



MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
March 28, 2016
6:30 p.m.

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. March 7, 2016 Special meeting minutes
2. March 11, 2016 Special meeting minutes
3. March 14, 2016 Study session minutes
4. March 14, 2015 Regular session minutes

F. APPOINTMENTS

G. SWEARING IN

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Approval to grant authority to the City Manager to sign contract with DG2 LLC consultant to update the Fogerty Park Master Plan.
VOTE REQUIRED
2. Police Station facility
VOTE REQUIRED
3. Police Station financing options
INFORMATION/DISCUSSION

L. UNFINISHED BUSINESS

BILLS

M. NEW BUSINESS

RESOLUTIONS

1. **Resolution 2016 – 6** Council's support for historic structures of the Annex and the old city library
Requested by Councilmembers Glickert and Sharpe

BILLS

N. CITIZEN PARTICIPATION (continued if needed)

O. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions and Task Force minutes
4. Other Discussions/Business

P. COUNCIL COMMENTS

Q. ADJOURNMENT

MINUTES OF UNIVERSITY CITY COUNCIL
SPECIAL SESSION
City Hall, Fifth floor
6801 Delmar Blvd
5:30 p.m.
March 7, 2016

Mayor Welsch called the Council session open at 5:32 p.m., March 7, 2016, at City Hall 2nd floor conference room, 6801 Delmar Blvd. In addition to May Shelley Welsch the following were also present:

Councilmember Paulette Carr
Councilmember Rod Jennings
Councilmember Stephen Kraft
Councilmember Terry Crow
Councilmember Arthur Sharpe, Jr.

Councilmember Michael Glickert was excused.

Also in attendance were City Manager Lehman Walker and City Attorney Kathryn Forster.

Mayor Welsch turned the meeting over to City Administrator Mr. Walker who will ask the City Attorney Ms. Forster to come forward to answer any questions they would have for the City Attorney.

NEW BUSINESS

Resolution 2016 – 6 was introduced by Councilmember Carr and was seconded by Councilmember Sharpe. This resolution is related to revocation of the liquor license at 6655 Delmar. Mayor Welsch read Resolution 2016 - 6.

Mr. Walker asked to City Attorney Kathryn Forster to speak to this resolution.

Ms. Forster provided a description of the liquor license process undertaken by Ramo Inc d/b/a Market Pub House, owned by John Racanelli, Market Pub House closed and reopened as a new business called Social House II. Since the Market Pub House is no longer in need of a liquor license for the establishment City Council has the right to revoke the liquor license of RAMO INC d/b/a Market Pub House due to the fact that it is no longer in operation. Council has the right to suspend or revoke any liquor license according to 600.130 of the City Code.

CITIZEN COMMENTS

Terry Kippenberger, 7150 Princeton

Mr. Kippenberger related the failure of Gaslight Square to businesses such as Social House II opening in the area. He urged Council to do everything in its power to ensure this business does not open in the Loop. He also asked people to boycott Racanelli's Pizza restaurants.

Pete Klarmann, 6911 Cornell

Mr. Klarmann asked if the ownership did not change and they simply changed their business model, would they normally be allowed to continue their liquor license.

Tom Schmidt, 6525 Delmar

Mr. Schmidt of Salt 'n Smoke in the Loop, stated that his other restaurant in Soulard shared a lot with the Social House original location. He noted he understood the concern over the dress of the wait staff. However a bigger concern of his was the amount of violence that took place on the parking lot they shared in Soulard. He stated that because of the publicity Social House received, the name of his business also appeared in the news clips. He believes this contributed to the closing of his restaurant after ten years.

Gary Nelling, 850 Warder

Mr. Nelling is in favor of this resolution that will constrain and hopefully close the business due to the revocation of the liquor license. He did ask University City to check its ordinance to ensure other similar business cannot move into the City. He requested that the City's zoning ordinances be as comprehensive as possible to eliminate this possibility in the future. Mr. Nelling's full comments are attached to the end of this meeting.

Kathleen O'Brien, 533 Warren

Ms. O'Brien asked that Council work together in an expedient effort to move forward in eliminating Social House II.

Margaret Johnson, 7509 Gannon

Ms. Johnson stated that the City Council is doing the right thing by revoking Market Pub House's liquor license. She said the Social House II has gone through a lot of deception, avoidance and expense to avoid the legal process. She asked the Council to shut them down.

Laura Kipnis, 585 Stratford

Ms. Kipnis noted she was disturbed by the City's handling of the situation with Social House II. As a lawyer she thought action should have been taken sooner. She said that having no liquor license does not prevent them from operating. Ms. Kipnis stated that in the past the City has been very aggressive in terms of legal action taken on issues on which community was not united.

Boo McLaughlin, 6640 Delmar

Ms. McLaughlin again stated that Craft Alliance will suffer if Social House remains open. She implored the City to work with deliberate speed as Craft Alliance's summer enrollment has opened and they have already seen a drop in registrations for the upcoming summer programs.

Councilmember Kraft asked the City Attorney for clarification on:

1. Does the City Charter state that Council may upon its own motion or upon a complaint of any person revoke or suspend any license for such time as Council deems necessary and proper. He asked if this was the provision that Council is working under tonight.

Ms. Forster said 600.130, provides that at its discretion the Council can suspend or revoke any license under reasonable action or means.

2. Does the City know who really owns this business?

Ms. Forster said based on the Secretary of State filing it appears that RAMO INC has filed a factious filing to do business as Social House. She noted that another entity had previously filed under the same name with the same address as 6655 Delmar - Hospitality & Restaurant Management where Tony Trupiano is listed as a member. That filing was cancelled after RAMO Inc. filed its factious filing with an address in Fenton. Therefore there is a discrepancy as to who owns what.

3. Why the discrepancies?

Ms. Forster stated there could be discrepancies because of the City's requirements for a new liquor license for a new business might have been difficult. It might not have been possible for the new business to get surrounding businesses' sign off on the application.

4. Is the liquor license is being revoked because of the change in ownership of the business rather than the dress of the wait staff?

Ms. Forster said that Market Pub House does not operate the business therefore the license should be revoked.

5. So the City is revoking the license because they are not in business and the City does not know who owns the place at this time?

Ms. Forster agreed.

6. Councilmember Kraft noted other names mentioned as owners or part owners have been Nick Trupiano (interviewed on KMOX), Richard Montefering, Amy Nicole Kosteki and Pimnapa Racanelli.

Councilmember Crow asked if the City went to court to get an injunction to prevent Social House from opening.

Ms. Forster said there has been a motion for a TRO and a preliminary injunction was filed today.

Councilmember Crow asked that this kind of information be freely communicated to Council. Ms. Forster said she could provide a daily update to Council.

Council Kraft asked for clarification, if the City revoked the license would the TRO become moot? Ms. Forster note the TRO is filed against Ramo Inc., d/b/a Social House II, for failure to obtain the required permits and licenses of the City.

Roll Call Vote on Resolution 2016- 6 was:

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

NAYS:

Councilmember Jennings moved to set a hearing in three days with the written notice provided Ramo Inc, d/b/a Market Pub House, stating that on March 7, 2016, the City Council of University City determined that the Market Pub House is no longer in operation within University City. As such Ramo Inc. d/b/a Market Pub House is no longer doing business as Market Pub House is no longer in need of a liquor license from the City of University City. At such hearing Ramo Inc d/b/a Market Pub House will have the right to have counsel and produce witnesses on its behalf of its defense for the verification of its license. Councilmember Jennings motion was seconded by Councilmember Carr.

Roll Call Vote:

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

NAYS: none

Meeting was adjourned at 6:10 p.m.

Joyce Pumm, MRCC/MCC
City Clerk

Margaret Johnson

7509 Gannon Ave

63130

March 7, 2016

It is clear the City Council will be doing the right thing by revoking the Market Pub House liquor license.

U. City routinely issues permits and liquor licenses to new businesses. Yet Social House II has gone to a lot of trouble and legal expense to avoid the routine process. Their machinations are costing far more than it would to apply for the proper permits and licenses. Why is there so much deception, deflection and planning by Social House II to avoid applying for a new liquor license? Why is there so much misdirection to avoid applying for proper construction permits and business licenses?

Why in the world would John Racanelli and his partner, Nick Trupiano, go to such great lengths to avoid routine permit and liquor license applications? The reason is clear: because they and we know that surrounding businesses and landlords will not approve a topless adult bar in that location, and that approval is part of the normal U City process

Social House II cannot be allowed to circumvent U. City's laws and processes. Shut them down.

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

University City • Social House

To Mayor Welsch, City Manager Walker and the City Council Members

Thanks to Mayor Welsch and Council Member Carr for keeping the University City residents apprised of the Social House issue through their newsletters. Like most residents, I was distressed to read in the Post Dispatch that Social House had managed to open surreptitiously. I am glad to find that your proposed Resolution 2016-6 will allow the City to constrain, and hopefully close, their business by revocation of their liquor license. I also understand that a staff member from the Dept. of Community Development presented official documentation of municipal code violations to them including:

- Lack of a commercial occupancy permit
- Lack of a commercial business license
- Lack of a liquor license

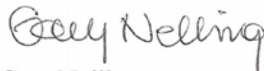
As a citizen, I support and applaud both the intent and language of these actions.

I also understand that the Plan Commission has proposed that you change our zoning ordinances to exclude businesses with nudity from areas within 300 feet of a school, library, church or residence. I likewise support this change, but taken together the total seems to leave loopholes for other types of “adult business”, such as dirty book stores or massage parlors where ladies are dressed scantily but not nude, to be established in areas outside of the various 300-foot radii. Could that radius not be 500 or 1000 feet?

Lastly, I understand that adult businesses have at times obtained protection in the courts under 1st Amendment rights claiming that pornography is a type of free expression. Therefore avoiding such debates is prudent for us. However, are there not other potential comprehensive protections that could follow our well-conceived U City nuisance laws? Could you not exclude types of business that attract criminals and induce criminal or nuisance behaviors, thereby avoiding a debate about expression and focusing on resultant behaviors? Social House in Soulard has a record of drug dealing, prostitution, violence and other unsavory behaviors by patrons on the premises that could be repeated here.

Please make sure that all legislation and zoning changes are as comprehensive as possible. Wherever the owners of these disreputable businesses see lack of resolve and loopholes, they will surely take advantage. I am old enough to remember that the downfall of Gaslight Square, our Midwestern Greenwich Village, began in much the same way. I hope you will give these thoughts some consideration in your deliberations.

Sincerely



Gary Nelling

University City Council Meeting March 7, 2016

Talking Points:

Boo McLoughlin

Executive Director

Craft Alliance Center of Art + Design

- Good evening. I am Boo McLoughlin, Executive Director of Craft Alliance Center of Art + Design. Thank you for giving me the opportunity to address the City Council once again on the topic of the Social House II Bar operating in the Loop, and thank you for your work to prevent this business from opening and continuing its operation!
- As I stated earlier, Craft Alliance has been in the Loop for 46 years and during that time has built its business to bring 50,000 people each year to Craft Alliance to shop, view exhibitions and to take camps and classes.
- We have invested years of hard work into establishing a welcoming, diverse art center on Delmar Blvd that serves people of all ages and from all walks of life.
- Our audience matches the demographics of the Loop and is made-up of young children, high school and college-age students, young adults, families, middle-aged and older people.
- Nearly 800 school children visit our galleries and work in our studios on field trips every year.

- And for 10 weeks in the summer months our Staenberg Summer Camp overflows with 1,000 children between the ages of 4 and 18, with most falling between 4 and 13 years old.
- We have already had emails from parents stating that they will not send their children to Craft Alliance for camp this summer if Social House II operates in the Loop.
- We have not been approached by Social House II with a liquor license request despite the fact that Craft Alliance is within 200 feet of the business, and if we are approached in the future, we will not grant it.
- We appreciate the efforts of the City Council to put a stop to Social House's operations and ask that legal efforts be made with all deliberate speed.
- March is a critical time for enrollment in summer programs at Craft Alliance and each day Social House II stays open is harmful to business at Craft Alliance. We have evidence that it is negatively affecting the early enrollment in our summer classes. Year over year early enrollment comparisons are down 22%. For us, time is of the essence.

MINUTES OF UNIVERSITY CITY COUNCIL
SPECIAL SESSION
City Hall, Fifth floor
6801 Delmar Blvd
6:00 p.m.
March 11, 2016

Mayor Shelley Welsch called the Council session open at 6:00 p.m., March 11, 2016, at City Hall, 5th floor, 6801 Delmar Blvd. In addition to Mayor the following members of the Council were present:

Councilmember Rod Jennings
Councilmember Paulette Carr
Councilmember Terry Crow
Councilmember Michael Glickert
Councilmember Arthur Sharpe, Jr.

Councilmember Stephen Kraft was excused.

Also in attendance were City Manager Lehman Walker, City Prosecutor Cindy Ormsby, and City Attorney Kathryn Forster.

Mayor Welsch opened the hearing on the liquor license of Ramo, Inc., d/b/a Market Pub House. She then turned the meeting over to University City City's Attorney Kathryn Forster.

Ms. Forster noted that Council was present on Council's own motion for the revocation of the liquor license of Ramo, Inc., d/b/a Market Pub House. She stated the purpose of the hearing was for Ramo, Inc. to state why the liquor license should not be revoked and why the liquor license should be transferred to Special House II. Ms. Forster distributed a packet of handouts for Council's review. Ms. Forster proceeded to present University City's case for revocation of the Market Pub House's liquor license.

Albert Watkins was present to represent Ramo, Inc. for the purpose of making a record as to the exhibits presented by the City of University City on relevance grounds to the exhibits that relate to a business that is not Ramo, Inc., but rather the Soulard Social House. With respect to the exhibit of the liquor license application, Mr. Watkins objected to the wholesale irrelevance to the present proceedings. He then proceeded to present Ramo, Inc.'s argument by addressing University City's exhibits and also to enter into the records their exhibits. Mr. Watkins also introduced a partial transcript of the March 10, 2016, TRO Hearing.

Ms. Ormsby addressed some of Mr. Watkins points also noting that the judge from the March 10, 2016, TRO hearing was very clear that the denial of the TRO was clearly based only on the fact that Ramo Inc. owns both the Market Pub House and Social House II and all other issues would be considered at a Preliminary or Permanent Injunction Hearing to be scheduled at the convenience of the parties. The judge stated that it was Council's job to legislate for the City of University City.

Ms. Ormsby closed her defense stating that a proposed Order for the City Council's determination states that Ramo, Inc. was provided the Notice requirement under the statute. Ramo, Inc. was provided opportunity to provide evidence and witnesses before Council, and that Council finds the business known as Market Pub House previously locate at 6655 Delmar is no longer in existence. That Ramo, Inc. is currently operating a business known as Social House II, located at 6655 Delmar. That the liquor license issued to the Market Pub House is not valid since they no longer exist. That Social House II is an undesirable place of business and the revocation of the liquor license issued to the Market Pub House is for the public good and benefit.

Mr. Watkins presented his closing statement to find in favor of Ramo, Inc., d/b/a Social House II.

Councilmember Carr asked Mr. Watkins what his description was of the word "brand". Mr. Watkins stated the brand is a "high end sport's themed restaurant and bar." She noted that Mr. Watkins presented what happened at Blueberry Hill was not the same as what was present at the Social House II. Mr. Watkins said he did not compare the two. Ms. Carr asked if the servers or wait staff are in direct contact with the clientele at the Social House and asked if they should be classified as performers.

Ms. Ormsby asked Council to review pages 10 and 11 of the partial transcript provided to Council, to read exactly what Hon. Joseph Walsh had said.

Councilmember Carr read Council's right in awarding or revoking a liquor license.

Mayor Welsch read the Order that was in front of the Council. She suggested a few changes since Mr. Watkins did not call any witnesses.

Mr. Walker recommended that Council adopt the Order as presented by the City's attorneys.

Councilmember Jennings moved to accept the Order as presented by the City's attorneys and the motion was seconded by Councilmember Crow.

Roll Call vote:

AYES Councilmembers Jennings, Carr, Crow, Glickert, Sharpe and Mayor Welsch

NAYS: none

This Special meeting of the City Council was adjourned at 4:11 p.m.

Joyce Pumm, MRCC/MCC
City Clerk

A court stenographer was present to transcribe this meeting.

UNIVERSITY CITY COUNCIL
STUDY SESSION
5th Floor of City Hall
6801 Delmar Blvd
March 14, 2016
5:30 p.m.

The City Council Study Session was held in the Council Chamber, 5th floor of City Hall, on Monday, February 14, 2016. Mayor Shelley Welsch called the meeting to order at 5:30 p.m. In addition to the Mayor the following members of the Council were present:

Councilmember Paulette Carr
Councilmember Arthur Sharpe, Jr.
Councilmember Terry Crow
Councilmember Michael Glickert.
Councilmember Rod Jennings - arrived at 6:20 p.m.
Councilmember Stephen Kraft – arrived at 5:40 p.m.

Also present were the City Manager Lehman Walker, the Director of Community Development, Andrea Riganti, Police Chief Charles Adams, Police Captain Carol Jackson, and Chris and Lou Chiodini from Chiodini Associates.

Mayor Welsch asked if any members of Council would have any changes to propose on the upcoming agenda. There were no changes suggested.

Mr. Walker stated the subject of this study session was to talk about the recommendation from the consultant with respect to the police facility. He asked Ms. Riganti to take the lead.

Ms. Riganti provided additional context to the facility analysis report. She noted the Annex was not originally designed to be a police station but rather its design was to be used as a printing press for the Magazine Building. Over the years it was retrofitted for a police building. However, for best practices it does not function or operate well as a police department. For that reason, plus the age of the building, in 2014 the City commissioned a study to look at the existing conditions of the building to determine whether or not renovation or new construction should be recommended for an upgraded Police Department facility. Through the 15-month process the City has brought information to the public: a Police Focus group meeting, two additional public meetings, City Council study sessions, updates in *ROARS* and on social media, regular updates on project page on the City's website, weekly updates to the City Council, and a survey which was made available to resident in multiple locations around the City and on the website. Chiodini and Associates then presented their recommendation and a time frame for the process.

Ms. Riganti went over some critical timing issues include the Senate Bill 5 (SB5) and the condition of the building. The present facility would not allow University City police department to become accredited. If not accredited within six-years from date of SB5 passage, the City would lose its control of the police department.

Captain Jackson spoke on SB5. She read a portion of the SB5 signed into law August 28, 2015 stating "Every municipality shall meet the following minimum standards within three years of the effective date of this section by providing municipal services, financial services and reports." Subsection 6 states it shall be completed within six years, "A police department accreditation or certified by the commission of accreditation for law enforcement agencies or the Missouri Police Chiefs' Association, or for police service with the department of credit can be certified by such entities." She noted that on January 1, 2016, the University City Police Department became

proactive and signed a contract with the Missouri Police Chiefs' Association for the process to start University City's certification through the State of Missouri. In this contract, the University City Police department has three years from date of signing to have an inspection for certification. Chapter 18 "Safety and Security" of the Police Chiefs' Standards requires appropriate levels of safety and security shall prevail in the work place to protect the employees as well as the public. Chapter 35 states, "As the custodial care for detainees" requires, University City does not have a fire suppression system, no distress communication system, and no shower facilities, all of which would prohibit University City from gaining accreditation without even going into other areas as evidence, separation of male and female booking areas and such.

Mayor Welsch asked if the police department needed to be in a new or renovated facility for a certain period of time before accreditation would be approved. Captain Jackson said the facility just had to be able to qualify.

Councilmember Carr asked if her information was correct that the deadline would be three years from January 2016, for a passable police facility. She was told she was correct.

Councilmember Glickert asked if the City could meet the required standards with the present facility. Captain Jackson said she did not think it would be possible.

Ms. Riganti noted that the 2014 PSI report indicated the existence of certain environmental hazards but said that as long as they were not disturbed they could remain in its existing condition. If this building were to be renovated, however, the City would have to abate the hazardous environmental conditions. The 2014 study also recommended additional studies be performed on mold and radon levels.

Councilmember Crow said that either way the police personnel will need to be moved out of the present facility. He said the building has been condemned and people are working in unsafe conditions, so is the City moving personnel out whether the City builds new or renovates?

Mr. Walker said that is partially right if the Council approves the remediation as recommended by staff this evening for the \$2 million dollars, it may be possible to move personnel within the existing building, but they will have to be moved in the Annex is renovated.

Mayor Welsch said the three options the Council previously received were:

- Move personnel out to a temporary facility
- Rent temporary modular facilities
- Work on the renovations while staff remains in the facility by moving staff around as needed

Ms. Riganti noted that a move to a temporary facility or to a modular unit would cost the City around \$3 million dollars. There are also other items to consider in moving the facility.

Captain Jackson said that when the environmentalist report comes back, the City will know the type of mold that exists in the facility and the type of airborne elements present. It is possible that remediation could start on the now-abandoned third floor and when finished, this floor could be used while renovations continue on another floor. The dispatchers could, perhaps, temporarily work out of St. Louis County Emergency facility.

Mr. Walker said the need for a move would depend on the decision Council makes this evening. The Police Department said their preferred option, depending on the tests that will be coming in, would be to remain where they are to prevent two moves. Also, consideration has to be given to the costs associated with any move. Captain Jackson agreed.

Councilmember Crow stated that means the employees would be sitting in the same unsafe environment regardless of whether a new facility is built or the present one is renovated. He asked why the message was to move immediately but yet the personnel would not be moved.

Ms. Riganti stated the need to expedite the decision was for building a new police facility was a requirement of SB5. She noted that if the decision is to renovate there will be a relocation of the police staff. If the City builds a new facility, there is a possibility that, with the remediation, staff can remain in the building. That will be determined by the hygienist's report.

Councilmember Crow did not understand the haste to decide on renovation or new when the environmental report was not back.

Mr. Walker stated that Council had enough information to make a decision today as the consultant's presentation will show that renovation of the building still will not be suitable for a police facility. He said the consultant's recommendation is for a new facility to be built immediately and still remediate the issues associated with the existing Annex for some future use.

Councilmember Crow asked how questions of Council would be handled after the consultant's presentation and there would be any time left in the study session.

Mayor Welsch asked the consultants to focus on the changes and additions made from the first report given to Council. Mayor Welsch noted Council has seen the presentation twice.

Councilmember Kraft asked that it not be voted on tonight.

Ms Riganti said the consultant from Chiodini Associates Chris Chiodini would focus on the recommendation.

Mr. Chiodini said there were two drivers, the PSI report and the SB5 bill behind the conditions that exists. He said the recommendation of their team was that a new facility would be best for the City, the community and the Police Department, in terms of safety, economics and efficiency. Mr. Chiodini noted that a renovation would also need to entail an additional building and he ensure that the renovation would cost 50% more than a new facility. Reasons for costs are in meeting building codes, accessibility and energy code requirements for an essential service facility, set-back requirements that are not being met, safety and security, circulation that would still not be satisfactory even with renovation, and space needs inefficiencies. He stated the present building would have to be completely gutted inside and out leaving only column structures.

Mayor Welsch asked if Mr. Chiodini to clarify for Council the essential service requirements. Mr. Chiodini said the requirements have increases in relation to earthquake, wind, snow loads and flood or water loads. The code requirements are higher for police, fire, ambulance, hospitals and their communication associates' facilities. Mr. Chiodini looked for efficiencies in order to drive the cost numbers down from the original estimate. He said his charge in the evaluation was to look at the existing facility, do a physical evaluation, look at police department operations, evaluate current and future police department space and operational needs and the existing police department space allocation.

Mr. Chiodini noted they would be working with the Missouri Police Chiefs' Association on this project. He stated that the cost of a renovation of the Annex is just over \$25 million dollars which is driven by renovating it as an essential facility and also to incorporate the historic bricks and emblems to be cleaned and reused on the outside structure. This does not include temporary facilities or its rent, or the moving and storage expenses. A new facility would be just over \$12

million dollars, not including land cost. He also included an estimate of bulk storage in an out building.

Mayor Welsch asked what the concern was about the set-back with the current facility. Mr. Chiodini said the facility should be 50-feet back from the street, both to the building and to secure parking areas.

Councilmember Kraft asked about the area reserved for the court and questioned whether the City would be in the court business in the future. His suggestion was to remove the court space and save for future build.

Chief Adams said the Missouri Supreme Court cannot tell a municipality or a political entity how to have a court or not have a court. He said the only way to get out of a court is if the municipality chooses to get out of the court business. Chief Adams also stated this area could be used for other business and community meetings, not just court.

Councilmember Glickert asked if there has been any feasibility of coupling the old with the new.

Councilmember Crow asked why the report came to Council so late if there was only some additional changes from the original report. He also asked about the difference in renovation cost per square foot from what was proposed for University City to the actual cost for facility renovated in Clayton.

Mr. Lou Chiodini said that much of the information on Clayton was misinformation. Clayton only used a portion of the square footage of the entire building so the cost should be only spread out through the square footage actually used. Mr. Chiodini said when the final numbers came in it was at \$17 million dollars, with a \$3 million dollar overrun. They figure, with soft costs added, it cost Clayton about \$20.6 million dollars to renovate the building for their new station, and when escalated to today's cost it would \$26 million dollars. He said it should also be noted that the Clayton building was a building built in the 1970's and Clayton did not have to redo the envelope of the building as would have to be done with University City's Annex. Clayton also chose not to build an essential facility.

Councilmember Sharpe asked if the walls being taken down were only interior walls. Mr. Chiodini said in order to make the Annex an essential services facility the entire exterior walls would also come down, leaving only a structural frame.

Councilmember Carr asked where an essential facility is mandated. Mr. Chiodini said it is mandated in the IBC building code which University City has adopted. She was hesitant on adding the court area cost to the project.

Mayor Welsch stated the court area would be inside of the facility so the new building would be built to essential services and the court is within that building.

Councilmember Kraft said he would like to talk to the Finance Director to explain to him what is being talked about for financing.

Meeting was adjourned at 5:29 p.m.

Joyce Pumm, City Clerk, MRCC/CMC

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

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, March 14, 2016, Mayor Shelley Welsch called the meeting to order at 6:36 p.m.

B. ROLL CALL

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

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

Also in attendance was City Manager, Lehman Walker.

C. APPROVAL OF AGENDA

Councilmember Kraft requested that Item 5 under the City Manager's Report be removed from tonight's agenda and revisited at the next meeting and was seconded by Councilmember Crow.

Councilmember Glickert stated that he appreciated the opportunity to have a few more questions answered and additional time to look at the options.

Councilmember Carr suggested that the issue of financing be addressed between now and the next meeting.

Mayor Welsch suggested that any member of Council with questions should direct them to the City Manager.

Councilmember Kraft stated that one reason for his request was the need to address the issue of financing with the City Manager and the Director of Finance.

Councilmember Carr expressed an objection to Mayor Welsch's suggestion, since the issue of financing should be a public discussion.

Councilmember Crow stated that if staff felt strong enough to present this to Council tonight, then surely they have already looked at the pros and cons with respect to financing. Council has a right to review that information beforehand, in order to have an educated conversation in front of the general public.

Mayor Welsch expressed her disapproval of the requested delay, and provided the following timeline detailing the administration's efforts associated with this project:

- May 2010 - Council votes to analyze the economics of rehabilitating the police facility
- March 28, 2016

- June 2011 - Staff asked to provide Council with a comparison of the cost of rehabilitation vs. new construction
- Sept. 2011 - Council unanimously approves staff's request to proceed with the analysis of new construction vs. rehabilitation
- May 2012 - Study Session focused on building a new facility and needed capital improvements
- June 2012 - Continuation of the May 2012, Study Session
- Oct. 2012 - Determination made regarding the need to conduct a study of the facility
- Feb. 2013 - City Manager expressed hope that he would be able to present Council with a recommendation within a few months
- June 2014 - Council, by a majority, approves a resolution authorizing the hiring of a consultant to study the annex
- Dec. 2015 - Council, by a unanimous decision, votes to hire Chiodini Architects to perform a space needs analysis
- April 28, 2015 - Community meeting on the facility analysis process, held at Heman Park Community Center
- June 2015 - Council, by a majority, votes to move \$7 million dollars, set aside in reserves, for the police facility to the unassigned fund balance
- July 2015 - Council, by a majority, votes to return the \$7 million dollars back to reserves for the police facility
- August 2015 - Staff advises Council that they are still in the process of working with consultants to complete the analysis
- Sept. 2015 - Study Session, focused on the results of the analysis, costs and various options
- Oct. 9, 2015 - Staff presents Council with a memo detailing the next steps related to upgrading the facility, providing an estimated date for their recommendation, of December, 2015
- Oct. 12, 2015 - Study Session, focused on the existing facility and scheduling of additional public meetings. *(No member of Council made a specific request for additional public meetings)*
- Nov. 20, 2015 - Community meeting held at the library
- Nov. 23, 2015 - Community meeting held at the library
- Council requests additional public input; staff suggests utilization of a survey with questions approved by Council; staff's December recommendation is delayed. *(Mayor Welsch was the only member of Council to provide feedback on the survey)*
- Jan. 11, 2016 - Survey questions approved by Council; due to the cost of mailing, the survey is made available online and at various designated locations. *(No additional public meetings were requested by Council)*
- Public Question & Answer Section developed the 4th quarter of last year and placed on the City's website. *(To date, all questions have been answered)*
- Regular project updates published in ROARS
- Feb. 2016 - Staff advises Council that the revised facility analysis will be completed by the end of Feb. *(No additional comments or requests were made to staff or the City Manager.)*

Mayor Welsch stated that based on the aforementioned information it should be clear to see that any public allegations insinuating that Council has not been fully apprised of the actions related to the police facility are simply untrue. She then provided information, some contained on the City's website, related to actions taken prior to this administration:

- 1980 - Completion of the Powers Bowersox Analysis apprises City of the physical concerns related to the police station
- Bond Issue for annex repairs was presented to voters and failed
- 1980-2010 - Physical and operational conditions remain and/or worsen
- June 2006 - Council approves issuance of \$2 million dollars in bonds for repairs to City Hall, minor police station improvements and a fire station. *(This debt has now been paid off.)*
- April 2010 - Administration initiates the practice of setting aside funds to make small building repairs and total renovation or new construction of facility. *(Currently there are 7 million dollars in reserves)*
- Completed Renovations since this administration took office - Roof preservation; installation of air filters; wrapping of pipes; replacing/repairing tiles; painting/bleaching/repairing of walls; plumping and electrical maintenance, and initiation of 2014 PSI Environmental Report

Mayor Welsch stated that today, staff is recommending that the City move forward in the process to build a new police station. She stated that Council has discussed all of the options associated with financing in previous meetings and staff has done all that Council has asked them to do as it relates to this facility. Therefore, she believes that Council's actions to delay this recommendation tonight is reflective of grandstanding and Tea Party obstructionism.

The Mayor asked that her full remarks be attached to the minutes.

Roll Call Vote on Councilmember Kraft's amended motion to remove that item from the agenda was:

AYES: Councilmembers Carr, Kraft, Crow and Glickert

NAYS: Councilmembers Sharpe, Jennings and Mayor Welsch

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. February 22, 2016 Regular Session minutes were moved for approval by Councilmember Glickert, were seconded by Councilmember Sharpe and the motion carried unanimously.

F. APPOINTMENTS

1. Linda Locke was nominated for reappointment to the Plan Commission by Councilmember Glickert, seconded by Councilmember Crow and the motion carried unanimously.

G. SWEARING IN

Mayor Welsch then read 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
March 28, 2016

members, staff and anyone else will be ruled out of order. I reserve the right to disallow those engaging in personal attacks to speak at this or future Council meetings.

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

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

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

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

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

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Elsie Glickert, 6712 Etzel, University City, MO

Ms. Glickert expressed her endorsement for renovation of the Police Department Annex, which is a part of the City's heritage. She asked if the decision to construct a new facility is to become certified. Ms. Glickert was concerned about the historical lion heads on the building's façade.

Ms. Glickert noted that when questions are answered at Council meetings the entire audience is educated. However, when one person calls to ask a question they are the sole beneficiary of the information provided.

Mayor Welsch stated that certification for the Police Department is mandated by Senate Bill 5 (SB5), which authorizes that any department not certified by the deadline outlined in the bill will be disbanded.

Patricia McQueen, 1132 George Street, University City, MO

Ms. McQueen agreed with the postponement of a vote on a new police facility. She would also like to know:

- The dollar figure for the capital improvement funds previously set aside
- Disclosure of optional building sites
- Estimations for land acquisition
- Proposals for future utilization of the Annex

Ms. McQueen suggested that the \$7 million dollars be removed from reserves and placed into the general fund; that \$2.2 million dollars of those funds be allocated for repairing the annex and street maintenance; that a marketing process be initiated to present a bond issue to build the new police facility, and if needed, additional repairs to the Annex for future use or sale.

Laura McDermott, 6830 Kingsbury Blvd., University City, MO

Ms. McDermott recited a personal incident that occurred on January 19, 2016, where Gateway's delayed arrival and inexperienced staff resulted in the death of her 44- year- old boyfriend. She asked Council to reconsider their contract, because she no longer feels safe March 28, 2016 that she has called home for thirty years.

Judith Gainer, 721 Harvard, University City, MO

Ms. Gainer questioned the provocative remarks in the Mayor's newsletter, which just causes dissention. She stated that she appreciated the Mayor's comments explaining why the Annex has deteriorated, but did not understand why plans for the future use of this building were not included in this decision-making process.

I. PUBLIC HEARINGS

1. Text amendment to the Zoning Code.

Mayor Welsch opened the Public Hearing at 7:08 p.m., and having no requests to speak, the hearing was closed at 7:09 p.m.

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.

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

Councilmember Glickert asked Mr. Walker if the approval of this award would have any impact on the Annex. Mr. Walker stated that it would not.

Voice vote on Councilmember Jennings' motion carried unanimously.

2. Approval to increase the fees and charges for Ruth Park Golf Course beginning April 1, 2016.

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

Councilmember Glickert stated that he is in favor of this increase, so his only concern is that patrons be given a 30-day notice.

Voice vote on Councilmember Kraft's motion carried unanimously.

3. Approval to award to Erb Equipment the purchase of an Out-Front Mower for the amount of \$26,796.52.

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

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.

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

Citizen's Comments

Frank Olendorff, 8128 Cornell Court, University City, MO

Mr. Olendorff stated that he wholeheartedly endorsed this proposal, which is not only the most affordable short-term solution, but an essential first step towards the reuse of this national

Paul Schoomer, # 7 Princeton, University City, MO

Mr. Schoomer stated that as a former chair of the Plan Commission and of the Council, he wished to call the public's attention to the obscenity of presenting the actions considered here in order to preclude the citizens' Historic Sites Petition on the April ballot. Such an activity is yet another demonstration of Council's contempt for the citizens of this City, the Charter and the Constitution, which they have all sworn under oath to uphold.

Council's Comments

Councilmember Crow stated that throughout the memorandum the generic phrase of "*several*" is used when referencing roofers, industries and bidders. However, in order to establish credibility, it would be helpful going forward to provide the exact number associated with each of these categories.

Point of Information: Councilmember Carr stated that one thing the Mayor failed to mention is that in 2012 and 2013, she had asked that money be set aside in the budget to look at the exterior and interior of the Annex. She then asked the City Manager whether the need to move the police out of this building had been addressed. Mr. Walker stated that as indicated in previous correspondence to Council, staff is still considering the option of moving the department to another location while this work is being undertaken. He stated that during the Study Session a comment was made by a senior member of the Police Department with respect to a report that will be submitted within the next couple of weeks, which should shed further light on this issue.

Voice vote on Councilmember Jennings' motion carried unanimously.

Mayor Welsch stated that no actions taken tonight or at the next meeting will have any impact on the ballot Historical Sites Initiative for April 5th.

5. Approval of new Police Facility building - Item was REMOVED
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. Bill 9283 was read for the second and third time.

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

Roll Call Vote Was:

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

NAYS: none

Bill 9283 carried and became Ordinance 7009.

Introduced by Councilmember Sharpe

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; provide an effective date: and declaring an emergency. Bill 9284 was read for the first, second and third time.

Bill 9284 carried and became Ordinance 7010.

Point of Information: Councilmember Kraft questioned whether this bill needed a unanimous vote to pass. Mayor Welsch stated that it did.

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

Citizen's Comments

Patricia McQueen, 1132 George Street, University City, MO

Ms. McQueen requested that Council table their vote on this ordinance to a later date, based on her belief that some of the wording may leave the City open to litigation, and may impact existing businesses like the Tivoli, Art House Movie Theatre or Blueberry Hill. She stated that one option could be to change the City Code by stating that any changes to a business must come before the City for approval.

Laura Kipnis, 585 Strafford Avenue, University City, MO

Ms. Kipnis posed the following questions and concerns related to the proposed ordinance, which she believed should be revised, because as written, it may leave the City open to legal challenges.

1. Why is the City not enforcing the state law related to sexually-oriented businesses?
2. Why does the City's ordinance have a 300-foot restriction, whereas the State Statute has a 1,000 foot restriction?
3. Why does this amendment not contain the provision contained in the state law which prohibits the sale, use or consuming of alcoholic beverages on the premises on an adult business?

Ms. Kipnis asked that consideration be given to modifying the definitions for adult business and semi-nude, and provided several suggestions for doing so. She stated that the City's ordinances governing liquor licenses should be revisited.

Council's Comments

Councilmember Crow posed the following questions to Mr. Walker:

1. **Who is the source for the language contained in the proposed ordinance being presented tonight?** Mr. Walker stated that the ordinance was drafted by the City Attorney.
2. **Do you know what example the City Attorney used to draft this proposed ordinance?** Mr. Walker stated that his belief is that the City Attorney reviewed ordinances from other municipalities.

Mr. Walker stated that he would like to address some of concerns raised by Ms. Kipnis. The distance issue was discussed with the Plan Commission. However, the notion of extending the distance to 500 or 1,000 feet would mean that no businesses would be permitted within the City. And pursuant to the City Attorney, it could be challenged as a First Amendment violation because the City cannot impose content-neutral restrictions on adult businesses entirely. As such, the 300-foot requirement allows adult businesses to operate only within the City's industrial parks.

The definition of semi-nude was taken from the Missouri Revised Statutes, and the City Attorney references specific sections of the statute, which are consistent with those articulated by Ms. Kipnis.

With respect to comments concerning the Tivoli, the City Attorney has indicated that while it is her belief that films shown there might include nudity and sexual activity, it is not the intended business of the Tivoli to regularly, habitually or consistently show films solely characterized by those terms. Therefore, she does not feel that this ordinance would apply directly to the businesses mentioned by Ms. McQueen.

Mr. Walker stated that if Council elects not to proceed with this ordinance, then the Social House will likely be grandfathered in, so it's important that Council act this evening. He stated that if it is determined that further refinements, as suggested by Council or members of the public, are needed, they can be completed at a later date.

Councilmember Crow stated that some of his questions are moot, since the City Attorney is not in attendance. Mr. Walker stated that the City Attorney was scheduled to arrive between 7:30 and 8 p.m., for the closed session. Councilmember Crow stated that any time there is an ordinance of this nature; he believed it was important for someone to be in attendance to educate Council on whether or not the language has withstood previous litigation. Councilmember Crow stated his hope is that after the vote is taken the City Attorney or City Manager will reach out to Ms. Kipnis and others, to ensure that the City is in compliance.

Councilmember Carr acknowledged Ms. Kipnis' suggestion to revise the language related to serving alcohol by limiting the consumption of alcohol in establishments where the major business involves nudity or semi-nudity, which she does not believe will run afoul of the First Amendment Rights. Councilmember Carr stated that she is a little uncomfortable approving something that she knows is somewhat faulty, but at the same time, if everyone would come together as quickly as possible and address the elements that puts the City at-risk, then she would be a little less hesitant.

Citizen's Comments

Laura Kipnis, 585 Strafford Avenue, University City, MO

Ms. Kipnis advised Mr. Walker that the definitions in the proposed ordinance did not match the state statute. However, she would rather see the City do something versus nothing, especially if there is an issue related to grandfathering and suggested that Council fix things at a later date.

Council's Comments

Councilmember Kraft stated that he is willing to support this zoning ordinance, in spite of the fact that he would also like to see the liquor ordinance portion of the City's ordinances modified.

Mayor Welsch stated that the specific ordinance referenced by Councilmember Kraft will be presented to Council in the near future. She stated that the City Attorney has drafted this ordinance law that she believes will pass legal muster and is in accordance with the laws of the State of Missouri.

Roll Call Vote Was:

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

NAYS: none

(Councilmember Crow was excused from the meeting at 7:33 p.m.)

M. NEW BUSINESS **RESOLUTIONS**

BILLS

N. CITIZEN PARTICIPATION (continued if needed) **Thomas Jennings, 7055 Forsyth, University City, MO**

Mr. Jennings stated that the City really does need to take care of the people who protect them, in the best way that it possibly can. He suggested that the City utilize architectural models, provide information on the cost-effect of moving the station and any ramifications associated with the Annex, so that residents can gain a thorough understanding of what is going on prior to Council taking a vote.

Barbara Chicherio, 720 Harvard, University City, MO

March 28, 2016

E-4-8

Ms. Chicherio stated that she is in favor of maintaining the Annex for use as the police station, but if it becomes apparent that is not possible, then she would like to see a plan for reuse of the Annex. She thanked Council for listening to citizens and delaying the vote on this matter.

Frank Ollendorff, 8128 Cornell Court, University City, MO

Mr. Ollendorff urged the Mayor and every member of Council to lead by example, forgoing any negative statements about their colleagues and giving consideration to the fact that others may have a different point of view.

Mr. Ollendorff applauded Council's decision to delay their decision on the Annex and advocated the following: that the decision on this \$12 million dollar project is put into the budget process, and that Council's aim be directed towards bringing everyone together to reach a community consensus. He stated that placing this item in the budget subjects it to a six-week process as spelled out in the Charter that requires at least two public hearings.

Don Fitz, 720 Harvard, University City, MO

Mr. Fitz stated that the Mayor's comment which referred to members of this Council as "*intentional Tea Party obstructionists*," makes him worry that there might be one set of standards for people who support the administration, and a different set of standards for those who criticize the administration.

He stated that input is not an input, if it is not being listened to, or there is a predetermined outcome. A report is when it ignores multiple requests for bids from different companies; or when it gives false overestimations of repairs to the Annex, or even when it repeatedly underestimates the cost of a new building. There is no reason to assume that building a new facility would be more cost-effective than rehabbing the existing annex.

JoAnn Roberts, 940 Alanson, University City, MO

Ms. Roberts expressed condolences to Ms. McDermott for her loss and requested the need for an investigation of several incidents associated with the service provided by Gateway. When people don't answer questions, it is a clear indication that there is a problem.

Ms. Roberts thanked Councilmembers Carr and Kraft for responding to her email which addressed concerns about Chiodini's cost estimates, and the fact that residents were not provided with any comparisons.

Ms. Roberts questioned the public meetings effectiveness since they were held during the holiday season, were poorly publicized and not well attended. The only input requested of citizens was to list the pros and cons of new construction versus renovation. Ms. Roberts stated that residents need to see and hear a more thoughtful analysis of how Chiodini's report compares to other approaches.

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

P. COUNCIL COMMENTS

Councilmember Carr thanked Ms. McDermott for coming forward. Throughout this whole process her colleagues have said if something catastrophic happens, it will be addressed. As soon as she learned about this incident and another incident in her ward, she submitted a request to the City Manager, asking for information about these incidents and ambulances that have reportedly shown up in U City without paramedics. Councilmember Carr stated that it is difficult to predict where the fault lies, since there are a lot of different factors that come into play. So her main focus is on whether the City delivered what it promised when they provided this service.

A couple of weeks ago, the Mayor responded to her request for Gateway's reports that Mr. Mayrose indicated were being submitted to City Council, and stated that the reports contained HIPPA information. However, the reports that were ultimately provided by the City contained no HIPPA information. Some of the information related to the incident which occurred in her ward, indicates that the City's Fire Department was not called until 3 1/2 minutes; it took them another 3 1/2 minutes to arrive, and that Gateway's ambulance was a backup ambulance, which took 9 minutes to arrive at the scene. She stated that she has yet to receive any specific information about Ms. McDermott's tragic incident, and has now been told that this is HIPPA-related information that she is not entitled to. Although from the reports she was able to ascertain that this was a dedicated Gateway ambulance.

Councilmember Carr stated that she has now resubmitted her inquiry as a Sunshine Request, which has gone unanswered for almost a week. She stated that she would like to be in a position to reassure her constituents that the City is delivering what it promised.

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.

Councilmember Sharpe moved to go into executive session, was seconded by Councilmember Jennings

Roll Call Vote was:

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

NAYS:

R. ADJOURNMENT

Mayor Welsch closed the regular City Council meeting at 8:22 p. m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 9:45 p.m.

Good evening, Mayor Welsch and City Council Officials,

My name is Patricia McQueen, resident of 1132 George Street in the Third Ward of University City.

I would like the Council to proposed voting on approving a new Police Facility building. A one-hour study session right before the City Council meeting does not allow enough time to absorb the information that was present and/or any question and answers that were presented. The City Manager's Report does not include the dollar figure of the capital improvement funds previously set aside and the additional reserve funds (I assume he means the \$7 million taken out of reserves). The dollar figures should be clearly stated in the report.

We also have no idea the possible sites of the new facility or an estimate of how much the land will cost. (of course, the report says it will be a confidential property acquisition but that does not help the citizens know the estimate complete cost). Throw ballpark figure out there or arrange of cost for land acquisition that the city will or will not bear.

What are some scenarios of what could go in the Annex if a new police facility is built? What would be the cost of repairing the Annex for future government use or development acquisition? Consideration about repairing the Annex may seem like a separate issue from the proposed new Police facility but it is not. We should go ahead with the Annex Repairs which could be between \$1.9 to \$2.2 million dollars. Here is why:

We should put the \$7 million that was taken out and put back in the General Fund (reserves). Pull the \$2.2 million out of that amount for the Annex repairs and put the remaining toward street maintenance. Next, start the process for putting together a bond issue for building the new police facility and if possible, rehabbing the Annex if the \$2.2. Annex repair does not go far enough for future use or sale. Remember I spoke against taking the \$7 million out of reserves because the police facility space needs analysis was not finished and presented to the public. Well, now we have the analysis report but there are still questions.

I also want the work on the new police facility to start right away but I want it done in the right way and with full support of the Council which I believe strongly is doable. I also would like to see the City Council Staff to begin the marketing process for presenting a bond issue that the public will support which I strongly believe they will if present in the right way (not the wrong way like with the last bond effort).

Thank you

Mayor and City Councilmembers,

I am respectfully requesting that you delay a vote regarding whether to build a new Police building or renovate the Annex. I have several concerns :

1) the costs presented by the Chiodini company may represent the extreme high end of projected costs since we have no comparisons

2) I know the city had a few meetings to present the Chiodini reports (I attended one) but I question the effectiveness of these meetings. They were held during the holiday season and were not well advertised/attended. The Chiodini report was the only option presented and the only input requested of us was to come up with the Pros and Cons of building new vs. renovating. Since the cost of renovating was twice that of building new this didn't represent a true choice.

3) We have had no feedback from the survey taken by the citizens

4) I think more time is needed to look into our funding options

5) I believe that pushing for a vote at Monday's meeting will only lead to more conflict in the community. People need to see and hear thoughtful analysis of how the Chiodini report compares to other approaches.

Please consider looking more closely at comparisons so that the community can whole heartedly support the decision of this council.

Sincerely,

Jo Ann Roberts
940 Alanson Dr.
U. City, 63132

Please excuse me if I get a little emotional throughout this as this event is still very fresh as it is less than two months old.

On January 19 2016 around midnight Lonnie started experiencing trouble breathing, it quickly declined into me having to call 911 because the distress was quickly worsening into an inability to breathe. 10 to 15 minutes after I called the ambulance showed up. He was still conscious and speaking when they arrived. There was one tech and one paramedic. The paramedic administered a breathing treatment which Lonnie was quick to tell them was not working and that he still could not breathe without great difficulty. About 20 min after my original call a fire truck showed up to help the ambulance team carry Lonnie down stairs as he was a larger man. During this time Lonnie fell silent and was having trouble staying in the carrying chair that they were using. they got him out to the bus 30 minutes after the call. The paramedic then cleared the scene after barely having gotten Lonnie into the ambulance and before checking to make sure that he was stable. The police officer and the fire team left. Lonnie crashed and I heard the tech say no pulse. He then called the fire team back costing an additional 5 min so that they could get the paramedic off the fire truck and the tech could drive. All told it was 40-45 minutes before the ambulance drove off silently and with no lights at or under the speed limit.

Lonnie never woke up from that and passed away January 24 2016 at 12: 28 am. Lonnie was 44. He was a Father to 5 children and grandfather to 1. His youngest just turned 8 and his 17 year old is about to graduate which has now taken on a bittersweet tone as she will carry his ashes with her as she crosses the stage. Lonnie is my best friend and boyfriend even his death does not make that past tense.

I have lived in u city in Ames place my entire life and I have never felt unsafe here, Until now. My faith in the paramedics that our city has chosen is now non existent. I fear for the 85 year old grandmother with a heart issue and the 6 year old with asthma. Our city should have a paramedic force like we used to that we can be proud of not one that causes us to fear for the safety of our loved ones.

Gateway is not right for our city or the residents who put their trust in the emergency services we have here. I hope the council will take this into consideration and get rid of gateway before any other stories like mine occur. No one should lose a family member or loved one to an inferior ambulance service again.



Council Agenda Item Cover

MEETING DATE: March 28, 2016

AGENDA ITEM TITLE: St. Louis County Municipal Park Construction Grant – Consulting Services Agreement
Fogerty Park Improvements – Phase I

AGENDA SECTION: City Manager’s Report

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND:

In February 2015, with the approval of City Council, the City received a Municipal Park Grant to hire a consultant to update the Fogerty Park Master Plan. After surveying residents and users of the parks, meeting with the Park Commission and two (2) Public Meetings, a revised Master Plan for Fogerty Park was presented to the Park Commission for approval.

In September 2015 the Park Commission recommended approval of the new Master Plan for Fogerty Park, and in October 2015 it was approved by City Council.

In late October 2015, with a recommendation from the City Park Commission and approval from City Council, City staff submitted an application for a St. Louis County Municipal Park Construction Grant in order to complete Phase I of construction in Fogerty Park. In February 2016, City staff received notification that the St. Louis County Municipal Park Construction Grant was awarded for Fogerty Park.

Since receiving notice of award, staff contacted DG2 Design, LLC, a consultant pre-qualified by St. Louis County Municipal Parks Commission and the consultant that completed the Fogerty Park Master Plan, requesting submittal of an agreement to complete all design and construction services for the Fogerty Park Phase I Improvements Project. This agreement with DG2 Design, LLC provides a compensation of \$77,100.00 for design engineering, construction administration and surveying services. The St. Louis County Municipal Park Grant Commission will reimburse up to \$61,920 of the contract amount, with the City being responsible for the remaining balance of \$15,180.

RECOMMENDATION:

Approval to grant authority to City Manager to sign and enter into this contract with the Consultant (DG2 Design LLC).

ATTACHMENT:

- Proposed Design and Construction Engineering Services Agreement

DG2 Design, LLC
125 S Central Ave.
Eureka, MO 63025
314-258-2754



DG2 Design
Landscape Architecture

Proposal and Agreement for Landscape Architectural Services

Project Name: Fogerty Park Phase I Design Development and Construction Documentation
Project Number: 15-195

Client: City of University City
Client Contact: Jenny Wendt
Client Address: Department of Public Works and Parks
6801 Delmar Blvd, 3rd Floor, University City, MO 63130

Principal (Consultant Contact): Kristy DeGuire: 314-258-2754
Project Leader: Jordan Wilkinson

This Agreement is made and entered into as of this _____ day of _____, 20_____, between DG2 Design, LLC (“DG2”), a Missouri limited liability company, 125 S Central Ave., Eureka, MO 63025 and City of University City (Owner) for the following project: Fogerty Park Phase I Design Development and Construction Documentation. (“Project”).

The project will consist of design development and construction documentation services for Phase I of the Fogerty Park re-design, in accordance with the approved Fogerty Park Master Plan update developed by DG2 Design for The City of University City, Missouri. Phase I will include design and construction of one pavilion, restroom building, playground, and surrounding areas, per the Municipal Park Grant Commission Grant Agreement dated February 1st, 2016.

Design Approach:

DG2 Design’s approach to the further developing the design and construction documentation for this project will be aimed at providing the City and its residents with a park that reflects the character of the community and the region, and instills a sense of pride in those that use it. Our intent is to make Fogerty Park safe, functional, aesthetically pleasing, economically viable and meaningful. Our design approach will focus on taking the steps necessary to produce such a result.

The principles of low-impact, sustainable site design will be an integral part of the team’s design process wherever possible and in accordance with the approved master plan. Such elements include: alternative storm water management, native landscaping, preservation of open space and water, and energy / material conservation. As details are developed, we will work closely with your staff to understand and control future maintenance as it applies to new and improved amenities at the park.

Scope of Services:**1.0 Design Development:**

- 1.1 Phase I Kickoff meeting: DG2 will meet with City staff in a kickoff meeting to establish goals and objectives for the project, as well as review sub-consultant agreements and fees. DG2 will coordinate with The City to develop a mutually agreeable schedule for Phase I.
- 1.2 Boundary and Topographic Survey: DG2 Design will sub-contract with a professional land surveying company to record existing conditions, structures, utilities, easements, topography, and natural features at Fogerty Park. This information will be provided to the City and used as base information to refine the design and construction documents.
- 1.3 30% Design Development Drawings: Preliminary Plans will include:
 - 1.3.1 Existing Conditions Site Plan
 - 1.3.2 Proposed Development Site Plan(s)
 - 1.3.3 Proposed Planting Plan(s)
 - 1.3.4 Proposed Hardscape Plan(s)
- 1.4 Review with University City: The design progress will be reviewed with the City representatives to solicit input and confirm that all plans meet the City's expectations and requirements. The design will be revised and/ or refined as required.
- 1.5 60% Design Development Drawings: Preliminary Plans will include:
 - 1.5.1 Existing Conditions Site Plan
 - 1.5.2 Proposed Development Site Plan(s)
 - 1.5.3 Proposed Planting Plan(s)
 - 1.5.4 Proposed Hardscape Plan(s)
 - 1.5.5 Civil and Structural Engineering: DG2 will sub-contract with THD Design, an engineering company to design portions of the park. This includes but is not limited to: utility and infrastructure design, pavilion design, stormwater design, etc.
 - *Note, this fee doesn't include the following items.
 - Offsite design
 - Culvert design or bridge design
 - Retaining wall design
 - Sub-consultants ~ Environmental, traffic, asbestos, jurisdictional streams and/or wetlands, or fire flow studies or reports
 - Pumps for Lift Station
 - Storm Water (NPDES), SWPPP, and any other state or local permits not listed above
 - Tree Identification
 - Construction Staking (A fee will be provided upon determination of scope of services)
 - Public meetings (If necessary these will be billed at our current hourly rates)
 - Submittal Fees
 - Permit Fees
- 1.6 Review with University City: The design will be reviewed with the City representatives prior to meeting with the public to solicit input and confirm that all

plans meet the City's expectations and requirements. The design will be revised and/ or refined prior to the public meeting.

- 1.7 (Park Commission Meeting #1): DG2 will assist the City's staff in attending a Park Commission Meeting to present a summary of the park design. The purpose of the meeting will be to solicit park board approval. We anticipate this to include:
 - A. Display images of the plans.
 - B. DG2 will present a brief explanation of the plans.
 - C. DG2 will summarize the findings.
 - D. DG2 will follow-up by discussing input received and coordinating with The City staff regarding the preferred direction to proceed.

2.0 Construction Documentation:

- 2.1 30% Construction Documentation: Preliminary CD's will include:
 - 2.1.1 Existing Conditions Site Plan
 - 2.1.2 Demolition Plan
 - 2.1.3 Proposed Development Site Plan(s)
 - 2.1.4 Proposed Planting Plan(s)
 - 2.1.5 Proposed Stormwater Plan(s)
 - 2.1.6 Proposed Hardscape Plan(s)
 - 2.1.7 Proposed Structural Plan(s) – for pavilion, restroom, etc.
 - 2.1.8 Proposed Construction Details and site amenities
- 2.2 Review with University City: The construction document progress will be reviewed with the City representatives to solicit input and confirm that all plans meet the City's expectations and requirements. The design will be revised and/ or refined as required.
- 2.3 60% Construction Documentation: Preliminary CD's will include:
 - 2.3.1 Existing Conditions Site Plan
 - 2.3.2 Demolition Plan
 - 2.3.3 Proposed Development Site Plan(s)
 - 2.3.4 Proposed Planting Plan(s)
 - 2.3.5 Proposed Stormwater Plan(s)
 - 2.3.6 Proposed Hardscape Plan(s)
 - 2.3.7 Proposed Structural Plan(s) – for pavilion, restroom, etc.
 - 2.3.8 Proposed Construction Details and site amenities
 - 2.3.9 Cost Estimation
 - 2.3.10 Technical Specifications
 - 2.3.11 Coordination with MSD
- 2.4 Review with University City: The construction documents will be reviewed with the City representatives prior to meeting with the public to solicit input and confirm that all plans meet the City's expectations and requirements. The design will be revised and/ or refined prior to the public meeting.
- 2.5 (Park Commission Meeting #2): DG2 will assist the City's staff in attending a Park Commission Meeting to present a summary of the park design. The purpose of the meeting will be to solicit park board approval. We anticipate this to include:
 - E. Display images of the plans.
 - F. DG2 will present a brief explanation of the plans.
 - G. DG2 will summarize the findings.
 - H. DG2 will follow-up by discussing input received and coordinating with The City staff regarding the preferred direction to proceed.
- 2.6 90% Construction Documentation: Preliminary CD's will include:

- 2.6.1 Existing Conditions Site Plan
- 2.6.2 Demolition Plan
- 2.6.3 Proposed Development Site Plan(s)
- 2.6.4 Proposed Planting Plan(s)
- 2.6.5 Proposed Stormwater Plan(s)
- 2.6.6 Proposed Hardscape Plan(s)
- 2.6.7 Proposed Structural Plan(s) – for pavilion, restroom, etc.
- 2.6.8 Proposed Construction Details and site amenities
- 2.6.9 Cost Estimation
- 2.6.10 Technical Specifications
- 2.7 100% Construction Documents

3.0 Construction Administration:

- 3.1 Bid Facilitation
 - 3.1.1 Preparation of Bid Documents Package
 - 3.1.2 Meet with City to review bids received
- 3.2 (Park Commission Meeting #3): DG2 will assist the City’s staff in attending a Park Commission Meeting to present a summary of the park bids. The purpose of the meeting will be to solicit park board approval. We anticipate this to include:
 - I. Bids Received.
 - J. DG2 will present a brief explanation of the selected bid.
 - K. DG2 will summarize the findings.
- 3.3 Construction Monitoring and Evaluation
 - 3.3.1 Site Visits
 - 3.3.2 Requests for Information
 - 3.3.3 Change Orders

If extra services are performed by DG2, Owner shall compensate DG2 for same at DG2’s standard hourly rates and for its reimbursables as set forth herein, unless otherwise specifically agreed to in writing.

Compensation: *(Place “X” in appropriate box.)*

- The above listed Scope of Work, exclusive of extras, if any, shall be provided for a lump sum fee of **\$77,100 (Seventy seven thousand one hundred dollars)**, the lump sum fee includes all costs including direct expenses, as set forth below.
- The above listed Scope of Work, including extras, if any, shall be provided on an hourly basis at the following hourly rates:

Principal/ Landscape Architect III	\$150
Landscape Architect II	\$110
Landscape Architect I	\$90
Administrative	\$50

Rates are subject to review at the end of each DG2 fiscal year.

- Down Payment: A 10% (\$xxxxxxxxx Dollars) down payment is required at the time of the signed contract agreement, prior to design work beginning.

In addition to the compensation set forth above, DG2 shall be entitled to receive and Owner shall pay for DG2's reimbursable expenses as set forth herein and other out-of-pocket direct project expenses at their actual cost, plus 10%.

The compensation due to DG2 from Owner shall be billed by DG2 on a monthly basis and payment for same shall be made to DG2 within ten (10) days of Owner's receipt of DG2's invoice.

If the Owner fails to make payment when due, DG2 may upon seven (7) days' written notice to the Owner, suspend performance of services under this Agreement. Unless payment in full is received by DG2 within seven (7) days of the date of the notice, the suspension shall take effect without further notice. In the event of a suspension of services, DG2 shall have no liability to the Owner for delay or damage caused to Owner because of such suspension of services. Failure of Owner to make any payment to DG2 in accordance with this Agreement shall be considered substantial nonperformance and a material breach of this Agreement and cause for termination.

Reimbursable Expenses:

Reimbursable Expenses are included in Compensation set forth above and include expenses incurred by DG2 and DG2's employees and consultants in the interest of the Project, as identified in the following Clauses:

- Expense of transportation in connection with the Project; expenses in connection with authorized out of town travel; long distance communications; and fees paid for securing approval of authorities having jurisdiction over the Project.
- Expense of reproductions, printing for Owner's use, delivery service, postage and handling of Drawings, Specification and other documents.
- If authorized in advance by the Owner, expense of overtime work requiring higher than regular rates and out of town travel expenses.
- Expense of renderings, models and mockups requested by the Owner.
- Expense of additional insurance coverage or limits, including professional liability insurance, requested by the Owner in excess of that normally carried by DG2 and DG2's consultants.
- Expense of computer aided design and drafting equipment time when used in connection with the Project.


Use of DG2's Drawings, Specifications and Other Documents:

The Drawings, Specifications and other documents prepared by DG2 for the Project are instruments of DG2's service for use solely with respect to this Project and, unless otherwise provided, DG2 shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. The Owner shall be permitted to retain copies, including reproducible copies, of DG2's Drawings, Specifications and other documents for information and reference in connection with DG2's use and occupancy of the Project. DG2's Drawings, Specifications or other documents shall not be used by Owners or others on other projects, for additions to this Project or for completion of this Project by others, unless DG2 is adjudged to be in default under this Agreement, except by agreement in writing and with appropriate compensation to DG2.

This Proposal/Agreement shall serve as a binding contract between the Parties when executed by the Parties below. "This proposal is good through March 29th, 2016 11:59 pm".

DG2 DESIGN, LLC

OWNER



By: _____

By: _____

(Signature)

(Signature)

Print Name: Kristy DeGuire

Print Name: _____

Title: President

Title: _____



City Council Agenda Item Cover

MEETING DATE: March 28, 2016

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

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 was distributed to City Council on Friday, March 11, 2016. It can also be viewed online at the City's website www.ucitymo.org.

It is the consultant's opinion that new construction be pursued. Renovation of the Annex for the police use does not provide true value sense: a cost comparison illustrates that renovation of the building is far more expensive than new construction. The economics of facility renovation was critical, but the determining factor is that the Annex has not operationally functioned adequately as a Police Department and simply cannot be repurposed for this use. Efficiencies cannot be gained. The Annex was originally constructed as a printing press and structural limitations of the building has and will continue to 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.

If the Annex is to be vacated, staff is recommending that the building be retained by the City and renovated for a use to be determined at a later date. A preliminary estimate to prepare the facility for a to-be-defined future use is included in the study. The uncertainty regarding the reuse of the Annex should not preclude a decision on the immediate facility needs of the Police Department. Rather, it is recommended that the reuse be thoroughly studied by a citizen-led initiative. This group should identify the preferred reutilization of the Annex (and former library at 630 Trinity) and funding mechanisms to accomplish the recommendations. A Resolution to that end will be presented at a City Council meeting.

Next Steps

Should City Council proceed with the recommendation, the following steps are proposed:

1. Identify a finance mechanism to fund the new police station as soon as possible.
2. Issue a Request for Qualifications for architectural design services for a new police station in accordance with Missouri State Statutes and City ordinances. Select architects in accordance with Missouri State Statutes and City ordinances.
3. Begin confidential property acquisition negotiations for a target site. Present City Council with an agreement in accordance with RSMo. 610.021.2.
4. Issue an Invitation to Bid for Construction Services for the construction of a new police facility in accordance with City ordinances.

RECOMMENDATION: Approval of the Construction of a New Facility for the Police Department and Authorizing Next Steps



City Council Agenda Item Cover

MEETING DATE: March 28, 2016

AGENDA ITEM TITLE: Finance Options for New Police Facility
(Informational, for discussion)

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

In August 2015, the City Council committed seven (\$7) million from the General Fund reserve to address Police Department facility needs. This amount was committed prior to the completion of a Police Facility Space Needs Analysis by Chiodini and Associates, which contemplated the feasibility of either renovating the existing facility (Annex) or the construction of a new facility for Police Department needs. The analysis is now complete and a recommendation for new construction was submitted for City Council consideration in a separate agenda item. The estimated construction cost for this recommendation is \$12.5 million, leaving a gap of \$5.5 million.

Separately, it has been determined that the Police Department should be relocated from the Annex as soon as possible due to the existing environmental conditions. The estimated cost of this action for two years is \$2.2 million and includes moving costs, REGIS infrastructure buildout, rent, and utilities.

Combined, the gap to accommodate new construction and temporary relocation needs for the Police Department is \$7.7 million.

Summary of Significant Tools Available. Several financing tools are available to Missouri municipalities for the capital improvement projects. Below is a summary of tools, which is not exhaustive. Some of the tools may not be applicable for the construction of a new police facility, but are included in the summary for information purposes.

1. General Fund Reserve. The status of the General Fund Reserve was revised after March 14, 2016 to reflect City Council commitment of additional funds for Annex repairs and remediation (now committed \$2.5 million) and is detailed below.

GENERAL FUND RESERVE STATUS AS OF MARCH 21, 2016		
Date of Action/Commitment	General Fund Reserve Status (in thousands)	Purpose
June 30, 2015	15,800	Unassigned fund reserve Excludes \$750,000 for expenses associated with flooding in the City and \$90,000 for the City Hall Fire escape.
July 2015	(7,000)	Police Facility Needs
October 2015	(500)	Repair/remediation of Annex
March 2015	(2,000)	Additional repair/remediation Annex
Fund Reserve	6,300	27% of operating expenditures
Operating expense FY16	23,510	Adopted Budget

To maintain the City's AA+ bond rating, the recommended General Fund Reserve should not be less

than 25% of budgeted operating expenditures. *The current General Fund Reserve is at 27%. In recent years, the General Fund reserve has been tapped to address planned or immediate capital needs. Significant unanticipated conditions cannot be projected through the budgetary cycle (though the City's .4% budgeted contingency appropriation may be accessed for emergency expenses during the fiscal year). It is imperative to the City's commitment to strong fiscal operations that adequate reserves are maintained. With the current ratio at 27%, use of General Fund Reserve for the Police Department facility needs is not a viable option.*

2. General Obligation (GO) Bonds. The City may issue general obligation bonds for any purposes authorized by Charter of Missouri law. Capital improvement projects are frequently financed through GO bonds, which are secured by the full faith and credit and taxing power of a municipality. The debt service on bonds are paid through either a property tax levy or other identified revenue sources (such as sales tax proceeds). A municipality may only issue GO bonds after obtaining approval of four-sevenths or two-thirds (depending on the date the election is held) of the qualified voters of the city.

Benefits of a GO bond option include a low interest rate for financing the project and low cost of issuance. Disadvantages of issuing GO bonds include the requirement for a supermajority approval of the voters. This is sometimes difficult to obtain, and can be a costly and time-consuming process. Other drawbacks include statutorily limited election dates, and reducing the City's debt capacity. Bonds could impose an additional financial burden on city taxpayers and the implications are being explored with different scenarios.

The next available election dates for a GO bond issue are August and November. The required voter approval is not guaranteed. It is critical that a new facility be constructed in advance of the police department accreditation requirements of Senate Bill No. 5 (SB5). Given this timeframe and the estimated construction schedule for a new facility, the City must expeditiously identify and plan for a dependable source of funds. *Voter approval is uncertain.*

3. Sales Tax. The City may impose a sales tax as a financing alternative. The sales tax would require a majority of voters needs to approve its imposition, as opposed to the four-sevenths or two-thirds vote necessary to authorize the issuance of general obligation bonds. A sales tax, once approved by the voters, may be able to fund capital improvements. The City currently has dedicated sales taxes in place for other capital improvements, local use, parks, and economic development. However, the City's sales tax rate is one of the highest in the region and is at the maximum rate permitted. *Due to the maximum sales tax cap rate being reached, this mechanism is not an option.*

4. Revenue Bonds. Revenue bonds are issued to finance facilities that have a definable user or revenue base. They are payable from and secured by the pledge of a specific source of funds from the facility or project that is financed, such as water or sewerage system, which generates revenue. *The new police facility will not generate revenue, therefore revenue bonds are not a viable option.*

5. Grants, Tax Credits. The City explored federal and state grant opportunities for this effort. Federal agencies/departments such as the Federal Emergency Management Agency, Department of Homeland Security and the Economic Development Administration do not currently have funds available for new public facilities. The State Emergency Management Agency, Department of Economic Development and Department of Natural Resources did not have available funds. However, the City will continue to explore grant opportunities for new construction, as well as historic renovation.

Note: During the study phase of the Police Facility Space Needs Analysis, tax credits were explored as a possible funding mechanism for the Annex renovation should that option be recommended. It was determined that State historic tax credits were not available for the project. Federal historic tax credits could be applicable for the Annex renovation with the formation of a public-private partnership. Federal tax law governing historic

tax credits is complex; simplified, the Annex could be transferred for a set duration to a private developer that could access historic tax credits. The Annex could then be leased back to the City and purchased once an obligation is satisfied.

6. Lease-Purchase Obligations. Legal authority for lease-purchase financing is authorized by Missouri statutes. Under a lease-purchase financing option, the City can lease the real property to be acquired and constructed from a lessor, which may be an investor or a trustee bank. The City makes rental payments annually and can purchase the property at the end of term. A lease-purchase agreement outlining the terms must be approved by the governing body, but is not a voter approved obligation. Therefore, the City will not have the ability to place a debt service levy to repay the bonds. There is no legal limit with respect to the maturity of lease obligations; however, a term longer than twenty-five years is not recommended.

The most common structure used to accomplish this objective is certificates of participation (COPs). COPs are certificates that represent a proportionate interest of the owner of each Certificate of the lessor to receive rental payments in accordance with the agreement. COPs generally have a higher interest rate than for bonds due to lease-obligations being renewed annually through the budget process, rather than secured by an enforceable pledge of revenues (such as property tax). Section 97.890 RSMo. provides the City with revenue generated from ½ cent sales tax that is legally available for capital improvement purposes. The City currently uses this revenue to retire a portion of COPs series 2012 which would end in FY 2020. The City may continue to make rental payments from the General Fund on this series until FY 2020 so that the routine capital projects would not be interrupted or ceased. The new COPs could be retired through an annual budget appropriation from either the General Fund or Capital Improvement Sales Tax Fund. The attached Exhibit illustrates the amortized schedules for borrowing \$7.7 million with the terms of 15 years or 20 years. These schedules are estimated based on approximated current interest rate and assume the City retains its AA+ bond rating.

This financing tool has been used by many St. Louis County municipalities for the construction of public facilities. Below is the listing of those cities, the year and amount of certificates.

<u>Government</u>	<u>Year</u>	<u>Issued Amount</u>	<u>Purpose of Issuance</u>
City of Chesterfield	2000	\$ 17,565,000	Acquisition of Land and construction of City Hall and Police Station
	2005	25,700,000	Acquisition of Park Land and construction
City of Brentwood	2014	5,760,000	Improved Recreational Complex
City of Bridgeton	2009	5,785,000	Construction of Municipal Government Center
	2013	9,465,000	Community Center
City of Eureka	2012	8,170,000	Recreation Center
City of Frontenac	2009	4,010,000	Construction of City Government Center
City of Ferguson	2013	9,055,000	Community Center and Police Station
City of Kirkwood	2014	3,605,000	Automated Water Meter Reading System
City of Maryland Heights	2015	15,000,000	Community Center
City of Wentzville	2011	18,900,000	Park Project
City of Wildwood	2010	3,000,000	Construction of City Hall

COPs is a feasible option for new construction.

ATTACHMENT: Estimated amortized schedules for Certificates of Participation series 2016

**CITY OF UNIVERSITY CITY
 CERTIFICATES OF PARTICIPATION - \$7,700,000
 SERIES 2016 (15 Years)**

	Date	Outstanding COPs	Principal	Interest Rate	Interest	Debt Service
1	3/1/2017	33,888	-	0.800	158,314	158,314
	9/1/2017	538,200			105,543	
2	3/1/2018	27,700	-	1.050	105,543	211,086
	9/1/2018	480,350			105,543	
3	3/1/2019	21,216	-	1.300	105,543	211,086
	9/1/2019	466,700			105,543	
4	3/1/2020	13,523	-	1.450	105,543	211,086
	9/1/2020	711,750			105,543	
5	3/1/2021		635,000	1.650	105,543	846,086
	9/1/2021				100,304	
6	3/1/2022		645,000	1.800	100,304	845,608
	9/1/2022				94,499	
7	3/1/2023		660,000	2.150	94,499	848,998
	9/1/2023				87,404	
8	3/1/2024		670,000	2.300	87,404	844,808
	9/1/2024				79,699	
9	3/1/2025		685,000	2.500	79,699	844,398
	9/1/2025				71,136	
10	3/1/2026		705,000	2.700	71,136	847,272
	9/1/2026				61,619	
11	3/1/2027		725,000	2.950	61,619	848,238
	9/1/2027				50,925	
12	3/1/2028		745,000	3.100	50,925	846,850
	9/1/2028				39,378	
13	3/1/2029		770,000	3.200	39,378	848,756
	9/1/2029				27,058	
14	3/1/2030		795,000	3.300	27,058	849,116
	9/1/2030				14,149	
15	3/1/2031		820,000	3.400	14,149	848,298

2,197,000	\$ 7,855,000	\$ 2,255,000	\$ 10,110,000
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97,000

Cap. Imp. **\$ 2,294,000**

General Fund \$ 791,572

Cap. Imp. \$ 9,318,428

Average Interest Rate 2.87%

**CITY OF UNIVERSITY CITY
 CERTIFICATES OF PARTICIPATION - \$7,700,000
 SERIES 2016 (20 Years)**

	Date	Outstanding COPs	Principal	Interest Rate	Interest	Debt Service
1	3/1/2017	33,888	-	0.800	176,980	176,980
	9/1/2017	538,200			117,986	
2	3/1/2018	27,700	-	1.050	117,986	235,972
	9/1/2018	480,350			117,986	
3	3/1/2019	21,216	-	1.300	117,986	235,972
	9/1/2019	466,700			117,986	
4	3/1/2020	13,523	-	1.450	117,986	235,972
	9/1/2020	711,750			117,986	
5	3/1/2021		405,000	1.650	117,986	640,972
	9/1/2021				114,645	
6	3/1/2022		410,000	1.800	114,645	639,290
	9/1/2022				110,955	
7	3/1/2023		415,000	2.150	110,955	636,910
	9/1/2023				106,494	
8	3/1/2024		425,000	2.300	106,494	637,988
	9/1/2024				101,606	
9	3/1/2025		435,000	2.500	101,606	638,212
	9/1/2025				96,169	
10	3/1/2026		445,000	2.700	96,169	637,338
	9/1/2026				90,161	
11	3/1/2027		460,000	2.950	90,161	640,322
	9/1/2027				83,376	
12	3/1/2028		475,000	3.100	83,376	641,752
	9/1/2028				76,014	
13	3/1/2029		485,000	3.200	76,014	637,028
	9/1/2029				68,254	
14	3/1/2030		505,000	3.300	68,254	641,508
	9/1/2030				59,921	
15	3/1/2031		520,000	3.400	59,921	639,842
	9/1/2031				51,081	
16	3/1/2032		535,000	3.450	51,081	637,162
	9/1/2032				41,852	
17	3/1/2033		555,000	3.500	41,852	638,704
	9/1/2033				32,140	
18	3/1/2034		575,000	3.550	32,140	639,280
	9/1/2034				21,934	
19	3/1/2035		595,000	3.600	21,934	638,868
	9/1/2035				11,464	
20	3/1/2036		615,000	3.650	11,464	637,928

	2,197,000	\$ 7,855,000	\$ 3,253,000	\$ 11,108,000
	97,000			
Cap. Imp.	\$ 2,294,000		General Fund	\$ 884,896
			Cap. Imp.	\$ 10,223,104
Average Interest Rate		3.22%		

RESOLUTION 2016 – 6

WHEREAS, the City of University City has a long-standing tradition of support for historic structures within its borders; and

WHEREAS, in April of 1981, the City established the Historic Preservation Commission and has been granted Missouri Certified Local Government status in partnership with the State Historic structures within its borders; and

WHEREAS, the City established the University City Civic Complex Historic District; and

WHEREAS, two buildings within that District are the City Hall Annex and the former old library building located at 630 Trinity Avenue; and

WHEREAS, the old library building is currently only partially utilized, and the Annex houses the Police Department; and

WHEREAS, discussions are underway to move the Police Department to another location: and

WHEREAS, if the Police Department is relocated, the City of University City will have the opportunity to repurpose both buildings, protecting this historic legacy for the community.

NOW, THEREFORE BE IT RESOLVED that this City Council is committed to retaining City control and ownership of these building. This Council will work towards the full reutilization of the Annex and old library buildings in the future, on its own or in a public and/or private partnership, and will solicit input from residents, local architects, engineers, and organizations on how to take full advantage of the extensive space available for community uses and on how to fund the needed renovations through the creation of a citizen-led initiative. Said initiative will consider the potential reuse of the buildings and financial mechanisms to accomplish said reuse in a timely manner and present a recommendation to the City Council.

Passed and adopted by the City Council of the City of University City, Missouri this 28th day of March, 2016.

Shelley Welsch, Mayor

Joyce Pumm, City Clerk



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

February 11, 2016

DRAFT

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

Absent Excused: Richard Juang
Guests: Sara Ryan, Marketing Coordinator, St. Louis Composting
Bob Henkel, Program Director, St. Louis Earth Day

1. Meeting called to Order, Roll Call at 6:02 p.m.
2. Opening Round
 - a) Jeff attended a USGBC energy benchmarking event at Sheet Metal Workers Local 36
 - b) Lois indicated that she was working with Jenny and Emily Andrews with the US Green Building Council, Missouri Gateway Chapter to hire an intern to update the Greenhouse Gas Inventory.
 - c) Bob attended a Sierra Club meeting on January 27th concerning the St. Louis County energy code.
3. Approval of Minutes
 - a) January 14, 2016 Meeting Minutes were approved with no amendments.
4. Special Presentations
 - a) Sara Ryan, St. Louis Composting Marketing Coordinator, presented the operations at St. Louis Composting. She made the following main points:
 - i. There are 6 facilities. The Belleville, Illinois location is the largest. 85% of the material is yard waste. Food scraps are buried in yard waste like a taco; it takes 180 days for the food waste to decompose. The compost is tested every month by the US Composting Council. Compost must have very low contamination.
 - ii. Winslow's Home and the Moonrise Hotel are two nearby businesses who use St. Louis Composting's services.
 - iii. Total Organics Recycling collects food scraps from approximately 200 local businesses and institutions and transports the waste to St. Louis Composting. An example of pricing: 2 carts collected twice per week is approximately \$120. NOTE: residents and businesses can drop off yard waste directly at St. Louis Composting.
 - iv. St. Louis Composting has helped several municipalities write grants for composting services. The City of Kirkwood received a grant for a pilot project for 10 households to receive composting services. Maplewood has received grant funds in the past for commercial composting services.
 - b) Bob Henkel, St. Louis Earth Day Program Director, spoke about composting and the Green Dining Alliance (GDA).
 - i. GDA can speak to individual restaurants about composting and promote composting through social media. It is important to stress that composting is closed loop – it keeps all economics local. GDA promotes the restaurants in Healthy Planet and Sauce magazine, a website with restaurant listings and

- resources, a blog, newsletter, and social media.
 - ii. Composting services can be used by farmer's markets as well as for special events.
 - iii. GDA is about 4 years old and includes approximately 89 restaurants. In order to become part of the GDA, (at a minimum) restaurants need to have no smoking, no Styrofoam, and a recycling program. Composting, energy efficient appliances and projects, and other sustainability actions increase the score of the restaurants.
 - iv. GDA is promoting the program in the U City Loop and hopes to make the Loop a Green Dining District. Four Loop restaurants – Snarf's, Meshuggah, Salt and Smoke, and Three Kings have joined the program. GDA has significant leads with other U City restaurants as well.
 - v. U City is working with GDA to connect that program with the Commercial Recycling Grant.
 - vi. Restaurants in the program work with GDA as an educational program and marketing tool. The City of Maplewood has leveraged this for local publicity.
5. New Business
- a) Ameren is upgrading cobra fixtures with LED lamps. 25,000 lights in the St. Louis metro area will be upgraded per year for the next 5 years. Ameren will start with replacing the lights that go out. This change is supposed to reduce the overall street lighting bill by 10%. U City can request up to 25 lights per year to be upgraded to LED in addition to the outage replacements. The Green Practices Commission would like to investigate U City installing its own lights. This discussion will be put on the March or April meeting agenda. Sinan Alpaslan and an electrician will be invited to the discussion.
 - b) Delmar and Olive pedestrian lighting upgrades: Applications for Economic Development funds were submitted to retrofit the pedestrian lights to LED. Decisions will be announced in April.
 - c) March 10 meeting visitors: Debra Pottinger and Kathleen Beebe will speak about the Ameren PurePower program; Tom Dunn will speak about a future waste to energy plant that is anticipated to be built in the area.
6. Old Business
- a) Goal Setting Meeting overview and selection:
 - i. The Commission reviewed the goal lists from the goal setting meeting. Each member selected which topics they felt were priority.
 - ii. At the March meeting the Commission will assign goals for each subcommittee.
 - iii. The Commission may reconfigure the seven subcommittees, which would require revising the bylaws.
 - b) Compact of Mayors reporting process:
 - i. The City will be required to complete a Greenhouse Gas (GHG) inventory.
 - ii. The Carbon Disclosure Project (CDP) is one of the avenues for reporting the inventory and determining an action plan.
 - iii. A Greenhouse Gas inventory also needs to be performed for the St. Louis High Performance Building Initiative 25x20 Benchmarking Pledge ([link](#))
 - iv. Jenny will work with Emily Andrews of the U.S. Green Building Council – Missouri Gateway Chapter to hire an intern to perform the inventory.
 - c) 25x20 Benchmarking Jam – February 25:
 - i. Jenny will attend an energy benchmarking session at the Missouri Botanical Gardens.
 - ii. Tim assessed the annual energy use of each City owned building; it was determined the following buildings will be included in the energy benchmarking:
 - 1045 North and South – Firehouse #2
 - 863 Westgate – Firehouse #1
 - 7210 Olive – Centennial Commons

- 6801 Delmar – City Hall
- d) State Loan Update
- i. Bids for the City Hall HVAC upgrades are due February 16th.
7. Reports
- a) Mandatory Recycling Ordinance – Scott presented a slideshow about various cities and states that have adopted mandatory commercial recycling ordinances. California, Connecticut, Massachusetts, and Vermont are a few states which have mandatory ordinances. There are many paths and options to making recycling mandatory: selecting regulated materials, determining how it is monitored, penalties for non-compliance, etc. The following are some questions that we need to determine answers to:
- i. What would be the next steps?
 - ii. Is the City of St. Louis considering this?
 - iii. Are any other cities considering this?
 - iv. Is U City prevented from doing this? (Like the plastic bag ban-ban)
- b) Waste/Resource Conservation
- i. Bob provided an update from Sierra Club meeting concerning and updating the International Energy Code.
 - ii. Meetings between St. Louis County and the Home Builders Association have not occurred because the HBA wants to avoid protests by the Midwest Energy Efficient Alliance.
- c) Energy
- i. Tim provided calculations of installing solar panels to reduce energy consumption on the fire stations, Centennial Commons/Pool Complex, City Hall, and the Library.
 - ii. The proposed solar panels work within Ameren limitations and adhere to the Energy Ordinance.
 - iii. The Commission will review the proposal at the next meeting. If endorsed by the Commission, the next step is to take this to the City Manager and City Council.
- d) Council Liaison
- i. Mr. Kraft asked about the quality of University City's drinking water.
 - ii. Jenny replied with assurance that the testing and regulations regarding drinking water in the St. Louis area keeps the drinking water in check.
8. Closing Round
- a) Jenny and Lois will attempt to meet with Andrea to discuss adding sustainability to the City's Comprehensive Plan update.
9. Meeting adjourned at 7:40pm



Commission on Senior Issues

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8777

Meeting Minutes – University City Commission on Senior Issues

November 16, 2015

Location: Heman Park Community Center

Attendees Present: Margaret Diekemper, Elaine Henton, William Thomas, Sue Slater, Mary Hart, LaRette Reese (staff Liaison)

Absent: Evelyn Hollowell

Excused: Council Liaison Arthur Sharpe, Jr.

Guest: Angela Haas, WITS Program
Susan Kallash-Bailey, iTN St. Charles

Ms. Margie Diekemper called the meeting to order at 6:10PM

Roll call was done by Ms. LaRette Reese

Approval of Minutes:

Ms. Slater moved to approve the meeting minutes from the October 19th meeting; it was seconded by Mr. Thomas. The motion passed.

There no new emails or phone calls to report.

Guest speaker Susan Kallish-Bailey from iTN St. Charles gave an introduction and presented information about the iTN (Independent Transportation Network model. They are looking to start a pilot in the St. Louis county area and chair, Margie D., thought this might be a program that we could get behind. It was suggested that perhaps a mid-county collaborative effort could be more attractive for a pilot. Commission members expressed an interest in having University City participate in a pilot program. Chairperson Diekemper will request time to discuss with the Mayor. Ms. Kallash-Bailey will also speak with the City of Chesterfield and iTN about options for starting a pilot.

Ms. Hart suggested a program to utilize students to help with senior programs. She will provide more information at a later meeting.

Guest Angela Hass with the WITs program shared that the application deadline has been extended to December 1st.

Medicare open enrollment counseling (CLAIM) has begun at the U City Library on Tuesdays.

A reminder of upcoming City events was shared and the meeting was adjourned at 7:30PM.

Next Meeting: Tuesday, January 19 at 6:00 PM. – Heman Park Community Center

**Plan Commission
December 23, 2015 Meeting Minutes
(approved 2-24-2016)**

The Plan Commission held their regular meeting at the Heman Park Community Center located at 975 Pennsylvania Avenue, University City, Missouri on Wednesday, December 23, 2015. The meeting commenced at 6:30 pm.

1. Roll Call

Voting Members Present

Linda Locke (Chairperson)
Cirri Moran (Vice-Chairperson)
Rick Salamon
Rosalind Williams
Samuel Jones

Voting Members Absent (excused)

Andrew Ruben
Michael Miller

Non-Voting Council Liaison Present

Michael Glickert

Staff Present

Andrea Riganti, Director of Community Development
Ray Lai, Deputy Director of Community Development
Zach Greatens, Planner

2. Approval of Minutes

2.a. October 28, 2015 Plan Commission meeting

Ms. Moran stated that at the October 28 Plan Commission meeting she brought up that she did not think the property had been continually used for parking, but the minutes only referenced Plan Commission members discussing that it had been used for parking. Ms. Moran made a motion to revise the October 28, 2015 Plan Commission meeting minutes on page 3 in the first bullet-point under questions, comments, and discussion to state that the use of the property for parking was discussed, rather than only stating that it had been used for parking. The motion was seconded by Mr. Salamon and carried unanimously. Ms. Moran made a motion to approve the October 28, 2015 Plan Commission meeting minutes as amended. The motion was seconded by Mr. Salamon and carried unanimously.

3. Public Hearings – None

4. Hearings – None

5. Old Business – None

6. New Business

6.a. Minor Subdivision – Final Plat – PC 15-08 – Subdivide existing two-family dwelling into two condominium units at 6709-6711 Plymouth Avenue in the “SR” – Single Family Residential District

Mr. Greatens explained the proposal and provided background information. The request was to convert the existing two-family dwelling into two condominium units. He stated that the proposal was in compliance with all Zoning Code and Subdivision Regulation requirements and staff recommended approval.

Ms. Kelly Harris, 4234 Norfolk Avenue, St. Louis, MO 63110, presented the proposal on behalf of the applicant, Mr. Charles Coyle, property owner. She stated that the building was recently renovated and both units have four bedrooms and three bathrooms. The proposal would encourage home ownership rather than more rental units. The building is currently unoccupied.

A motion was made by Ms. Williams to approve the Final Plat. The motion was seconded by Mr. Salamon and carried unanimously.

7. Other Business

7.a. Public Comments

Mr. Mark Harvey, 761 Harvard Avenue – University Heights Subdivision Trustee, addressed the Plan Commission members about the property located at 601 Trinity Avenue. He provided his oral statement in writing to the Plan Commission and showed a Power Point presentation, both of which are attached. He requested that the decision to allow a commercial parking lot on the property be brought before the Plan Commission at a future meeting.

Questions, Comments and Discussion

- There was discussion among Plan Commission members that this issue was not a Plan Commission decision but would likely be up to the courts. Plan Commission members stated they were an advisory board and that University Heights has its own indentures, so it would be best for the courts to decide, which could depend on how the property is addressed in the subdivision indentures.

8. Reports

8.a. Code Review Committee Report – None

8.b. Comprehensive Plan Committee Report

Ms. Moran stated that the Comprehensive Plan Advisory Committee (CPAC) had two meetings recently to review draft chapters of the Comprehensive Plan Update. Further decisions would not be made until feedback was received from the consultants. Staff was coordinating further communication with the consultants.

8.c. Council Liaison Report

Mr. Glickert stated that the previous agenda item at tonight's meeting, the condominiums, were the first condos north of Olive and it was a step in the right direction to increase ownership in that area. Kingsland Avenue has had more pedestrian activity than ever before and this area was slowly evolving. St. Louis Bread Company was set to move out of their Delmar Loop location on December 24.

8.d. Department Report

Ms. Riganti stated that the recent Zoning Text Amendment regarding landscaping requirements was approved by City Council. She added that there had been two public workshops on the police facility improvements and a summary would be distributed to the public. Ms. Riganti stated that there were three tenants in the City-owned building in The Loop (parking garage). The three tenants included a clothing store, a dog bakery, and Create Space, which had been the tenant previously.

9. Adjournment

The meeting adjourned at 6:55 pm.

Submitted for public comment by Mark Harvey, 719 Harvard Ave.,
University City, MO 63130
December 23, 2015 Plan Commission meeting

12/23/2015 Plan Commission Meeting

This statement is made by the elected Trustees of University Heights Subdivision #1, who are charged with protecting the University Heights Declaration of Trust and Agreement. Our Indenture was adopted in January 1905. University Heights has 275 single family homes. Our Indenture clearly states the intention to create a Subdivision of "high grade residential property". University Heights has been a high grade residential neighborhood for 110 years.

Originally, all of University Heights Block 4 was owned by the developer of the Subdivision, which built the Woman's Magazine Building and Printery on it. The original owner filed bankruptcy and Block 4 was sold at auction in June 1912. The City of University City purchased all of Block 4 in 1930.

City Hall (the Woman's Magazine Building), together with the Police station, former Fire station (the Woman's Magazine Printery) and the "Old Public Library" are all in Block 4. There is free staff and public parking associated with the property owned by the City.

In June 1968 the City traded or sold the north part of Block 4 to the University City School District in exchange for parcel(s) in Block 1 of University Heights and other property on which a new Public Library was built. Free staff and public parking is provided at the New Library.

In 1968, the north part of Block 4 in University Heights was designated 601 Trinity and it was fenced, paved with asphalt, marked for sports activities and used as a school playground and occasionally for free parking associated with school activities. The area directly behind the Old Library was partially fenced and marked with 22 regular parking spaces and 2 handicapped spaces. A sign designates this area for School District parking.

The former Delmar Harvard school buildings are east of 601 Trinity, partly in Block 1 of the Subdivision. There was free staff and public parking was on school property when it operated.

Today, 601 Trinity has 1.62 acres, a fence around most of the property that at some points is less than 10 feet from the property line with minimal landscaping near the fence. Our Indenture's smallest setback is 20 feet. Delmar Harvard School closed after the last day of class in May 2011 over 4 years ago. At some time after the school closed the School District and the City reportedly made an arrangement allowing free parking for City staff on school property. The School District states there was a written agreement. The City states it is a verbal agreement. No documentation of any agreement has been provided. This is free parking.

Today there is free parking within University Heights at the Church of Scientology west of the Church building that is screened from Subdivision homes by substantial plantings.

Apart from City Government, Delmar Harvard School and Scientology nearly every lot in University Heights has a single family residence or is vacant and all of these lots are privately owned except lots in the Subdivision name and three lots in Block 1 occupied by the Lewis Center that has artist studios, private residences and associated free parking.

In 1980 University Heights Subdivision #1 was placed on the National Register of Historic Places. The Application included a survey of Subdivision buildings. Stating that City Hall was already on the National Register, the survey recognized the Scientology building, originally the Anchor Masonic Temple and the Old Library. The Application notes that:

University Heights is significant not only for what it was but for what it has remained. It was developed almost exactly as Lewis intended, although the last house was not built until 1966, and it has not been significantly altered.

Trustees and residents of University Heights are very concerned about the character of future development of 601 Trinity. Subdivision residents' Neighborhood Association and another independent group oppose development of 601 Trinity as part of a dense apartment complex with associated 4-5 level parking structure, as proposed by Virtual Realty LLC in 2014 and oppose creation of a commercial surface 110 space parking lot. A majority of residents voted to approve the ability of the Trustees to increase property assessments in order to oppose commercial development on 601 Trinity.

In September 2015 when Trustees were informed of Virtual Realty LLC's plan for 110 commercial surface parking spaces on 601 Trinity, they approached the City asking that this matter be brought to the Plan Commission. Trustees were told by City staff more than once that development of a commercial parking lot at 601 Trinity was approved by the City as a preexisting use and therefore was not an appropriate "agenda" item for the Plan Commission. Trustees were told that the subject could be raised during the public comment portion of the next Plan Commission meeting on November 17, 2015 which was cancelled on the preceding Friday for lack of agenda items.

Zoning for 601 Trinity is Public Activity. University City has a Zoning Code. Trustees believe that allowing 601 Trinity to become a commercial parking lot does not satisfy the requirements and limitations for Public Activity zoning or other applicable sections of the Code. We believe that calling a commercial parking lot on 601 Trinity a prior non-conforming use is inaccurate, erroneous and improper under the Zoning Code.

Trustees believe that any development of 601 Trinity should be residential.

The Trustees sought a meeting with the City to discuss future development of 601 Trinity. A meeting with the City and the School District, as property owner, occurred on December 7, 2015. We told them that we Trustees are prepared and have the ability to vigorously defend the University Heights Indenture. We told the City that we believe it is in the best interest of all

concerned to cooperate in contemplating the type of development that should be permitted on 601 Trinity. This approach was rejected by the City.

We learned at our meeting that 601 Trinity was sold to Virtual Realty LLC on December 2, 2015. This is the first Plan Commission meeting since our meeting with the City and learning about the change in ownership of 601 Trinity.

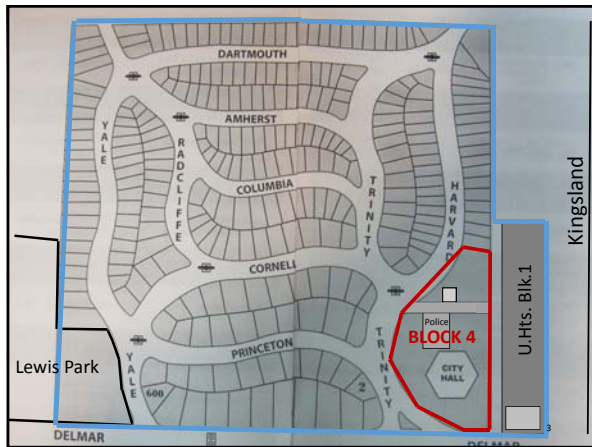
A copy of the Virtual Realty parking plan (110 spaces) is attached to this memo.

Presentation by Mark Harvey, 719 Harvard Ave., University City, MO 63130 for December 23, 2015 Plan Commission meeting.

UNIVERSITY HEIGHTS SUBDIVISION NO.1
University City, Missouri 63130
National Historic District

Established 1904

TRUSTEES:
Mark Harvey
Morton Hyman
Eileen Pheiffer



UNIVERSITY HEIGHTS SUBDIVISION NO.1
University City, Missouri 63130
National Historic District

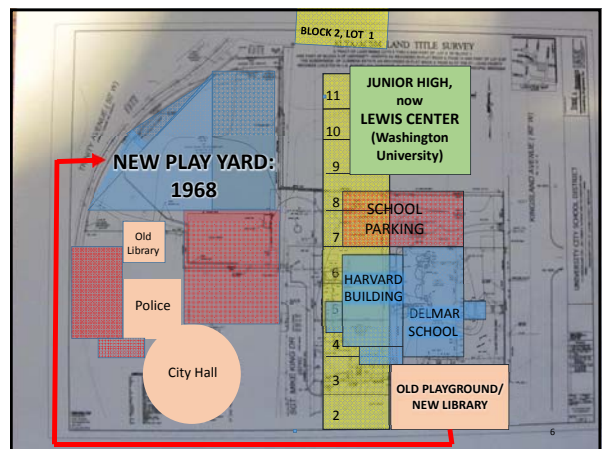
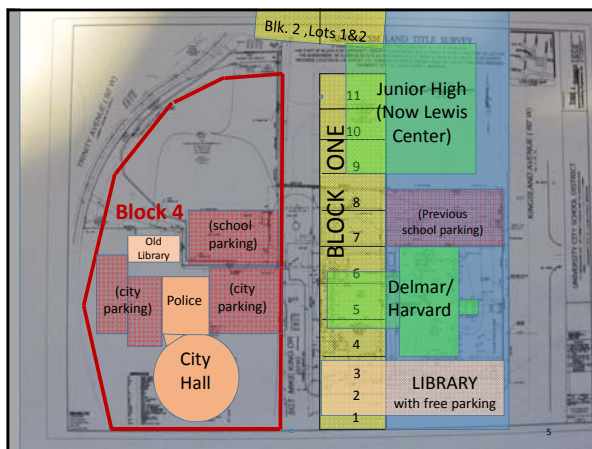
Established 1904



Founder E.G. Lewis

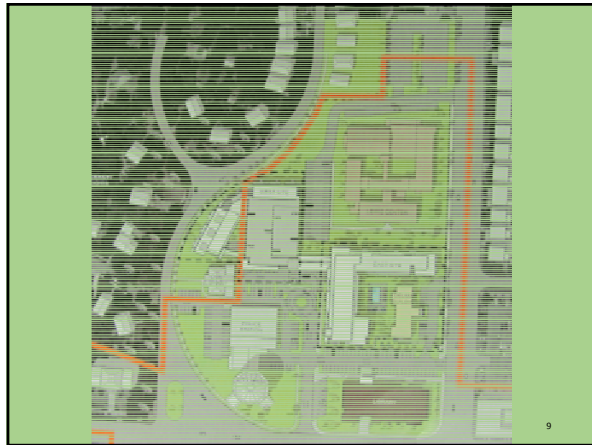


The Woman's Magazine



“The character of the lots in said University Heights as high grade residential property may be established and retained.”

University Heights is significant not only for what it was but for what it has remained. It was developed almost exactly as E.G. Lewis intended...it has not been significantly altered.



“Public Activity” Zoning

Parking “In limited circumstances as ‘accessory’ to another use”

ALREADY A Parking Lot?

COMMERCIAL Parking?

- We WILL defend our Indenture
- We request Planning Commission Hearing
- We request rejection of commercial parking use of 601 Trinity

TRUSTEES:
 Mark Harvey
 Morton Hyman
 Eileen Pheiffer