MEETING OF THE CITY COUNCIL

CITY HALL, Fifth Floor

6801 Delmar Blvd.

University City, Missouri 63130

**February 27, 2017**

**6:30 p.m**

1. **MEETING CALLED TO ORDER**

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, February 27, 2017, Mayor Shelley Welsch, called the meeting to order at 6:30 p.m.

1. **ROLL CALL**

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

Councilmember Rod Jennings

Councilmember Paulette Carr

Councilmember Steven McMahon

Councilmember Terry Crow; (Excused)

Councilmember Michael Glickert;

Councilmember Bwayne Smotherson

Also in attendance was Acting City Manager, Charles Adams.

1. **APPROVAL OF AGENDA**

Hearing no amendments, Councilmember Jennings moved to approve the agenda as presented, seconded by Councilmember Glickert and the motion carried unanimously.

1. **PROCLAMATION**
2. **APPROVAL OF MINUTES**

1. February 9, 2017, Study session minutes were moved by Councilmember Carr, it was seconded by Councilmember Smotherson.

Councilmember Carr stated she submitted a late amendment pertaining to the unanimous consensus, which has been documented by Ms. Pumm.

Voice vote on Councilmember Carr's motion carried unanimously.

Mayor Welsch advised Council of the revised first page for the February 13th minutes, removing Councilmember Glickert's name from the attendance roll call.

2. February 13, 2017, Regular session minutes were moved by Councilmember Jennings, it was seconded by Councilmember Smotherson and the motion carried unanimously.

1. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
2. Jeff Zornes is nominated for appointment to the Traffic Commission by Councilmember McMahon, it was seconded by Councilmember Glickert and the motion carried unanimously.
3. **SWEARING IN TO BOARDS AND COMMISSIONS**

**1**. Halpin Burke will be sworn into the Industrial Development Authority (I.D.A.), at later date.

**2.** John (Bart) Stewart was sworn into the Traffic Commission.

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

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

Mr. Hales stated there were a number of questions at the December 12, 2016, meeting about the process by which the expiration date of Councilmember McMahon's term appeared on the ballot as 2017. Wherein, the minutes read, "Councilmember McMahon then asked Ms. Pumm if she had made a mistake by inserting 2017 instead of 2018? Ms. Pumm stated that it had not been a mistake on her part because prior to taking any action she had personally contacted the City Attorney to ask for her advice, and then followed her advice to utilize the date of 2017 when preparing the documents. Councilmember McMahon asked Ms. Pumm when she had contacted the City Attorney? Ms. Pumm stated that she posed the question to the City Attorney via email, prior to the submission of any documents to the Board of Elections. Councilmember McMahon asked Ms. Pumm if she knew what provisions of the Charter the City Attorney had relied on when she indicated the date should be 2017? Ms. Pumm stated that the City Attorney's response indicated that the next Municipal Election would be held in 2017." On Tuesday, May 31st, Ms. Pumm received a response from the City Attorney to her request of May 27th about the process for filling the vacancy, an excerpt of which states, "If Council is unable to agree upon an individual to fill the vacancy by July 26th, then a Special Election shall be called to fill the vacancy until the April 2018 election. Special Elections may be called by Ordinance at a time to be fixed by the Council." She went on to write, "The City Code delegates the Council with the selection of a special election 'at a time to be fixed by the Council.”

Mr. Hales stated since that was the only email correspondence provided between the City Attorney and City Clerk regarding the date on this term, and since this matter is of significant public interest, he believes Council and the public are entitled to have a number of questions answered by Ms. Pumm.

1. Is there any additional email correspondence between the City Attorney and the City Clerk other than the May 27th email and May 31st response? (Mr. Hales requested that additional correspondence be produced for Council's review and subsequent release to the public.)

2. Why did Ms. Pumm not inform Council at the July 11, 2016, Study Session that she had already asked for and received a legal opinion?

3. Why did Councilmember Carr never receive a copy of the legal opinion she requested?

4. Did Ms. Pumm receive a second legal opinion challenging Ms. Forster's May 31st opinion, and if so, by whom?

5. If Ms. Pumm received two conflicting legal opinions why was Council not notified of the conflict and who made the determination regarding which opinion was correct?

6. Why was Council not presented with an Ordinance to call a Special Election?

7. Where in the Charter or the City Code is the City Clerk authorized to call a Special Election?

Mr. Hales stated his hope is that Council will insist on obtaining the answers to these questions.

1. **PUBLIC HEARINGS**
2. **CONSENT AGENDA**
3. **CITY MANAGER’S REPORT**
4. **UNFINISHED BUSINESS**

*BILLS*

1. **NEW BUSINESS**

*RESOLUTIONS*

*Introduced by Mayor Welsch*

1. **RESOLUTION 2017 – 4**. A resolution for University City to participate in the Welcoming Cities and Counties Cohort.  *Requested by Mayor Welsch and seconded by Councilmember Jennings.*

Mayor Welsch stated with this Resolution she hopes the City of U City can join the City of St. Louis, St. Louis County, the St. Louis Mosaic Project, and the Missouri Immigrant and Refuse Advocates, as going on record and saying it is a welcoming community. (Mayor Welsch read the Resolution in its entirety into the record and asked that her written comments also be made a part of the record.)

She stated Council had previously been asked by Mr. Andrew Roberts, as well as numerous individual residents, to consider making U City a Sanctuary City. However, in 2008 the Missouri State Legislature outlawed any community within this state from declaring itself a sanctuary. The Welcoming Community movement, which is in no way tied to the Sanctuary City movement, conveys the welcome of immigrants to this community without defying the laws of the State of Missouri. Mayor Welsch stated after the desecration of the Chesed Shel Emeth Cemetery, she heard from many residents who expressed their belief that these actions were not representative of what U City is all about, and she wholeheartedly agrees. She believes this City is about being welcoming to everyone and hopes members of Council can and will support this Resolution.

**POINT OF INFORMATION:** Councilmember Carr stated that the Resolution in the packet and on the agenda is labeled 2017-4, and therefore would ask that it be amended to read 2017-5. It was seconded by Councilmember Glickert and the motion to amend carried unanimously.

Councilmember Glickert stated although he is certainly in support of the Resolution, he wants to make sure the record is very clear that U City has been a welcoming community for the last fifty to sixty years.

Councilmember McMahon stated he had also been contacted by some of his constituents who expressed similar thoughts prior to the events of last week. So, while he agrees with the intent of the Resolution, as the liaison for the Human Relations Commission, he is somewhat concerned about whether they were asked to participate in the review of this Resolution. He stated this is the type of community-wide initiative the Human Relations Commission is designed for and should be instrumental in carrying out. He also noted that the ability to become active participants in order to become the biggest and best they can be is something they have been asking for, for quite some time. So as this Resolution moves forward, perhaps, it will be something they can work on as well.

Mayor Welsch stated she thinks this Resolution can be an initiative for the Human Relations Commission to work on going forward.

Councilmember Jennings stated that Councilmember McMahon had articulated a brilliant idea that seems to go hand-in-hand with the Resolution's requirement to identify at least one key municipal staff member to act as the liaison during conference calls and in person meetings. So perhaps, the Human Relations Commission could participate by becoming a part of the liaison's team.

Councilmember Carr stated she specifically chose to live in U City thirty years ago because it was an inclusive community. So although it never hurts to reiterate the fact that U City is in favor of welcoming anyone, she would agree with her colleagues that this is not a new approach. She then asked who would take on the responsibilities associated with becoming a member of this organization and whether it would require the need to hire an additional employee? Mayor Welsch stated she would let Mr. Adams elaborate, however she does not anticipate the need to hire anyone.

Director of Community Development, Andrea Riganti, respectfully suggested that the liaison for this organization be Jodie Lloyd, the Manager of Economic Development. She stated these activities are closely aligned to Ms. Lloyd's skill set and current job duties, which includes efforts to bring folks of various backgrounds together, to attract, retain and expand the City's business community, as well as coordinate volunteer activities throughout the community. Ms. Riganti stated that Ms. Lloyd has been very successful in building a collaborative environment with the faith and educational communities.

Citizen's Comments

**Mary Ann Zaggy, 6303 McPherson, University City, MO**

Ms. Zaggy expressed rationale for why it would be hazardous to become a Sanctuary City and why there is a need for residents to stand up and declare that U City is a Welcoming City. Recently she began working with other U City residents to help Syrian and Somali refugees that live less than a mile from The Loop who need the City's support and a warm welcome. Official support by this City's civic leaders through the passage of Bill 2017-5 would mean so much for these folks who face very uncertain futures.

Ms. Zaggy stated the day after the election her daughter, who is Guatemalan, said she was afraid that people might try to hurt or kill her because of numerous accusations that she is from Mexico. As a result of these actions, there is a need for her daughter's hometown of U City to declare that hate crimes will not be tolerated through the passage of Bill 9307.

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

Ms. McQueen questioned whether the City's liaison had the capacity to take on these extra responsibilities and if the estimated cost of joining the Welcoming City network would be disclosed in the upcoming budget?

Voice vote on Mayor Welsch's motion carried unanimously.

*BILLS*

*Introduced by Councilmember Jennings*

**2**. **BILL 9307** - An ordinance adopting and enacting a new Section 215.040 of Chapter 2015. “Reporting Hate Crimes”, of the Municipal Code of the City of University City, Missouri requiring City of University City, law enforcement officials to report hate crimes.

Requested by Councilmember Jennings and seconded by Councilmember

Glickert and Mayor Welsch. Bill 9307 was read for the first time.

Citizen's Comments

**Tracie Goldstein, 13257 Cochero Drive, Unincorporated St. Louis County, MO**

Ms. Goldstein stated she was one of the co-organizers of the candlelight vigil held at Chesed Shel Emeth and wanted to thank Council and this entire community for their amazing professionalism. She stated she was blown away by the non-Jewish members of this community who came out to support their efforts.

U City is thought of as one of the most progressive communities in the St. Louis area, and that progressiveness lends itself to this amazing feeling that people in U City, regardless of the color of their skin, or their beliefs, or sexual orientation, will be protected. And the addition of the hate crimes registry essentially says to residents or someone like herself, who thinks of U City as one of the first places she would consider relocating to, that everyone here has the right to know who their neighbors are. Ms. Goldstein stated there are two important elements of Bill 9307 that also make a clear statement of U City's commitment to creating a safe and secure environment for all people; the high standard of proof associated with the definition of a hate crime and the additional police training in the detection and/or prevention of hate crimes. So, in giving consideration to this Bill she would ask that Council not only think about their current constituents but others who might be looking at what this community has to offer their family.

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

Ms. McQueen stated this Bill is very important to her and therefore, wished to pose the following questions:

1. Are there no current procedures in place for U City law enforcement officials to report hate crimes?

2. Will training on implicit bias also be included as a line item in the City's budget?

3. Is U City not covered by State and Federal statutes or St. Louis County Ordinances that enforce the reporting of hate crimes?

4. There are some loopholes in the State's regulation. However, since they have more resources than a municipality, is it not possible to galvanize our efforts and work together with the State to ensure that those loopholes are addressed and this legislation is strictly enforced?

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

Mr. Roberts stated his concern is that this Bill may not go far enough to prevent hate crimes from happening in the future or punishing those who have committed hate crimes in the past. He stated in his opinion, the bar set by the definition of a hate crime is a little too low and does not address the issue of implicit bias. And while some could argue that the creation of a hate crime offender's registry makes them feel safer, he does not understand its purpose with respect to the prevention of crimes in the future. The simple fact that U City is well-known for being a safe haven for people who don't fit into normal stereotypes is actually what make it a target for these types of crimes. So the likelihood is that anyone committing these crimes is probably not going to be a resident. Mr. Roberts stated that he did like the police training aspect of the Bill, but here again, would question why this kind of training had not been implemented in the past.

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

Mr. Fitz stated like almost everyone in this room, he abhors the attacks on the Jewish Cemetery, the killings in Kansas City, the racists and homophobic attacks throughout the United States, and the entire history of slavery.

But he is also concerned that this Bill, while well intentioned, and looks good on paper, might be a smokescreen for ignoring things that really need to be done. Based on his understanding, a Sanctuary City is one that instructs its police department to protect its citizens and not to imprison people for the crime of being an immigrant. U City has a very large foreign-born population which is very much at-risk. He stated the Underground Railroad was illegal, and there are some, including himself, who believe that morality supersedes legality. Lawyers spend half of their time trying to figure out how to go around legislative prohibitions, and he thinks U City should do everything possible to legally protect its immigrant population. Mr. Fitz stated it's good to do things as an expression of solidarity, and even better to do something which is real. So today, he will declare his allegiance to do everything in his power to urge legislative groups to resist any sort of attack on immigrants, be that action legal or illegal.

Council Comments

Councilmember Carr provided Ms. Pumm with copies of the 1999 Hate Crime Ordinance 6220, for distribution to members of Council. She stated the City's Code was recodified in December of 2013, and any Ordinances not incorporated into the Code were repealed and not replaced. Typically when changes of this nature are made, Council is provided with a list of the repealed Ordinances. However, in this case, she is not able to locate, nor can she remember ever receiving such a list. So, its removal is somewhat of a mystery. And although some portions of the Ordinance still exist, i.e., Institutional Vandalism, it is not identified or defined as a hate crime.

Ordinance 6220 was drafted for the reporting and prosecution of hate crimes identified at the State level and does not address prosecution at the local level. Therefore, she would propose that Council reenact Ordinance 6220 by updating or amending it as needed to include changes in the landscape due to the passage of eighteen years or advances in technology. To ensure enforcement at the local level, Council can either pass both Ordinances; one for the tracking of hate crimes at the State level and the other at the local level, or combine the two to produce one cogent Ordinance, which may take a little bit longer to complete. Councilmember Carr asked Mr. Adams if the City Attorney could assist Council in reviewing, modifying or combining the two Ordinances?

Mayor Welsch stated she had also pulled Ordinance 6220 and could find no rationale associated with its disappearance. Therefore, she has asked Ms. Pumm to conduct a more thorough investigation to see if she can gain a better understanding of what occurred.

Mr. Adams stated his preference would be to wait until Ms. Pumm has completed her investigation before engaging the services of the City Attorney to review, modify or incorporate the two Ordinances.

Councilmember Jennings stated it was interesting to learn about the existence of Ordinance 6220, which he is in favor of reactivating with the appropriate modifications. He stated that the registry proposed in this Bill is similar to the Sex Offender's Registry, that requires a state or federal conviction before an offender is added to the record. In his opinion, this aspect of the Bill would help to deter the commission of hate crimes in the future because most individuals do not want to be labeled.

Councilmember McMahon stated although he appreciates Councilmember Jennings' efforts, the Bill as it is currently written raises a lot of questions.

His belief is that Bill 9307 is broader than the State's Hate Crime Statute, 577.035, so first of all, it may not be in compliance. He stated he's also uncertain as to how Section 215.040 fits into the scheme of things, and whether it's talking about a new offense or merely the reporting of an offense. The State already has its own uniform crime reports which are dependent upon many of the documents mentioned in Bill 9307. And after reviewing those reports it appears as though the hardworking folks down in the City's Police Department have been reporting these incidents because if they fail to file the correct reports they run the risk of jeopardizing their State and Federal funding. Councilmember McMahon stated you can also pull up U City's monthly reports on the Missouri Highway Patrol's website, which also speaks to the availability of training in this area. But of course, that does not mean there is no room for improvement amongst the City's officers.

This Bill also does not identify a process for how the registry will be created.

It talks about reporting, but it doesn't identify who it should be reported to; what should be reported; whether these reports should be made public, and it certainly does not include anything about someone who was convicted in Florida and moves to U City. Councilmember McMahon stated U City doesn't even have the authority to require someone convicted in Chesterfield to report and sign up on its registry once they move to this community. Simply because a registry of this nature has to be coordinated, that's why it's a State Sex Offender Registry.

Here again, this sounds like something that falls right into the Human Relations Commission's wheelhouse of advising Council on interpersonal-related Ordinances. He stated his belief is that work on this proposal commenced back in November and was never brought to the Commission for comment. So, although he is not implying this is an issue that should not be given further review, he does believe Council will be unable to reach its anticipated objective with this Bill as it is currently being presented.

Councilmember Smotherson concurred with the comments of Councilmember McMahon. And based on his own unresolved questions; which he has apprised Councilmember Jennings of, he would suggest that Bill 9307 be removed from the agenda and presented to the Human Relations Commission for review and recommendation.

*Introduced by Councilmember Glickert*

**3. BILL 9308** – An ordinance amending schedule III of the traffic code, to revise traffic regulation as provided herein. Bill 9308 was read for the first time.

1. **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

Mayor Welsch acknowledged Council's receipt of minutes from several Boards and Commissions.

4. Other Discussions/Business

• Attribution for ordinances and resolutions as per Council Rules, Section 15. Requested by Councilmember Carr and seconded by Councilmember McMahon

Councilmember Carr stated she noticed that some of the attributions, in compliance with Council's Rule No. 15, had been omitted from Resolutions and Bills placed on the agenda, as well as the minutes**.**

The agenda, minutes, Ordinances and Resolutions are permanent documents andshe is concerned that the City may be losing some pieces of its history by the omission of these acknowledgments. Councilmember Carr stated that after speaking with Ms. Pumm, who suggested that the attributions be placed in the minutes, the two of them agreed that it would be appropriate to ask Council for guidance on this matter.

Councilmember McMahon stated in his opinion, more information is always better. So, if it's placed on the agenda, people coming to the meeting will now have this information, and if it's recorded in the minutes you will have covered all of the bases.

Councilmember Glickert stated although he does not have an issue with either suggestion, he is curious to know whether this topic is one that should be addressed during specific discussions related to Council's Rules and Regulations.

Mayor Welsch stated her belief is that this is a topic which should be discussed when Council reviews and/or revises its Rules and Regulations. However, while she is not necessarily opposed to the suggestion, she thinks that in accordance with the Rules of Order and Procedure, it would be sufficient to place the attributions in the minutes, since they are the formal document representing Council's work. Mayor Welsch stated she also believes attributions should be extended to staff and not be limited strictly to members of Council. Should this motion pass tonight Mayor Welsch requested that attributions be made available for Resolutions 2016-17 through 31, and includes the Executive Session Agendas.

Councilmember Jennings expressed no problem with the addition of attributions.

Councilmember Carr stated she was not asking for an amendment or enhancement of Rule 15, which clearly states that two members of Council or the City Manager may place any Resolution or Ordinance on the agenda and that it should be so, marked as to whom they are being proposed by. She then made a motion that Council continue with the practice of placing attributions on the Agenda and the minutes. Seconded by Councilmember Smotherson.

For clarification, Mayor Welsch stated that pursuant to Council Rule 15, all attributions should be contributed to the appropriate party, to include the City Manager.

Voice vote on Councilmember Carr's motion carried unanimously, with the exception of Mayor Welsch.

1. **CITIZEN PARTICIPATION (continued if needed)**
2. **COUNCIL COMMENTS**

Councilmember Glickert thanked Mayor Welsch for her mobilizing efforts this past weekend. Having attended the Unity activity consisting of the ministerial alliance, Washington University's choir and the art project designed as a means of expression, the only thoughts that come to mind are profound and very inspirational.

Councilmember Carr stated it was a very sad day when this vandalism took place and there is nothing anyone can say that would make it less hurtful or hateful. But the silver lining is the inspiration she received by the way this community came together so quickly in an effort to make things better, and the kindness, compassion, and love they displayed.

Councilmember McMahon concurred with the sentiments expressed by Councilmember Carr. He stated that so often when people commit acts intended to harm others they have no idea that the reaction of residents like the ones who live in U City, actually make these communities immeasurably resilient. So he would also like to thank everyone for standing up and saying we won't tolerate this in U City today or in the future.

And his hope is that this community carries that same resolve with them at this City continues to move forward, and that each day it grows stronger and stronger.

Councilmember McMahon announced that the Town Hall Meeting to discuss the plans for Washington University's proposal for a walkway bridge will be held this Thursday, March 2nd, at the Heman Park Community Center, starting at 6 p.m.

Councilmember Jennings expressed the pride he felt by U City's clear demonstration of what the concept of diversity really is all about

Mayor Welsch thanked the volunteers who organized and participated in last night's ceremony, which was a very moving event. She stated that the Jewish Federation was still accepting donations via their website, for the repair of gravestones and the installation of security systems at five Jewish cemeteries located within U City. And the Anti-Defamation League is still offering a $10,000 reward for any information leading to the arrest and conviction of those responsible for the desecration of the cemetery.

• The Police Department Focus Group will meet tomorrow at 6 p.m. at the Heman Park Community Center.

• A public hearing on the Economic Development Retail Sales Tax funding cycle will also be held on Thursday, March 2nd, at 6 p.m. (For additional information please visit the City's website.)

Councilmember Carr announced that the League of Women Voters will be hosting a debate for the U City School Board candidates on March 1st at McNair Elementary, at 7:00 p.m.

1. **ADJOURNMENT**

Mayor Welsch thanked everyone for their attendance and adjourned the meeting at

7:38 p.m.

LaRette Reese

Interim City Clerk

With this resolution, I hope the City of University City can join the City of St. Louis, St. Louis County, the St. Louis Mosaic Project and the Missouri Immigrant and Refugee Advocates as going on record in saying we are a welcoming community.

The Welcoming community effort is part of the nationwide Welcoming American effort. As stated on their website, the mission of this non-profit organization can be stated:

*Welcoming America leads a movement of inclusive communities becoming more prosperous by making everyone feel like they belong. We believe that all people, including immigrants, are valued contributors who are vital to the success of our communities and shared future.*

[*Today, a growing number of places recognize that being welcoming leads to prosperity; Welcoming America provides the roadmap and support they need to become more welcoming toward immigrants and all residents.*](https://www.welcomingamerica.org/about/who-we-are)

*Launched in 2009, Welcoming America has spurred a growing movement across the United States, with one in eight Americans living in a Welcoming Community. (Their) award-winning, social entrepreneurship model is beginning to scale globally.*

*A non-profit, non-partisan organization, Welcoming America is proud to support the many diverse communities and partners who are leading efforts to make their communities more vibrant places for all.*

University City is a diverse community. Our community, especially Olive Boulevard, has benefitted from the energy and commitment of immigrants to this region. Committed to being a Welcoming Community ensures that University City is in public record – in this region and around the nation – to being welcoming to all.

I believe our community will benefit from this.

The Welcoming Community movement is in no way tied to the Sanctuary movement. As you know, Mr. Andrew Roberts asked this Council to consider making U City a sanctuary city. Multiple other residents approached me outside this chamber with the same request.

However, back in 2008, the Missouri State legislature outlawed any community in this state from declaring itself a sanctuary.

The Welcoming Community approach conveys our welcome to immigrants to our community, without defying the law of the State of Missouri.

After the desecration of the Chesed Shel Emeth Cemetery, I heard from many, many residents saying those actions were not what U City is all about.

I think we are about being welcoming to everyone. I hope members of Council can and will support this resolution.

I would ask that my full remarks be attached to the minutes.