeseen conditions during construction ranging from cracked cast iron pipes to disturbance of environmental material. In February, it became apparent that work should cease until a consultant could be engaged to re-evaluate the building.

Several industry professionals on environmental remediation were consulted. Staff was advised that work disturbing suspected environmental materials (such as bathroom remodels, plumbing and window repairs) cannot commence until Environmental Protection Agency and State of Missouri regulations are met. The City has engaged an industrial hygienist to perform a complete analysis of the Annex, identify the location/presence of environmental hazards and develop a scope of work for abatement. This effort will update the 2014 PSI Environmental Hazards report which pointed to the presence of some hazardous conditions (asbestos, lead), and indicated that abatement should occur prior to renovation or demolition, and all material could remain so long as no disturbance occurred. Remediation will now be required, and significantly increase the cost of repair work to occur post-remediation.

Several roofing/weatherproofing contractors were also contacted for firm bids. The low bid for the combined exterior masonry restoration/waterproofing and window replacement is \$925,000, well exceeding anticipated costs. In sum, the preliminary site evaluation did not adequately contemplate contingencies.

A refined estimate has been developed with contractors and industry standard bid information for projects (such as painting) where no contractor bid was yet issued.

<b>Work Description</b>	<b>Projected Cost</b>
Exterior Masonry Restoration / Waterproofing	\$ 450,000.00
Window replacement	\$ 475,000.00
Environmental Testing and Oversight	\$ 60,000.00
Environmental Remediation	\$ 580,000.00
Reconstruction of remediated areas	\$ 550,000.00
Bathroom remodels - excluding floors - 6 total	\$ 60,000.00
Carpet - approx. 9,000 sq ft	\$ 40,000.00
VCT tile - approx. 3,900 sq. ft.	\$ 39,000.00
Ceiling tiles - 20,000 sq ft	\$ 95,000.00
Paint	\$ 50,000.00
Architect Drawings & Fees	\$ 3,000.00
Steam Tunnel Temporary Repairs	\$ 5,000.00
IT/Network Reconfiguration	\$ 35,000.00
Phones	\$ 20,000.00
Furniture and Equipment Movers	\$ 10,000.00
<i>Total Gross Estimate</i>	<i>\$ 2,472,000.00</i>
City Council Funds Allocated 10/6/15	\$ 500,000
<b>City Council Request 3/14/16</b>	<b>\$ 1,972,000.00</b>

### **Alternatives Considered**

Prior to seeking this request, staff evaluated the possibility of relocating the Police Department to another location. Several sites were evaluated and included brick and mortar buildings that met the following criteria:

- Excellent street infrastructure and roadway access
- Proximity to neighborhoods (adjacency not desired due to noise and disruption)
- Size of building and availability (ideal size 37,000 square feet, minimum 20,000)
- Price per square foot (ideally donated)
- Utility connections and availability of necessary technology infrastructure
- Retrofit for purpose
- Availability

The anticipated moving costs and REGIS/infrastructure buildout alone is \$1,500,000. This does not include other costs.

Additionally, staff evaluated the possibility of relocating the Police Department to temporary modular units. The criteria for modular units included:

- Identification of a location (vacant parking lot or land)
- Excellent street infrastructure and roadway access
- Proximity to neighborhoods (adjacency not desired due to noise and disruption)
- Price of modular units
- Utility connections and availability of necessary technology infrastructure
- 

The estimated cost of this option, without relocation fees, taxes, electric, water and sewer and REGIS/infrastructure build-outs was \$2,200,000 for design, installation, rental and teardown.

Both estimates were more costly than building repairs, which are necessary whether or not the Annex is renovated for the Police Department.



## City Council Agenda Item Cover

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**MEETING DATE:** March 14, 2016

**AGENDA ITEM TITLE:** **City Council Approval of the Construction of a New Facility for the Police Department**

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

**COUNCIL ACTION:** Approval

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

**BACKGROUND REVIEW:** In December 2014, the City engaged Chiodini and Associates to evaluate the physical and operational needs of the Police Department, the conditions of the Annex (existing location of the Police Department) and recommend whether renovation of the Annex or construction of a new facility should be pursued. The consultant's work on the analysis is complete and attached.

It is the consultant's opinion that new construction be pursued. Renovation of the Annex does not provide true value sense: a cost comparison illustrates that renovation of the Annex is far more expensive than new construction. The economics of facility renovation was critical, but a tipping point is that that the Annex simply cannot be repurposed for a Police Department. The Annex was originally constructed as a printing press and structural limitations of the building will prevent program and design needs of the Police Department from being met in the Annex alone.

By contrast, construction of a new facility will enable the Police Department to operate from an efficient, modern building that meets all local, state and national standards. There is a time advantage to new construction, which could take 2-3 years, rather than complicated staging and phasing logistics associated with renovation. This time advantage is critical, given the requirements of Senate Bill No. 5 that calls for all St. Louis municipal police departments become accredited within 6 years.

Renovation of the Annex should occur. A preliminary estimate to prepare the facility for a future use is included in the study. It is suggested that the renovation be programmed within the context of an overall Civic Master Plan for facilities.

Should City Council proceed with the recommendation, capital improvement funds previously set aside for the project, as well as additional reserve funds, will be used to finance new construction. Confidential property acquisition negotiations will begin for a target site and presented to City Council as per appropriate process. The City will proceed with issuing a Request for Qualifications for architectural design and construction services as soon as possible.

*A copy of the Police Facility Analysis was provided to City Council with the March 14, 2016 study session materials and is not attached to this cover sheet due to the document size. It can be viewed online at the City's website [www.ucitymo.org](http://www.ucitymo.org) and following the link at the bottom of the page to public documents, City Council agenda packets.*

**RECOMMENDATION:** Approval



## Council Agenda Item Cover

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**MEETING DATE:** March 14, 2016

**AGENDA ITEM TITLE:** Stop Sign at Belrue Avenue and Julian Avenue

intersection **AGENDA SECTION:** Unfinished Business

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

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### **BACKGROUND REVIEW:**

The Traffic Commission reviewed a request to approve the existing installation of a stop sign on Belrue Avenue at Julian Avenue as permanent.

A stop sign is warranted at this location. Temporary stop signs were installed and after evaluation of current conditions, staff recommended that the stop signs remain in place. This intersection is near the City boundary with the City of Pagedale. Belrue Ave. is used as a cut through between the two municipalities. Keeping the Stop Sign would help motorists get used to stop at the intersection near the City limit boundary, where now a more regular traffic volume exists. Existing conditions of the temporary stop signs are stable and acceptable for the permanent configuration.

At its December 2015 meeting, the Traffic Commission reviewed the request and recommended approval by the City Council.

If this request is approved by Council, the Traffic Code Chapter 300 will need to be amended for the Schedule VII, Stop Intersections to include this location.

### **RECOMMENDATION:**

Staff recommends that City Council approve of this request; therefore amend the Traffic Code Chapter 300 – Schedule VII Stop Intersections, Table VII-A Stop Intersections.

### **ATTACHMENTS:**

- Bill amending Chapter 300 – Schedule VII Stop Intersections.
- Minutes of the December 9, 2015 Traffic Commission Meeting
- Staff Report



## Department of Public Works and Parks

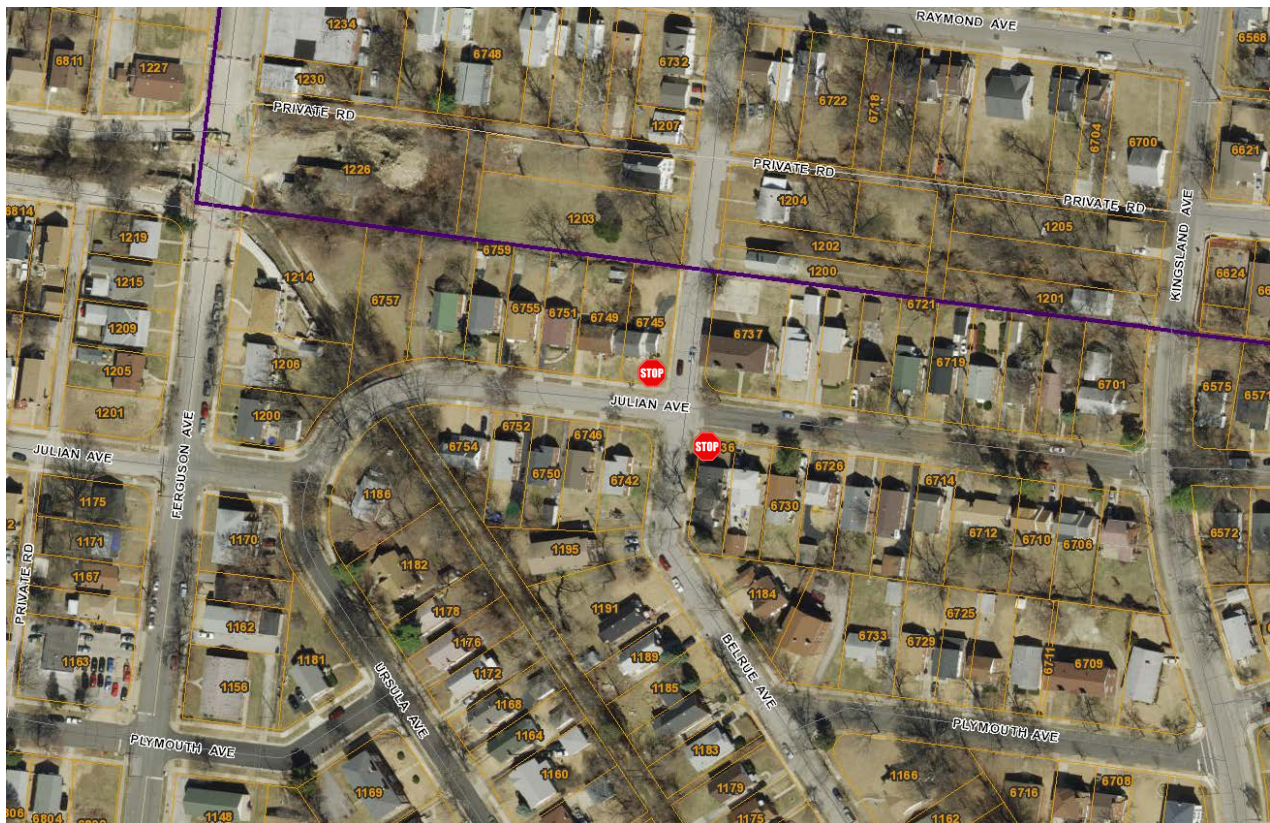
6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8560, Fax: (314) 862-0694

### STAFF REPORT

MEETING DATE: December 9, 2015  
APPLICANT: Public Works and Parks Department  
Location: Belrue Ave and Julian Ave  
Request: Stop Sign intersection  
Attachments: None

#### Existing Conditions:

##### Belrue Ave and Julian Ave intersection - Stop sign location



Currently there are two (2) stop signs on Belrue Ave (northbound and southbound) at Julian Ave, where previously were Yield Signs. Stop Signs were installed in 2014 as a temporary measure to alleviate the traffic safety concerns during the construction of the Ferguson Avenue Bridge was completed. The Ferguson Avenue closure caused a significant amount of additional traffic to travel north and south bound on Belrue Ave. This additional traffic created the need to assign or better define the right of way at this intersection.

According to the Manual on Uniform Traffic Control Device MUTCD, the use of YIELD or STOP signs should be considered at the intersection of two minor streets or local roads where the ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is

necessary; the conditions to consider are: Accident history, visibility conditions, vehicular and pedestrian conflicts, unusual conditions and unique geometrics.

**Request:**

Keep the current “Stop” sign on Belrue Ave at Julian Ave

**Conclusion/Recommendation:**

Based on the recommendation of University City Police Chief, and the Department of Public Works and Parks staff, the Stop Signs should remain due its unusual condition of Belrue Avenue connecting both University City and the City of Pagedale. Belrue Ave is used as a cut through between municipalities. Keeping the Stop Sign would help motorists get use to stop at the intersection near the City limit boundary, where now a more regular traffic volume exists. Existing conditions are stable and acceptable.



## Traffic Commission

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

### CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION December 9, 2015

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, December 9, **2015**, Chairwoman Carol Wofsey called the meeting to order at 6:31 p.m. In addition to Chairwoman Wofsey, the following members of the commission were present:

- Curtis Tunstall
- Jeff Hales
- Mark Barnes
- Eva Creer

Also in attendance:

- Angelica Gutierrez (non-voting commission member – Public Works Liaison)
- Councilmember Stephen Kraft (non-voting commission member – Council Liaison) (arrived at 6:38pm & departed at 6:52pm)
- Police Department Sergeant Shawn Whitley (non-voting commission member – Police Department Liaison)

Absent:

- Jackie Womack (excused)
- Robert Warbin (excused)

#### 1. Approval of Agenda

Ms. Wofsey asked to amend the agenda to include an update from staff on the status of the proposed parking lot at the Delmar-Harvard playground site as well as two additional issues that had been raised to her by residents. Mr. Tunstall moved to approve the agenda as amended. Mr. Barnes seconded the motion and was unanimously approved.

#### 2. Approval of the Minutes

##### A. October 14, 2015 minutes – Amended

Mr. Tunstall moved to approve the minutes from the October 14, 2015 meeting as amended. Mr. Barnes seconded the motion. Ms. Wofsey requested one typographical correction and Ms. Gutierrez requested one formatting correction. The minutes were unanimously approved.

#### 3. Agenda Items

##### A. Stop Sign on Belrue Ave. at Julian Ave.

Ms. Gutierrez reported that a temporary stop sign had been installed on Belrue at Julian in 2014 at the request of residents due to increased traffic on the street related to the Ferguson Ave. bridge construction. It was a temporary measure taken at the direction of the Police Chief and Public Works Director. It was the recommendation of staff that the stop signs remain permanent and made part of the city code.



## Traffic Commission

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

Mr. Hales asked if this came before the commission in 2014 and Ms. Gutierrez stated that it had not because it was a temporary measure.

Ms. Wofsey asked if there had been any feedback from residents. Ms. Gutierrez indicated that there was significant feedback from residents in 2014 and that prior to the stop signs, there were yield signs that were being ignored.

Mr. Hales moved to approve the recommendation. Mr. Barnes seconded the motion.

Sgt. Whitley informed the commission that the stop signs had eliminated the issue with traffic failing to yield at the intersection.

The motion was unanimously approved.

#### 4. Council Liason Report

None

#### 5. Miscellaneous Business

##### A. Traffic Commission Annual Report

Ms. Wofsey asked requested three corrections be made to the report.

Mr. Barnes moved to approve the report with the noted corrections and was seconded by Ms. Creer and the motion was unanimously approved.

##### B. Delmar Loop Parking Study Technical Memorandum

Ms. Wofsey stated that this informational item was a precursor to a larger study and report.

Ms. Gutierrez informed the commission that this was smaller a short-term traffic study related to the Loop Trolley project. The study began at the end of 2013 and included surveys with businesses and public meetings. The commission was not asked to take any action on the memorandum. Ms. Gutierrez indicated that she did not know if there would be a more comprehensive study because the initial proposals on a more comprehensive study were very expensive.

Ms. Wofsey asked Mr. Kraft if the council had voted to allocate funds for this study.

Mr. Kraft stated that the purpose of the study was to focus on the loading zones and that the Loop Special Business District and businesses were concerned about the impact of the Trolley on loading zones. He indicated that this study seeks to maximize the space that we have.



## Traffic Commission

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

### **C. Additional Miscellaneous Business**

Ms. Wofsey asked whether the parking lot proposal on the Delmar-Harvard site would be coming before the Traffic Commission.

Ms. Gutierrez read an email provided by Andrea Riganti, Director of Community Development. It stated that the city is still in discussion with the University Heights neighborhood and that the matter would be brought to the Traffic Commission at a later date pursuant to the code.

Ms. Wofsey stated that she had received a complaint from a resident about the site lines exiting the Trilogy Apartment complex due to parking on Delmar at Canterbury.

Ms. Gutierrez suggested that the citizen complete a traffic request form to pursue the concern, but noted that she recalled the County's reluctance to change the street parking on Delmar many years ago.

Ms. Wofsey also received a complaint with the ingress and egress related to the Starbucks on North and South Rd. and asked if there have been accidents there.

Sgt. Whitley indicated that there had been accidents at that location, but that the primary issue is the traffic congestion, particularly between 7am and 9am. He believed the neighboring businesses prohibit Starbucks parking on their lots and that there are issues with both ingress and egress from the Starbucks lot.

Mr. Hales mentioned that he noticed a change in the lane striping creating a turn lane in the southbound lanes across from Starbucks and from his observation that had improved the traffic flow. He noted that he continues to observe southbound traffic on North and South turning into the Starbucks lot and blocking the northbound lanes of North and South.

Ms. Gutierrez informed the commission that the Public Works has been working on a solution for quite some time.

Ms. Wofsey stated that she has been told by residents in the nearby condos that "it is an accident waiting to happen".

Mr. Barnes mentioned that the City of Brentwood had a similar problem and placed lane dividing sticks or "delineators" preventing traffic from turning into the Brentwood Starbucks from the southbound lanes of Brentwood.

Mr. Hales stated that it seemed like there had been a lot of discussion on this subject between the city and Starbucks and asked if staff could provide an email with more information to update the commission on the matter.



## **Traffic Commission**

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

Ms. Gutierrez said she would and indicated that the city has told Starbucks that they would like to bring this to the Traffic Commission, but Starbucks wanted to try to remedy the problem first and had hired CBB as a traffic consultant which led to the new lane striping. She also indicated concerns the city has with pedestrian traffic being blocked and indicated that there have been many complaints.

Mr. Hales mentioned that with the recent resurfacing project on Hanley Road, the contractors had stored their equipment on in the left-hand turn lane of westbound Pershing at Hanley and had repainted a left hand arrow in the center lane of Pershing. Since the completion of the project, the left turn lane reopened but the additional turn arrow has not been removed. He has noticed two near accidents related to drivers in the left-hand turn lane not realizing there were two turn lanes.

### **6. Adjournment.**

The meeting was adjourned at 7:02 pm

Minutes prepared by Jeff Hales, Traffic Commission Secretary

TRAFFIC COMMISSION ANNUAL REPORT Fiscal Year 2015

Matters on the Commission Agenda	Traffic Commission recommendation	Recommendation	City Council decision	Action	Status
<b>MEETING DATE - July 9, 2014</b>					
1. Forsyth Parking Restrictions	Residential Parking permit petition for the 7200 block of Forsyth approved by Commission	Council Approval	Approved	Implementation - installation of signs and enforcement	Completed
2. Parking restriction petition for a single parking space	Review of guideline to approve parking restrictions	Commission Approval	Approved	None	Completed
3. 727 - 731 Limit Avenue parking restriction	Commission requested a petition to be submitted	Commission Approval	None	None	Petition not submitted - Closed
4. FY 2014 Annual Report	Report presented to the Commission	Informational	None	None	Closed
<b>MEETING DATE - September 10, 2014 - Cancelled</b>					
<b>MEETING DATE - October 8, 2014</b>					
1. Parking restriction petition Asbury Ave	Approve request to prohibit parking on Asbury south of Northmoor	Council Approval	Approved	Install signs and enforce	Completed
2. Proposed redevelopment concept of former Delmar-Harvard School property	Conceptual plan presented to the commission comments	Informational	None	None	Closed
3. FY 2014 Annual Report	Report presented to the Commission	Informational	None	None	Closed
<b>MEETING DATE - November 12, 2014</b>					
1. Olive - Hanley "No-Right Turn" movement request	Commission recommended Approval	Council Approval	Approved	Submitted to MoDOT for implementation	Completed
2. Big Bend Blvd and Lindell "No Left Turn" movement restriction	Commission recommended Approval	Council Approval	Approved	Submitted to St. Louis County for implementation	Completed
3. Lindell Blvd Residential Parking Permit change of hours	Commission requested a petition to be submitted	Commission Approval	None	None	Petition not submitted - Closed
4. FY 2014 Annual Report	Report presented to the Commission	Informational	None	None	Closed
<b>MEETING DATE -December 10, 2014</b>					
1. Stop Sign at Lafon Place and Gat Ave	Commission recommended Approval	Council Approval	Approved	Install signs and enforce	Completed
2. Parking Restriction on Pershing Ave east of Midvale Ave	Commission recommended Approval	Council Approval	Approved	Install signs and enforce	Completed
3. Parking Restriction on Midland Ave north of Delmar Blvd	Commission recommended Approval to remove the 1-hour parking sign and restrict parking at all times	Council Approval	Approved	Signs upgraded by St. Louis County	Completed
<b>MEETING DATE - January 14, 2015 - Cancelled</b>					
<b>MEETING DATE - February 11, 2015</b>					
1. Stop Sign at Chamberlain Ave and Jackson Ave	Commission recommended approval	Council Approval	Approved	Install signs and enforce	Completed
2. Forsyth Blvd and Lindell Blvd traffic safety	Report presented to the Commission	Informational	None	Street Division implemented changes	Completed
<b>MEETING DATE - March 11, 2015 - Cancelled</b>					
<b>MEETING DATE - April 8, 2015</b>					
1. 7300 block of Forsyth parking regulations	Commission requested a petition to be submitted	Commission Approval	None	None	Closed
2. The Lofts proposed Stop for Pedestrians	Commission recommended approval	Council Approval	Approved	Installation of signs and enforcement	Completed
3. Gateway Bike Plan	Presentation provided to the Commission	Informational	Approved	Adopt resolution	Completed
<b>MEETING DATE - May 14, 2014</b>					
1. 7300 block of Forsyth parking regulations	Petition to restrict Parking at all times on the south side of Forsyth 60 feet east and west of the 2 driveways servicing 7310 and 7320 Forsyth	Commission Approval	Approved	Install signs and enforce	Completed
2. By-Laws discussion	Revisions to the By-Laws presented	Postponed	None	None	Closed
<b>MEETING DATE - June 10, 2015 Cancelled</b>					

Prepared by: Angelica Gutierrez

Date: December 3, 2015

Type of Recommendations:

- 1- Council Approval
- 2- Commission Approval
- 3- Public Works and Parks Department Implementation
- 4- Postponed
- 5- No Action
- 6- Informational

Approved by: \_\_\_\_\_

Print Name Chairperson Carol Wofsey

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

For more detailed information please visit the City's website [www.ucitymo.org](http://www.ucitymo.org), Public Documents, Boards and Commissions, Traffic Commission, Minutes, 2014 and 2015.

<b>TECHNICAL MEMORANDUM</b>	
<b>Date:</b>	September 14, 2015
<b>To:</b>	Ms. Angelica Gutierrez, Project Manager Department of Public Works and Parks City of University City, Missouri
<b>From:</b>	Mr. Srinivas Yanamanamanda, P.E., PTOE, PTP
<b>CBB Job Number</b>	2013-026
<b>Project:</b>	Delmar Loop Parking Study University City, Missouri

CBB has completed a parking study of the Delmar Loop in University City, Missouri. The purpose of this parking study is to develop general parking strategies to address the immediate needs within the Loop, both from the transition of jurisdiction from St. Louis County to University City perspective, and also from the Loop Trolley implementation perspective. This technical memorandum summarizes our findings and recommendations.

### **Study Area and Methodology**

The study area for this parking study, shown in **Figure 1**, includes Delmar Boulevard from Trinity Avenue to east City limits; and is generally bound by Trinity Avenue to the west, Washington Avenue to the south, Eastgate Avenue to the east, and Enright Avenue to the north. It should be noted that this study is not intended to represent a comprehensive parking needs assessment and planning in the Delmar Loop; and as such does not include any inventories of parking supply or demand. However, it is our intention that this study would setup a logical basis for any future comprehensive parking study in the Delmar Loop.

This study's recommendations take into consideration limited field reconnaissance, input from the City staff, and information gathered from stakeholders via business roundtable and surveys. The business roundtable and the surveys provided feedback from elected officials, local business owners/tenants, and residents on current parking facilities and anticipated needs. Adequate parking supply, proximate parking facilities, safety of parking facilities, employee and customer parking needs, and need for free parking were some pertinent issues discussed during the business roundtable.



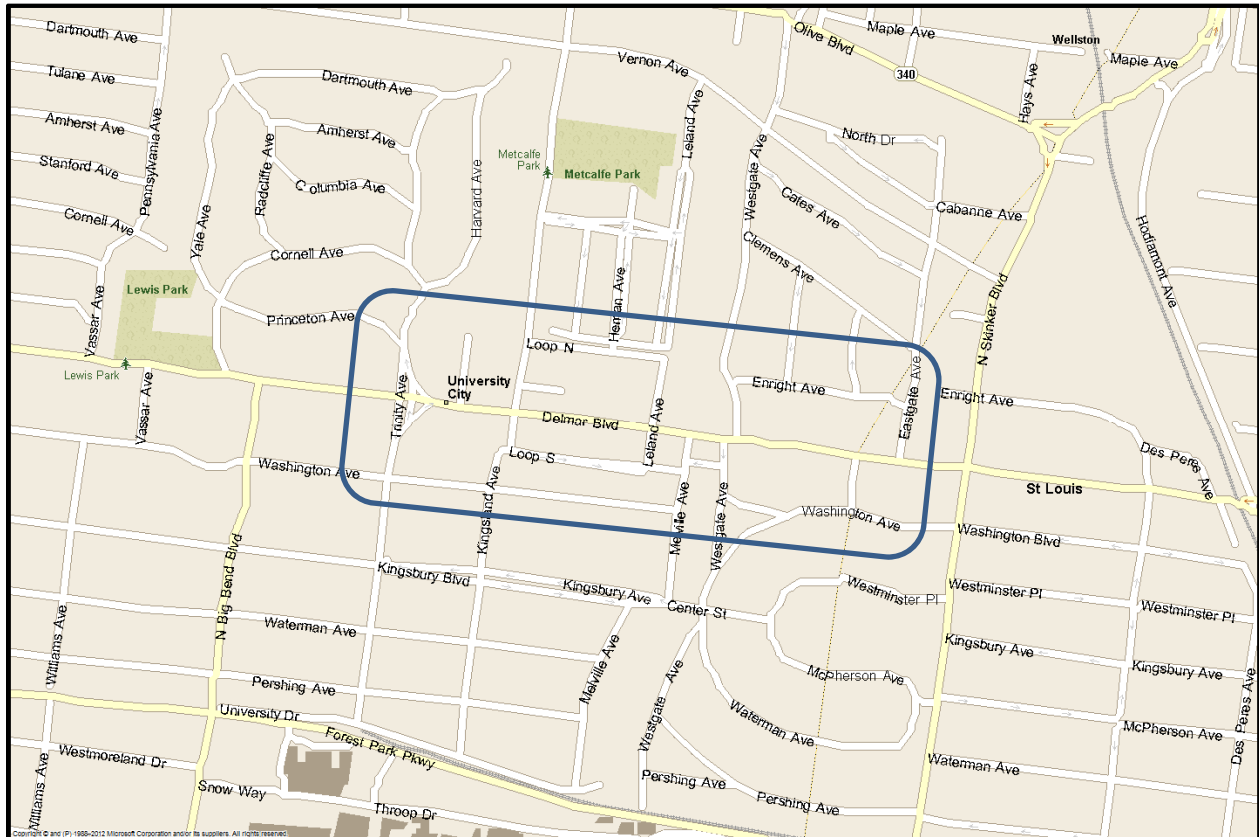


Figure 1: Study Area

### General Parking Strategies

General parking strategies were developed to address the parking needs and opportunities in the study area. University City's standards and Loop Trolley implementation were considered. The following key issues were addressed:

**Parking Layout:** Along the stretch of Delmar Boulevard in the study area, parallel parking option and angled parking option were considered for implementation. Angled parking option would need a minimum width of 19 feet on each side of the street; however, the total width of Delmar Boulevard is approximately 45 feet to 55 feet within the study area. Given the limited right-of-way available, and the upcoming implementation of the Loop Trolley, it is recommended that the existing parallel parking layout along Delmar Boulevard be retained. Moreover, to continue to provide adequate parking supply, it is recommended that the existing available parking spaces be retained to the maximum extent possible.

In addition, it is recommended that the parallel parking spaces be marked according to the examples provided, shown in **Figure 2**, in the Manual of Uniform Traffic Control Devices (MUTCD) 2009 Edition. Moreover, to better define the parking spaces with the Loop Trolley implementation, the left example should be considered. **Exhibit 1** shows the recommended striping for proposed parking layout.

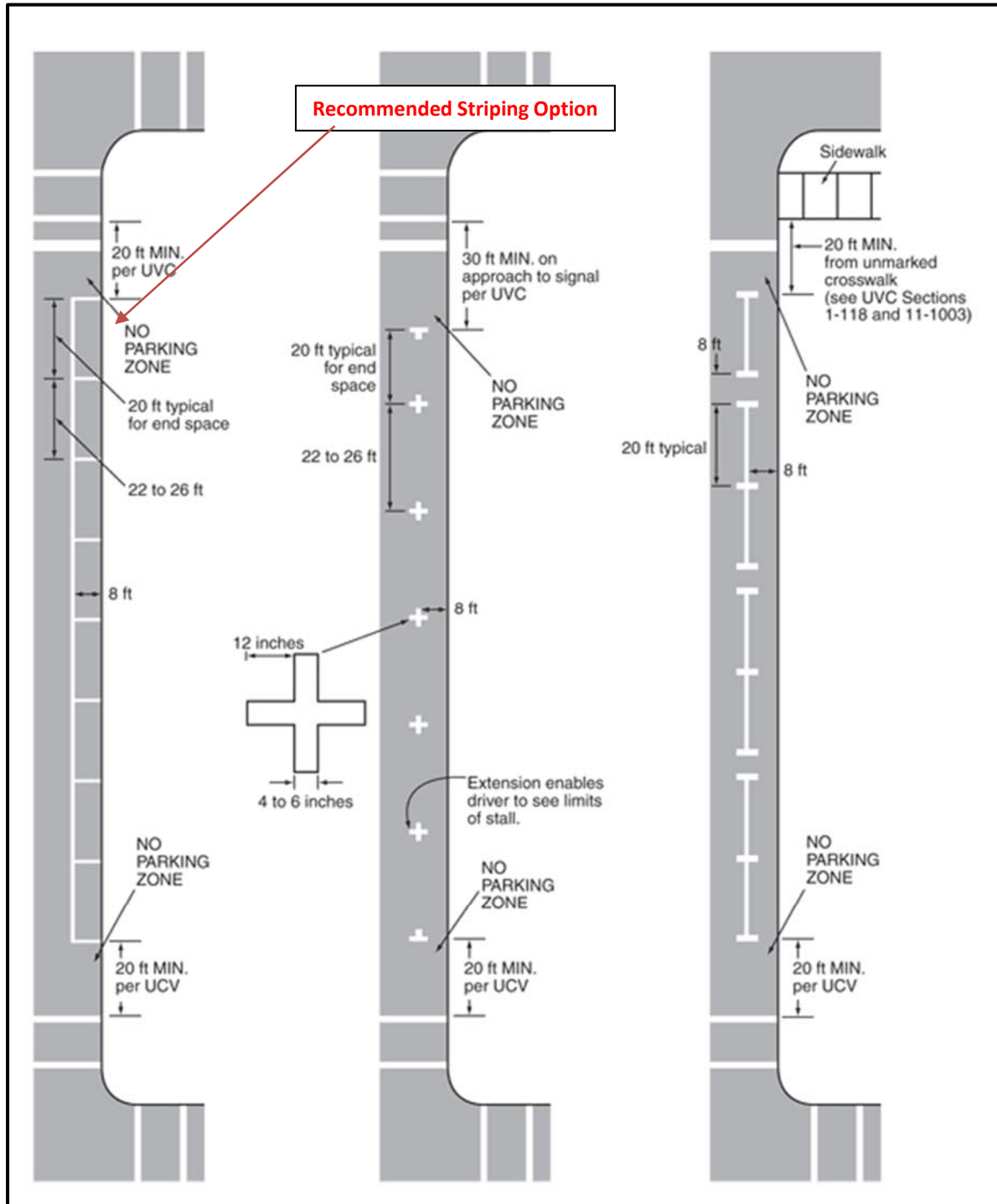


Figure 2: Examples of Parking Space Markings (MUTCD 2009)

Loading Zones for businesses: With the upcoming installation of the Loop Trolley and the associated elimination of the two-way left-turn lane (TWLTL) along Delmar Boulevard in the study area, it is essential to better manage commercial loading zones in the study area. To provide safe and efficient



traffic operations, and to minimize trolley being blocked, it is recommended that commercial delivery vehicles parking on travel lanes be prohibited at all times. Additionally, use of the current loading zone between Melville Avenue and Westgate Avenue should be encouraged during the morning hours before the operation of the trolley. An additional loading zone is identified on the north side of Delmar Boulevard between Leland Avenue and Kingsland Avenue. Installation of parking meters to enable this should also be considered. Use of side-streets for loading and unloading should also be encouraged.

As shown in **Exhibit 1**, we recommend installation of parking meters at the previously identified loading zones and metro stops vacated during Loop Trolley installation. This maximizes available on-street parking within the Loop area. Moreover, it also minimizes commercial vehicles blocking traffic along Delmar Boulevard. Additional commercial loading options are feasible via a parking meter reservation option available through the City. This enables planned loading/unloading operations and minimizes disruptions to traffic. Exhibit 1 also shows additional recommended loading zones along cross-streets.

Paid Parking Strategies: In general, paid parking strategy is encouraged in high demand locations to better manage parking supply and demand. However, it should be noted that paid parking is discouraged by business owners. It should also be acknowledged that field observations indicate efficient use of the existing paid metered spaces along Delmar Boulevard. As such, we recommend no changes to the existing configuration and operation. This strategy should be revisited during the comprehensive parking study.

On-street Accessible Parking Needs: Field reconnaissance and feedback obtained from the stakeholders do not indicate a deficiency in on-street accessible parking supply. Guidelines provided by the US Access Board were utilized to assess the needs and requirements for providing accessible parking. The 1999 'Accessible Rights-of-Way: A Design Guide' does not specify a minimum requirement for accessible on-street parking spaces. As such, the existing marked spaces layout is considered to be in accordance with the published guidelines.

However, it should also be noted that the 2011 'Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way', currently under Notice of Proposed Rulemaking, provides a modified minimum number of required accessible parking spaces, as shown in **Table 1**. If the City were to adopt the 2011 guidelines as standards for existing streets, accessible parking spaces as specified in Table 1 would need to be provided. Accessible parking space design should be according to R309 of the 2011 guidelines.



**Table 1: On-Street Accessible Parking Space Requirements<sup>1</sup>**

R214 On-Street Parking Spaces	
Total Number of Marked or Metered Parking Spaces on the Block Perimeter	Minimum Required Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 and over	4% of total

Long Term Parking Strategies: Based on limited field reconnaissance and feedback from stakeholders, it can be inferred that there is a need for providing additional parking supply in the long-term to be able to meet the increasing parking demands. However, ability to provide additional surface parking supply is very limited because of existing land use. As such, any long-term increase in parking supply is considered viable only via multi-level structured parking facilities. For planning purposes, order of magnitude cost of a 500-space multi-level parking structure is estimated to be in the range of \$10 to \$15 million. It should be emphasized that more detailed analysis of this strategy would need to be included in the comprehensive parking study.

### **City Hall Parking Strategies**

Visitor and employee parking for the City Hall is provided both via on-street parking along Trinity Avenue and via marked surface spaces north of the City Hall between Sgt. Mike King Drive and Trinity Avenue. The roundabout at Trinity Avenue and Delmar Boulevard Intersection is anticipated to impact both the number and the layout of the existing parking spaces on Trinity Avenue. It is recommended that the number of these existing parking spaces be maintained as close to the existing number as possible with the roundabout construction. In addition, better signage for the disjointed surface parking spaces should be considered. Additionally, to provide adequate employee parking, if there is any redevelopment in the vicinity of the City Hall, including adjacent parcels immediately north of the City Hall, it is recommended that the option of designating exclusive parking areas for City Hall use by the developer should be considered.

Should there be any questions or comments regarding this technical memorandum, please contact CBB at [syanamanamanda@cbbtraffic.com](mailto:syanamanamanda@cbbtraffic.com) or at 314-878-6644.

<sup>1</sup> 2011 'Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way' by the US Access Board



Exhibit 1: Recommended Loading Zones  
March 14, 2016

**From:** [Andrea Riganti](#)  
**To:** [Sinan Alpaslan](#)  
**Cc:** [Angelica Gutierrez](#)  
**Subject:** RE: Traffic Commission Meeting - December 9, 2015  
**Date:** Monday, December 07, 2015 11:40:35 AM  
**Attachments:** [image003.png](#)

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Sinan,

Please advise the Traffic Commission that the City is in discussion with the neighborhood on this administrative item.

Matters will continue to be referred to Traffic Commission as per 120.050 and 120.420 of the Municipal Code.

Thank you,



**Andrea Riganti, AICP**

*Director of Community Development*

City of University City, 6801 Delmar Boulevard, University City, MO 63130

P: 314.505.8516 | [www.ucitymo.org](http://www.ucitymo.org)

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**From:** Sinan Alpaslan  
**Sent:** Monday, December 07, 2015 8:46 AM  
**To:** Andrea Riganti  
**Cc:** Angelica Gutierrez  
**Subject:** FW: Traffic Commission Meeting - December 9, 2015

Andrea – please see below from Jeff Hales, Traffic Commissioner.

I know you explained the process to me once but if you can send it to me once again about that the

**BILL NO. 9283**

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

**AN ORDINANCE AMENDING SCHEDULE VII, TABLE VII-A – STOP INTERSECTIONS, CHAPTER 300 TRAFFIC CODE, OF THE UNIVERSITY CITY MUNICIPAL CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.**

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

**Section 1.** Schedule VII, Table VII-A. Stop Intersections of Chapter 300 of the Traffic Code, of the University City Municipal Code is amended as provided herein. Language to be added to the Code is **emphasized**. This Ordinance contemplates no revisions to the Code other than those so designated; any language or provisions from the Code omitted from this Ordinance is represented by an ellipsis and remains in full force and effect.

**Section 2.** Chapter 300 of the University City Municipal Code is hereby amended to add a new location where the City has designated as a stop intersection, to be added to the Traffic Code – Schedule VII, Table VII-A, as follows:

**Schedule VII: Stop Intersections**

**Table VII-A. Stop Intersections**

<b>Stop Street</b>	<b>Cross Street</b>	<b>Stops</b>
<b>Belrue Ave</b>	<b>Julian Avenue</b>	<b>-</b>

\* \* \*

**Section 3.** This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of the sections revised by this amendment nor bar the prosecution for any such violation.

**Section 4.** Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

**Section 5.** This ordinance shall take effect and be in force from and after its passage as provided by law.

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

\_\_\_\_\_  
MAYOR

ATTEST:

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

CERTIFIED TO BE CORRECT AS TO FORM:

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





## Council Agenda Item Cover

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**MEETING DATE:** March 14, 2016

**AGENDA ITEM TITLE:** Text Amendments to Sections 400.030 and 400.1460 in Articles 2 and 5 of the University City Zoning Code (pertaining to adult businesses)

**AGENDA SECTION:** Unfinished Business with an emergency clause

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

**CAN THIS ITEM BE RESCHEDULED? :** No

**BACKGROUND REVIEW:** Attached are the documents for the above-referenced Zoning Text Amendments to the University City Zoning Code. The proposed text amendments would improve the existing regulations pertaining to adult businesses by providing better clarity to the prevailing definitions and alleviate any vagueness.

The Plan Commission considered the matter at their February 24 meeting and recommended approval of the proposed Text Amendments by a vote of 7 to 0.

This agenda item requires a public hearing at the City Council level and passage of an ordinance. The public hearing should take place on March 14, 2016. For the preservation of public peace, property, health, safety and morals this ordinance is being passed as an emergency and for public necessity, and the rule requiring this ordinance be read on three separate occasions, is waived.

**Attachments:**

- 1: Transmittal Letter from Plan Commission
- 2: Material for February 24, 2016 Plan Commission meeting
- 3: Draft Ordinance

**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

March 2, 2016

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

RE: Zoning Text Amendments –  
Adult business regulations

Dear Ms. Pumm,

At its regular meeting on February 24, 2016 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, the Plan Commission considered Zoning Text Amendments to certain sections of the Zoning Code pertaining to adult businesses.

By a vote of 7 to 0, the Plan Commission recommended approval of the proposed Amendment.

Sincerely,

Linda Locke, Chairperson  
University City Plan Commission

March 14, 2016

L-2-3

ATTACHMENT 2:  
Material for February 24, 2016 Plan Commission meeting



## Department of Community Development

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

# MEMORANDUM

TO: Plan Commission members  
FROM: Zach Greatens, Planner  
DATE: February 24, 2016  
SUBJECT: Proposed Text Amendments related to adult businesses

---

Recently there has been community interest and concern about the regulation of adult businesses in University City. While such businesses are allowed in commercial zoning districts with a Conditional Use Permit under our current Zoning Code, they are also regulated by the provisions in Articles II and V pertaining to definitions and location restrictions (see Attachment A). On review, while certain aspects of such operations are being regulated, it is the opinion of staff that such businesses are not adequately addressed in the Zoning Code to ensure their appropriateness or compatibility with surrounding land uses.

Further research on the zoning codes of several nearby communities regarding this subject was conducted. Attachment B shows its summary table. It is found that definitions and location restrictions of adult businesses are contained therein all their codes. However, definitions of relevant terms for some of the municipalities, including University City, are not explicit and are not in keeping with related language in the Missouri Revised Statutes.

Based on the preceding considerations, in order to provide better clarity to the prevailing definitions to alleviate any vagueness and to be in keeping with language in Missouri Revised Statutes, staff recommended revisions to certain definitions for consideration and recommendation by the Code Review Committee (CRC). At their meeting on February 23, 2016, the CRC unanimously (3 to 0) recommended approval of the amendments proposed by staff, with some minor edits, for the Plan Commission's consideration. The revised Text Amendments (Sections 400.030 and 400.1460) are included in Attachment C. The Plan Commission is requested to consider the proposal and make a recommendation to the City Council. A formal public hearing would be held at the City Council level.

## ATTACHMENT A – Current Relevant U City Zoning Regulations (Excerpts)

### Chapter 400. Zoning Code

#### ARTICLE II. Definitions

##### Section 400.030. Definitions. (*Excerpts pertaining to adult businesses*)

As used in this Chapter, the following terms shall have these prescribed meanings:

#### ADULT BUSINESS

Any business:

1. That engages in the sale or rental of merchandise of which a substantial portion is sexually-oriented material. It shall be presumed that a substantial portion of the merchandise is sexually-oriented material if any one (1) or more of the following criteria are satisfied:
  - a. Twenty-five percent (25%) or more of the floor area of the premises (not including bathrooms or office space) is used for the storage, stocking or display of sexually-oriented material at any time; or
  - b. Twenty-five percent (25%) or more of the merchandise displayed at any time (by number of items) consists of sexually-oriented material; or
  - c. Twenty-five percent (25%) or more of the inventory, including merchandise displayed and merchandise in stock or storage areas, at any time (by number of items) consists of sexually-oriented material; or
  - d. Twenty-five percent (25%) or more of the value of the inventory, including merchandise displayed and merchandise in stock or storage areas, at any time (as measured by retail or rental price) consists of sexually-oriented material.
2. That engages in providing "adult entertainment", as defined herein, to which the public, patrons or members are invited or admitted, as a regular and substantial portion of its business. Such business includes, but is not limited to, any adult motion picture theater, adult theater or adult entertainment cabaret or adult entertainment studio, as defined herein.

#### ADULT ENTERTAINMENT

Any exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, serving food or beverages, soliciting the sale of food, beverages or entertainment, posing, pantomiming, modeling, removal of clothing, or any service offered on premises where such exhibition, performance, display or dance is of sexually-oriented material.

#### ADULT ENTERTAINMENT STUDIO

An establishment whose premises are physically arranged so as to provide one (1) or more booths, cubicles, stalls, compartments or rooms accommodating one (1) or more patrons for presenting or viewing sexually-oriented material. An adult entertainment studio includes, but is not limited to, establishments known as "rap parlors", "exotic dance studios", "sensitvity studios", "encounter studios", "peep shows", "adult video arcades" and "adult mini-motion picture theaters".

## ATTACHMENT A – Current Relevant U City Zoning Regulations (Excerpts)

### ADULT MOTION PICTURE THEATER

An establishment with one (1) or more screens or projection areas used for the exhibition of sexually-oriented material in the form of video tapes or motion pictures.

### ADULT THEATER OR ADULT ENTERTAINMENT CABARET

An establishment which provides live sexually-oriented material for observation by patrons.

### SEXUALLY-ORIENTED MATERIAL

Any performance, exhibition, book, magazine, newspaper, other printed or written matter, picture, drawing, photograph, motion picture, video, pictorial representation, statue, figure or other three-dimensional object, recording, transcription, computer program or anything which is or may be used as a means of communication that depicts, describes, or portrays human sexual intercourse, sodomy, bestiality, oral copulation, masturbation, urinary and defecatory functions, sadism, masochism, sadomasochistic abuse, or exhibition of the genitals; or any touching of the genitals, pubic areas, or buttocks of the human male or female, whether alone, or between members of the same or opposite sex, or between humans and animals, in an act of apparent sexual stimulation or gratification.

## ARTICLE V. Supplementary Regulations

### Division 13. Adult Business Regulations

#### Section 400.1460. Location Restrictions.

A. No adult business shall be located within three hundred (300) feet of any school, public or private (excluding trade, technical or business schools), place of worship, day care center, public library, public or private not-for-profit park or playground, or property zoned or used for residential purposes, which uses are located within the City limits.

1. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the premises on which the adult business is to be located to the nearest point on the property line of any such school, place of worship, day care center, library, park or playground, or property zoned or used for residential purposes.

2. Property zoned for residential purposes means property zoned "SR", "LR", "MR" or "HR", but does not include any residentially zoned property developed under a conditional use permit for a wholly non-residential use and does not include any public street or alley right-of-way.

B. No adult business shall be located within five hundred (500) feet of any other adult business, regardless of whether such businesses are located on the same property or separate properties.

1. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the premises at which an adult business is to be located to the nearest point on the premises of such other adult business located within the City.

## ATTACHMENT B

### Summary of Current Zoning Ordinances and Regulations Related to Adult Businesses in Certain Municipalities

Municipality	Define adult business and/or sexually oriented business	Define nudity and/or seminudity	Regulate location of adult businesses (protection of certain uses with buffers)	Definitions consistent with language in Missouri Revised Statutes
University City	Yes	No	Yes	No
St. Louis County	Yes	No	Yes	No
Clayton	Yes	No	Yes	No
Olivette	Yes	Yes	Yes	Yes
Maplewood	Yes	Yes	Yes	Yes



ATTACHMENT 3:  
Draft Ordinance

**INTRODUCED BY:**

**DATE:** March 14, 2016

**BILL NO. 9284**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ARTICLE II. DEFINITIONS, SECTION 400.030 AND ARTICLE V. SUPPLEMENTARY REGULATIONS, SECTION 400.1460 OF THE ZONING CODE OF THE CITY OF UNIVERSITY CITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Zoning Code of the City of University City is intended to be utilized in conjunction with the University City subdivision and land development regulations to ensure that the development of land within the City occurs in a manner that protects, provides for and promotes the public health, safety, convenience, comfort, and general welfare of the residents of University City; and

**WHEREAS**, the City Council of the City of University City desires to update Article II, Section 400.030 of the Zoning Code in order to clarify and alleviate any vagueness by adopting explicit definitions related to adult business; and

**WHEREAS**, the City Council has determined that for the health, welfare and safety of its citizens, amendments are necessary to the Municipal Code of the City of University City, Article II, Section 400.030 of the Zoning Code with regard to adult business; and

**WHEREAS**, the City Council desires to amend Article V, Section 400.1460 of the Zoning Code in order to provide consistency of the terms utilized and defined in the Zoning Code and to alleviate any vagueness;

**WHEREAS**, the City Council has determined that amendments to the Zoning Code are necessary to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City; and

**WHEREAS**, the purpose and effect of the amendments are neither limiting nor restricting on the content or reasonable access to any communicative materials, including sexually oriented materials; and

**WHEREAS**, the amendments neither restrict nor deny access by adults to sexually oriented materials or deny access by distributors and exhibitors of adult businesses; and

**WHEREAS**, the City Plan Commission in a meeting held at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri, on February 24, 2016 at 6:30 p.m. recommended said amendments of Sections 400.030 and 400.1460 of the Zoning Code; and

**WHEREAS**, due notice of a public hearing to be held by the City Council in the 5<sup>TH</sup> Floor City Council Chambers at City Hall at 6:30 p.m., March 14, 2016, was duly published in the St. Louis Countian, a newspaper of general circulation within said City on February 28, 2016; and

**WHEREAS**, said public hearing was held at the time and place specified in said notice, and all suggestions or objections concerning said amendments of the Zoning Code were duly heard and considered by the City Council.

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

**Section 1.** Article II. Definitions, Section 400.030 and Article V. Supplementary Regulations, Section 400.1460 of the Zoning Code of the University City Municipal Code are hereby amended as provided herein. Language to be deleted from the Code is represented as ~~stricken through~~; language to be added to the Code is **emphasized**. This Ordinance contemplates no revisions to the Code other than those so designated; any language or provisions from the Code omitted from this Ordinance is represented by an ellipsis and remains in full force and effect.

**Section 2.** Article II. Definitions of the Zoning Code of the University City Municipal Code is hereby amended to revise the definitions related to Adult Business. Such portions of Article II. Definitions, Section 400.030 of the Zoning Code shall be amended as follows:

**Chapter 400. Zoning Code**

**Article II. Definitions**

**Section 400.030. Definitions**

...

**ADULT BUSINESS**

Any business:

1. That engages in the sale or rental of merchandise of which a substantial portion is sexually-oriented material. It shall be presumed that a substantial portion of the merchandise is sexually-oriented material if any one (1) or more of the following criteria are satisfied:
  - a. Twenty-five percent (25%) or more of the floor area of the premises (not including bathrooms or office space) is used for the storage, stocking or display of sexually-oriented material at any time; or
  - b. Twenty-five percent (25%) or more of the merchandise displayed at any time (by number of items) consists of sexually-oriented material; or

c. Twenty-five percent (25%) or more of the inventory, including merchandise displayed and merchandise in stock or storage areas, at any time (by number of items) consists of sexually-oriented material; or

d. Twenty-five percent (25%) or more of the value of the inventory, including merchandise displayed and merchandise in stock or storage areas, at any time (as measured by retail or rental price) consists of sexually-oriented material.

~~2. That engages in providing "adult entertainment", as defined herein, to which the public, patrons or members are invited or admitted, as a regular and substantial portion of its business. Such business includes, but is not limited to, any adult motion picture theater, adult theater or adult entertainment cabaret or adult entertainment studio, as defined herein.~~

...

2. To which the public, patrons or members are invited or admitted and wherein adult entertainment is provided, as a regular and substantial portion of its business. Such business includes, but is not limited to, any adult motion picture theater, adult cabaret, adult theater or adult entertainment studio, as defined herein.

#### **ADULT MOTION PICTURE THEATER**

~~An establishment with one (1) or more screens or projection areas used for the exhibition of sexually-oriented material in the form of video tapes or motion pictures.~~

#### **ADULT MOTION PICTURE THEATER**

An establishment wherein films, motion pictures, movies, video cassettes, slides, digital video discs or similar photographic reproduction, video over Internet protocol or other projected images are regularly, commonly, habitually or consistently shown which present material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

#### **ADULT THEATER OR ADULT ENTERTAINMENT CABARET**

~~An establishment which provides live sexually-oriented material for observation by patrons.~~

#### **ADULT CABARET**

A nightclub, bar, restaurant or similar commercial business establishment which regularly features:

a. Persons who appear nude, in a state of nudity or seminude.

#### **ADULT THEATER**

A theater, concert hall, auditorium or similar commercial establishment that regularly, commonly, habitually or consistently features:

- a. Persons who appear in person in a state of nudity or seminude; or
- b. Live performances which are characterized by the exposure of specific anatomical areas or by specified sexual activities; or
- c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- d. Persons who engage in erotic dancing or performances that are intended for the sexual interest or titillation of an audience or customers.

**NUDITY STATE OF NUDITY**

- a. The appearance of any portion of the human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals or vulva with less than a fully opaque covering; or
- b. The showing of any portion of the female breast or breasts with less than a fully opaque covering of any part of the areola or nipple.
- c. Human male genitals in discernibly turgid state even if completely and opaquely covered.
- d. Body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered an opaque covering.

**SEMINUDE**

A state of dress in which opaque clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of the female breast below a horizontal line across the top of the areola at its highest point. Seminudity shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by wearing apparel provided the areola is not exposed in whole or part.

For this section body paint, body dyes, tattoos, liquid latex, whether wet or dried, and other similar substances shall not be considered an opaque covering.

**SPECIFIED ANATOMICAL AREAS**

- a. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttocks or a female breast or breasts below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid sate, even if fully and opaquely covered.

## **SPECIFIED SEXUAL ACTIVITIES**

Includes the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, whether covered or uncovered; or
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in Subsections (a) through (c) above.

**Section 3.** Article V. Supplementary Regulations of the Zoning Code of the University City Municipal Code is hereby amended in order to make consistent the terms utilized and defined in the Zoning Code. Such portions of Article V. Supplementary Regulations, Section 400.1460 of the Zoning Code shall be amended as follows:

### **Chapter 400. Zoning Code**

#### **Article V. Supplementary Regulations**

##### **Division 13. Adult Business Regulations**

##### **Section 400.1460. Location Restrictions**

A. No adult business shall be located within three hundred (300) feet of any school, public or private (excluding trade, technical or business schools), place of worship, day care center, public library, public or private not-for-profit park or playground, or property zoned or used for residential purposes, which uses are located within the City limits.

1. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the ~~premises~~ **property line** on which the adult business is to be located to the nearest point on the property line of any such school, place of worship, day care center, library, park or playground, or property zoned or used for residential purposes.

2. Property zoned for residential purposes means property zoned "SR", "LR", "MR" or "HR", but does not include any residentially zoned property developed under a conditional use permit for a wholly non-residential use and does not include any public street or alley right-of-way.

B. No adult business shall be located within five hundred (500) feet of any other adult business, regardless of whether such businesses are located on the same property or separate properties.

1. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the ~~premises~~ **property line** at which an

adult business is to be located to the nearest point on the premises **property line** of such other adult business located within the City.

\* \* \*

**Section 4.** This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of the sections revised by this amendment nor bar the prosecution for any such violation.

**Section 5.** Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

**Section 6.** This ordinance shall take effect and be in force from and after its passage as provided by law.

**Section 7.** It being for the preservation of public peace, property, health, safety and morals that this ordinance be passed as an emergency and for public necessity, and the rule requiring this ordinance be read on three separate occasions, be and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2016

\_\_\_\_\_  
MAYOR

ATTEST:

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

CERTIFIED TO BE CORRECT AS TO FORM:

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

## 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

#### January 14, 2016

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

Absent Excused: Richard Juang, Scott Eidson  
Guests: Lori Goodman (resident)

1. Meeting called to Order, Roll Call at 6:04 p.m.
2. Opening Round
  - a) Lois reminded the commission about the goal setting meeting on January 23<sup>rd</sup>.
  - b) Jeff attended the University City budget planning meeting.
3. Approval of Minutes
  - a) November meeting minutes were approved with three amendments.
4. Special Presentations
  - a) Public Comments: Lori Goodman, resident of 8001 Teasdale in University City, recently moved to University City. She discussed two topics:
    - i. Interest in the Green Practices Commission
    - ii. Problems with Center Drive from Delmar to Teasdale. This section of Center Drive is in poor condition. Lori would like attention given to maintenance of the street. Jenny will inform Public Works Department staff of the concern.
5. New Business
  - a) 2015 International Energy Conservation Code (2015 IECC)
    - i. The Green Practices Commission encourages University City to evaluate and adopt the 2015 International Energy Conservation Code.
    - ii. "The City supports the adoption of 'modern codes', as demonstrated by our adoption of 2012 ICC codes in 2013. The most recent 2015 energy code has not been fully evaluated by our staff. It is my suggestion that we do not support this until we fully understand the impact the code will have on our residents and community in whole." Per Bryan Kopp, Deputy Director / Building Commissioner.
    - iii. Jenny will ask Bryan about next steps in the process to evaluate the 2015 IECC.
    - iv. The Sierra Club will host a meeting to discuss St. Louis County's process to review the IECC on Wednesday, January 27, 6:00 pm at the Sierra Club office, 2818 Sutton Blvd.
    - v. The Sierra Club representative is Gretchen Waddell Barwick, [Gretchen.waddellbarwick@sierraclub.org](mailto:Gretchen.waddellbarwick@sierraclub.org).
6. Old Business
  - a) The Goal Setting Workshop is scheduled for January 23, 2016 from 9 am - Noon at the Heman Park Community Center.
  - b) EPA Green Power Community Challenge
    - i. The GPC voted to decline to join the EPA Green Power Community Challenge.
    - ii. Kathleen Beebe with 3 Degrees Inc. (company that markets Ameren's Pure Power program) would like to speak to the GPC about the program.
    - iii. The Commission agreed to invite Kathleen to provide a brief presentation at the



February meeting.

- c) Ice Carnival
  - i. 12 of the 45 new Delmar Loop public space containers with separate compartments for recycling and trash have been installed along Delmar.
  - ii. The City enlisted Recycling on the Go (RotG) to provide temporary recycling containers adjacent to the remaining trash-only containers.
  - iii. RotG will sort trash and recycling through the course of the day.
  - iv. Recycling will also be provided for the 5K and 10K Frozen Buns Runs.
  - v. Maximum waste diversion is anticipated.
- d) Commercial Recycling Update
  - i. 3 Kings, Market Pub, and the Long Acres Farmer's Market have changed to City service and are now recycling.
  - ii. Jenny has engaged in conversation with Joe Edwards and Steve Stone, two prominent building owners, about converting to University City service.
  - iii. Several other businesses have expressed interest as well.
  - iv. The commercial recycling initiative is proceeding successfully.
  - v. Jenny is working with the Green Dining Alliance (GDA) to make the Delmar Loop a Green Dining Alliance District.
  - vi. Steve Kraft asked about composting opportunities. The City is unable to provide composting due to vermin, contamination, education, etc.
  - vii. Jenny will invite St. Louis Composting to speak at a Commission meeting about their services.
- e) Recycling Center Update for plastic film and other materials
  - i. Upgrades to the existing recycling center on Pennsylvania are proceeding according to plan.
  - ii. Jenny received proposal for a 5-year contract from MLMC including accepting plastic film collected at the recycling center.
  - iii. A trial period is desired before committing to a 5-year contract term. Plastic film collection will require a trial before it is designated as a standard material collected at the center.
  - iv. Jenny sent questions to MLMC concerning the contract length as well as other contract requirements.

## 7. Reports

- a) Ecosystems/ Habitat
  - i. Dianne suggested a goal to require using only native and adaptive plants on University City-owned property. This needs to be discussed with the Parks Department and U City in Bloom on behalf of the Green Practices Commission.
  - ii. The Monarch Waystation Citizen Volunteer Corps (MWCVC) would like the Mayor to sign the Mayors' Monarch Pledge. Mayors must commit to implement at least three of 25 pledge action items within a year of signing. A full description of the action items can be found at [www.nwf.org/~media/PDFs/Garden-for-Wildlife/Mayors-Monarch-Pledge\\_Action-Items.pdf](http://www.nwf.org/~media/PDFs/Garden-for-Wildlife/Mayors-Monarch-Pledge_Action-Items.pdf). The MWCVC would like multiple Commissions to back the pledge, including the Parks Commission and the Urban Forestry Commission in addition to the GPC. Dianne will ask the MWCVC how the GPC can help.
- b) Council Liaison
  - i. Steve Kraft expressed his satisfaction in the success of the GPC's topics, projects and objectives. He conveyed his concern about the Commission's future success once the experienced members with years of expertise in their areas are gone. Lois indicated that one of the goals of the commission should be to train the incoming members so they can carry on the success.

## 8. Closing Round

- a) Tim Michels
  - i. Congressman Lacey Clay announced that parts of North St. Louis, including parts of University City, have been designated "Promise Zones". The City/GPC should learn more in order to be proactive and to be included in the program.

- ii. Sustainability is not currently addressed in the City's Comprehensive Plan update. Jenny has discussed the issue with Ray Lai. The concerns have been passed on through the proper channels to resolve the omission.
  - b) Lois Sechrist
    - i. The GPC will request a Study Session and City Council update at an upcoming meeting to review achievements and goals. This has not been done in 3 to 4 years.
  - c) Jenny Wendt
    - i. Sebright Waste to Energy group will be invited to speak at the February or March GPC meeting.
9. Meeting adjourned at 7:40pm

**CALOP Commission Meeting Minutes**  
**Thursday, February 25, 2016**  
**University City, U City Library, Room #2**  
**6:00 PM**

**Members in Attendance:** Patricia McQueen, David Stokes, Bob Wilcox, Kymal Dockett, Beth Norton and Dennis Riggs

**Members Excused:** Claire Linzee and Councilmember Terry Crow

**Members Absent:** Ted Luby

**Guests:** Taunia Mason, John Baker, and George Sams (GoGetter Productions)

**Others in Attendance:** Patrick Wall, Keith Cole

**Call to Order**

The meeting was called to order by Ms. McQueen, Chairperson, at 6:02pm.

**Approval of Agenda**

A motion was made to approve the agenda by Mr. Wilcox and seconded by Mr. Stokes. The motion carried unanimously.

**Presentation**

Members of GoGetter Production, Taunia Mason, John Baker, and George Sams, came to the meeting to present an update on their project titled “Keeping Saddam Alive: An American Soldier’s Story. Their goal is to complete the project and release February 2017, which is Black History month.

**Approval of Minutes**

A motion was made to approve the October 22, 2015, minutes by Mr. Wilcox and seconded by Mr. Stokes. The motion carried unanimously.

**Treasurer’s Report**

Mr. Cole reported the Treasurer’s Report as of January 31, 2016. He discussed the current year to date expenses and ending fund balance. A motion was made to approve the Treasurer’s Report by Mr. Wilcox and seconded by Mr. Stokes. The motion carried unanimously.

The Fred Wehrenberg Story Project – A motion was made to extend the project 4 months, June 25, 2016, by Mr. Stokes, and seconded by Mr. Wilcox. The motion carried unanimously.

**Agenda Items**

Discussion pursued on the Media Collaborative RFP. To date, there had been zero proposals submitted. Ms. McQueen handed out RFP Evaluation / Criteria and Interview Forms. Discussion pursued on extending the RFP since there had been zero submitted.

A motion was made to extend the Media Collaborative RFP deadline to May 31, 2016 by Mr. Wilcox, and seconded by Mr. Stokes. The motion carried unanimously.

A discussion pursued about having a Spring Grant Round since the Commission hadn't had one in several years. A motion was made to open up a Grant Round beginning March 5 and end April 30, 2016 by Mr. Wilcox, and seconded by Ms. Norton. The motion carried unanimously. Mr. Cole will modify and update the Grant Application to get it ready to be posted on the City's website.

A discussion pursued about nominating members for officer positions. A motion was made to nominate Ms. McQueen as Chair; Mr. Dockett as Vice Chair; Ms. Norton as Treasurer; and Ms. Linzee as Secretary by Mr. Wilcox and seconded by Mr. Stokes. The motion carried unanimously.

Mr. Wall, Library Director, gave an update on the equipment usage. The equipment purchase was funded by CALOP. Overall, the equipment has been a valuable and beneficial purchase.

**Next Meeting Date (Tentative)**

The next meeting is scheduled for March 24, 2016, at 6:00 pm. Location is U City Library – Room 2.

**Adjournment**

A motion was made to adjourn the meeting at 7:07pm. The motion carried unanimously.

DRAFT