

MEETING OF THE CITY COUNCIL  
CITY HALL, Fifth Floor  
6801 Delmar Blvd.  
University City, Missouri 63130  
**April 10, 2017**  
**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, April 10, 2017, Mayor Shelley Welsch, called the meeting to order at 6:30 p.m.

**B. ROLL CALL**

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

Councilmember Rod Jennings  
Councilmember Paulette Carr  
Councilmember Steven McMahon  
Councilmember Terry Crow  
Councilmember Michael Glickert  
Councilmember Bwayne Smotherson

Also in attendance was Interim City Manager, Charles Adams.

**C. APPROVAL OF AGENDA**

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

**D. PROCLAMATIONS**

**E. APPROVAL OF MINUTES**

1. March 27, 2017, Study Session Minutes, were moved by Councilmember Jennings, seconded by Councilmember Carr and the motion carried unanimously.
2. March 27, 2017, Regular Session Minutes were moved by Councilmember Carr, seconded by Councilmember Smotherson and the motion carried unanimously.
3. March 30, 2017, Special Session Minutes were moved by Councilmember Carr, seconded by Councilmember Jennings and the motion carried unanimously.

**F. APPOINTMENTS TO BOARDS & COMMISSIONS**

1. Robert Klahr is nominated to the Historic Preservation Commission by Mayor Welsch, seconded by Councilmember Carr and the motion carried unanimously.

2. Dennis Hoppe is nominated to the Human Relations Commission by Mayor Welsch, seconded by Councilmember Glickert and the motion carried unanimously.

**G. SWEARING INTO BOARDS & COMMISSIONS**

1. Jason Sparks was sworn into the Parks Commission at tonight's meeting.

**H. CITIZEN PARTICIPATION (Total of 15minutesallowed)**

**Tom Sullivan, 751 Syracuse, University City, MO**

Mr. Sullivan voiced concerns regarding the following topics:

- **Mayor Pro Tem** - The March 27th agenda did not provide sufficient information regarding the issue of Mayor Pro Tem as the law requires, and anyone with an opinion was prevented from expressing that opinion. Therefore, no vote should have been taken.
- **Excessive Noise** - The Drum Circle, consisting of approximately 15 drummers that perform in The Loop on Sunday evenings can be heard all the way to Vernon Avenue. The police were called and the group was informed they needed a permit. However, in his opinion, no permit which allows this group to play near residential areas should be issued.
- **City Aesthetics** - In a correspondence to the Interim City Manager, Mr. Sullivan advised him about several housekeeping matters that needed attention; numerous inoperable streetlights; an inoperable park light on the Leland entrance to the No. 4 parking lot; missing dumpster lids; missing curbs, and excessive debris on streets as a result of a reduction in the City's street sweeping activities. Sweeping should be conducted from 9 a.m. to 11 a.m., rather than 8 a.m. to 11 a.m.
- **Public Works** - Employees assigned to the City's grass cutting operation should be instructed to clean up all debris rather than blowing it out into the streets.
- **EDRST Board** - Minutes from the March 27th Study Session in regards to Create Space, state, "*None of the other applications gave Board members the warm and fuzzy feeling of an actual hardcore return on investment*". However, he does not think taxpayers will have a warm and fuzzy feeling when they see even more of their tax dollars headed down a rat hole. Non-profits need to provide City staff with their IRS Form 990 and Council should carefully review all of these proposals because only a small fraction of them appear to accomplish the purpose of this fund; to develop retail.

**I. PUBLIC HEARINGS**

**J. CONSENT AGENDA**

**K. CITY MANAGER'S REPORT**

1. Award Bid from Lifeguard's Unlimited for Management Services at Heman Park Swimming Pool and Natatorium for the 2017 Season.

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

### Citizen's Comments

#### **Elsie Glickert, 6712 Etzel, University City, MO**

Ms. Glickert stated the 2016 Census indicates there are 1,776 persons age 15 to 19, living in U City, and yet, allegedly staff has had difficulty recruiting guards.

However, as a resident who frequents the pool on a daily basis, her personal observation is that there has never been a sign in the bath house lobby; where you would most likely find potential applicants, saying, "*Lifeguards wanted; any age*". And some of the experienced lifeguards who have applied for the job reported that no one from City staff has ever contacted them. So perhaps, closing or outsourcing would make some members of staff happy. Ms. Glickert then posed the following questions to member of Council:

1. Were any public comments received by the Parks Commission before making their recommendation?
2. Will Lifeguard's Unlimited require U City guards to buy their own swimsuits; this is not a current requirement.
3. Will U City guards have to pay to obtain their Red Cross Certification; currently they are reimbursed for this cost.
4. Where is Lifeguard's Unlimited located, and will U City guards have to travel back and forth to their facility?
5. Will City employees currently assigned these duties receive a reduction in pay once their responsibilities are diminished?

Ms. Glickert stated that the Heman Park Pool has consistently been a wonderful recreational facility and employment opportunity for the residents of U City for 83 years, and in her opinion, this tax-supported entity does not need to be outsourced.

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

Ms. Jensen expressed opposition to outsourcing the Heman Park Pool based on concerns regarding the additional costs for residential lifeguards and whether it would actually benefit the City. At this late date, she would suggest that Council postpones taking any action for one year in order to have enough time to gain additional input and determine whether this is really going to be a benefit for the residents.

### Council's Comments

Councilmember Jennings stated having grown up utilizing this pool and witnessing many of his friends gain employment there, initially he was very concerned about the outsourcing. However, after learning that Lifeguard's Unlimited had made a commitment to give U City kids preference with respect to these jobs; that they would have an opportunity to increase their hours by working at other pools serviced by this company, and that they would get a wage increase, his concerns were minimized. Lifeguards do have to pay for their own swimwear, but the Red Cross Certification is paid for by the company. So, based on his understanding that the City will be closely monitoring this company to ensure that they live up to their commitments, he is satisfied with the proposal.

Councilmember Carr stated this proposal was presented to the Parks Commission; it appears to be reasonable, and this time the outsourcing was handled in the right manner. As both of the resident speakers will probably agree, every year, they, as well as many other residents, have asked the City to extend the pool's hours of operation. But in order to even get the pool into the budget, year after year, the season has had to be reduced. So, this seems to be a way to not only extend the season but deliver the kind of service that people want. The training offered by Lifeguard's Unlimited seems to be good, and since nothing is being eliminated, this appears to be a good solution for now. And with respect to the questions about transportation, her hope is that parents will employ the same type of collaboration utilized when their kids are required to travel for many of their other activities. Councilmember Carr stated this proposal provides the City with an option to ask for amendments and institute changes, so it's actually a work in progress.

Councilmember Glickert stated it's probably pretty obvious why he would not be in favor of outsourcing at this point in time. Councilmember Jennings alluded to the word "*Community*," and that's exactly how he views it. With the exception of one year, these lifeguards have been members of this community since 1933, and everybody knew each other; which may not be the case if it is outsourced. However, after reading the material he was very impressed with the company, especially as it relates to their educational component. And therein lies the problem. The City should have provided swimming lessons for their young people years ago, and there's a sign in the men's shower room which says, "*All valuables will be removed from lockers at the end of the day*," but they have not had lockers for over 30 years. So his big concern is who has been minding the store? Councilmember Glickert stated he thinks what is happening now, is that the City has just said let's wash our hands of these problems, give it away, and let someone else take care of it.

Councilmember McMahon noted that the bid proposal lists a three-year contract and the Parks Commission recommended a one-year contract. So, is Council voting on a three-year contract or is it a one year contract with provisions for renewal? Andrea Riganti, Community Development Director, stated it was a one-year contract.

Councilmember Jennings stated when he was in school swimming was a requirement. Subsequently, it became an elective, and as a result, a lot of African-American children do not know how to swim.

Councilmember Smotherson stated his very first job in 1976 was a lifeguard at the Heman Park Pool, which he and his children have used for many years. And one of the problems he ran into as a parent was the pool closing early in August. So he is in favor of the outsourcing.

Mayor Welsch stated although she has spoken with her good friends, Ms. Jensen and Ms. Glickert, she is in favor of outsourcing the City's services. As previously mentioned, U City children will be given top priority with respect to the hiring of lifeguards, assistant managers, and managers. And in spite of the fact that kids will have to pay for their swimsuits at an approximate cost of \$18.95, they will be paid substantially more than the City has been able to pay its guards.

There will be an expansion of educational programs which the City does not provide enough of; their Red Cross Certification will be paid for by the company; Lifeguard's supervisors will be working closely with a member of City staff, and she is extremely pleased that they are going to provide marketing. Mayor Welsch stated she believes swimming is a health and recreational activity, and that Council must look at what is best for the City as a whole. It is a one year contract and while her hope is that this will be a much better experience than the one 13 years ago, there is a provision for reevaluation. So for the long-term fiscal health of this facility, she thinks it is something the City should try.

Roll Call Vote Was:

**Ayes:** Councilmember Carr, Councilmember McMahon, Councilmember Crow, Councilmember Smotherson, Councilmember Jennings and Mayor Welsch.

**Nays:** Councilmember Glickert.

**2. Approve Site Plan for a parking garage at 560 Trinity Avenue in the "PA" - Public Activity District.**

Councilmember Glickert moved to approve, and was seconded by Councilmember Smotherson.

Councilmember Carr asked whether it was correct that the back of the garage facing Delmar which was initially identified as being renovated with a different material has now been changed to brick. Ms. Riganti informed Councilmember Carr that there had been some changes to the materials, however, for a more precise explanation she would like to ask Mr. Greg Trost from the Lawrence Group to address this specific question.

Mr. Trost stated the original HPC presentation had involved a slightly different material. Since that time the northeast elevation has been revised to include the same material proposed on the other four elevations; a terracotta cladding, which has been included in the application.

Councilmember Carr stated her understanding is that although this parking garage is a standalone, ultimately COCA will be permitted to use some of the spaces. So her warning to COCA is that in order to ensure there are no problems when their Conditional Use Permit comes up for reevaluation they will need to have documentation which identifies where the requisite number of parking spaces are located. But other than that, she is excited about this project.

Councilmember Smotherson stated prior to serving on Council he sang with the St. Louis Symphony Orchestras In Unison Chorus and parking was always an issue when they rehearsed in the building owned by Washington University. And based on that experience he believes this is a much-needed project for the area. He stated his only concern is the staging of numerous pieces of equipment in such a tight area. So he hopes that contractors will be considerate of neighboring residents.

Councilmember Carr stated several members of Council have received various complaints about the constant construction and its impact on parking. So she would like some type of assurance from staff that neighbors will not experience a loss of parking during this construction, and that there will be an emergency contact number where someone can be reached at all times.

Councilmember Crow asked Ms. Riganti if Council could also get information about whether there will be an off-site parking plan for construction employees?

Councilmember Carr asked Ms. Riganti if contractors would be expected to follow the City's Noise Ordinance since that could also create a hardship for residents. Ms. Riganti stated that the hours of construction will be adhered to as per the City's Building Code. And to answer Councilmember Crow's question, once the construction plan is submitted to the Department of Community Development it will be shared with City Council, as well as neighbors who will be impacted.

Mayor Welsch stated she thinks this is a beautiful garage and the cladding that was selected blends in well with the neighborhood.

Voice vote on the motion to approve carried unanimously.

## **L. UNFINISHED BUSINESS**

### *BILLS*

1. **BILL 9310** - An ordinance authorizing the Interim City Clerk to perform all duties of the City Clerk and Secretary to the City Manager, and fixing the compensation, therefore; containing an emergency clause. Bill 9310 was read for the second and third time.

Councilmember Carr moved to approve, seconded by Councilmember Crow.

Councilmember Crow stated since the emergency clause was not exercised at the last meeting, he would like to make a motion to amend by removing Section No. 4, and the last four words of the heading which states, "*Containing an emergency clause*". The motion was seconded by Councilmember McMahan.

Voice vote on the Motion to Amend carried unanimously.

Mayor Welsch stated she has informed members of Council, as well as Ms. Reese, that she does not feel she can support this Bill, even though she is pleased to work Ms. Reese. She stated to ensure Council is sending the right message to City staff her belief is that Council should have provided additional compensation to Ms. Reese for taking on some of the duties associated with the City Clerk's position per the Administrative Regulations of the City. The difference in pay would have been about \$1.76 an hour.

Councilmember Carr stated Ms. Reese was appointed by Council to be the Interim City Clerk, with the understanding that she would be allowed to maintain her current position as Secretary to the City Manager. Both of these positions are designated as unclassified, whereas the Administrative Regulation alluded to by the Mayor applies to classified employees who are protected under Civil Service Board policies and procedures. However, since Ms. Reese has been appointed to a vacancy for an indefinite period of time, this Bill is simply asking that she be afforded all responsibilities and rights of a City Clerk, until such time as Council hires a permanent Clerk. Councilmember Carr stated there is a need to use a consistent argument when looking at the rules, which in this case, is whether the employee is classified or unclassified. And in her opinion, the \$1.76 is a red herring. Essentially, Ms. Reese is performing two jobs, while receiving the lowest possible salary afforded to a City Clerk; approximately \$58,000. However, if these two positions were performed individually, the City would be paying over \$107,000. So Council is getting a bargain. Ms. Reese's performance has been outstanding, she is very professional, her work product is amazing, and she deserves to be fairly compensated.

Councilmember Crow concurred with Councilmember Carr's analysis of Bill No. 9310, because in his mind it seems clear that the two positions Ms. Reese is being asked to perform fall under the category of unclassified. And the fact that she has been willing to perform these responsibilities at the minimum pay grade for a City Clerk shows that those members who are trying to make this work are also cognizant of being good stewards of taxpayer dollars. He stated that while he would applaud the Mayor for her concern about the message being sent to staff, over the years a number of different messages have been conveyed which demonstrated absolutely no concern for staff; particularly with respect to the outsourcing of the City's entire EMS staff. So, although this concern may have come late to the dance, at least Council seems to be heading in the right direction.

Roll Call Vote Was:

**Ayes:** Councilmember McMahon, Councilmember Crow, Councilmember Glickert, Councilmember Smotherson, Councilmember Jennings, and Councilmember Carr.

**Nays:** Mayor Welsch.

## **M. NEW BUSINESS**

### *RESOLUTIONS*

### *BILLS*

## **N. COUNCIL REPORTS/BUSINESS**

### **1. Boards and Commission appointments needed**

Mayor Welsch made the appointments that were needed.

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

Councilmember Carr stated Arbor Day tree plantings sponsored by Urban Forestry have been scheduled for the Mona Bike Trail Park site. However, one problem is that this initiative was never presented to the Park Commission.

The second problem is that the bike trail travels along River Des Peres where the bank is starting to crumble, and consideration is currently being given as to whether or not the trail should be moved to the west. So, at this point in time, the addition of new plantings may be a waste of resources. Councilmember Carr stated anything that happens in City parks must be brought before the Park Commission; at least for informational purposes. Therefore, to ensure that such actions do not become a precedent, in the future she would strongly urge that any plans concerning a specific Board or Commission be referred to them for guidance prior to taking any action.

3. Boards, Commissions, and Task Force Minutes

4. Other Discussions/Business

- **Recording of Board and Commission Meetings**

*Requested by Councilmember Smotherson and seconded by Councilmember Carr*

Councilmember Carr stated several years ago the City Manager made a decision to relieve staff of their responsibility to record Commission and Board meetings. At the same time, minutes were reduced to be comprised of only the basics, which oftentimes left the reader clueless as to what had actually occurred. But with today's advancements in technology and such an engaged community, she would like to see the recording of these meetings reinstated and the files uploaded to the City's website for review by all interested parties. Councilmember Carr made a motion to reinstitute the policy of recording Commission and Board meetings, and the digital files added to the City's website for easy access. The motion was seconded by Councilmember Smotherson.

Councilmember Smotherson stated important topics are often discussed at these meetings and it is imperative for Council and the public to have an opportunity to hear these live conversations rather than receive secondhand information.

Councilmember Crow asked the Interim City Manager if he believed this request could be accomplished by staff. Mr. Adams stated that after being made aware that this topic would be on tonight's agenda he had discussed the dynamics with staff and concluded that although new equipment would have to be purchased, the Director of Community Development will work with her staff and establish the protocols necessary to honor Council's request.

Councilmember Glickert stated his belief is that a majority of Commissions already have recorders. However, since they are allowed to make their own rules and regulations in terms of how they conduct their meeting, his preference would be to leave the decision of whether to record or not to record these meetings up to the members.

Councilmember Jennings stated often he has found it difficult to recruit citizens to serve on these Commissions and one of his concerns is whether they would feel comfortable voicing their opinion if meetings were recorded. So perhaps, it should be left up to the individual Board or Commission.



His other concerns are related to whether the need to purchase new equipment is a good return on investment, and if the City's server has the capacity to store a large volume of digital data.

Councilmember Smotherson stated he was under the impression that each staff liaison already possessed this equipment and that his request would not create an additional cost or burden on the City.

Councilmember Carr stated every Board or Commission is a governmental body and required to have open meetings and records. A recorded proceeding allows members who are absent to easily get back up to speed, assists with the taking of minutes, and provides everyone with the opportunity to stay engaged with Boards and Commission who are making decisions on how taxpayer dollars are spent. She stated that she probably paid less than \$50.00 for her recorder and the clarity is excellent.

Councilmember Jennings stated that Council's microphones, as well as the microphones used for meetings at the Community Center, are both attached to a larger warehousing system. So he would ask the Interim City Manager to consider whether it would be more cost-effective to add-on to the City's existing equipment.

Mr. Adams stated initially he had only been looking at small recorders similar to the one mentioned by Councilmember Carr. However, he would be willing to research Councilmember Jennings' suggestion to determine the most inexpensive way to get the job done.

Mayor Welsch asked Councilmembers Smotherson and Carr if they would be amenable to postponing any action for a month until feedback could be obtained from members of Commissions, Mr. Adams could develop a budget, and Ms. Riganti could establish the suggested protocol.

Councilmember Carr stated she does not see where a month would make a difference since her motion was simply to reinstitute the recording of these meetings for the purpose of retaining valuable information. So she is not willing to take a vote on postponing this for a month when there have been other instances she thinks were much more important that some of her colleagues were not willing to consider.

Councilmember Crow stated if the Interim City Manager has a practical problem with this request he would be more than happy to talk about it. But all Council is asking tonight, is that a directive be issued to restore something that probably should have never been eliminated.

Councilmember Jennings stated he would be interested in gaining a better understanding of why the former City Manager made the decision to eliminate the recording of Commission meetings? Councilmember Crow stated he doubts there is a record of why he took this action, it was simply taken away.

Mayor Welsch stated when she was a member of Arts & Letters their meetings were not recorded. Thereafter, recordings were instituted and subsequently eliminated again.

Roll Call Vote Was:

**Ayes:** Councilmember Crow, Councilmember Smotherson, Councilmember Jennings, Councilmember Carr and Councilmember McMahon.

**Nays:** Councilmember Glickert and Mayor Welsch.

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

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

Mr. Pace responded to Councilmember Crow's comment regarding the treatment of City employees, specifically as it relates to the outsourcing of EMS. He stated that in spite of the fact that Union Leadership was very unhappy, no employee was ever laid off or lost their job; which he attributes to the leadership of Lehman Walker. And in response to Councilmember Carr's comment about EMS being dumped on Council with 48 hours' notice, he would point out that the RFP, as well as the responses from the two companies who applied, were all displayed on social media. So everyone was well aware of what was being proposed. The outsourcing was taken off of the table for a long period of time and a Study Session was even conducted. Mr. Pace stated that it also might be interesting to note that as the citizen consultant; which every member of Council was aware of, no one ever asked him any questions about the outsourcing. So yes, the contract was laid out shortly before Council's meeting, and he would agree that was wrong, but the idea that this whole situation caught everybody with their pants down is ridiculous.

**P. COUNCIL COMMENTS**

Councilmember Glickert stated at the last meeting Council had asked that he begin working on a process to fill the open position of City Clerk. He stated that he had met with Mr. Adams and the HR Manager, and they hope to have the process in place within the next couple of weeks.

Councilmember Carr stated last week she had the absolute pleasure of going to Brittany Woods Middle School to talk with some of the seventh graders about her role as a member of Council. It was a day well spent. And at the end of the class students discussed what they had learned about the City's Wards, the number of parks and the Sunshine Law. She stated that when talking about First Amendment Rights, it was pointed out to her that one young lady had already successfully exercised this right by petitioning to remove assigned seating, and was now working on a petition to enhance the quality of lunches. Councilmember Carr stated it was a wonderful experience with an amazing group of kids and her hope is that they will invite her to come back again next year.

Councilmember Crow stated to ensure there are no surprises going forward he would like to present some of the items Council will be working on and hope to get accomplished, in the near future. At the top of the list is the search for a new City Manager, and parallel to that is the City budget.

Once the budget is complete, he would then like to see Council conduct a review of the services that have been provided by Gateway to date, and determine whether any improvements are needed. Councilmember Crow cited an incident with one of his new neighbors who complained about constantly being asked by Gateway drivers how to get from upper Maryland to lower Maryland.

He further noted that his neighbor's wife had left several messages with individuals sitting on this dais that has yet to be answered. So there are still some lingering concerns and he believes Council owes it to its citizens to maintain oversight by conducting an evaluation of the services being rendered. He stated he also thinks a majority of citizens would tend to agree that the outsourcing of EMS impacted the morale of City employees. And as a side note, he was a little surprised to hear that members of Council were expected to contact a citizen about things going on within City Government. Nevertheless, his hope is that everyone has started to notice the robust and professional demeanor in which discussions and votes are being conducted by Council, which in his opinion, is just the way business should be conducted in this Chamber.

Councilmember Smotherson asked Mr. Adams if the Study Session previously scheduled for this coming Thursday to discuss the budget had been canceled. Mr. Adams stated that it had been.

**Q. ADJOURNMENT**

Mayor Welsch thanked everyone for their attendance and closed the City Council meeting at 7:40 p.m.

LaRette Reese  
Interim City Clerk

10 April 2017

Regarding the outsourcing of our outdoor Heman Park Swim Pool, I have questions and comments:

How much public comment was made to the Park Commission? Or was it only Staff comments? How much will it cost U.C. Guards to get the job? Will they have suits furnished as in U.C. will they be charged for certification? Will it be necessary for them to travel to LifeGuard Unlimited (located WHERE?)

There are 13 weeks in the outdoor pool season. 3 weeks in August, the hottest time of the year in St. Louis, allegedly the Staff has had difficulty recruiting Guards because of School time. I can say from personal observation, since I am at the pool almost daily, that I have never seen a free-standing sign in the bath-house lobby saying "LIFEGUARDS WANTED any age". All swimmers must pass through this lobby to access the pool, and they are ~~they~~ the potential applicants since they are swimmers. I also know experienced guards called, interested in the positions, but their calls were never returned by Staff. TELLS ME SOMETHING!!! If outsourced, are staff salaries to be reduced for non-performance of duty?

Consistently for 84 years (minus 1 when it was oursourced), this has been a wonderful recreation facility for all people; a place for all U C kids to work as techs and guards -- all from 2 1/2 miles from their home where they would walk or bike. ~~Consistently they were trained by our Staff on sight.~~ Why change 83 years of success (and 1 disaster) for a company located WHERE? We have Staff hired to do the job on sight. <sup>sfc</sup> Municipal pools are not cost effective -- they are recreational and health facilities.

Heman Pool is a Swim Pool - not a Water Park which may need additional assistance. We have had the same pool foot-print for 84 years. We have the human resource<sup>w</sup> for guards. The 2010 Census indicates there are 1776 persons 15 to 19 here as well as 35,000 people. Our dynamics are much different from smaller municipalities. No County municipality can match 84 years of aquatic history.

Our tax-supported Heman pool does not need to be outsourced.

Elsie Glickert  
6712 Etzel Ave.  
UC., MO 63130  
April 10, 2017

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