

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
May 8, 2017
6:30 p.m.

- A. MEETING CALLED TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. PROCLAMATIONS**
- E. APPROVAL OF MINUTES**
 - 1. April 19, 2017 Study session minutes
 - 2. April 24, 2017 Regular session minutes
 - 3. April 26, 2017 Special session minutes
- F. APPOINTMENTS to BOARDS & COMMISSIONS**
 - 1. Aleta Porter Klein is nominated to the Library Board by Councilmember Carr
 - 2. Andrew Ruben is reappointed to the Plan Commission
- G. SWEARING IN to BOARDS & COMMISSIONS**
- H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)**
- I. PUBLIC HEARINGS**
- J. CONSENT AGENDA**
- K. CITY MANAGER'S REPORT**
 - 1. Approve Conditional Use Permit Application 6655 Delmar
Karaoke Entertainment
VOTE REQUIRED
 - 2. Approve Conditional Use Permit application 6662-D Delmar
Food and Beverage Establishment
VOTE REQUIRED
 - 3. Approve Fogerty Park Phase I Improvements Change Orders 1-3
Spencer Contracting Company - \$29,380.27
VOTE REQUIRED
 - 4. Approve Asphalt Rejuvenation Project
Corrective Asphalt Materials LLC - \$53,000.00
VOTE REQUIRED

L. UNFINISHED BUSINESS

BILLS

1. **Bill 9311** – AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF UNIVERSITY CITY AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE KINGSLAND AVE. ALLEY BRIDGE RECONSTRUCTION OVER NE BRANCH OF RIVER DES PERES.
2. **Bill 9312** – AN ORDINANCE AMENDING CHAPTER 340, SECTION 340.160 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE, TO ADD NO PASSING OF LOOP TROLLEY CARS
3. **Bill 9313** – AN ORDINANCE AMENDING THE TRAFFIC CODE CREATING A NEW CHAPTER 357 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI ENACTING AND ADOPTING “UNAUTHORIZED STOPPING AND PARKING ALONG TROLLEY TRACK”.
4. **Bill 9314** - AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.

M. NEW BUSINESS

RESOLUTIONS

BILLS

N. 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
 - a. Apology of the City of University City to Andrew Roberts pursuant to Consent Judgment approved by United States District Judge Audrey G. Flessig.
Requested by Councilmember Carr, seconded by Councilmember Smotherson
 - b. GovHR-USA contract amended proposal
Requested by Councilmember Carr, seconded by Councilmember McMahon
Discussion and Vote

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

Q. Adjournment

**UNIVERSITY CITY COUNCIL
STUDY SESSION MINUTES**

5th Floor of City Hall

6801 Delmar

April 19, 2017

5:30 p.m.

1. MEETING CALLED TO ORDER

The City Council Study Session was held in Council Chambers on the fifth floor of City Hall, on Wednesday, April 19, 2017. Mayor Welsch called the Study Session to order at 5:30 p.m. In addition, the following members of Council were present:

Councilmember Rod Jennings; (*Arrived at 5:45 p.m.*)
Councilmember Paulette Carr
Councilmember Steven McMahon
Councilmember Terry Crow; (*Excused*)
Councilmember Michael Glickert
Councilmember Bwayne Smotherson

Also in attendance were Interim City Manager Charles Adams, Finance Director Tina Charumilind, Community Development Director Andrea Riganti, Police Chief Larry Hampton, Fire Chief Adam Long, Public Works and Parks Project Managers Errol Tate and Jenny Wendt.

2. AGENDA

- **FY18 Budget**
Requested by the Interim City Manager

Mr. Adams presented the following information associated with the Draft Budget for FY18, commencing July 1, 2017, and ending June 30, 2018.

Budget Influencers

- \$200,000 decrease in gross receipt taxes resulting from the elimination of landlines
- Decrease in court revenue resulting from the restriction of fines mandated by Missouri Senate Bill 572
- \$100,000 decrease in sales tax review resulting from St. Louis County's redistribution of sales tax funds as mandated by Missouri Senate Bill 867
- \$12,500 Partnership with the School District and local businesses to continue community youth programs
- \$20,000 funding to U City in Bloom, Fair U City and the Arts & Letters Commission

Budget Challenges

- Declining population; 35,400 as opposed to 37,500, equates to an estimated \$200,000 reduction in revenue
- Aging infrastructure

- Renovation/construction of the Police Department
- Repairs needed for streets, sidewalks, and curbing
- Repairs needed for City Hall, Centennial Commons, and Heman Park Pool
- Police and Fire pension plans; currently funded at 79%; recommended for at least 80%

Revenue

- 1% increase in the valuation of properties resulting from recent property tax assessments
- 1.8 million dollars derived from the new Public Safety Sales Tax once all taxes are accumulated. The Finance Director has estimated that the City will have received approximately \$800,000 from this tax by December.
- 3.7% for Municipal Court & Park
- 6.8% for Recreational fees
- 26.6% for Gross receipt taxes
- 28.1% for Sales taxes

General Revenue Fund

- \$23,958,500 represents the proposed budget for the general-revenue fund
- Budgeted expenditures represent \$24,428,500, creating a deficit of \$470,000
- ❖ *Salaries for the Interim City Clerk, as well as replacement of the City Clerk, have been included in the budgeted expenditures.*
- ❖ *The General Administration Budget for the City Manager's office primarily consists of contractual services associated with legal services. As cases are resolved, this dollar amount has been projected to decrease by 18% in FY18.*
- ❖ *The transfer of pre-employment hiring expenditures from HR to the Police and Fire Departments has resulted in a 7.8% decrease in contractual services.*

Expenditures

- Leasing of land and temporary police facility
- 2% Cost of living increase for employees
- 2% Increase in Medical Insurance
- 2% Increase in other employee benefits

Fund Reserve

- \$8,500.00 represents the total reserve fund balance as of FY16
- An additional 7 million dollars has been earmarked for construction or renovation of the police facility

Mayor Welsch stated for some reason she thought that the Human Resources Director fell under the Department of Finance. Mr. Adams stated although the two departments work hand-in-hand with one another, HR basically falls under the umbrella of the City Manager's office.

Administrative Services

Finance Director Tina Charumilind presented the following budget information for the Administrative Services Department, which consists of finance, information technology, and municipal courts.

- ❖ *Finance is responsible for ensuring that the City's financial affairs are in compliance with generally accepted accounting principles, as well as Federal, State and Municipals Codes.*
- Total budget 1.8 million dollars
- A 5% increase is projected for Personnel Services in FY18, to comply with recommendations made by an independent auditor to augment the segregation of duties within the department.
- The addition of an annual maintenance contract for the Kronos time and attendance software resulted in an increase in contractual services.
- Funds have been allocated under Commodities to replace the City's existing parking meters with pay stations similar to the model employed by the City of St. Louis for the purpose of creating a seamless interface.
- Funds have been allocated under Capital Outlay for the cost of purchasing the pay station located at the Tivoli parking lot and new computers. *(New computers are purchased every three years and older systems are assigned to employees who have a lower level of usage.)*
- Costs associated with the Municipal Court have remained at the same level year-after-year.
- The network upgrade for Information Technology will be completed by the end of FY17, resulting in a 54% decrease in commodities. (No new expenditures are planned for FY18.)

Mayor Welsch questioned whether the cost for all of the work performed at the Police Station could be found within the IT budget? Ms. Charumilind stated several months ago the budget was amended in the amount of \$400,000, to pay for some of those expenses which are separate and apart from the Information Technology expenditures.

Police Department

Police Chief Larry Hampton presented the following budget information for the Police Department. In FY17 the budget was amended to include an allocation of \$1,832,200 to cover expenses associated with the temporary police facility. The FY18 budget projects that 80% of the department's funding will go to salaries and 20% will be used for commodities and contractual services.

- 2% Cost of living increase
 - 8% increase in contractual services due to modular rental expenses
 - 18% decrease in commodities
 - No funds have been allocated for capital improvements
- ❖ *A backup generator was purchased in 2017 to ensure that the temporary facility remains operational at all times.*

Fire Department

Fire Chief Adam Long presented the following budget information for the Fire Department.

- 16% decrease in personnel services resulting from a reduction in force and overtime
- 1% increase in contractual services resulting from the lease/purchase agreement for a new fire truck
- 13% decrease in commodities as a result of outsourcing
- No funds have been allocated for capital improvements

Mayor Welsch asked Chief Long if he could provide Council with a percentage for the amount of overtime that has been reduced. Chief Long stated although he is not certain of the exact percentage, last year the Department spent approximately \$300,000 in overtime and since April of 2017 that amount has been reduced to approximately \$20,000.

Councilmember Carr asked Chief Long for an explanation of how overtime could be reduced if there had also been a reduction in force? Chief Long stated pursuant to the Collective Bargaining Agreement (CBA), the Department was required to have eleven firefighters on duty, per day. However, the Department's belief was that only eleven firefighters were needed per shift. The Local sued the City and the courts ruled in favor of the City. So today, instead of eleven firefighters on duty, per day, there is a minimum of seven firefighters on duty. Councilmember Carr questioned whether salaries for the positions that have been eliminated were still included in this year's budget? Chief Long stated two captain's positions and one firefighter position; a non-paramedic, who had been grandfathered in, should have been eliminated from the budget. The Department now consists of one Chief, one Assistant Chief, three Battalion Chiefs, six Captains, twenty-four firefighters, and an Executive Secretary. So the budget for FY18 should reflect thirty-six employees rather than forty-two. Councilmember Carr stated the budget appears to reflect eight Captains and twenty-seven firefighters. Chief Long acknowledged that those numbers were incorrect. Councilmember Carr questioned whether this year's budget should reflect a total reduction of five positions? Chief Long agreed that the budget should be amended to reflect the correct reduction in staff.

Mayor Welsch asked whether the Department still utilized four firefighters on each truck? Chief Long stated for years the City paid for eight Captains when only six were needed for three shifts. So, in spite of the fact that there has been a decrease in personnel the Department is not understaffed. The goal is to have nine people working per day, which includes four firefighters on each truck and a Battalion Chief.

Councilmember Carr questioned whether at least three of the five positions originally proposed in last year's budget are being eliminated in FY18? Chief Long stated that was correct.

Mayor Welsch questioned whether her understanding that in the past there had only been three firefighters per truck was correct? Chief Long stated that was correct. Mayor Welsch stated she had also been told that the City used to operate three firehouses and that some of this overstaffing was a remnant of that additional facility?

Chief Long agreed and stated once the third firehouse was closed and the City only had two responding fire trucks, there was no longer a need for two additional Captains.

Councilmember Carr questioned whether the Department was also responsible for the operation of two ambulances during that period of time? Chief Long stated that it was, however, ambulances were staffed by paramedic firefighters and not captains.

Councilmember McMahon asked how often the Department was able to hit their goal of four firefighters on a truck? Chief Long stated the Department is able to achieve that goal more often than not. And some days there may even be five firefighters on a truck. Councilmember McMahon asked if "*more often than not*" equaled 51% of the time? Chief Long stated "*more often than not*" equaled more than 51% of the time.

Public Works and Parks

Tina Charumilind presented the following budget information for the Public Works and Parks Director, who is out of town this week. She noted the presence of Project Managers Errol Tate and Jenny Wendt, who were available to answer any questions.

- ❖ *Public Works consists of six divisions, Administration, Engineering, Street Maintenance, Parks, Solid Waste, and Golf.*
- 2% Cost of living increase
- Increase in Professional services due to compliance with MS4; the Municipal Separate Storm Sewer System
- Decrease in commodities resulting from a surplus of salt and underutilization of fuel
- 25% of the personnel cost for Street Maintenance and Parks was transferred to the Capital Improvement Sales Tax and Park and Stormwater Sales Tax funds.
- ❖ *These two funds were removed from the Public Works budget in 2016 and placed into separate funds where their revenue and expenditures could be clearly delineated*

Councilmember Carr asked if the remaining 75% in the two funds could be used for capital improvements to parks and stormwater? Ms. Charumilind stated that a portion of that 75% would also be utilized to repay the 2012 Certificate of Participation (COP).

Mayor Welsch asked Ms. Charumilind if the 2012 COP was a result of refinancing the two earlier certificates? Ms. Charumilind stated that was correct. The 2003 and 2004 COP(s) had been refinanced and consolidated, resulting in the new 2012 certificate.

Councilmember Carr asked if it was anticipated that the 2012 COP would be paid off in 2020? Ms. Charumilind stated it was.

- ❖ *Solid Waste Management, also referred to as the Enterprise Fund, consists of three divisions.*
- ❖ *Cost allocations for personnel in Solid Waste Management are derived from several divisions within Public Works since their duties include customer service related activities that support Administration and Finance.*

- The total budget of 2.5 million dollars reflects a deficit of approximately \$300,000
- Personnel services for the Operations Division within Solid Waste is relatively high due to the retention of one staff position
- ❖ Staff believes they can reduce this shortfall by hiring some of their temporary workers as part-time employees and trimming down costs associated with the outsourcing of mulch to \$175,000.

Councilmember Carr asked whether the deficit was a result of the Department's use of temporary employees and the outsourcing of mulch? Ms. Charumilind stated the deficit is the result of various factors, but staff believes these are two areas where they can cut costs to reduce the deficit.

Councilmember Carr stated her understanding is that there was a \$300,000 deficit prior to the elimination of one employee and the 12% increase imposed on residents. So is it staff's belief that this deficit will remain in spite of these actions? Ms. Charumilind informed Councilmember Carr that Council did not approve the elimination of that particular position, so it has been included in this budget. Councilmember Carr asked if it was correct to assume that the funds had not been spent? Ms. Charumilind acknowledged that the funds had not been spent.

Councilmember Smotherson asked what type of progress was being made in the collection of delinquent accounts and whether this was contributing to this year's deficit. Ms. Charumilind stated even though the City does not collect %100 of the monies due from these bills according to accounting principles it is viewed as revenue because the monies were earned. So, it is not a contributing factor. Once the customer's bill reaches \$250.00 their service is discontinued, they are given a deadline in which to pay the remaining balance, and if there is no compliance a lien is placed on the property. Councilmember Smotherson asked if the City was still utilizing the services of a collection agency to assist them with these delinquent accounts? Ms. Charumilind stated accounts are sent to a collection agency after one year of non-compliance.

Mr. Adams stated the topic of Waste Management's delinquent accounts had been discussed earlier today and rather than guessing, he would like some additional time to conduct research and provide Council with the hard figures.

Mayor Welsch asked Ms. Charumilind if she was saying that according to accounting principles the budget will reflect that the City collected 5 million dollars since that was the amount billed for, even though the actual amount collected may be only 3 million dollars? Ms. Charumilind stated those funds are viewed as receivables, so it is perceived and accounted for as part of the City's revenue.

Community Development

Community Development Director Andrea Riganti presented the following budget information for her department.

- Total budget 4.1 million dollars

- 45% allocated to community development activities; planning, zoning, economic development, building services, property maintenance and animal control
 - 35% allocated to recreational activities; Centennial Commons, aquatics, and the community center
 - 20% allocated for facilities and maintenance
 - No significant increases related to personnel
 - Reduction of part-time employees at Centennial Commons
 - Increase in contractual services as a result of the recently approved outsourcing of lifeguards
 - Modest increase in commodities as a result of the purchase of new exercise equipment for the City's recreational facilities
 - Capital outlay reflects an increase based on the City's needs associated with building maintenance
- ❖ *Staff is proposing the addition of one full-time employee to assist with maintenance of all City-owned facilities. Currently, the Department has only one employee assigned to handle all of the issues related to maintenance of these facilities.*

Ms. Riganti stated her Department is also responsible for overseeing the EDRST which will generate approximately \$665,000 for FY18. The specific projects were presented to Council in a Joint Study Session on March 27, 2017, and since that time there has been one change to the Board's recommendation. Create Space has withdrawn their request for funding in the amount of \$130,000.

Councilmember Carr questioned why monies for Arts & Letters, which she presumed was for Starlight Concerts, and Fair U City, were being charged against the City Manager's budget since they are clearly recreational? Mr. Adams informed Councilmember Carr that her presumption about Starlight Concerts was correct. Ms. Charumilind stated that staff would transfer the monies and budget them differently going forward. Councilmember Carr stated previously Council had not been apprised about funding for projects that fell under the \$25,000 non-disclosure stipulation and at some point in time she would like a member of staff to provide her with an explanation of the City Manager's discretionary fund.

Mayor Welsch asked Ms. Riganti whether an evaluation of all City-owned property had been performed to determine the extent of the maintenance needed for each building? Ms. Riganti stated that a report is referenced in the Capital Improvement Project section of the budget entitled "EMG," which is an overall evaluation of each facility. It contains both a long-term and short-term maintenance plan that dictates how projects are presented to City Council. Mayor Welsch asked if the report could be shared with City Council? Ms. Riganti stated currently, it is in a draft format, so she would have to discuss the release of this report with the Interim City Manager.

Councilmember Smotherson asked Ms. Riganti why her budget reflected an increase for contractual services; which she associated with the outsourcing of lifeguards when the general understanding had been that outsourcing would save the City money?

Ms. Riganti stated Council did not allocate the additional \$55,000 necessary to cover extended pool hours in the FY17 budget. But once approval was granted for outsourcing the contractual amount, which comprises a total dollar figure similar to the request made in FY17, was added to the budget for FY18.

Councilmember Carr asked the Departments of Public Works and Community Development if they could provide Council with a list of all the professional services being utilized by each department so they could understand exactly what to anticipate.

She stated that in FY13 funds were allocated for the Senior Task Force's budget which went away at the end of FY13. This year they would like to explore the option of transportation for seniors, which both the present and past Chairs have discussed with the City Manager and Finance Director. Councilmember Carr stated as the liaison for this group she would like to request that their proposal be considered and that Council vote on whether or not to establish such a policy and how it would be effected. She stated at one point, her understanding is that funding was allocated under the City Manager's budget.

Councilmember Glickert asked staff if they could provide Council with the total amount of savings achieved by the outsourcing of lifeguards, specifically with respect to HR? Ms. Riganti stated she did not have the exact number tonight, but would make sure that it was provided to Council.

Councilmember Glickert asked Ms. Charumilind if she anticipated replacing all of the City's parking meters with pay stations? Ms. Charumilind stated the initial plan is to start in The Loop, see how it works, and if they enhance the City's revenue consideration will then be given to whether or not it is feasible to replace other meters. Councilmember Glickert asked what conclusion had staff reached with respect to the pay stations on the Tivoli parking lot? Ms. Charumilind stated the process had made it more convenient for the City to collect revenue from parking. Councilmember Glickert stated he has had numerous people talk to him about broken meters in The Loop, so he would welcome any new opportunities for the City to increase its collections. Ms. Charumilind informed Councilmember Glickert that because the Tivoli parking lot had been a pilot program the City had been able to purchase the pay stations for this location at a much lower rate.

Councilmember Glickert commended Ms. Charumilind for her excellent work on preparing the City's budget and noted the one thing that had not been discussed; which he believes coincides with the FY18 budget, is the Trolley's financial impact on the City. The fare boxes and kiosks seem to present more of a burden on the City, so is there any anticipation of the City's revenue being enhanced by this new venture? Ms. Charumilind informed Councilmember Glickert that she had not had any involvement in this project, but would be willing to make some inquiries to learn more about it. Councilmember Glickert asked if the City was slated to receive any compensation from the Trolley or if all monies went to the TDD? Ms. Charumilind stated that her belief is that the TDD; a private company with no relationship to the City, would retain the revenue associated with operating the Trolley.

For clarification, Mayor Welsch informed Council that all funds would go to the entity designated to operate and manage the system, which is the Loop Trolley Company.

She stated she is aware of long lines and other problems associated with the Tivoli pay stations and was curious as to whether they were working better today than they had been in the past?

Ms. Charumilind stated every once in a while she had received a complaint, but the problems were always fixed immediately. So the fact that she is able to see a consistent stream of revenue leads her to believe that everything is working properly. Mayor Welsch stated she has experienced more problems with the meters utilized by the City of St. Louis than she has in other cities, and wondered whether staff was looking at other options? Ms. Charumilind stated although her only experience has been with the company who supplied meters to the City of St. Louis, there will be a three month trial period prior to making a final decision.

Councilmember Carr asked if the pay stations would be connected to parking apps like Passport which make the payment process a lot easier? Ms. Charumilind stated the City is currently looking into apps, as well as other available options.

Capital Projects

Ms. Charumilind directed Council's attention to the Department of Public Works and Parks' proposed projects for FY18.

- ❖ *Funding for these projects will come from the Capital Improvement Sales Tax, which generates approximately 2.4 million dollars per year; actual and anticipated Federal funding of approximately 1.6 million dollars, and the Parks and Stormwater Sales Tax, which generates approximately 1.3 to 1.4 million dollars per year.*
- ❖ *Upon completion of these projects, expenditures associated with personnel services and COP debt repayment, the remaining balance will be approximately \$200,000 for Capital Improvement Sales Tax and \$100,000 for Parks and Stormwater Sales Tax. (This surplus will be used to cover any unforeseen expenses associated with the proposed projects.)*

Mayor Welsch asked Ms. Charumilind if she would ask Sinan to advise Council whether the allocations for ADA improvements for all of the City's parks; \$175,000, and the Emerald Ash Borer challenge; \$100,000, are actually enough to complete these projects? Ms. Charumilind stated her belief is that Sinan is looking at utilizing \$700,000, over a five-year period, to complete these projects. So, based on the age of the trees, he believes it will take \$100,000 each year for the necessary treatment. Mayor Welsch stated her understanding is that while some of the trees would need treatment, there are hundreds of trees that have to be removed. So her question is whether Sinan would have the personnel needed to do that work, along with the regular maintenance needed on all of the City's trees?

Councilmember Carr asked staff if they could provide her with more details about the ADA transition? Project Manager Errol Tate stated the Federal Government has mandated that in order to continue receiving federal funds cities must have an updated ADA Transition Plan for businesses and right-of-ways, by the end of 2017.

So the \$100,000 will be used to hire a consultant to assist staff with developing this plan. Councilmember Carr asked who would be funding the grant? Mr. Tate stated the grant, in the amount of \$175,000, is funded by the City BG/County. Councilmember Carr noted that she was very happy to see funding for street resurfacing, sidewalk and curb maintenance.

Councilmember Glickert asked Mr. Tate if he could provide Council with an idea of what some of the Forsyth improvements would entail? Mr. Tate stated they would include ADA upgrades and resurfacing, along with striping for pedestrians, from Big Bend to Forest Park Parkway.

Mayor Welsch asked whether upgrading of the City's parks to comply with ADA standards was included in the Transition Plan? Mr. Tate stated that it was.

Mr. Adams informed Council that staff had concluded their presentation. However, he did want to mention that the one thing Council will need to start thinking about is what they would like to see funds from the Public Safety Sales Tax used for. Staff has already been in contact with the City Attorney who will be providing Council with an opinion regarding any mandated uses associated with this new sales tax.

Mayor Welsch asked if the appropriate member of staff could provide Council with the recommended contribution for the Pension Fund, how much the City is actually contributing, and whether revenue from the Public Safety Sales Tax could be used to maintain the required contribution level? Mr. Adams stated while additional information will be provided by the City Attorney, the back of the introductory letter contained in Council's packet illustrates two scenarios for how this money could be utilized. Ms. Charumilind stated as of January 1, 2017, the actuary has recommended 1.3 million dollars as the City's contribution to the Police and Fire Pension Funds. The source of funding for these plans comes from property taxes, which at a maximum, totals \$900,000. Missouri requires that all pension plans be funded by at least 80%, and to date, the City's contributions have equaled 78 to 79%.

Councilmember Carr asked if there was any reason why the City has not increased taxes to cover the recommended amount? Ms. Charumilind stated that voter approval is required to achieve an increase in property taxes. Councilmember Carr questioned whether the City establishes a rate every year? Ms. Charumilind stated that even though a rate is set every year, according to the Hancock Amendment the City cannot increase its revenue without voter approval. The State of Missouri controls the City's calculations, so the rate has to be maintained at the same level as collected revenue. Currently, the City collects less than .18 cents. Councilmember Carr asked whether those restrictions meant that the City was always going to be in a position of having to fund these plans out of the general fund? Ms. Charumilind stated there had only been one year where Council approved that \$700,000 be taken from the general fund and added to the plans. So the strategy she has utilized to meet the actuary's recommendation is to take the \$900,000 collected from one year and \$400,000 collected from the second year and contribute them to the plan.

Unfortunately, that means that during the second year the City will fall behind in making the required contribution. Councilmember Carr asked if it was correct to assume that the City has an obligation to meet the actuary's recommendation every year?

Ms. Charumilind stated the City is responsible for the non-uniformed plan. However, the plan for Police and Fire only states that the plan shall be funded by property taxes.

Councilmember Carr asked whether Council would have the same opportunity as it has had in the past, which is to meet sometime in May and present any changes they would like to see made to the budget?

Mr. Adams stated staff is still working on the budget, so there may be another draft containing breakdowns for every line item presented prior to that time. But Irregardless of that, Council would be provided with an opportunity to present any amendments.

Mayor Welsch stated she has heard some talk about the Pension Board's desire to recommend going to the voters and requesting an increase in property taxes. So, as a result, she would like to ask Mr. Adams if the Pension Board could make a presentation updating Council on the plans' status and any recommendations they might have.

Councilmember McMahon stated a short time ago when he was still a member of the Pension Board, discussions were held regarding the Board's responsibilities. A majority of the members believed it was not their job to recommended a tax increase since that decision fell under the purview of City Council, but simply to manage the funds and inform Council when there was a shortage. Therefore, upon receipt of the actuary's numbers they should look to Council and say this is the bill; how are you going to pay it? He acknowledged that the uniformed plan does state that the plan is to be funded by property taxes, as well as any increases in value that come into the fund, and any other source; which is why the City was able to make a one-time contribution from the general fund. So there is somewhat of a philosophical difference between members on the Pension Board as to whether it's their job to recommend tax increases or just provide Council with their position on the matter.

Mayor Welsch stated although she does understand the Board's concept regarding ultimate responsibility for the plan, she was simply interested in hearing their opinion on what the options might be and what they believe would be feasible for the City.

3. ADJOURNMENT

Hearing no additional questions or comments, Mayor Welsch adjourned the Study Session at 6:40 p.m.

LaRette Reese
Interim City Clerk

DRAFT

MEETING MINUTES OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
April 24, 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 24, 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; (*via video conference*)
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.

Point of Information: Councilmember Glickert asked whether the Agenda should be amended to include the Closed Executive Session? Mayor Welsch stated her belief is that it did not have to be placed on the Agenda since the Closed Session held prior to this Public Meeting had been recessed rather than adjourned. Councilmember Glickert stated his thoughts were to make the public aware of this action. Mayor Welsch asked Mr. Adams if she could inquire of Mr. Mulligan, and after receiving approval to do so, posed the question to Mr. Mulligan.

Special Counsel John Mulligan recommended adding the closed session to the agenda.

Mayor Welsch requested that the Agenda be amended to include a Closed Executive Session according to RSMo 610.021 (1); Legal actions.

Councilmember Jennings moved to approve the Agenda as amended, seconded by Councilmember Carr and the motion carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. April 10, 2017, Regular Session Minutes were moved by Councilmember Carr, it was seconded by Councilmember Glickert and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

G. SWEARING INTO BOARDS & COMMISSIONS

1. Robert Klahr was sworn into the Historic Preservation Commission at tonight's meeting.
2. Dennis Hoppe was sworn into the Human Relations Commission at tonight's meeting.

H. CITIZEN PARTICIPATION (Total of 15minutesallowed)

Sue Slater, 7543 Drexel Drive, University City, MO

Ms. Slater thanked the City for addressing a need she identified in 1985 to provide handicap reserved street parking signs in front of the homes of senior or disabled residents to ensure their safety and independence. And thirty-one years later, she is proud to see that they are still a part of this community.

Today, as a member of the Senior Commission, she would also like to thank the City for funding their request to hire a part-time Senior Service Coordinator, who has done a wonderful job. Over the last three years, members of this Commission have spent hundreds of volunteer hours trying to identify services that could improve the quality of life for seniors. One of those issues; which has also garnered the Mayor's support, involves the lack of adequate transportation for seniors/disabled residents who live in U City. Therefore, the Commission would like to request that Council gives consideration to adding \$7,500 to the budget for scholarships to purchase memberships and ride credits for the Independent Transportation Network (ITN); a senior transportation network which has run successfully in St. Charles County for eight years.

Ms. Slater expressed the Commission's disappointment with Councilmember Carr's lack of participation and interest, especially as it relates to this current initiative. She stated that although ITN has articulated a desire to expand its services to St. Louis County, implementation for U City cannot be accomplished without a commitment from this administration. So her hope is that Council will reflect on this request as a viable service that will not only benefit this generation of seniors, but the generations to come. *(Ms. Slater asked that her written comments be made a part of the record.)*

Dustin Chalfant, 231 East Washington Avenue, Kirkwood, MO

Mr. Chalfant, a partner with Senn Bierwerks stated that in spite of a few unforeseeable delays, they have now been successful in purchasing the property where this business will be located. Site plans have been submitted to staff for review, and construction is scheduled to commence once they are approved. The estimated time for completion is six to eight months.

Nachun Chase, 937 Wild Cherry Lane, University City, MO

Mr. Chase expressed concerns over actions taken by the City's Police Department with respect to \$550.00 he had found on a bike trail approximately one month ago.

Matthew Chase, 937 Wild Cherry Lane, University City, MO

Mr. Chase recanted his son's story about the money he had found around Peachtree and Whorter and stated his assumption was that by instructing his son to do the right thing and turn the money over to the police, the money would be returned if no one came forward to claim it. Instead, they received a call from the Police Department notifying them that even though no one had claimed the money, pursuant to the City's Charter all unclaimed funds are placed in the general revenue after one year. So, he and his son are here tonight with the hope that someone will step up and acknowledge that this action is inappropriate. It's common law that if no one makes a claim for lost money, then the person who found it becomes the rightful owner. But more than anything, this is about his desire to instill good values in his son, and his son's need to see public policies that enhance those values. *(The report number is 17-10066, and the badge number of the officer who took the report is PO-485.)*

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Approve Project 1284 - Sidewalk and Curb Replacement Project.

Mr. Adams stated staff is recommending that this project be awarded to Pride Master Construction, in the amount of \$463,169.

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

2. Approve Project 1293 - Asphalt Overlay Improvements Annual Street Resurfacing Contract.

Mr. Adams stated staff is recommending that this project be awarded to the lowest, responsible bidder, Ford Asphalt Company, in the amount of \$528,600.

Councilmember Glickert moved to approve, seconded by Councilmember Carr and the motion carried unanimously.

3. Approve Picnic Liquor License for Fair U City

Mr. Adams stated the applicant for this request is Mr. Robert Parker, the Treasurer of Fair U City, who has been properly vetted by City staff.

Citizen's Comments

Patricia Washington, 7040 Plymouth Avenue, University City, MO

Ms. Washington thanked Council for their generous support of Fair U City, which has been intricately woven into this City's fabric of community and family. The Fair is the premiere fund-raising arm for the newly formed U City Community Foundation. A Foundation created with the intent to establish another level of support for families within the community through the issuance of grants. She stated that a meeting is scheduled tomorrow to finalize the grant process, and there has been a lot of discussion about how to sustain the Foundation's undertakings. This license and the anticipated proceeds are heavily relied upon and greatly contribute to the Foundation's mission, so the hope is that Council will look favorably on granting approval of this application.

Council's Comments

Councilmember Carr asked whether St. Charles was the correct address for Mr. Parker?

Ms. Washington stated members felt it was important for the Treasurer to be the person responsible for the liquor license and Mr. Parker, who is the Foundation's new Treasurer, does reside in St. Charles. Councilmember Carr asked for an explanation of how someone from St. Charles could be the Treasurer of U City's Foundation? Mayor Welsch stated although she is not involved with the Foundation, her belief is that there are some members of the Board that are not residents of U City. Ms. Washington stated the will of the Executive Board was to attract individuals with varying levels of expertise. So the Foundation's members consist of U City residents, as well as individuals who reside throughout the St. Louis metropolitan region.

Councilmember Carr stated that based on the incorporation documents, it appears as though Fair U City is a not-for-profit corporation instituted by the Mayor and Jan Adams, and they are the two individuals responsible for the operational aspect of the Fair? Mayor Welsch stated she and Mr. Adams were two of the twelve individuals involved in the Fair's incorporation. Councilmember Carr asked whether another organization had been established to disburse grants? Mayor Welsch stated the objective of Fair U City has always been to raise enough money to establish a foundation. That non-profit foundation was placed into operation last year, and its formal name is The U City Community Foundation. Councilmember Carr asked whether Fair U City had been dissolved? Mayor Welsch stated since Fair U City has now become The U City Community Foundation, it no longer exists as a non-profit.

Councilmember Carr questioned whether liquor had ever been sold in the past? Ms. Washington stated that it had been. Councilmember Carr asked if there was a reason why the Fair had never sought approval for a liquor license until now? Mayor Welsch stated as she understands it, the liquor laws of the State of Missouri have changed and now require the distributor to apply for a Picnic License. Previously, they had only been required to obtain the City's liquor license.

Councilmember Carr stated that since the City has given \$10,000 to the Foundation, who then redistributes it back into the community in the form of grants, she would like to see an accounting of the monies that come into the Foundation. Because if the Foundation is making a profit, then her hope is that it will no longer need the City's financial support. Councilmember Carr stated that while her comments are not addressed to Ms. Washington, personally, everybody believes that their project should be funded at the highest level, but that is not the mission of the City. As a government, the City's mission is to take care of its infrastructure, public safety, and then it can fit other things in. And as you've probably just heard, there are members of the Senior Commission who are disgruntled because their funding disappeared in 2013. But the City no longer has the "Discretionary Fund," that Mr. Walker apparently had. Ms. Washington thanked Councilmember Carr for her comments and stated that the Foundation's books are open and they would be happy to provide the requested accounting. However, the financial support provided by the City is only used to cover the expenses needed to organize the Fair.

Councilmember Carr stated that in addition to the Foundation's records, she would also ask the City Manager to provide Council with an accounting of the City's in-kind services provided to support the Fair.

Councilmember Crow stated he is trying to understand why the application for the liquor license states Fair U City when it no longer exists? Mayor Welsch stated her belief is that Fair U City was listed because it is the name of the event that the license is being requested for.

Mr. Adams informed Councilmember Crow that he had made a note of his question and would ask staff to research this issue to determine whether the application should be amended.

Councilmember Crow questioned whether Council's vote of approval meant that the license would be issued to Robert H. Parker since it could not be issued to an entity that does not exist? Mayor Welsch indicated that the bank account states U City Community Foundation/Fair U City. So it would appear as though both the bank and the IRS still recognize Fair U City as part of the legal entity.

Councilmember Crow stated he had no problem with issuing the license; his only concern is whether the application was correct.

Mr. Adams then asked Special Counsel John Mulligan, if he could address this issue?

Mr. Mulligan stated he is not sure how well-informed his opinion would be since he had not reviewed the application materials or the applicable ordinances. However, generally speaking, the permit has to be issued to an existing entity or individual.

Councilmember Crow asked Mr. Adams if the note in Council's packet which indicates that this request could not be rescheduled, was correct? Mr. Adams stated the desired goal is to receive Council's approval, so if necessary, it could be rescheduled.

Mayor Welsch stated that the Fair is only six weeks away, and once the application is approved by Council it has to go to the State. So waiting until May 8th, which is the next Council meeting, would make it very difficult. Mayor Welsch informed Council that Mr. Parker is an individual who has satisfied all of the criteria, as previously mentioned by Mr. Adams. She then asked Ms. Washington if she and Mr. Parker had discussed his conversation with St. Louis County? Ms. Washington stated Mr. Parker had informed her that St. Louis County had instructed him to put the name of the event on the application.

Councilmember McMahon stated that as a housekeeping matter, the section pertaining to the Picnic License should be amended to read Section 600.030 rather than Section 600.909. He also thinks that the Ordinance pertains to an organization and not an individual, since it states, "*It may be issued to a church, school, civic service, fraternal order, veteran or political organization.*" The Ordinance also requires that the application be submitted to the Director of Revenue to make a determination regarding the non-profit's liability with respect to sales tax. And finally, the application states "*spirits,*" but the cover sheet states that the request is only for beer, which is the only thing he believes they have ever sold. Mayor Welsch agreed that the only liquor to be sold was beer.

Councilmember Jennings stated although he would agree that clarification is needed on exactly who the permit could be issued to, he would note that there are several businesses with liquor licenses whose owners do not live in U City. So that aspect should not be a problem. He stated the School District, churches, non-profits, and countless volunteers, all get involved in Fair U City, which has been an overwhelming success for the last seven years. So, it would behoove Council and staff to get any of these corrections made in a timely manner in order to preserve this event. And since it appears that Council's ultimate goal is to make this a self-sufficient organization, along with Councilmember Carr's requests he would like the City's accounting to include what Fair U City has meant to this City in terms of PR and the sales tax dollars that it generates. Because it's also important not to overlook what the Fair has done and will continue to do for this City.

Councilmember Carr questioned how the Foundation had been able to use the address of 630 Trinity Avenue, which is for a building that is now closed? Mayor Welsch stated that Mr. Walker had allowed Fair U City, Prison Performing Arts, and other non-profits, to utilize space in that building. And now that the building is closed and the Foundation is operational their address may change, but at this point in time, that is still the current mailing address.

Councilmember Smotherson asked if someone could explain why or how non-residents had been allowed to become members of this community organization? Ms. Washington stated the original intent was to bring in a variety of folks who had experience and expertise working with other organizations throughout the St. Louis region. So no restrictions were ever placed on who could become a member.

This was an extensive process, and although a majority of the members are residents, it was designed to build a robust board consisting of individuals who possessed vast knowledge and experience in the successful operation of a non-profit organization.

Councilmember Jennings stated there are teachers, members of staff, and in fact, the entire night crew that stayed to clean up the park after the event all lived outside of U City. So all of these individuals should be commended for their service and made to feel welcome here. He stated that the address, which could perhaps be changed to the City Hall's address, is minor, and something that could easily be fixed.

Mayor Welsch asked Ms. Charumilind if she was aware of whether this application had already been approved by St. Louis County, because if it has, a lot of the questions being raised may have already been answered. Finance Director Tina Charumilind stated her experience has been that a Picnic License is issued for the actual event occurring within the City and that the person representing the organization and being issued the permit was not required to be a resident. However, they are required to pay the appropriate fees and provide a background check performed by either St. Louis County or the State of Missouri. And once the permit is issued, the organization is allowed to sell liquor for a maximum of three days. However, once an organization's application has been approved by City Council and the individual identified as their representative remains the same, the organization can reapply for up to ten years, without the need for Council's approval.

Mayor Welsch asked if the application, once it is approved by Council, would then be submitted to the State to assess any liabilities associated with sales taxes; as mentioned by Councilmember McMahon, are levied and paid? Ms. Charumilind stated once the City's fee of \$25.00 is paid any other fees are handled by the State.

Councilmember Carr questioned whether Council was essentially being asked to approve a ten-year liquor license for the event Fair U City, sponsored by The U City Community Foundation? Ms. Charumilind stated that unless there is a change in the organization's representative listed on the license that is correct.

Councilmember Crow asked whether members of staff had assisted the applicant with filling out this application? Ms. Charumilind stated that they had. Councilmember Crow stated he is intrigued by how staff can be used for some functions and not others. And secondly, while he would agree that the Foundation should change its mailing address his hope is that it will no longer be associated with any city-owned property since he does not believe that would be an appropriate function of city government.

Councilmember Carr stated although she understood Ms. Charumilind's explanation, her confusion remains with the fact that where the application asks for the organization's name, it states, "Fair U City," rather than The U City Community Foundation, and mentions nothing about the name of the event.

Councilmember Carr stated that while she hates being such a stickler for details, it does appear as though Council is being asked to grant approval for a liquor license to an entity with a fictitious name. As well as the fact that the issue of sales tax still needs to be cleared with the State. So, at this point in time, she is unable to cast a favorable vote to approve this application.

Ms. Charumilind stated that a non-profits' revenue and expenditures are listed on Form 990, which is filed at the end of the year and designed to make certain that the money is being used for its intended purpose. Councilmember Carr stated she would like to see these corrections made to the application prior to casting her vote.

Councilmember Jennings stated although this is a new process, the Fair has sold liquor for the last seven years. So he would suggest that Council vote for a conditional approval tonight, requiring that the requested changes be made, and once they are completed the application can move forward without the need for another meeting.

Councilmember Crow asked the City Manager if he could provide any other examples of where staff has assisted applicants with completing their application for a liquor license? Mr. Adams stated although he is certainly willing to provide the requested information, he does not believe much effort is required to fill out the application.

Mayor Welsch asked Ms. Charumilind if she could walk Council through the process she utilized for completing this application, as well as any other applications she may have been involved with? Ms. Charumilind stated when such requests are made, she sends the applicant an application, along with the procedures that must be followed, and advises them on how to get a background check.

Councilmember Jennings stated the fact that City staff is assisting customers does not seem to be out of order. Staff has obtained specific knowledge because of their daily interaction with these documents, so providing good customer service based on that expertise is what they should be expected to do.

Mayor Welsch asked Council if they would advise Ms. Charumilind of what corrections they would like to see, because based on the City's experience in handling these applications some of the corrections may not even be necessary.

Councilmember Carr stated approval of a conditional permit is not listed on the application. However, her belief is that the organization will still be able to move forward after the application is amended to include the correct name of the entity, the term "spirits" is removed, and if possible, the mailing address is changed.

Mayor Welsch asked Ms. Washington if it was also her understanding that Fair U City was still part of the Foundation's official name? Ms. Washington stated that members had consulted with the IRS, as well as the previous Treasurer of Fair U City regarding this issue, and been informed that the Foundation could still use The U City Community Foundation/Fair U City, for an extended period of time. And that is the name you will find listed on all of the Foundation's documents and correspondence.

Councilmember Carr requested that the documents referenced by Ms. Washington also be submitted to the City and that the application be amended to reflect the correct name.

Councilmember McMahon stated he thinks the only documents that count are the ones members of Fair U City filed with the State of Missouri in December of 2015, to change their name to The U City Community Foundation, because that was completed, Fair U City as an entity ceased to exist.

So while the Foundation can continue to use the name of Fair U City to identify the event, it seems to be abundantly clear that the license should be applied for under their new name.

Mayor Welsch asked Mr. Adams if it would be appropriate for Council to make a motion to change the organization's name on the application to The U City Community Foundation? Mr. Adams stated he thinks the simplest thing to do would be to correct the application and bring it back, even if it requires a special meeting to ensure that everything gets completed on time. If possible, Mayor Welsch stated she would like to schedule a short meeting for Wednesday of this week and ask staff to provide Council with a list of available times to select from.

Councilmember Jennings acknowledged that both the Foundation's name and address seem to be a point of contention.

Mayor Welsch stated that until it is officially changed, 630 Trinity is the legal address that can be found on all of the organization's documentation.

Councilmember Glickert made a motion to postpone consideration of this application until a meeting can be held later this week to review the requested changes; it was seconded by Councilmember Smotherson.

Point of Information: Councilmember Glickert stated he also wanted to advise staff of a typo, which reads, liqor instead of liquor.

Voice Vote on the motion to postpone carried unanimously.

L. UNFINISHED BUSINESS
BILLS

M. NEW BUSINESS
RESOLUTIONS
BILLS

Introduced by Councilmember Glickert

1. **Bill 9311** – Kingsland Ave. “Alley Bridge” Replacement Project – Surface Transportation Program (STP) Agreement. Bill 9311 was read for the first time.

Introduced by Councilmember Jennings

2. **Bill 9312** – Trolley Do Not Pass – Municipal Code Amendment. Bill 9312 was read for the first time.

Introduced by Councilmember Jennings

3. **Bill 9313** – Trolley Obstruction Zone – Municipal Code Amendment. Bill 9312 was read for the first time.

4. **Bill 9314** – Parking Prohibition – 7001 Forsyth

Point of Information: Mayor Welsch informed Council that although the cover sheet for this Bill is correct, the wrong ordinance had been attached.

Councilmember Carr moved that Bill 9314 be postponed for consideration until the next meeting of Council, seconded by Councilmember Glickert and the motion carried unanimously.

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed

Mayor Welsch announced the appointments that were needed.

2. Council liaison reports on Boards and Commissions

Councilmember Carr stated in June of 2012, Council passed a budget to include \$10,000 for the Senior Task Force to conduct a Transportation Study, and \$15,000 to be split evenly between the Youth Task Force and the Senior Task Force. At the end of the fiscal year the funds were not sequestered or reapproved, and all of that funding went back into the City's reserves. No one notified the Senior Task Force; which actually became a Commission in 2014, of this action. As a result, the Commission believed that those funds were still available and that they were obligated to fulfill the mandate given to the Task Force to provide transportation for seniors and those visually impaired. During that period of time, the Commission's Chair, Margie DieKemper, worked with an organization providing transportation for seniors within St. Charles who had expressed a desire to expand their services to St. Louis County.

Councilmember Carr stated that in contrast to what Ms. Slater has said this evening, she does read everything and is intimately familiar with all of the Commission's documents. And while in attendance at their meeting held last week, Councilmember Carr stated she had explained to the new Chair, Mary Hart, as well as all of the members in attendance, that this funding was no longer available. However, as their liaison, she would be willing to advocate for any request made by the Commission and suggested that they do so prior to Council's approval of the budget. So, she is not sure what this is all about, or why Ms. DieKemper is so upset, but any entity that requests funding is required to submit a budget to Council. And at this point, no determination has been made about whether the City should even establish a policy regarding transportation for seniors.

Councilmember Carr stated she realizes that she does ask a lot of questions and it is her intent to continue to do so until she retires from this office. However, after learning about the Mayor's involvement with the Commission, she had also informed the Commission at their last meeting of her willingness to step aside if their preference was to have the Mayor act as their liaison. Ms. Hart indicated that she was happy with Councilmember Carr's performance and no measure of dissatisfaction was uttered by any member. She stated that in contrast to what this community may have seen happening over the last two years, this is a body of seven that makes decisions collaboratively.

3. Boards, Commissions, and Task Force Minutes

4. Other Discussions/Business

a. **Selection of City Manager Search Firm**

Requested by Councilmember Carr and seconded by Councilmember Crow

Councilmember Carr stated Council will be discussing the selection of a search firm to assist them in hiring a new City Manager. The RFP was released to the public in April, eight firms responded, and any information related to those responses has been made available for review on the City's website. She stated that she had developed a matrix for Council highlighting each firm's response in relation to the following requirements outlined in the RFP and approved by Council.

- City Council engagement; (*ensures that all of the firm's discussions will be conducted with the entire Council and not individual members of Council.*)

- Public Engagement Program; *(elicits the firm's desire to participate in a robust component of citizen engagement.)*
- Diversity Program; *(ensures that the firm's commitment to this concept is similar in nature.)*
- Comparable Cities; *(elicits the firm's placement of City Managers or Administrators in similarly-situated cities.)*
- Experience
- Costs

Councilmember Carr stated at this point, she would ask members to express their thoughts on which firm they believe ranks highest in each of the aforementioned categories.

Mayor Welsch thanked Councilmember Carr for the matrix, and stated that GovHR USA was her first choice because in her opinion, they have been the most responsive to the City's requests; their costs are in line with the City's expectations, and their strongest asset is that they specialize in the hiring of government employees; recently placing individuals in Maryland Heights and Ferguson. So they already know the market well and probably have a list of candidates that have already expressed an interest in this market. And since Councilmember Carr's matrix appears to substantiate her opinion, this is the only firm she would be in favor of approving.

Councilmember Glickert thanked Councilmember Carr for preparing the matrix and stated that after taking a cursory look he would like to make two selections. The first is the Mercer Group, whose costs were in line, but based on their response, additional work would have to be initiated by Council to ensure that the City's requirement for engagement was satisfied. GovHR also came in with a reasonable cost assessment and he would have to agree that they do seem to have a thumb on the pulse of the Midwest. The bottom line is that all of the firms were impressive, but his belief is that the California firms are honed in on areas along the West Coast.

Councilmember Jennings stated there were a lot of companies listed on the original spreadsheet, so he really appreciates the matrix. Basically, he would concur with the previous comments and make GovHR his first choice. Mercer also came in second, however, the fact that they had no response to the Diversity Program requirement, and indicated "*possible*" with respect to Public Engagement, caused him some concerns.

Councilmember McMahon stated he was also impressed with GovHR, especially with regard to Ferguson and their apparent ability to find the right candidate and build a consensus, so that the community was able to buy into it as well. He stated he was not overly impressed with the Mercer Group, who did not appear to be directing their actions to the full Council and seemed somewhat deficient in the areas of diversity and comparable cities.

Councilmember Crow stated as he read through these his number one choice would also be GovHR, for many of the reasons that have already been expressed. His second choice would be SGR, although it does sound like Council has reached a consensus he is very pleased with.

Councilmember Smotherson agreed that GovHR was the firm that looked the most promising, and Mercer would be his next choice. He stated he had eliminated the California firms mainly because of their estimated costs, which seemed too high.

Councilmember Carr stated although GovHR was number one for many of the same reasons, their response to the question regarding Council engagement mentioned the use of individual interviews and contacts. So if they are selected she would like to make sure they are aware of Council's preference with respect to engagement.

GovHR has an excellent record in the category of Diversity Programs and specifically mentioned their commitment to providing a diverse pool of applicants, which was only brought up by one other firm. Ferguson shares some of the same demographics and issues as U City, so knowing that they've utilized GovHR speaks very highly of them.

Mayor stated that since it appears as though Council has reached a consensus she would entertain a motion to hire GovHR USA, with the proviso that discussions be conducted to modify their approach to Council Engagement.

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

Mayor Welsch asked Councilmember Carr if she would be working with Mr. Adams and Ms. Cannon to ensure that all of the necessary steps from this point on were carried out? Councilmember Carr stated that she would.

b. Update on Audio Recording of City Meetings

Requested by Councilmember Carr and seconded by Councilmember Smotherson

Councilmember Carr stated that staff had provided Council with an update on this procedure, the recorder is present at tonight's meeting, and the protocol seems reasonable. Recordings are turned on when the meeting is called to order; turned off when the meeting is adjourned, and all recording will be posted on the website unaltered.

Mr. Adams stated that a sample beta test was being performed tonight to determine the quality of the recording. He stated that the protocol, which was prepared by the Director of Community Development, was designed to be as simple as possible in order to get the job done. However, Council is free to make any changes they deem necessary.

Councilmember Carr stated she had discussed this process at a recent Commission meeting and the staff liaison was unaware that Council had voted to reinstate audio recordings. So going forward, she would like to make sure that all staff liaisons are made aware of their responsibilities with regard to this process. Mr. Adams stated his thought process had been to make sure Council was satisfied with the procedures that had been put in place prior to informing members of his staff.

Mayor Welsch asked Councilmember Carr if a vote was needed on this discussion? Councilmember Carr stated she had included "Discussion and Vote," as a precautionary measure, but at this point, no vote was needed.

O. CITIZEN PARTICIPATION (continued if needed)

Jeff Hales, 7471 Kingsbury, University City, MO

Mr. Hales thanked Council for reinstating the audio recordkeeping process for Boards and Commissions, which is extremely helpful. He then expressed concerns regarding how much energy the Mayor appears to put into issues like Fair U City, The Chamber of Commerce, and Create Space, yet fails to exhibit that same level of passion towards fixing the City's streets and sidewalks. So while he is pleased to hear that a larger amount of money has been allocated in this year's budget to address some of these issues, he would like to stress the point that all of this other stuff really should come second.

Mr. Hales stated two weeks ago, there was a lengthy discussion in the Mayor's newsletter about the loss of Create Space, and certain members of Council who raised countless questions about their merit. But here again, he would like to stress the importance of telling the whole truth.

Create Space was dissolved by the State of Missouri in January, and yet, they approached the EDRST Board in March asking for more funding. So perhaps, all those countless questions the Mayor wrote about were well grounded.

Thomas Jennings, 7055 Forsyth, University City, MO

Mr. Jennings asked Council whether the requirement that the new City Manager becomes a member of the National Manager's Association could be reinstated in order to provide another level of oversight?

P. COUNCIL COMMENTS

Councilmember Smotherson stated the City was forced to place rocks on the bank of the River Des Peres because Mona Drive, which is located next to the River, is in danger of being flooded. The worst part about this is some of the residents had informed him they were the ones who maintained the weeds on the city-owned fence that runs along Mona Drive. And an even bigger concern is that this is not the only fence line that needs dire attention. So he would like to see staff start to perform maintenance in these areas on a regular basis, and would ask Mr. Adams and Council to think about how funds could be allocated in this year's budget to make certain that this maintenance continues throughout the year.

Councilmember Carr stated she and several members of Council had observed the conditions on Mona Drive and she was reminded of the City's need for a Stormwater Master Plan. Not only will this plan help with situations involving MSD, but it will help with the prioritization of issues associated with its infrastructure. Because in her opinion, the temporary stabilization of Mona Drive is so insufficient that it should not even be considered as a short-term fix. Fortunately, some of these problems related to infrastructure have been included in the City's budget which Council will be looking at in the very near future.

Councilmember Crow promised Mr. Jennings that he would do whatever he could to make sure that the next City Manager becomes a member of the National Manager's Association and that he or she will be required to maintain that membership as long as they are employed by the City. He stated it is clear that the City's priorities must be focused on public safety and infrastructure. And along that same vein, he would like to thank the Interim Manager and his staff for their preparation of the Draft Budget which recognized these priorities. Councilmember Crow stated another thing Council and staff need to work together on is an analysis of the EMS outsourcing and its impact, if any, on the budget.

Councilmember Smotherson asked Mr. Adams if he would check into Mr. Chase's claim so Council could gain a better understanding of why the money had not been returned to his son once a determination had been made that it was unclaimed?

Mayor Welsch stated that after hearing from Mr. Chase earlier today, she had talked to Mr. Adams and her belief is that he is already looking into the matter? Mr. Adams stated there is a City Ordinance which basically says that all monies that come into the Police Department, regardless of how they are received, must be held for a period of one year and if it is not claimed during that time the money shall be reverted back to the general fund.

Councilmember Jennings reminded everyone about the Police Department's monthly Focus Group Meetings, and thanked Lions Against Litter; an ad hoc group of residents he is passionate about, who volunteer to clean up the City. Their focus has been in the 3rd Ward, but the next clean-up will be in the 2nd Ward and would encourage everyone to come out and participate. Councilmember Jennings stated one officer who participates with the group informed him that the fines for littering are harsher than fines for a Third Degree DWI. So perhaps, litter is something the City should seriously look at enforcing because he is always amazed at how much litter is picked up.

Mayor Welsch stated the preview party for U City in Bloom's annual plant sale will be Friday night. The sale starts on Saturday and ends on Sunday.

- 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 and (3) Personnel hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.**

Councilmember Carr moved to approve, seconded by Councilmember Jennings.

Roll Call Vote Was:

AYES: Councilmember Carr, Councilmember McMahon, Councilmember Crow, Councilmember Smotherson, Councilmember Glickert and Councilmember Jennings.

NAYS: None

R. ADJOURNMENT

Mayor Welsch thanked everyone for their attendance and closed the regular City Council meeting at 8:09 p.m., to go into a Closed Session on the second floor.

LaRette Reese
Interim City Clerk

DRAFT

April 24, 2017

Council members:

Thank you for this opportunity to speak with you.

My name is Sue Slater and I live at 7543 Drexel Avenue. I grew up in University City and have been a resident here since my marriage in 1982. I am a senior and am now completely blind due to a hereditary disease for the past 35 years.

I am a member of our City's Commission on Senior Issues and am here tonight to encourage your consideration and support for a recommendation and modest 2018 budget proposal that we submitted and hope will come before you regarding a unique senior transportation service for U. Citians. It is only the second time in our 3 years of existence that we have brought before you a recommendation and funding request – thanks at that time in 2015 to the Mayor, then City Manager Walker and you all, we now can count ourselves among only 4 cities in St. Louis county with a staff level senior services coordinator. I take very seriously my responsibilities as a citizen and especially as a member of this commission to again make a recommendation that is meaningful not only to me but to our entire community.

In 1985, I came before the Council to advocate for handicapped reserved street parking signs in front of homes to assure that older adults, disabled, and visually impaired residents could reserve parking so they could get in and out of their homes and vehicles without the fear of falling or coming into unsafe conditions. I am proud to say that 35 years later, the signs are still part of our community.

The modest budget request submitted, \$7500, will provide for "ride scholarships" for U. City seniors or visually impaired adults to purchase introductory memberships and ride credits with ITN – Independent Transportation Network – a new senior transportation service for St. Louis County. ITN has been operating in St. Charles Co. for nearly 7 years. At this time, we are not asking the council to fund a return to a municipally owned and run transport service. We are recommending funding that will demonstrate our Commission's and the city's commitment to help jump start this St. Louis County ITN expansion and introduce our seniors to a nationally and regionally renowned well planned transportation service that can help them maintain their independence when/if they can no longer drive themselves. I know this need all too well.

There are 21 million adults in the u.s. that will have or have some form of visual impairment. Transportation is the number one issue that affects everything else in our lives. The transportation services available to older adults and people with visual impairments in U. City are not adequate and do not allow an independent way of life!! We on the Senior Commission believe our recommendation to support and introduce U. Citians to use ITN can contribute positively to quality of life for me and others who cannot drive. The Senior Commission will be happy to provide you supportive information if you need it.

Since the Commission was formed in 2014 and up until Spring 2016, our Council Liaison, Arthur Sharpe was present at each of our meetings to listen to our concerns, updates on our progress identifying needs and services, and hear out our recommendations for community services; to let us know of council doings and to take our recommendations back to the council and advocate for us and for our senior adults if we asked him for that assistance. He was a careful listener and provided clarification when asked. The current Council Liaison, Councilwoman Paulette Carr, was appointed when Mr. Sharpe retired.

With all due respect, Councilwoman Carr, some of us on the senior commission have been dismayed with your apparent low level of participation in the commission. We feel that you do not respect the hard work that our commission is doing and continues to do to make our seniors' needs known to the council and the community at large and to improve the quality of life for our older adults. From your comments especially on this latest recommendation, it is not apparent that you have taken the time to read or reflect on our past 15 months of regular meeting minutes that have documented all the work we have been doing with ITN Gateway and to make sure that U. City is included in the proposed expansion.

If you had, you would have seen that Mayor Welsh was instrumental in identifying this need and having a first meeting with other mayors and agencies serving older adults at a lunch meeting in the Delmar Loop. You would have also seen that 3 members of the senior commission along with Ms. Mermelstein have gone to meetings over the past 15 months and worked with the executive director of ITN St. Charles to expand this service to St. Louis county and specifically U.city . You would have seen that ITN is a membership based non profit service as are both the Village in the Central West end and NORC in Creve Coeur and perhaps appreciated that this is a forward thinking, progressive, and viable model for a vital senior service. You would have learned that the commission's recommended support for ITN Gateway "ride scholarships" is not a waste of tax payer money as you explicitly stated, but a positive step towards supporting needed valuable services that people like me need and want. Incidentally, nor is ITN the sketchy, fly-by-night business venture you seemed to imply it is but a 22 y.o. bonafide 501c3 agency that is regionally and nationally known and that has obtained a matching Federal grant to pursue this expansion in St. Louis County including U. City. Your apparent antipathy to our Commission's hard work has been very disappointing.

Our novel and modest effort supported through the monies we hope you all will come to understand and approve, is one of our Commission's best efforts to fill an existing service gap for seniors and we hope that can be respected and appreciated by all of you. A positive response and vote on this budget request is a vote for Seniors in U. City. Please reach out to Commission members if you need more information on this exciting development.

Finally, I would ask the members of this council to think about 20, 30, or 40 years from now and what your lives might be like if you could no longer pick up and get into your car whenever you wanted day or evening and go to the store, catch a movie , attend a concert, visit a friend or your kids and not have to wait on other people to do it for you! Just because a person loses sight or has other impairments preventing driving, does not mean that they have lost their love of life, sociability or intelligence; nor do they deserve to be isolated and to be made to feel no longer adequate or part of our U. City community!!! Granting this budget request will assure that this generation of older adults and many more generations of older adults going forward will have this service available to them!

Thank you for taking the time to listen to me and I hope you will reflect on what I have said when voting on this request to be included in the 2017-18 budget! This is not just for today but for decades to come!!

Sue Slater
7543 Drexel

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
April 26, 2017
4:30 p.m.

A. MEETING CALLED TO ORDER

Mayor Shelley Welsch called the Council session to order at 4:30 p.m., April 26, 2017, City Hall on the fifth floor, 6801 Delmar Blvd.

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 (*Excused*)
Councilmember Bwayne Smotherson

Also in attendance were Interim City Manager Charles Adams, Finance Director Tina Charumilind and Patricia Washington from the University City Community Foundation.

C. APPROVAL OF AGENDA

Councilmember Carr made a request to amend the agenda to add a discussion and vote on City Manager Search Firm under section N4.

Voice vote to approve the agenda as amended carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

F. APPOINTMENTS TO BOARDS & COMMISSIONS

G. SWEARING INTO BOARDS & COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15minutesallowed)

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

Mayor Welsch opened the discussion around the reconsideration of the liquor license for the Fair U City event. Mr. Adams worked with staff and the UCCF board to answer the questions that were raised during the meeting on Monday night's Council meeting. UCCF has resubmitted the paperwork and staff is recommending approval of the liquor license for Fair U City.

Councilmember Jennings made a motion to approve; the motion was seconded by Councilmember Carr.

Councilmember Carr asked if the address on the applicaiton was a City address or a private address. Ms. Patricia Washington came forward, stated her address as 7440 Plymouth and confirmed the address to be her private street address.

Councilmember Carr asked if the organization had insurance in case something was to happen? Ms. Washington confirmed that they did.

Councilmember McMahan said he was more than happy to make sure that this event can their beer and move forward but he wants to make sure Council is doing this the right way. Looking at the ordinances he could not find a section 600.909, but there is a section 600.090 in the alcohol section that talks about classifications of licenses and in paragraph five it talks about picnic liquor licenses. But we also have and he brought this up at the first meeting, section 600.030, which allows for a temporary permit by drink that may be issued. There is a significant difference between the two. Under 600.090, which is a yearly license that can be renewed, if there are no substantial changes over a ten year period. That's a yearly license and not the permit that only last for a number of days. Under that section, it requires all licenses to undergo a very thorough review before they can be approved. Picnic licenses are subject to Council waiving those requirements except those related to moral character, which under paragraph two, would require five citizens to sign an application and provide to Council. He thinks what the folks at the University City Community Foundation really want to do, which falls on us more than them, is apply for a temporary permit which falls under section 600.030, which does not have all those requirements. He wants to make sure that Council is doing what it's supposed to under the ordinances. He hopes to get clarification that is a permit for a temporary sell of liquor over a three day period, which our ordinance allows.

Mayor Welsch asked the Director of Finance to come up and confirm if there was a typo or maybe the wrong ordinance number was used because these licenses go through her department.

Ms. Charumilind agreed with Councilmember McMahan that the picnic license has to be approved every year; however the first time the organization applies it must to be submitted to City Council for approval. In the later years, the Finance Director has authority to approve. But it has to be approved every year; the approval does not last for ten years. However if City Council approves once, the following years within the ten year period will not have to be submitted to Council.

She said she would have to double check the ordinance numbers to be sure which number is correct.

Mayor Welsch asked if this is the same picnic license that City gives to Lourdes and Christ the King and Ms. Charumilind said that it was. The Mayor asked if there was a chance that finance provided Mr. Parker, who she believes is in the audience today with an incorrect part of the code; because this is a three day picnic license.

Councilmember McMahon stated there are two sections; one is for a license which is described as a yearly multiple picnic licenses that may be approved by the City Council. It seems that is talking about an entity that may be having picnics on their premises more often than one or two days, so it's a yearly license. This is different. Then there is section 600.030 which allows for a temporary permit, which seems to mirror state law. Under that license it requires that City Council may in its discretion; waive any and all requirements applicable, except requirements related to moral character. The moral character section requires five residents of the City to sign off on it. He thinks, because this isn't something that UCCF does more than once a year, what they really want is the permit. We could move ahead and grant them the permit because we've got to do this the right way. Otherwise we don't have papers here to do it the other way. He said he just wants to make sure we're following the ordinances.

Councilmember Jennings asked Councilmember McMahon about the section related to Council waiving the requirements that need five signatures? Mayor Welsch stated that was different, she thought Councilmember McMahon was right; this is a temporary permit that does not include all of that. Councilmember Jennings asked if in the previous years a picnic license was done? Mayor Welsch stated no, we have never have gotten signatures of surrounding residents or anything like that. We have the background check on whoever is submitting the application. A temporary permit is what was always used. Ms. Charumilind stated that most organizations only have one event per year; she has never seen an organization have more than one a year.

Councilmember Jennings as Councilmember McMahon in his legal opinion if doing it this way would make it clean? Councilmember McMahon said he is not offering a legal opinion; he is not retained on behalf of the City or any member here to speak on behalf of the City and he not providing a legal opinion. This is he personal reading of the ordinances which anybody can do own their own. The plain language of ordinance pretty much says this is a temporary permit for three days. They don't need to go through the more rigorous review that the other section talks about. He asked that somebody from UCCF could confirm if a temporary permit to last the three days of fair is what they want? Ms. Washington confirmed that is and Councilmember McMahon said then we can do this.

Councilmember Carr asked to confirm the correct section; it is 090 or 030? It was agreed that it is section 030 and therefore we don't need the five signatures...is that correct? There was consensus was that is correct.

Councilmember Carr said since this is our form that Mr. Parker filled out; she believes that we could amend to correct the ordinance number on our form, not the one that Mr. Parker filled out but moving forward. There should be a note of correction written on Mr. Parker's application to add the correct ordinance/section number 600.030.

Councilmember Carr made a motion to amend that section of the form due to the scrivener's error. The motion was seconded by Councilmember Jennings.

Voice vote to approve the amended form was carried unanimously.

Councilmember Jennings made a motion to approve the amended application for a picnic license for the Fair U City event. The motion was seconded by Councilmember Carr.

Voice vote to approve the amendment application was carried unanimously.

L. UNFINISHED BUSINESS

M. NEW BUSINESS
RESOLUTIONS
BILLS

Introduced by Councilmember Smotherson

1. **BILL 9314** - An ordinance amending schedule III of the traffic code, to revise traffic regulation as provided herein. Bill 9314 was read for the first time.

N. 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

The agenda was amended to include a short discussion on the City Manager search.

Councilmember Carr stated that Council received an email earlier that day from the Mayor that said she did not recall having an agreement to have the Interim City Manager interviewed by the search firm as part of the process. The background on this is that we felt that the Council interaction portion proposed by GovHR did not represent what was put in the RFP.

Someone is going to have to be the contact and someone is going to have make arrangements for the meeting rooms and things like that so that was the idea behind making the Interim City Manager the point person. Mayor Welsch said she misinterpreted what was wrought. The last time we did this, the search firm spoke to department heads as they were developing the job description. She thought it meant that they would only talk to the Interim City Manager, but in fact he is the point of contact. Councilmember Carr said that was correct.

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

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

Councilmember Carr moved to approve, it was seconded by Councilmember Crow.

Roll Call Vote Was:

AYES: Councilmembers Crow, Smotherson, Jennings, Carr, McMahon and Mayor Welsch.

NAYS: None.

R. ADJOURNMENT

Mayor Welsch thanked everyone for their attendance and closed the City Council meeting at 4:43 p.m., to go into a closed session on the fifth floor.

LaRette Reese
Interim City Clerk

DRAFT

University City Community Foundation Summary

The University City Community Foundation (UCCF) is a new Missouri non-profit corporation. It was established by a diverse group of volunteers who have, for the past six years, staged the annual community carnival known as Fair U City.

The Fair U City volunteers and originators always had the vision of using funds raised from the Fair to establish a non-profit organization that would provide small grants to individuals, agencies and organizations working for the benefit of the University City community.

After six successful years staging the fair, the Fair U City group formally changed its name to the University City Community Foundation that is now the recognized non-profit organization.

In the revised non-profit filing, it is noted that Fair U City will be the fundraising arm of UCCF. The Fair U City volunteers will continue staging the annual community fair. The majority of the proceeds from the Fair will be provided to UCCF to fund the grant-making activities of the organization, although a specified amount will be retained from the annual profits to fund the fair in the following year. UCCF intends to engage in other fundraising activities as it becomes more established.

Q: How are the proceeds donated by the city of University City used?

All of the contributions to Fair U City are used to pay expenses related to the production of the Fair. These costs include stage and audio/visual costs to produce the Jazz Festival, restroom facilities (Port-A-Potty), costs of the children's carnival, license, insurance and other fees associated with event production.

Q: Are any Fair U City participants paid?

Fair U City is produced by volunteers; there is no paid staff. UCCF Board members are all volunteers. Entertainers on the main stage are paid by contract.

Q: How are members selected for the UCCF Board?

The original Fair U City volunteer Board developed selection criteria and a nomination process. Nominations were submitted in October. Candidates participated in an thorough interview process and were selected in December. The inaugural Board of Directors was presented on December 16, 2016.

Q: How is Fair U City connected to UCCF?

Fair U City is the major fundraising activity for UCCF. Proceeds from the Fair are used to support the grant-making process for UCCF.

Q: What is the physical address for UCCF?

UCCF is changing all of its legal documents to reflect 7040 Plymouth Avenue 63130 as its physical address. A PO Box with the USPS in University City will also be used for official communication.

Q: Who are the officers of UCCF?

President: Patricia Washington
Vice President: Elizabeth Norton
Secretary Dr. Jackie Kiroac-Fram
Treasurer: Robert Parker

For additional information:

Contact the UCCF Secretary at JackieK@focus-stl.org



Council Agenda Item Cover

MEETING DATE: May 8, 2017

AGENDA ITEM TITLE: Conditional Use Permit (C.U.P.) application for 6655 Delmar Boulevard; Applicant – Xin Wei; ground-floor karaoke entertainment establishment (non-retail) with frontage on Delmar Boulevard in CC – Core Commercial District.

AGENDA SECTION: City Manager's Report

COUNCIL ACTION: Motion by City Council required for Approval

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND REVIEW: Attached are the relevant documents for the above-referenced C.U.P. application. A public hearing was conducted by the Plan Commission on April 26, 2017 as required. One member of the public spoke and expressed concerns regarding liquor sales and that not all members of the Loop Special Business District had an opportunity to review the proposal.

Section 400.2700 of the Zoning Code requires staff to review the C.U.P. application and prepare a report and recommendation for the Plan Commission. Subsequently, the Plan Commission shall review the C.U.P. application and make a recommendation to City Council. Upon review and consideration of the C.U.P., Plan Commission recommended approval of the application with conditions. The letter of transmittal from Plan Commission with its recommendation is attached.

A C.U.P. does not require a public hearing at the City Council level. For its approval, this agenda item would require a motion by the City Council.

Attachments:

- 1: Transmittal letter from Plan Commission with recommended conditions
- 2: Staff Report with attachments (including application documents and site plan)

RECOMMENDATION: Approval

ATTACHMENT 1:
**Transmittal letter from Plan Commission with
recommended conditions**



Plan Commission

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

April 27, 2017

Ms. LaRette Reese, Interim City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Application for Conditional Use Permit PC 17-01 – karaoke entertainment establishment at 6655 Delmar Boulevard.

Dear Ms. Reese,

At its regular meeting on April 26, 2017 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, the Plan Commission conducted a public hearing on the above-referenced application by Xin Wei, for a Conditional Use Permit in the "CC" – Core Commercial District.

By a vote of 6 to 0, the Plan Commission recommended approval of the application subject to the conditions in Attachment A.

Sincerely,

Cirri Moran, Chairperson
University City Plan Commission

ATTACHMENT A
Conditional Use Permit – PC 17-01 – Conditions of Approval
6655 Delmar Boulevard

[Except as noted herein below, other codes and regulations of the City of University City shall apply.]

Department of Community Development

1. PERMITTED USES

The uses permitted by this Conditional Use Permit shall include a ground-floor karaoke entertainment establishment not exceeding 4,200 square feet with accessory food and beverage service.

2. HOURS OF OPERATION

The proposed hours of operation of Monday – Thursday from 2:30 p.m. to 2:30 a.m., Friday and Saturday from 1:00 p.m. to 3:00 a.m., and Sunday from 1:00 p.m. to midnight shall be allowed. Any expansion of the hours of operation shall require written approval from the Department of Community Development.

3. EXTERIOR SPEAKERS

Use of exterior speakers or any other amplified noise for music or any other purpose shall be prohibited.

4. SIGNAGE

A sign permit shall be required prior to the installation of any signage associated with the proposed use. All signage shall comply with the regulations set forth in Article 8 of the Zoning Code.

5. OTHER REQUIREMENTS

All appropriate permits [e.g. building, mechanical, electrical, and plumbing] must be obtained prior to the start of any and all construction. The applicant must adhere to all requirements of the Building Code.

Department of Public Works and Parks

- 1. All pedestrian facilities shall comply with the Americans with Disabilities Act (ADA).**

2. All work in the right-of-way, permanent or temporary, shall require a right-of-way permit. Said permit shall include a traffic control plan as applicable and require approval from the Department of Public Works and Parks. If a sidewalk closure will be necessary, provide a plan for re-routing.
3. A plan for trash and recycling collection on the property shall be submitted to the Department of Public Works and Parks for review and approval.
4. A dumpster enclosure for containers serving the establishment shall be provided prior to approval of the occupancy permit.

Fire Department

No Comments

Police Department

No Comments

**ATTACHMENT 2:
Staff Report with attachments
(including application documents and site plan)**



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

STAFF REPORT

MEETING DATE: April 26, 2017
FILE NUMBER: PC 17-01
COUNCIL DISTRICT: 2
Location: 6655 Delmar Boulevard (north side of Delmar Boulevard, between Kingsland Avenue and Leland Avenue)
Applicant: Xin Wei w/ Corner 17
Property Owner: Dan Wald
Request: Conditional Use Permit (C.U.P.) to allow a karaoke entertainment establishment

COMPREHENSIVE PLAN CONFORMANCE
 Yes No No reference

STAFF RECOMMENDATION
 Approval Approval with Conditions in Attachment A Denial

ATTACHMENTS:
 A. Conditions of Approval B. Map C. Application Documents
 D. Site Plan Drawings

Existing Zoning: "CC" – Core Commercial District
Existing Land Use: One-story commercial building – currently vacant
Proposed Zoning: No change – "CC" District
Proposed Land Use: Karaoke entertainment establishment

Surrounding Zoning and Land Use:
 North: CC-Core Commercial District Surface parking lot (City-owned)
 East: CC-Core Commercial District Three-story retail/office building
 South: CC-Core Commercial District Art studio/gallery
 West: CC-Core Commercial District Three-story restaurant/office building

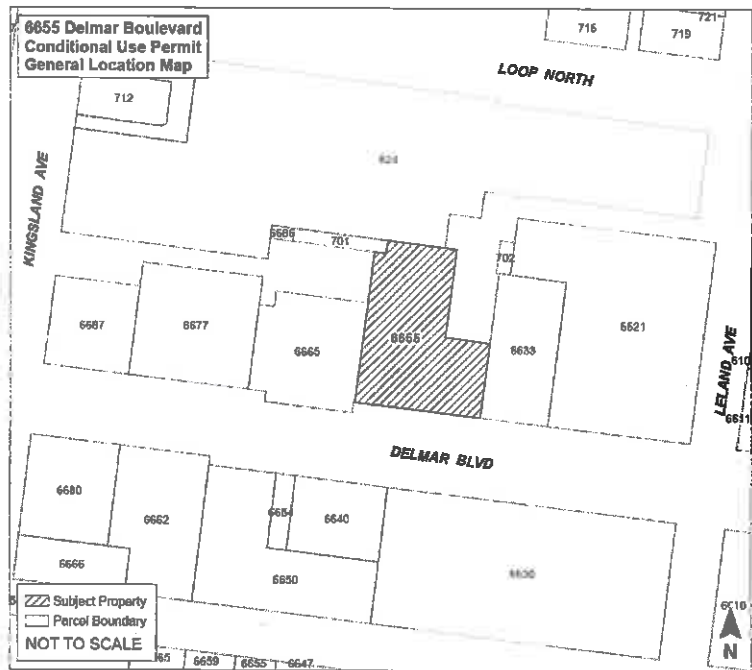
Existing Property
 The subject property is approximately 0.5 acres in area and occupied by a vacant one-story commercial building of approximately 4,000 square feet and constructed in 1988 on its southern portion. The northern portion is occupied by two parallel structures previously used as an outdoor market area. The eastern portion of the lot was formerly public right-of-way but

was vacated and now serves as a plaza area. There are seven off-street parking spaces on the property just east of the market structures.

Applicant's Request

The current request is for a C.U.P. to allow the operation of a karaoke entertainment establishment in the existing vacant commercial building in the "CC" – Core Commercial District. No building expansions, additions, or other exterior modifications are proposed. Non-retail uses, such as a karaoke establishment, with ground floor frontage on Delmar Boulevard require a C.U.P.

The proposed karaoke establishment would include 11 separate sound-proofed rooms available to rent for private karaoke use. A small open bar area is also proposed for karaoke entertainment. There would be limited food service, but not a full menu such as for a sit-down restaurant. The proposed hours of operation would be Monday – Thursday from 2:30 p.m. to 2:30 a.m., Friday and Saturday from 1:00 p.m. to 3:00 a.m., and Sunday from 1:00 p.m. to midnight. It is estimated that the size of rooms would range in capacity up to 25. No outdoor seating is proposed. The existing market structures north of the building will not be used.



Process – Required City Approvals

Plan Commission. Section 400.2700.C of the Zoning Code requires that C.U.P. applications be reviewed by Plan Commission. The Plan Commission shall make a recommendation to the City Council for their consideration. A public hearing is required at the Plan Commission meeting.

City Council. Section 400.2700.D of the Zoning Code requires that C.U.P. applications be reviewed by City Council for the final decision, subsequent to the public hearing and recommendation from Plan Commission. In conducting its review, City Council shall consider the staff report, Plan Commission's recommendation, and application to determine if the proposed C.U.P. application meets the requirements of the Zoning Code.

Analysis

The intent and purpose of the "CC" District is *"to accommodate a wide variety of retail commercial uses, with an emphasis towards the sale of retail goods, dining and entertainment which attracts shoppers from a trade area beyond University City."* Per the CC District regulations, any ground floor space with frontage on Delmar Boulevard is limited to retail trade, except through the granting of a C.U.P. The issue under consideration is the appropriateness of the proposed karaoke entertainment establishment at this location.

The Delmar Loop consists of a wide range of retail, restaurant, and entertainment venues. However, there are currently no other entertainment venues providing primarily karaoke with individual rooms. It is staff's opinion that the proposed use is appropriate at this location and would be compatible with and compliment the surrounding commercial uses.

The minimum off-street parking and loading space requirements set forth in Section 400.2140 of the Zoning Code do not apply to any reoccupancy of existing buildings or structures in the "CC" – Core Commercial District. However, a combination of on-street parking, the municipal surface lot to the north and other nearby public parking lots and structures are available to serve the parking needs of customers and employees. The previous use of the building was for a sit-down restaurant and bar. It is staff's opinion that the parking demand for the proposed use will be similar to the previous use of the building and thus, not cause any extra parking demand.

It is staff's opinion that the proposed hours of operation are reasonable and appropriate at this location and would not be detrimental to the surrounding area. The sound will be contained within the building and not detrimental to nearby residential uses.

Public Involvement

A public hearing at a regular Plan Commission meeting is required by the Zoning Code. The public hearing notice for the current proposal was published in the newspaper 15 days prior to the meeting date and was mailed to property owners within 200 feet of the subject property, exceeding the required distance of 185 feet. A sign was also posted on the subject property with information about the public hearing. Any member of the public will have an opportunity to express any concerns by writing in or attending the Plan Commission meeting.

Staff Recommendation

Based on the preceding considerations, staff is of the opinion that the proposed karaoke entertainment establishment, as shown on the Site Plan and application materials, is appropriate at this location and complies with the Conditional Use Permit findings of fact as set forth in Section 400.2720 of the Zoning Code. Thus, staff recommends approval of this request subject to the conditions set forth in Attachment A.

ATTACHMENT A
Conditional Use Permit – PC 17-01 – Conditions of Approval
6655 Delmar Boulevard

[Except as noted herein below, other codes and regulations of the City of University City shall apply.]

Department of Community Development

1. PERMITTED USES

The uses permitted by this Conditional Use Permit shall include a ground-floor karaoke entertainment establishment not exceeding 4,200 square feet with accessory food and beverage service.

2. HOURS OF OPERATION

The proposed hours of operation of Monday – Thursday from 2:30 p.m. to 2:30 a.m., Friday and Saturday from 1:00 p.m. to 3:00 a.m., and Sunday from 1:00 p.m. to midnight shall be allowed. Any expansion of the hours of operation shall require written approval from the Department of Community Development.

3. SIGNAGE

A sign permit shall be required prior to the installation of any signage associated with the proposed use. All signage shall comply with the regulations set forth in Article 8 of the Zoning Code.

4. OTHER REQUIREMENTS

All appropriate permits [e.g. building, mechanical, electrical, and plumbing] must be obtained prior to the start of any and all construction. The applicant must adhere to all requirements of the Building Code.

Department of Public Works and Parks

- 1. All pedestrian facilities shall comply with the Americans with Disabilities Act (ADA).**
- 2. All work in the right-of-way, permanent or temporary, shall require a right-of-way permit. Said permit shall include a traffic control plan as applicable and require approval from the Department of Public Works and Parks. If a sidewalk closure will be necessary, provide a plan for re-routing.**

3. A plan for trash and recycling collection on the property shall be submitted to the Department of Public Works and Parks for review and approval.
4. A dumpster enclosure for containers serving the establishment shall be provided prior to approval of the occupancy permit.

Fire Department

No Comments

Police Department

No Comments

ATTACHMENT "B"

6655 Delmar Boulevard
and surrounding area

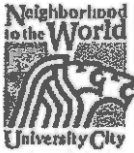


Legend
[Black Outline] Subject Property
[White Outline] Parcel Boundary

Prepared by: University City Dept. of Community Development Staff - April, 2017;
Data Source: St. Louis County Department of Revenue, GIS Datasets 2016;

0 50 100 200
Feet





Department of Community Development

6801 Delmar Boulevard • University City, Missouri 63130 • 314-505-8500 • Fax: 314-862-3168

APPLICATION FOR CONDITIONAL USE PERMIT
Under Article 11 of the Zoning Code of University City, Missouri

1. Address/Location of Site/Building: 6655 DELMAR AVE, 63130

2. Zoning District (check one):

SR LR MR HR HRO GC LC X CC IC PA PD

3. Applicant's Name, Corporate or DBA Name, Address and Daytime Telephone:

Ivan Hei, W Karaoke Lounge, 6623 Delmar Ave, St. Louis, MO 63130, (917) 669-2052

4. Applicant's Interest in the Property: Owner Owner Under Contract Tenant*

X Tenant Under Contract* Other* (explain):

* Please Note: Zoning Code Section 34-131.1 requires that the application may only come from one (1) or more of the owners of record or owners under contract of a lot of record (or zoning lot), or their authorized representative. If you are applying as a tenant, tenant under contract or other, you must attach a letter from the owner stating you are an authorized representative of them and they give you permission to file this application for Conditional Use on their behalf.

5. Owner's Name, Corporate or DBA Name, Address and Daytime Telephone, if other than Applicant:

Dan Wald, Market in the Loop LLC, 6655 Delmar, St. Louis MO 63130, 314.422.2386

6. Please state, as fully as possible, how each of the following standards are met or will be met by the proposed development or use for which this application is being made. Attach any additional information to this application form.

a) Complies with all applicable provisions of the University City Zoning Code (e.g. required yards and setbacks, screening and buffering, signs, etc.).

no change to the existing exterior of the building

b) At the specific location will contribute to and promote the community welfare or convenience.

Enhances the entertainment quality of the loop and unique Karaoke concept to St. Louis

c) Will not cause substantial injury to the value of neighboring property.

No impact to other businesses, unique to Saint Louis and Loop

d) Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), and any other official planning and development policies of the City.

yes, use is consistent w/ the CC district.

e) Will provide off-street parking and loading areas in accordance with the standards contained in Article 7 of the University City Zoning Code

not applicable in the CC district. parking provided in the north lot.

**** Please Note: You should also submit twelve (12) copies of a memo detailing the following information:**

1) Description of the proposed Conditional Use, in narrative form. Please include historical information about the applicant, the company and/or the organization. Explain why this particular site was chosen for the proposal, state the number of employees that will be working at the site, state the hours of operation, explain other features unique to the proposed use and submit any other information that will help the Plan Commission and City Council in their decisions. 2) Estimated impact of the conditional use on the surrounding properties and adjacent streets, including, but not limited to, average daily and peak hour traffic generation, existing traffic volumes of adjacent streets, if available, use of outdoor intercoms, and any other operational characteristics of the proposed use that may have impacts on other adjacent or nearby properties. 3) Legal description of the property(s) proposed for the Conditional Use Permit, when the proposed use involves a substantial addition or new construction.

A Public Hearing before the Plan Commission is required by Ordinance. Notice of such Public Hearing must be published in a newspaper of general circulation at least fifteen (15) days in advance. Upon receipt of a Plan Commission Recommendation, the City Council must consider this application and supporting information before a Use Permit may be granted. A fee of \$250 must accompany this application.

03/29/17
Date

Richard S. Lowner
Applicant's Signature and Title

Representing (if applicable)

FOR OFFICE USE ONLY

Application First Received. _____
Application Fee in the Amount of \$ _____ Receipt # _____
Application returned for corrections, additional data. _____
Final complete application received. _____
File # _____ created.

CORNER 17

March 30, 2017

Xin Wei
Corner 17
6623 Delmar Avenue
St. Louis, MO 63130

Re: W Karaoke Lounge, Conditional Use Permit Memo

Dear Sir

We have been restaurant owners for over 7 years, the first restaurant Joy Luck Chinese Restaurant in Brentwood and then Corner 17 in University City, opened in 2013. Corner 17 just made the Post Dispatch's Top 100 Restaurant 2017. We are committed to the Loop, it has the right balance of diversity, restaurants and retail shops, demographics and popularity amongst neighbors, students and tourist which, we believe will allow our Karaoke concept to thrive.

We are submitting an application for W Karaoke Lounge in an existing building at 6655 Delmar Ave, owned by:

Dan Wald, Owner of Market in the Loop, LLC
6655 Delmar Ave.
St. Louis, MO 63130
314.422.2386

We are proposing to transform the existing 4,160 sf building into an intimate, high-tech and stylish Karaoke Lounge that redefines the Karaoke experience in St Louis. It will offer a public karaoke space, eleven (11) private karaoke themed suites, cocktails, and Asian-American bar food. A patron can come for a drink and belt out a song at the public bar or rent a karaoke suite for groups of 2-25 for private entertainment. There is an open bar associated with the public karaoke space and wait service to the private karaoke suites in addition to a small kitchen for bar snacks.

W Karaoke Lounge is an unique entertainment concept, different from the types of existing businesses on the Loop. We are trying to bring in the high end glamour of Karaoke that exist in New York City, Beijing, Shanghai, Tokyo, Los Angeles, etc. We are investing in a sound/video/audio system with over 8,000 song choices appealing to all age groups and will set us apart from other karaoke venues. The sound proof karaoke rooms are decorated uniquely to provide fun, comfort, and privacy for those that aren't ready to take it to the public stage or just want to be among friends. Within the suites are karaoke console, seating area, performance space and a small bathroom.

CORNER 17

W Karaoke Lounge plans to apply for a liquor license. Since our clientele will be adults and families, we will be monitoring drinking age at the door and issuing wrist bands or hand stamps. We see our facility used by both adults and families and will do our best to cater to their needs.

W Karaoke Lounge is going into an existing restaurant space and planning a complete upgrade of the facilities. We will be bringing the building to code, add fire suppression system, upgrade the plumbing, electrical and mechanical, add a small kitchen for bar food and snacks to comply with the St. Louis Country Health Department. Our architect is Tao + Lee Architect, the designer of our Corner 17 Restaurant and Express Café and who works extensively in the St. Louis area. They will be working with our New York City karaoke designer to ensure a quality and code compliant project.

We will be able to accommodate 120-150 people in the venue, with plans to employ 8-15 workers. The hours of operation will be Monday-Thursday 2:30 pm to 2:30 am, Friday and Saturday 1 pm to 3 am, and Sunday 1 pm to midnight. At this time, we are not applying for Outdoor Dining.

We believe that there will be no noticeable impact on the adjacent businesses. Our hours align with the businesses around us, parking is in the existing north lot, and we have plans to acoustically insulate our Karaoke rooms. We believe that we will add to the liveliness that is the Loop.

Thank you for your consideration.

Sincerely



Xin Wei

Cc: Helen Lee, Tao + Lee Architects.
Dan Wald

MARKET IN THE LOOP LLC

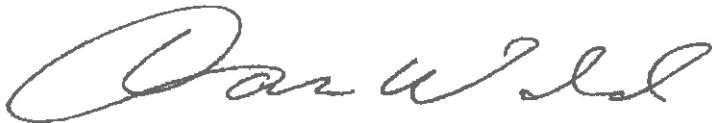
6655 DELMAR

3-17-2016

To Whom it may concern:

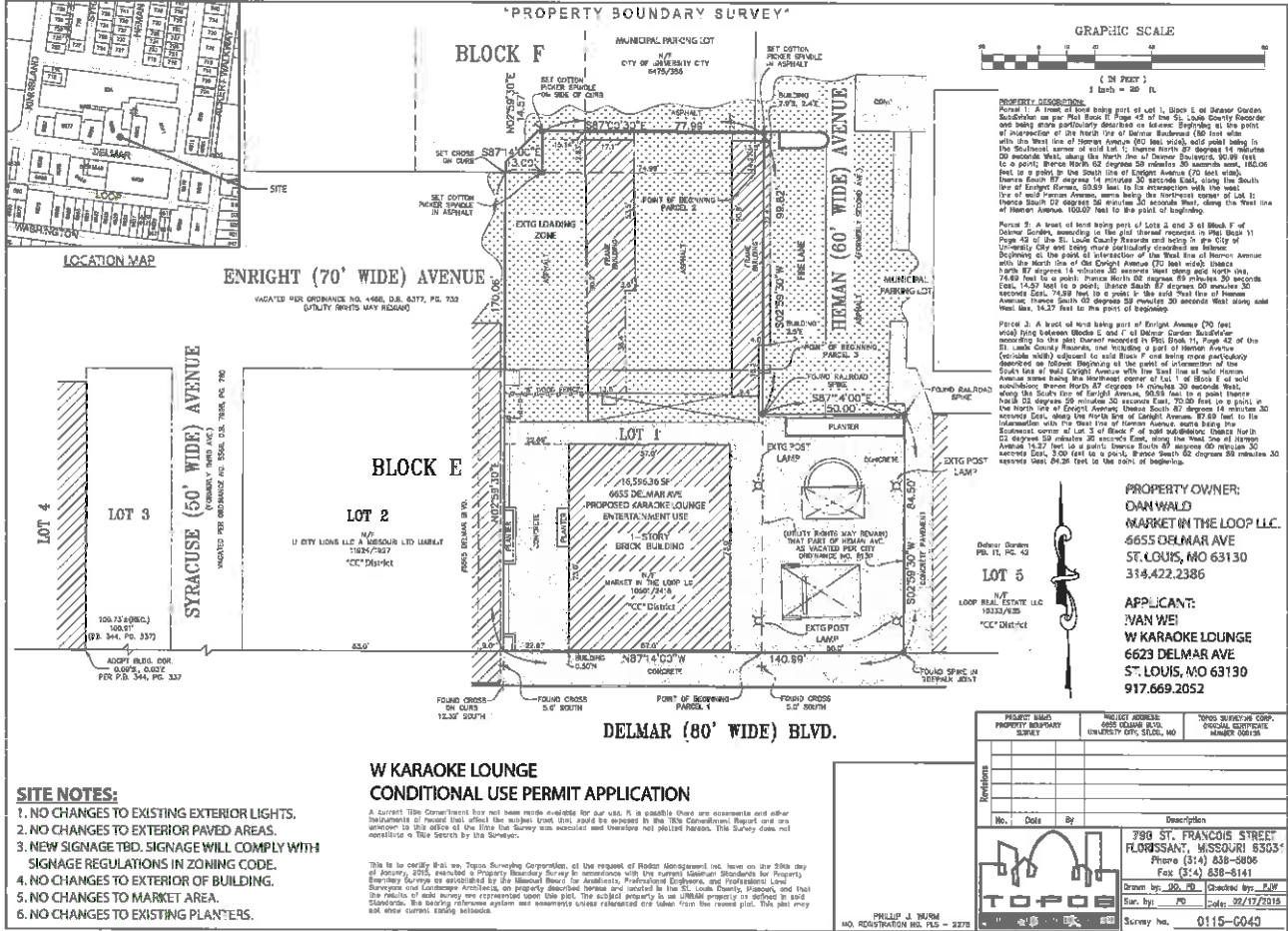
I hereby give permission to XIN WEI to apply for a Conditional Use Permit at the property located at 6655 Delmar.

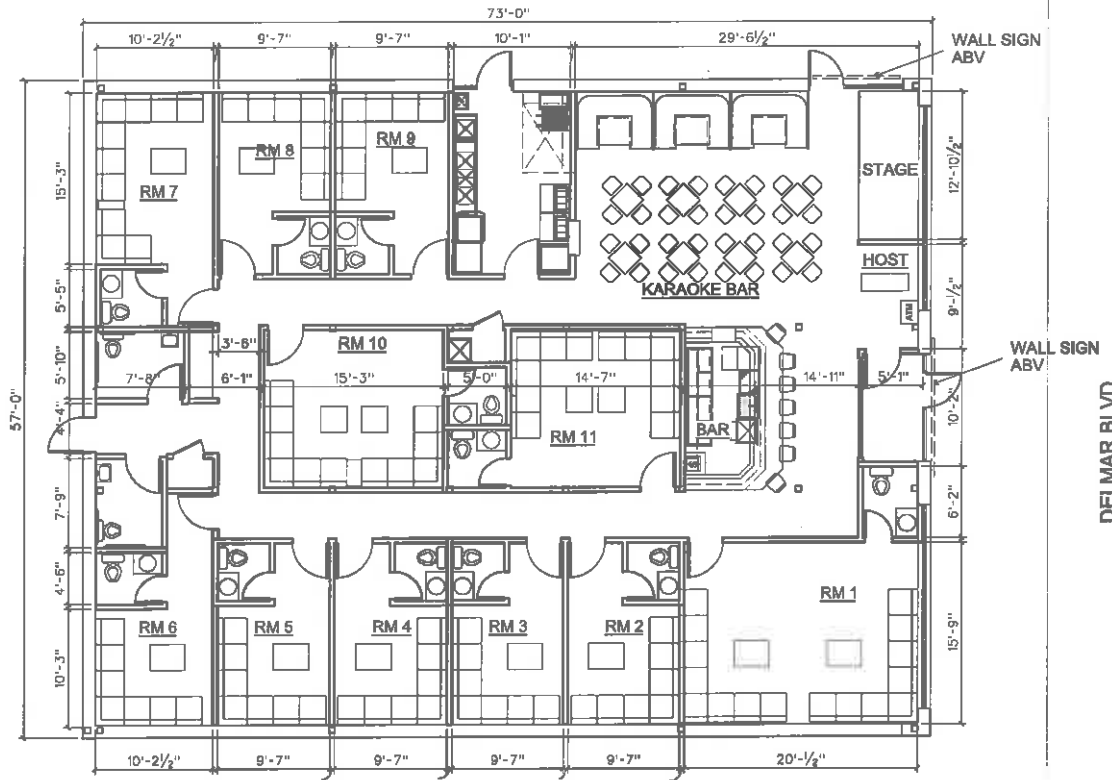
If you have any questions please contact me at 314-422-2386

A handwritten signature in cursive script, appearing to read "Dan Wald".

Dan Wald

G.P. Market in the Loop LLC





2 FLOOR PLAN
1/8" = 1'-0"

**TAO
LEE**

W KARAOKE LOUNGE
6655 DELMAR BLVD., UNIVERSITY CITY

PROJ. NAME: KARAOKE LOUNGE
 PROJ. NO.: 696.01
 DWG.: CUP PLAN SUBMISSION K-1-19
 SCALE: 1/8" = 1'-0"
 DATE: 03-30-2017

SD1



CONCEPT IMAGES OF KARAOKE SUITES



CONCEPT IMAGES OF HALL



CONCEPT IMAGES OF BAR

**TAO
LEE**
ARCHITECTS

W KARAOKE LOUNGE
6655 DELMAR BLVD., UNIVERSITY CITY

PROJ. NAME: KARAOKE LOUNGE
PROJ. NO.: 666.01
DWG.: IMAGES CPU SUBMISSION K-1-20
SCALE: NTS
DATE: 03-30-2017 **SD2**



Council Agenda Item Cover

MEETING DATE: May 8, 2017

AGENDA ITEM TITLE: Conditional Use Permit (C.U.P.) application for 6662-D Delmar Boulevard; Applicant – Ngan Thi; ground-floor food and beverage establishment (non-retail) with frontage on Delmar Boulevard in CC – Core Commercial District.

AGENDA SECTION: City Manager's Report

COUNCIL ACTION: Motion by City Council required for Approval

CAN THIS ITEM BE RESCHEDULED?: Yes

BACKGROUND REVIEW: Attached are the relevant documents for the above-referenced C.U.P. application. A public hearing was conducted by the Plan Commission on April 26, 2017 as required. No members of the public spoke at the public hearing.

Section 400.2700 of the Zoning Code requires staff to review the C.U.P. application and prepare a report and recommendation for the Plan Commission. Subsequently, the Plan Commission shall review the C.U.P. application and make a recommendation to City Council. Upon review and consideration of the C.U.P., Plan Commission recommended approval of the application with conditions. The letter of transmittal from Plan Commission with its recommendation is attached.

A C.U.P. does not require a public hearing at the City Council level. For its approval, this agenda item would require a motion by the City Council.

Attachments:

- 1: Transmittal letter from Plan Commission with recommended conditions
- 2: Staff Report with attachments (including application documents and site plan)

RECOMMENDATION: Approval

**ATTACHMENT 1:
Transmittal letter from Plan Commission with
recommended conditions**



Plan Commission

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

April 27, 2017

Ms. LaRette Reese, Interim City Clerk
City of University City
6801 Delmar Boulevard
University City, MO 63130

RE: Application for Conditional Use Permit PC 17-02 – food and beverage establishment at 6662-D Delmar Boulevard.

Dear Ms. Reese,

At its regular meeting on April 26, 2017 at 6:30 pm in the Heman Park Community Center, 975 Pennsylvania Avenue, the Plan Commission conducted a public hearing on the above-referenced application by Ngan Thi, for a Conditional Use Permit in the "CC" – Core Commercial District.

By a vote of 6 to 0, the Plan Commission recommended approval of the application subject to the conditions in Attachment A.

Sincerely,

Cirri Moran, Chairperson
University City Plan Commission

ATTACHMENT A
Conditional Use Permit – PC 17-02 – Conditions of Approval
6662-D Delmar Boulevard

[Except as noted herein below, other codes and regulations of the City of University City shall apply.]

Department of Community Development

1. PERMITTED USES

The uses permitted by this Conditional Use Permit shall include a ground-floor food and beverage establishment not exceeding 1,900 square feet.

2. HOURS OF OPERATION

The proposed hours of operation of 11:00 a.m. to 11:00 p.m. every day shall be allowed. Any expansion of the hours of operation shall require written approval from the Department of Community Development.

3. SIGNAGE

A sign permit shall be required prior to the installation of any signage associated with the proposed use. All signage shall comply with the regulations set forth in Article 8 of the Zoning Code.

4. OTHER REQUIREMENTS

All appropriate permits [e.g. building, mechanical, electrical, and plumbing] must be obtained prior to the start of any and all construction. The applicant must adhere to all requirements of the Building Code.

Department of Public Works and Parks

- 1. All pedestrian facilities shall comply with the Americans with Disabilities Act (ADA).**
- 2. All work in the right-of-way, permanent or temporary, shall require a right-of-way permit. Said permit shall include a traffic control plan as applicable and require approval from the Department of Public Works and Parks. If a sidewalk closure will be necessary, provide a plan for re-routing.**
- 3. A plan for trash and recycling collection on the property shall be submitted to the Department of Public Works and Parks for review and approval.**

Fire Department

No Comments

Police Department

No Comments

**ATTACHMENT 2:
Staff Report with attachments
(including application documents and site plan)**



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

STAFF REPORT

MEETING DATE: April 26, 2017
FILE NUMBER: PC 17-02
COUNCIL DISTRICT: 1
Location: 6662-D Delmar Boulevard (south side of Delmar Boulevard, between Kingsland Avenue and Leland Avenue)
Applicant: Ngan Thi
Property Owner: BST Delmar, LLC
Request: Conditional Use Permit (C.U.P.) to allow a food and beverage establishment (bubble tea)

COMPREHENSIVE PLAN CONFORMANCE
 Yes No No reference

STAFF RECOMMENDATION
 Approval Approval with Conditions in Attachment A Denial

ATTACHMENTS:
A. Conditions of Approval B. Map C. Application Documents
D. Site Plan Drawings

Existing Zoning: "CC" – Core Commercial District
Existing Land Use: One-story, five-unit commercial building
Proposed Zoning: No change – "CC" District
Proposed Land Use: Food and beverage establishment

Surrounding Zoning and Land Use:
North: CC-Core Commercial District Three-story restaurant/office building
East: CC-Core Commercial District Art studio/gallery
South: CC-Core Commercial District Multi-family residential
West: CC-Core Commercial District One-story, commercial building (vacant)

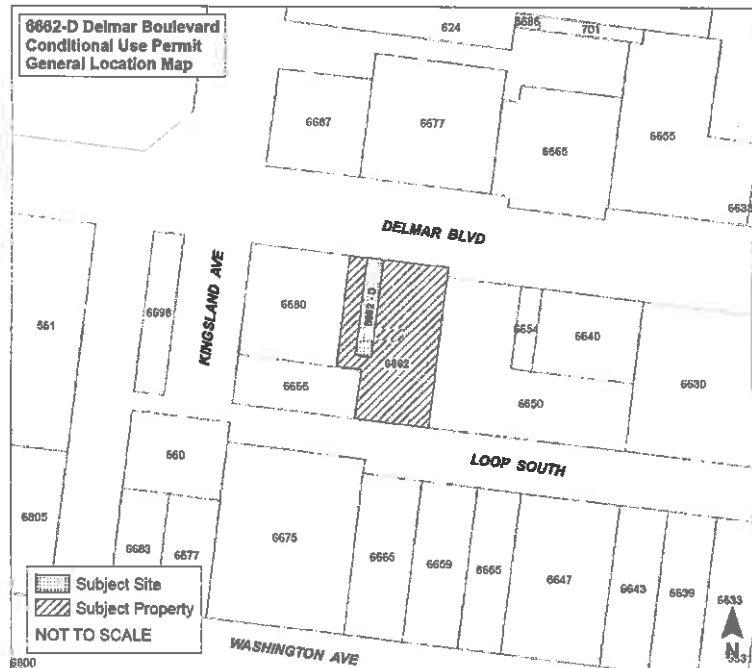
Existing Property
The subject property is approximately 0.35 acres in area and occupied by a five-unit, one-story commercial building of approximately 10,000 square feet and constructed in 2004 on its northern portion. The southern portion is occupied by a surface parking lot with ten parking

spaces with ingress/egress from Loop South.

Applicant's Request

The current request is for a C.U.P. to allow the operation of a food and beverage establishment in Unit D, a 1,800 square foot vacant unit in the building in the "CC" – Core Commercial District. No building expansions, additions, or other exterior modifications are proposed. Non-retail uses, such as a food and beverage establishment, with ground floor frontage on Delmar Boulevard require a C.U.P.

The proposed food and beverage establishment is intended for bubble tea in a variety of flavors. Interior seating with a kitchen/prep area is proposed for beverages only. No food service is proposed. The proposed hours of operation would be 11:00 a.m. to 11:00 p.m. daily. No outdoor seating is currently proposed.



Process – Required City Approvals

Plan Commission. Section 400.2700.C of the Zoning Code requires that C.U.P. applications be reviewed by Plan Commission. The Plan Commission shall make a recommendation to the City Council for their consideration. A public hearing is required at the Plan Commission meeting.

City Council. Section 400.2700.D of the Zoning Code requires that C.U.P. applications be reviewed by City Council for the final decision, subsequent to the public hearing and recommendation from Plan Commission. In conducting its review, City Council shall consider the staff report, Plan Commission's recommendation, and application to determine if the proposed C.U.P. application meets the requirements of the Zoning Code.

Analysis

The intent and purpose of the "CC" District is *"to accommodate a wide variety of retail commercial uses, with an emphasis towards the sale of retail goods, dining and entertainment which attracts shoppers from a trade area beyond University City."* Per the CC District regulations, any ground floor space with frontage on Delmar Boulevard is limited to retail trade, except through the granting of a C.U.P. The issue under consideration is the appropriateness of the proposed food and beverage establishment at this location.

The Delmar Loop consists of a wide range of retail, restaurant, and entertainment venues. There is one other ground-floor restaurant in the five-unit building and three retail businesses. It is staff's opinion that the proposed use is appropriate at this location and would be compatible and consistent with the surrounding commercial uses.

The minimum off-street parking and loading space requirements set forth in Section 400.2140 of the Zoning Code do not apply to any reoccupancy of existing buildings or structures in the "CC" – Core Commercial District. However, a combination of on-street parking, including parking along the adjacent alley, the municipal surface lot across Delmar to the north and other nearby public parking lots and structures are available to serve the parking needs of customers and employees. It is staff's opinion that the parking demand for the proposed use will not have a negative impact on surrounding properties.

It is staff's opinion that the proposed hours of operation are reasonable and appropriate at this location and would not be detrimental to the surrounding area. While outdoor dining is not proposed by the applicant at this time, it is a permitted use in the "CC" District and if pursued in the future it would require submittal of an outdoor dining permit to the Department of Community Development for review and approval.

Public Involvement

A public hearing at a regular Plan Commission meeting is required by the Zoning Code. The public hearing notice for the current proposal was published in the newspaper 15 days prior to the meeting date and was mailed to property owners within 200 feet of the subject property, exceeding the required distance of 185 feet. A sign was also posted on the subject property with information about the public hearing. Any member of the public will have an opportunity to express any concerns by writing in or attending the Plan Commission meeting.

Staff Recommendation

Based on the preceding considerations, staff is of the opinion that the proposed food and beverage establishment, as shown on the Site Plan and application materials, is appropriate at this location and complies with the Conditional Use Permit findings of fact as set forth in Section 400.2720 of the Zoning Code. Thus, staff recommends approval of this request subject to the conditions set forth in Attachment A.

ATTACHMENT A
Conditional Use Permit – PC 17-02 – Conditions of Approval
6662-D Delmar Boulevard

[Except as noted herein below, other codes and regulations of the City of University City shall apply.]

Department of Community Development

1. PERMITTED USES

The uses permitted by this Conditional Use Permit shall include a ground-floor food and beverage establishment not exceeding 1,900 square feet.

2. HOURS OF OPERATION

The proposed hours of operation of 11:00 a.m. to 11:00 p.m. every day shall be allowed. Any expansion of the hours of operation shall require written approval from the Department of Community Development.

3. SIGNAGE

A sign permit shall be required prior to the installation of any signage associated with the proposed use. All signage shall comply with the regulations set forth in Article 8 of the Zoning Code.

4. OTHER REQUIREMENTS

All appropriate permits [e.g. building, mechanical, electrical, and plumbing] must be obtained prior to the start of any and all construction. The applicant must adhere to all requirements of the Building Code.

Department of Public Works and Parks

- 1. All pedestrian facilities shall comply with the Americans with Disabilities Act (ADA).**
- 2. All work in the right-of-way, permanent or temporary, shall require a right-of-way permit. Said permit shall include a traffic control plan as applicable and require approval from the Department of Public Works and Parks. If a sidewalk closure will be necessary, provide a plan for re-routing.**
- 3. A plan for trash and recycling collection on the property shall be submitted to the Department of Public Works and Parks for review and approval.**

Fire Department

No Comments

Police Department

No Comments

ATTACHMENT "B"

6662-D Delmar Boulevard and surrounding area

ZONING: PA

ZONING: CC

Office/Restaurant/Multi-Family Residential

ZONING: PA

KINGSLAND AVE

DELMAR BLVD

Commercial

6662
Mixed Commercial

Art Studio / Gallery

ZONING: CC

Mixed Commercial

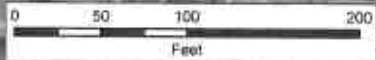
ZONING: CC

LOOP SOUTH

ZONING: HR

Legend
Subject Property
Parcel Boundary

Prepared by: University City Dept. of Community Development Staff - April, 2017;
Data Source: St. Louis County Department of Revenue, GIS Datasets 2016;





Department of Community Development

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8500

APPLICATION FOR CONDITIONAL USE PERMIT Under Article 11 of the Zoning Code of University City, Missouri

- Address/Location of Site/Building: 6662 DELMAR BLVD
- Zoning District (check one):
 SR LR MR HR HRO GC LC CC IC PA PD
- Applicant's Name, Corporate or DBA Name, Address and Daytime Telephone: _____
NGAN THI, phone: 267-678-6869
1251 orchard village ln # D, Ballwin MO 63021
- Applicant's Interest in the Property: Owner Owner Under Contract Tenant*
 Tenant Under Contract* Other* (explain): _____

* Please Note: Zoning Code Section 34-131.1 requires that the application may only come from one (1) or more of the owners of record or owners under contract of a lot of record (or zoning lot), or their authorized representative. If you are applying as a tenant, tenant under contract or other, you must attach a letter from the owner stating you are an authorized representative of them and they give you permission to file this application for Conditional Use on their behalf.

- Owner's Name, Corporate or DBA Name, Address and Daytime Telephone, if other than Applicant:
Owner: BST Delmar LLC Contact: Alex Apter, L3 Corporation
9364 SONORA AVE 211 N Lindbergh Blvd
St. Louis, MO 63144 St. Louis, MO 63141, phone #: 3142829834

6. Please state, as fully as possible, how each of the following standards are met or will be met by the proposed development or use for which this application is being made. Attach any additional information to this application form.

a) Complies with all applicable provisions of the University City Zoning Code (e.g. required yards and setbacks, screening and buffering, signs, etc.).

We are reoccupied existing building, No exterior change other than sign.

b) At the specific location will contribute to and promote the community welfare or convenience.

Please see attached

c) Will not cause substantial injury to the value of neighboring property.

Please see attached

d) Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), and any other official planning and development policies of the City.

Please see attached

e) Will provide off-street parking and loading areas in accordance with the standards contained in Article 7 of the University City Zoning Code

Please see attached

**** Please Note: You should also submit twelve (12) copies of a memo detailing the following information:**

1) Description of the proposed Conditional Use, in narrative form. Please include historical information about the applicant, the company and/or the organization. Explain why this particular site was chosen for the proposal, state the number of employees that will be working at the site, state the hours of operation, explain other features unique to the proposed use and submit any other information that will help the Plan Commission and City Council in their decisions. 2) Estimated impact of the conditional use on the surrounding properties and adjacent streets, including, but not limited to, average daily and peak hour traffic generation, existing traffic volumes of adjacent streets, if available, use of outdoor intercoms, and any other operational characteristics of the proposed use that may have impacts on other adjacent or nearby properties. 3) Legal description of the property(s) proposed for the Conditional Use Permit, when the proposed use involves a substantial addition or new construction.

A Public Hearing before the Plan Commission is required by Ordinance. Notice of such Public Hearing must be published in a newspaper of general circulation at least fifteen (15) days in advance. Upon receipt of a Plan Commission Recommendation, the City Council must consider this application and supporting information before a Use Permit may be granted. A fee of \$114 must accompany this application.

Date 3/28/2017

M NGAN, Tenant
Applicant's Signature and Title

Representing (if applicable)

FOR OFFICE USE ONLY

Application First Received

Application Fee in the Amount of \$ _____ Receipt # _____

Application returned for corrections, additional data.

Final complete application received.

File # _____ created. K:\wpoffice\wpdata\1f-ouprfm.doc

Landlord: BST Delmar, LLC

Franchisor: Kung Fu Tea

Website: <http://kfteausa.com>

6. b) At the specific location will contribute to and promote the community welfare or convenience.

My location will contribute to and promote the community welfare of convenience because we create a cozy atmosphere for relaxing and making customers feel like part of a community. At this location, we offer seating for customers to hangout and socialize, or even play some board games to take your mind off troubles and distress from the world. Whether the customers just want to pick up a drink before class or hang out with co-workers after a long day, or have a fun date; we are always there.

c) Will not cause substantial injury to the value of neighboring property.

No, we are a retail shop selling a variety of oriental style brew tea, bubble tea, coffee, juices and other hot and cold drinks to the community. We are not intending to serve food. Therefore, we will not install a hood. We do not sell liquor so it will not injure the value of neighboring property. The business hour is open from 11am to 11pm, every day.

If the customers ever find the drink unsatisfying, we offer a free drink exchange service to meet their thirst expectations. If the customer service inadequate, we are always here to listen and make a change. We want to provide the customers with a different kind of tea drink experience. An experience ensuring that the customers are getting more than just a drink, one that will put a smile on your face when leaving the store. The tea making process is a ritual. Kung Fu Tea Masters have spent countless hours trying different combinations and variations of milks, yogurts, and tea leaves to create the ideal drink for you, and we want to apply the same standard in our services. Our discipline is to make our customers happy, always!

d) Is consistent with the Comprehensive Plan, neighborhood development plan (if applicable), and any other official planning and development policies of the City.

Yes, we consistent with the Comprehensive Plan. We are doing the franchise store. Kung Fu Tea company is a fast growing franchise in the US starting with 4 franchise stores in 2013, then increased to 44 franchised stores in 2015. Our community members embody the same fearless Kung Fu spirit we possess. It's because of this that we strive to make our stores inviting, fun, and bold, like the drinks we serve. Also, the shop is open for business all year round and serves people of all ages and tastes who freshly made tea, coffee and juices.

e) Will provide off-street parking and loading areas in accordance with the standards contained in Article 7 of the University City Zoning Code.

Reoccupancy in the Loop is exempt from parking. However, adjacent to the Building is the Parking Area containing ten (10) parking spaces and a sidewalk. Landlord represents that it is the fee simple title holder to the Parking Area. Tenant, its employees, customers and invitees shall have the right to the use and benefit of the Parking Area as part of the Common Area.

Landlord represents that it has entered into an agreement with the City of University City, MO for the use of thirty-one (31) parking spaces located in the alley located south of the Building are available for parking.

Zachariah Greatens

From: Alex Apter <alex@l3corp.net>
Sent: Wednesday, March 29, 2017 3:07 PM
To: Zachariah Greatens
Cc: Ngan Do
Subject: FW: Urgent - Permit - 6662D delmar

Zach,

Please see below email from the owner of 6662 Delmar authorizing Kung Fu Tea to apply for the conditional use permit regarding 6662 Delmar Boulevard.

Please let me know if you have any questions

Thanks

Alex Apter
L3 Corporation
211 North Lindbergh Boulevard
Suite 150
Saint Louis, Missouri 63141
Direct: (314) 282-9834
Cell: (314) 488-5900

From: Vincent P Luongo [<mailto:v.luongo@sbcglobal.net>]
Sent: Wednesday, March 29, 2017 2:59 PM
To: Alex Apter <alex@l3corp.net>
Cc: Kevin Shapiro <kevin@l3corp.net>; Jeff Gurian <jeff@beckergurian.com>
Subject: Re: Urgent - Permit - 6662D delmar

Alex:

As managing member of ownership, we approve subject tenant in connection with application for Ucity permitting process.

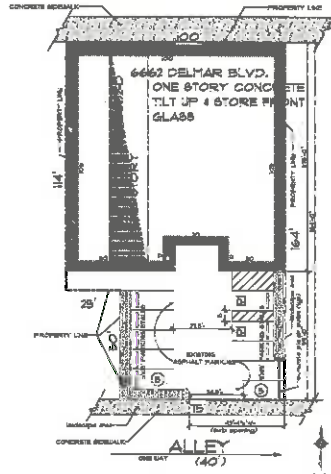
Please let me know if you need anything further from our end. Thank you!

Vincent Luongo
Managing member
BST Delmar LLC



UNIT 6662-D
LOCATION MAP
N.T.S.

DELMAR BOULEVARD
(80')



OWNER: 6662 DELMAR
Bla Decker LLC
8354 Soons Ave
St. Louis MO 63144

CONTACT:
Alex Appler
LB Corporation
22 North Lindbergh Boulevard
Saint Louis, Missouri 63141
(314) 283-9854

Note:
Owner has agreed by building over
existing signage to existing
Business signage that complies with the
University City sign regulations in the
Zoning Code
No changes to outdoor lighting are
proposed by this Tenant.

SITE PLAN
1" = 20'-0" NOT A SURVEY

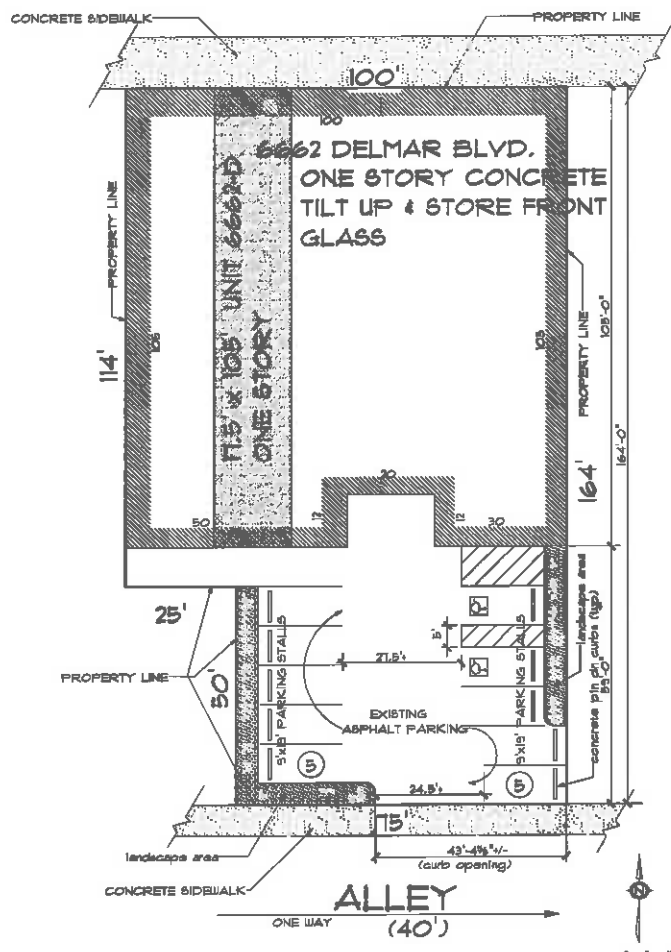
PROJECT DATA

LOCATOR NO. 8430890
ADDRESS 6662 DELMAR BLVD
UNIVERSITY CITY, MO 63103
OWNER BLA DECKER LLC
ADDRESS OF LOT 0.50 AL.
SQUARE FOOTAGE OF LOT 3,340 sq. ft.
ZONING SCHEDULE HEIGHTS APPROVED
LOT NUMBER 16
PRESENT ZONING C-2 - CORE COMMERCIAL
PROPOSED USAGE N/A
PROPOSED USAGE KUNG FU TEA FRANCHISE (TEA AND CONFECTIONARY)
FIRE DEPARTMENT UNIVERSITY CITY
FIRE DEPARTMENT UNIVERSITY CITY FIRE DEPARTMENT
UTILITIES WATER - MISSOURI-AMERICAN WATER CO.
SEWER - METROPOLITAN ST. LOUIS SEWER DISTRICT
648 - LACLEDE GAS CO.
TELEPHONE - AT&T - CHARTER COMMUNICATIONS
ELECTRIC - AMEREN

REVISED	BY
4/14/2011	
320 OSWALD ST. J&B DESIGNS, INC. St. Peters, MO 63376 314-494-3929	
TENANT IMPROVEMENT "Kung Fu Tea" 6662 Delmar Blvd. University City, MO 63103 Ngen De 26-16-18-8889	
DATE	4/20/11
SCALE	AS SHOWN
DRAWN BY	CHANG
CHECKED BY	CHANG
DATE	4/20/11
SHEET	01
	10-18

REVISIONS	BY
4/4/2017	

DELMAR BOULEVARD
(80')



OWNER: 6662 DELMAR
Bst Delmar LLC
9364 Sonora Ave
St. Louis MO 63144

CONTACT:
Alex Apter
L3 Corporation
211 North Lindbergh Boulevard
Saint Louis, Missouri 63141
(314) 282-9834

Notes:
Exterior site signage by building owner.
Exterior signage is existing.
Business signage shall comply with the University City sign regulations in the Zoning Code.

No changes to outdoor lighting are proposed by this Tenant.

SITE PLAN
1" = 20'-0" NOT A SURVEY

PROJECT DATA

LOCATOR NO.	18J620880
ADDRESS	6662-D DELMAR BLVD UNIVERSITY CITY, MO 63130
OWNER	BST DELMAR LLC
ACREAGE OF LOT	0.35 Ac.
SQUARE FOOTAGE OF LOT	15,150 sq. ft.
SUBDIVISION	ROSDALE HEIGHTS AMENDED
LOT NUMBER	16
PRESENT ZONING	"CC" - CORE COMMERCIAL
PRESENT USAGE	N/A
PROPOSED USAGE	KUNG FU TEA FRANCHISE (TEA'S AND CONFECTIONARIES)
SCHOOL DISTRICT	UNIVERSITY CITY
FIRE DEPARTMENT	UNIVERSITY CITY FIRE DEPARTMENT
UTILITIES	WATER - MISSOURI-AMERICAN WATER CO. SANITARY SEWER - METROPOLITAN ST. LOUIS SEWER DISTRICT GAS - LACLEDE GAS CO. TELEPHONE - AT&T - CHARTER COMMUNICATIONS ELECTRIC - AMEREN

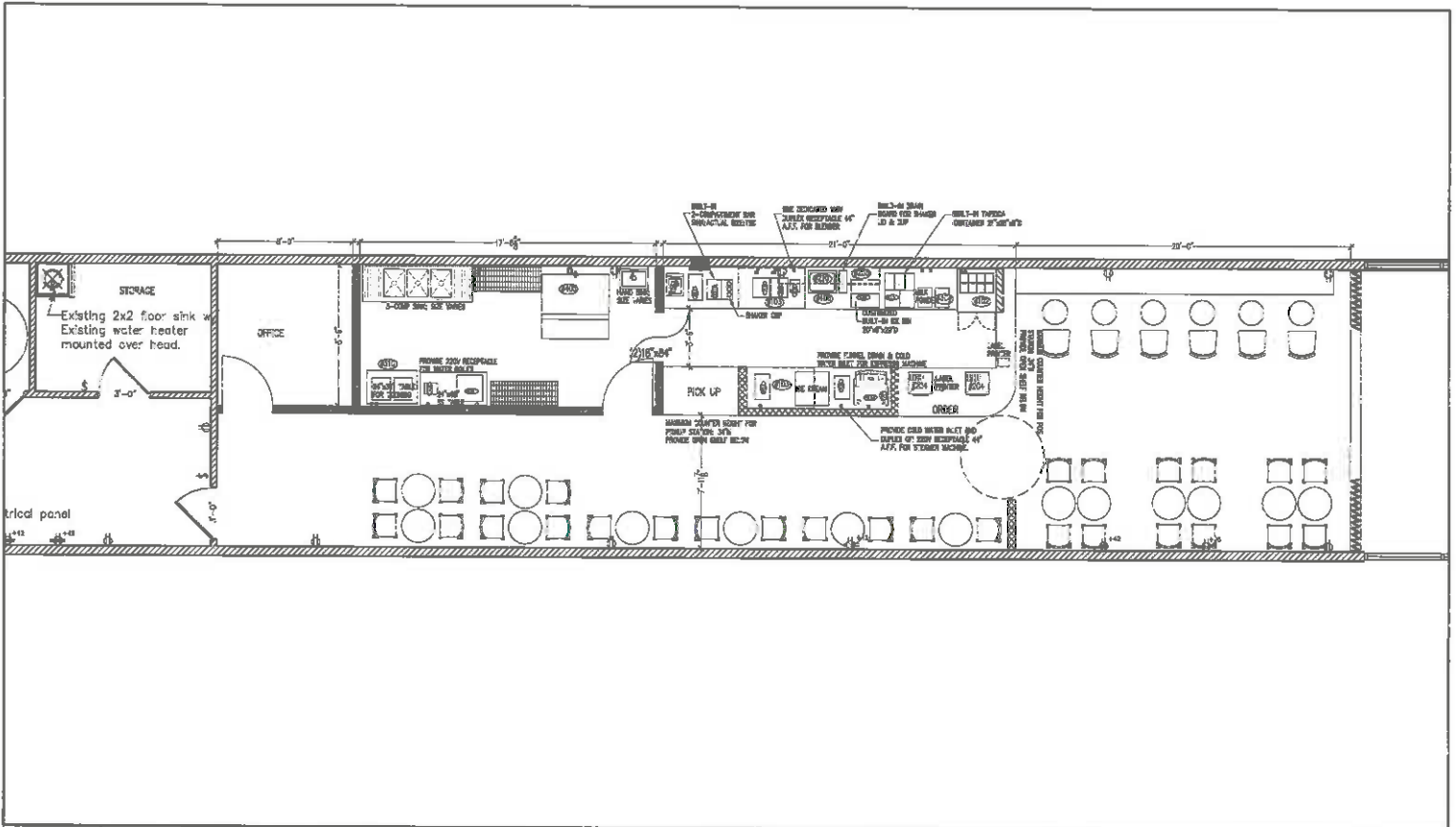
CAD DRAWINGS BY:
JB DESIGNS, INC.
10 Duffy Court
St. Peters, MO 63376
314-484-1339

TENANT IMPROVEMENT

"Kung Fu Tea"
6662-D Delmar Blvd.
University City, MO 63130

Ngan Do 267-678-6669

Date:	4/2017
Scale:	As Shown
Drawn:	bh
Checked:	
Job:	6662D Ngan Do
Sheet	C-1
Of	1



St. Louis_KF Tea

DWG. TITLE

PRELIMINARY LAYOUT

All drawings and written materials appearing herein constitute original and unpublished work of this office and may not be duplicated, used or disclosed without written consent from this office. This drawing is only for conceptual design and not for construction or government agency approval. The client shall verify and consult with local architect/engineer to comply with local codes, jurisdiction & latest ADA codes. Practitioner is responsible for verify all site conditions, dimensions and equipment dimensions and specifications.

Date: 3.22.2017
 Scale: N.T.S.
 DWG. No. K-2-20



Council Agenda Item Cover

MEETING DATE: May 8, 2017

AGENDA ITEM TITLE: Fogerty Park Phase I Improvements – Change Order

AGENDA SECTION: City Manager’s Report

CAN THIS ITEM BE RESCHEDULED? : YES

BACKGROUND REVIEW:

Fogerty Park Phase 1 Improvements include the construction and/or installation of a pre-fabricated masonry restroom building, pre-engineered open steel pavilion, playground equipment and safety surfacing, concrete & asphalt paving, concrete curbs, general site grading, drainage and installation of landscape .

In early April Spencer submitted three (3) change orders. The changes had been discussed in the weekly project meeting.

1. Due to the need to insure that the footings for the pavilion are below the frost line, additional concrete was called for and this raised the pavilion. This change in elevation changes the slope of the existing side-walk plans causing it to be non-compliant by ADA standards. This makes it necessary to add a new ADA accessible side-walk leading to the playground.
2. The second change order is to include a water line and drainage pit for the water-fountain next to the new restroom. The drainage pit will make maintenance of the site easier.
3. The third change order is for the electrical work on the project.

The total cost of these changes is \$29,380.27.

RECOMMENDATION:

It is the recommendation of staff that the change orders submitted by Spencer Contracting Company be approved. The Park and Stormwater Tax Fund budget account number 14-40-90_8010 Park Improvements is proposed to fund this change order.

ATTACHMENTS:

Draft Change Orders #1, #2, and #3

**University City Fogerty Park Phase 1 Improvements
CHANGE ORDER NO 1**

SHEET NO 1 OF 1

CHANGE ORDER NO. _____ 1
 COUNTY _____ St. Louis
 PROJECT _____ 1261

TO: Spencer Contracting Inc. CONTRACTOR

YOU ARE HEREBY DIRECTED TO MAKE THE FOLLOWING CHANGES FROM THE CONTRACT

1. DESCRIPTION AND REASON FOR CHANGE (ATTACH SUPPLEMENTAL SHEETS IF REQUIRED)

Pavilion work to include raising the elevation, trench drains, and side-walk work for ADA compliance.

2. ESTIMATE OF COST OF WORK AFFECTED BY THIS CHANGE ORDER

(A) EST. LINE NO	(B) CONTRACT ITEM NO	(C) ITEM DESCRIPTION	Unit	(D) UNITS PREVIOUSLY PROVIDED FOR	(E) UNITS TO BE CONSTRUCTED	(F) UNITS OVERRUN, UNDERRUN, CONTINGENCY	(G) CONTRACT OR AGREED UNIT PRICE	(H) AMOUNT OF OVERRUN OR PLUS CONTINGENCY	(I) AMOUNT OF UNDERRUN OR MINUS CONTINGENCY
	1	Pavilion work (grade change, drainage, sidewalks)	lot	0.00	1.00	1.00	\$13,856.44	\$13,856.44	
TOTALS:								\$13,856.44	\$0.00

3. SETTLEMENT FOR COST OF THE ABOVE CHANGE TO BE MADE AT CONTRACT UNIT PRICES, EXCEPT AS NOTED:

4. THIS CHANGE ORDER WILL NOT AFFECT CONTRACT TIMEFRAME

1. ORIGINAL CONTRACT AMOUNT	\$695,373.35	THE TERMS OF SETTLEMENT OUTLINED ABOVE ARE HEREBY AGREED TO
2. OVERRUN THIS ORDER (H-I)	\$13,856.44	
3. OVERRUN PREVIOUS (LINE 4 ON PREV ORDERS)	\$0.00	
4. TOTAL OVERRUN TO DATE (2+3)	\$13,856.44	
5. TOTAL CONTRACT AMOUNT (1+4)	\$709,229.79	
		CONTRACTOR
		SIGNATURE _____ DATE _____
APPROVED: Charles Adams Interim City Manager	DATE _____	

**University City Fogerty Park Phase 1 Improvements
CHANGE ORDER NO 3**

SHEET NO 1 OF 1

CHANGE ORDER NO. 3
 COUNTY St. Louis
 PROJECT 1261

TO: Spencer Contracting Inc. CONTRACTOR

YOU ARE HEREBY DIRECTED TO MAKE THE FOLLOWING CHANGES FROM THE CONTRACT

1. DESCRIPTION AND REASON FOR CHANGE (ATTACH SUPPLEMENTAL SHEETS IF REQUIRED)

Electrical work - pavilion and restroom

2. ESTIMATE OF COST OF WORK AFFECTED BY THIS CHANGE ORDER

(A) EST. LINE NO	(B) CONTRACT ITEM NO	(C) ITEM DESCRIPTION	Unit	(D) UNITS PREVIOUSLY PROVIDED FOR	(E) UNITS TO BE CONSTRUCTED	(F) UNITS OVERRUN, UNDERRUN, CONTINGENCY	(G) CONTRACT OR AGREED UNIT PRICE	(H) AMOUNT OF OVERRUN OR PLUS CONTINGENCY	(I) AMOUNT OF UNDERRUN OR MINUS CONTINGENCY
	1	electrical work	lot	0.00	1.00	1.00	\$12,654.21	\$12,654.21	
TOTALS:								\$12,654.21	\$0.00

3. SETTLEMENT FOR COST OF THE ABOVE CHANGE TO BE MADE AT CONTRACT UNIT PRICES, EXCEPT AS NOTED:

4. THIS CHANGE ORDER WILL NOT AFFECT CONTRACT TIMEFRAME

1. ORIGINAL CONTRACT AMOUNT	\$695,373.35	THE TERMS OF SETTLEMENT OUTLINED ABOVE ARE HEREBY AGREED TO
2. OVERRUN THIS ORDER (H-I)	\$12,654.21	
3. OVERRUN PREVIOUS (LINE 4 ON PREV. ORDERS)	\$16,726.06	
4. TOTAL OVERRUN TO DATE (2+3)	\$29,380.27	
5. TOTAL CONTRACT AMOUNT (1+4)	\$724,753.62	

	CONTRACTOR	DATE
	SIGNATURE	DATE
APPROVED: Charles Adams Interim City Manager		DATE

K-3-5



Council Agenda Item Cover

MEETING DATE: May 8, 2017

AGENDA ITEM TITLE: Asphalt Rejuvenation Project

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED?: Yes.

BACKGROUND: In an effort to preserve the City's roadway infrastructure the City has decided to place an Asphalt Rejuvenating agent on several blocks again this year. We have been very satisfied with the results of the performance of the material. With Asphalt Rejuvenation of streets this will slow down pavement deterioration and extend the life of the roadway for several years.

The City opened bids for the Asphalt Rejuvenation and Restorative Seal Project on April 7, 2017 the tabulation of bid proposals is as follows:

Contractor	Bid Price
Corrective Asphalt Materials	\$53,000.00

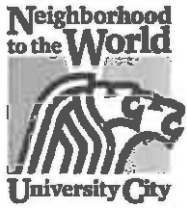
With Corrective Asphalt Materials being the only company to supply and apply the material they are the only bid for this project. City staff has researched other products to compare to that of which Corrective Asphalt Materials offers, to find that they do not equate to a product that would meet our needs for preservation of our roads.

RECOMMENDATION: It is recommended that the City Council approve the award for Asphalt Rejuvenation Project to Corrective Asphalt Materials LLC, in the amount of \$53,000.00. After review by City staff, Corrective Asphalt Materials LLC is the lowest and responsible bidder. Corrective Asphalt Materials has performed work for the City for the past 4 years. This project is budgeted from the 01-40-32-6050 account and is within the budget for street maintenance.

Attachment – Street List

Project 1301 Pavement Rejuvenation Street List

STREET	BLOCK	FROM	TO
Anna	1400	Hanley	Dead end
Anrose	7400	Hanley	Dead end
Bemiston	600	Delmar	Gannon
Corbitt	6700	Ursula	Ferguson
Delprice	500	Delmar	Terminus
Eastmont & Westmont	1500	Wayne	Wayne
Etzel	6500-6600	Kingsland	Sutter
Etzel	6700	Ferguson	Kingsland
Gay	300	Teasdale	City Limits
Glenside	7900	Westover	Mona
Glenside	1000	Groby	Terminus
Glenside Place	1000	Westover	Groby
Kingsbury	300	Teasdale	City Limits
Kingsland	500	Delmar	Loop South
Lafon	7800-7900	Warder	East Dr
Liberty	7300	Hanley	City Limits
Mount Olive	1300	Olive	Canton
Oakbrook	700	Berick	Golf Course
Oakbrook	800	Golf Course	Split
Oakbrook	800	North/South	Delmar to Split
Plymouth	6700	Ursula	Ferguson
Roberts	6900	Pennsylvania	Purcell
Roberts	7000	Pennsylvania	Terminus
Salder	1100	Bartmer	Etzel
Shaftesbury	7500	North/South	Hanley
Stanford	7800	Warder	North/South
Stanford	7800	Warder	Benlou
Teasdale	500	Old Bonhomme	Old Bonhomme
Ursula	1100	Corbitt	Julian
Warder	600-700	Delmar	Stanford



Council Agenda Item Cover

MEETING DATE: May 8 , 2017

AGENDA ITEM TITLE: Kingsland Ave. "Alley Bridge" Replacement Project – Surface Transportation Program (STP) Agreement

AGENDA SECTION: Unfinished Business

CAN THIS ITEM BE RESCHEDULED? : YES

BACKGROUND REVIEW: The City of University City has been granted a Transportation Improvement Program Grant to reconstruct a portion of the Kingsland Ave. Bridge over the Alley "Alley Bridge" just north of Chamberlain Ave. Attached is a program agreement for this grant project.

The Missouri Department of Transportation requires that the City execute the attached "Missouri Highways and Transportation Commission Surface Transportation Program – Urban Program Agreement" with an enabling ordinance passed by the Council.

The total budget for this project is \$165,000. The federal share will be 80% of the cost of the project, not to exceed \$132,000. The University City's share will be the remaining cost equivalent to 20% or \$33,000. This grant is funded from the Capital Improvement Sales Tax Fund and the project is scheduled for construction in Fiscal Year 2018.

RECOMMENDATION: Staff recommends approval of the attached ordinance to grant authority to City Manager to sign and enter into the attached program agreement with the Missouri Highway and Transportation Commission.

ATTACHMENTS:

- 1) Program Agreement with Exhibits:
 - a. Project Location Map
 - b. Project Schedule
 - c. Required Contract Provisions for Federal-Aid Construction Contracts

- 2) Draft Enabling Ordinance

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF UNIVERSITY CITY AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE KINGSLAND AVE. ALLEY BRIDGE RECONSTRUCTION OVER NE BRANCH OF RIVER DES PERES.

WHEREAS, the City of University City desires to replace the Kingsland Ave. Alley Bridge over the NE branch of Rivers Des Peres, designated as Project STP-5582(604) by the Missouri Highway and Transportation Commission; and

WHEREAS, the Council has determined that it is in the best interest for the residents of the City to enter into a contract with the Missouri Highway and Transportation Commission for the replacement of the Kingsland Ave. Alley Bridge.

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

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of University City a contract with the Missouri Highway and Transportation Commission providing for the Kingsland Ave. Alley Bridge Reconstruction, the terms and conditions of which are set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in force and take effect from and after the date of its passage and approval as provided by law.

PASSED THIS _____ day of _____ 2017

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STP 5582(604)
Award Year: (2017)
Federal Agency: Federal Highway Administration, Department of Transportation

CCO Form: FS11
Approved: 07/96 (KMH)
Revised: 02/16 (MWH)
Modified:

CFDA Number: CFDA #20.205
CFDA Title: Highway Planning and Construction
Award name/number: STP 5582(604)
Award Year: 2017
Federal Agency: Federal Highway Administration, Department of Transportation

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
STP-URBAN PROGRAM AGREEMENT**

THIS STP-URBAN AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of University City, St. Louis County, Missouri (hereinafter, "City").

WITNESSETH:

WHEREAS, the Fixing America's Surface Transportation Act (FAST) 23 U.S.C. §133, authorizes a Surface Transportation Program (STP) to fund transportation related projects; and

WHEREAS, the City desires to construct certain improvements, more specifically described below, using such STP funding; and

WHEREAS, those improvements are to be designed and constructed in compliance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PURPOSE: The purpose of this Agreement is to grant the use of STP funds to the City. The improvement contemplated by this Agreement and designated as Project STP-5582(604) involves:

Kingsland Avenue Alley Bridge Reconstruction

The City shall be responsible for all aspects of the construction of the improvement.

(2) LOCATION: The contemplated improvement designated as Project STP-5582(604) by the Commission is within the city limits of University City, Missouri. The general location of the improvement is shown on an attachment hereto marked "Exhibit A" and incorporated herein by reference. More specific descriptions are as follows:

Kingsland Avenue Alley over the northeast branch of River Des Peres, immediately south of Bartmer Ave

(3) REASONABLE PROGRESS POLICY: The project as described in this agreement is subject to the reasonable progress policy set forth in the Local Public Agency (LPA) Manual and the final deadline specified in Exhibit B attached hereto and incorporated herein by reference. In the event, the LPA Manual and the final deadline within Exhibit B conflict, the final deadline within Exhibit B controls. If the project is within a Transportation Management Area that has a reasonable progress policy in place, the project is subject to that policy. If the project is withdrawn for not meeting reasonable progress, the City agrees to repay the Commission for any progress payments made to the City for the project and agrees that the Commission may deduct progress payments made to the City from future payments to the City.

(4) LIMITS OF SYSTEM: The limits of the surface transportation system for the City shall correspond to its geographical area as encompassed by the urban boundaries of the City as fixed cooperatively by the parties subject to approval by the Federal Highway Administration (FHWA).

(5) ROUTES TO BE INCLUDED: The City shall select the high traffic volume arterial and collector routes to be included in the surface transportation system, to be concurred with by the Commission, subject to approval by the FHWA. It is understood by the parties that surface transportation system projects will be limited to the said surface transportation system, but that streets and arterial routes may be added to the surface transportation system, including transfers from other federal aid systems.

(6) INVENTORY AND INSPECTION: The City shall:

(A) Furnish annually, upon request from the Commission or FHWA, information concerning conditions on streets included in the STP system under local jurisdiction indicating miles of system by pavement width, surface type, number of lanes and traffic volume category.

(B) Inspect and provide inventories of all bridges on that portion of the federal-aid highway systems under the jurisdiction of the City in accordance with the Federal Special Bridge Program, as set forth in 23 U.S.C. §144, and applicable amendments or regulations promulgated thereunder.

(7) CITY TO MAINTAIN: Upon completion of construction of this improvement, the City shall accept control and maintenance of the improved street and shall thereafter keep, control, and maintain the same as, and for all purposes, a part of the City street system at its own cost and expense and at no cost and expense whatsoever to the Commission. Any traffic signals installed on highways maintained by the Commission will be turned over to the Commission upon completion of the project

for maintenance. All obligations of the Commission under this Agreement shall cease upon completion of the improvement.

(8) INDEMNIFICATION:

(A) To the extent allowed or imposed by law, the City shall defend, indemnify and hold harmless the Commission, including its members and the Missouri Department of Transportation (MoDOT or Department) employees, from any claim or liability whether based on a claim for damages to real or personal property or to a person for any matter relating to or arising out of the City's wrongful or negligent performance of its obligations under this Agreement.

(B) The City will require any contractor procured by the City to work under this Agreement:

1. To obtain a no cost permit from the Commission's district engineer prior to working on the Commission's right-of-way, which shall be signed by an authorized contractor representative (a permit from the Commission's district engineer will not be required for work outside of the Commission's right-of-way); and

2. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name the Commission, and MoDOT and its employees, as additional named insureds in amounts sufficient to cover the sovereign immunity limits for Missouri public entities as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo. The City shall cause insurer to increase the insurance amounts in accordance with those published annually in the Missouri Register pursuant to Section 537.610, RSMo.

(C) In no event shall the language of this Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

(9) CONSTRUCTION SPECIFICATIONS: Parties agree that all construction under the STP for the City will be constructed in accordance with current MoDOT design criteria/specifications for urban construction unless separate standards for the surface transportation system have been established by the City and the Commission subject to the approval of the FHWA.

(10) FEDERAL-AID PROVISIONS: Because responsibility for the performance of all functions or work contemplated as part of this project is assumed by the City, and the City may elect to construct part of the improvement contemplated by this Agreement with its own forces, a copy of Section II and Section III, as contained in the United

States Department of Transportation Form Federal Highway Administration (FHWA) 1273 "Required Contract Provisions, Federal-Aid Construction Contracts," is attached and made a part of this Agreement as Exhibit C. Wherever the term "the contractor" or words of similar import appear in these sections, the term "the City" is to be substituted. The City agrees to abide by and carry out the condition and obligations of "the contractor" as stated in Section II, Equal Opportunity, and Section III, Nonsegregated Facilities, as set out in Form FHWA 1273.

(11) ACQUISITION OF RIGHT OF WAY: With respect to the acquisition of right of way necessary for the completion of the project, City shall acquire any additional necessary right of way required for the project and in doing so agrees that it will comply with all applicable federal laws, rules and regulations, including 42 U.S.C. 4601-4655, the Uniform Relocation Assistance and Real Property Acquisition Act, as amended and any regulations promulgated in connection with the Act. However upon written request by the City and the written acceptance by the Commission, the Commission shall acquire right of way for the City. Upon approval of all agreements, plans and specifications by the Commission and the FHWA, the commission will file copies of said plans in the office of the county clerk: and proceed to acquire by negotiation and purchase or by condemnation any necessary right of way required for the construction of the improvement contemplated herein. All right of way acquired by negotiation and purchase will be acquired in the name of City, and the City will pay to grantors thereof the agreed upon purchase prices. All right of way acquired through condemnation proceedings will be acquired in the name of the State of Missouri and subsequently released to the City. The City shall pay into court all awards and final judgments in favor of any such condemnees. The City shall also reimburse the Commission for any expense incurred by the Commission in acquiring said right of way, including but not limited to the costs of surveying, appraisal, negotiation, condemnation, and relocation assistance benefits. Unless otherwise agreed to in writing the Commission shall have the final decision regarding the settlement amount in condemnation.

(12) REIMBURSEMENT: The cost of the contemplated improvements will be borne by the United States Government and by the City as follows:

(A) Any federal funds for project activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. All federally funded projects are required to have a project end date. Any costs incurred after the project end date are not eligible for reimbursement. The federal share for this project will be 80 percent not to exceed \$132,000.00. The calculated federal share for seeking federal reimbursement of participating costs for the herein improvements will be determined by dividing the total federal funds applied to the project by the total participating costs. Any costs for the herein improvements which exceed any federal reimbursement or are not eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall

not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments.

(B) The total reimbursement otherwise payable to the City under this Agreement is subject to reduction, offset, levy, judgment, collection or withholding, if there is a reduction in the available federal funding, or to satisfy other obligations of the City to the Commission, the State of Missouri, the United States, or another entity acting pursuant to a lawful court order, which City obligations or liability are created by law, judicial action, or by pledge, contract or other enforceable instrument. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(13) PERMITS: The City shall secure any necessary approvals or permits from the Federal Government and the State of Missouri as required to permit the construction and maintenance of the contemplated improvements.

(14) TRAFFIC CONTROL: The plans shall provide for handling traffic with signs, signal and marking in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

(15) WORK ON STATE RIGHT OF WAY: If any contemplated improvements for Project STP-5582(604) will involve work on the state's right of way, the City will provide reproducible final plans to the Commission relating to such work.

(16) DISADVANTAGED BUSINESS ENTERPRISES (DBEs): At time of processing the required project agreements with the FHWA, the Commission will advise the City of any required goals for participation by DBEs to be included in the City's proposal for the work to be performed. The City shall submit for Commission approval a DBE goal or plan. The City shall comply with the plan or goal that is approved by the Commission and all requirements of 49 C.F.R. Part 26, as amended.

(17) NOTICE TO BIDDERS: The City shall notify the prospective bidders that disadvantaged business enterprises shall be afforded full and affirmative opportunity to submit bids in response to the invitation and will not be discriminated against on grounds of race, color, sex, or national origin in consideration for an award.

(18) PROGRESS PAYMENTS: The City may request progress payments be made for the herein improvements as work progresses but not more than once every two weeks. Progress payments must be submitted monthly. All progress payment requests must be submitted for reimbursement within 90 days of the project completion date for the final phase of work. The City shall repay any progress payments which involve ineligible costs.

(19) PROMPT PAYMENTS: Progress invoices submitted to MoDOT for reimbursement more than thirty (30) calendar days after the date of the vendor invoice

shall also include documentation that the vendor was paid in full for the work identified in the progress invoice. Examples of proof of payment may include a letter or e-mail from the vendor, lien waiver or copies of cancelled checks. Reimbursement will not be made on these submittals until proof of payment is provided. Progress invoices submitted to MoDOT for reimbursement within thirty (30) calendar days of the date on the vendor invoice will be processed for reimbursement without proof of payment to the vendor. If the City has not paid the vendor prior to receiving reimbursement, the City must pay the vendor within two (2) business days of receipt of funds from MoDOT.

(20) OUTDOOR ADVERTISING: The City further agrees that the right of way provided for any STP improvement will be held and maintained inviolate for public highway or street purposes, and will enact and enforce any ordinances or regulations necessary to prohibit the presence of billboards or other advertising signs or devices and the vending or sale of merchandise on such right of way, and will remove or cause to be removed from such right of way any sign, private installation of any nature, or any privately owned object or thing which may interfere with the free flow of traffic or impair the full use and safety of the highway or street.

(21) FINAL AUDIT: The Commission will perform a final audit of project costs. The United States Government shall reimburse the City, through the Commission, any monies due. The City shall refund any overpayments as determined by the final audit.

(22) AUDIT REQUIREMENT: If the City expend(s) seven hundred fifty thousand dollars (\$750,000) or more in a year in federal financial assistance it is required to have an independent annual audit conducted in accordance with 2 CFR Part 200. A copy of the audit report shall be submitted to MoDOT within the earlier of thirty (30) days after receipt of the auditor's report(s), or nine (9) months after the end of the audit period. Subject to the requirements of 2 CFR Part 200, if the City expend(s) less than seven hundred fifty thousand dollars (\$750,000) a year, the City may be exempt from auditing requirements for that year but records must be available for review or audit by applicable state and federal authorities.

(23) FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006: The City shall comply with all reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA) of 2006, as amended. This Agreement is subject to the award terms within 2 C.F.R. Part 170.

(24) VENUE: It is agreed by the parties that any action at law, suit in equity, or other judicial proceeding to enforce or construe this Agreement, or regarding its alleged breach, shall be instituted only in the Circuit Court of Cole County, Missouri.

(25) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the State of Missouri. The City shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(26) AMENDMENTS: Any change in this Agreement, whether by modification or supplementation, must be accomplished by a formal contract amendment signed and approved by the duly authorized representatives of the City and the Commission.

(27) COMMISSION REPRESENTATIVE: The Commission's *District Engineer* is designated as the Commission's representative for the purpose of administering the provisions of this Agreement. The Commission's representative may designate by written notice other persons having the authority to act on behalf of the Commission in furtherance of the performance of this Agreement.

(28) NOTICES: Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be deemed given three (3) days after delivery by United States mail, regular mail postage prepaid, or upon receipt by personal or facsimile delivery, addressed as follows:

- (A) To the City:
6801 Delmar Blvd
University City, MO 63130
Facsimile No.: (314) 862-0694

- (B) To the Commission:
1590 Woodlake Drive
Chesterfield, MO 63017
Facsimile No.: (573) 522-6480

or to such other place as the parties may designate in accordance with this Agreement. To be valid, facsimile delivery shall be followed by delivery of the original document, or a clear and legible copy thereof, within three (3) business days of the date of facsimile transmission of that document.

(29) NONDISCRIMINATION ASSURANCE: With regard to work under this Agreement, the City agrees as follows:

(A) Civil Rights Statutes: The City shall comply with all state and federal statutes relating to nondiscrimination, including but not limited to Title VI and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000d and §2000e, et seq.), as well as any applicable titles of the "Americans with Disabilities Act" (42 U.S.C. §12101, et seq.). In addition, if the City is providing services or operating programs on behalf of the Department or the Commission, it shall comply with all applicable provisions of Title II of the "Americans with Disabilities Act".

(B) Administrative Rules: The City shall comply with the administrative rules of the United States Department of Transportation relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (49

C.F.R. Part 21) which are herein incorporated by reference and made part of this Agreement.

(C) Nondiscrimination: The City shall not discriminate on grounds of the race, color, religion, sex, disability, national origin, age or ancestry of any individual in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 C.F.R. §21.5, including employment practices.

(D) Solicitations for Subcontracts, Including Procurements of Material and Equipment: These assurances concerning nondiscrimination also apply to subcontractors and suppliers of the City. These apply to all solicitations either by competitive bidding or negotiation made by the City for work to be performed under a subcontract including procurement of materials or equipment. Each potential subcontractor or supplier shall be notified by the City of the requirements of this Agreement relative to nondiscrimination on grounds of the race, color, religion, sex, disability or national origin, age or ancestry of any individual.

(E) Information and Reports: The City shall provide all information and reports required by this Agreement, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Commission or the United States Department of Transportation to be necessary to ascertain compliance with other contracts, orders and instructions. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Commission or the United States Department of Transportation as appropriate and shall set forth what efforts it has made to obtain the information.

(F) Sanctions for Noncompliance: In the event the City fails to comply with the nondiscrimination provisions of this Agreement, the Commission shall impose such contract sanctions as it or the United States Department of Transportation may determine to be appropriate, including but not limited to:

1. Withholding of payments under this Agreement until the City complies; and/or
2. Cancellation, termination or suspension of this Agreement, in whole or in part, or both.

(G) Incorporation of Provisions: The City shall include the provisions of paragraph (29) of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the statutes, executive order, administrative rules or instructions issued by the Commission or the United States Department of Transportation. The City will take such action with respect to any subcontract or procurement as the Commission or the United States Department of

Transportation may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided that in the event the City becomes involved or is threatened with litigation with a subcontractor or supplier as a result of such direction, the City may request the United States to enter into such litigation to protect the interests of the United States.

(30) ACCESS TO RECORDS: The City and its contractors must maintain all records relating to this Agreement, including but not limited to invoices, payrolls, etc. These records must be available at no charge to the FHWA and the Commission and/or their designees or representatives during the period of this Agreement and any extension, and for a period of three (3) years after the date on which the City receives reimbursement of their final invoice from the Commission.

(31) CONFLICT OF INTEREST: The City shall comply with conflict of interest policies identified in 23 CFR 1.33. A conflict of interest occurs when an entity has a financial or personal interest in a federally funded project.

(32) MANDATORY DISCLOSURES: The City shall comply with 2 CFR 200.113 and disclose, in a timely manner, in writing all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this ___ day of _____, 20__.

Executed by the Commission this ___ day of _____, 20__.

MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION

City

By _____

Title _____

Title _____

ATTEST:

ATTEST:

Secretary to the Commission

By _____

Title _____

Approved as to Form:

Approved as to Form:

Commission Counsel

By _____

Title _____

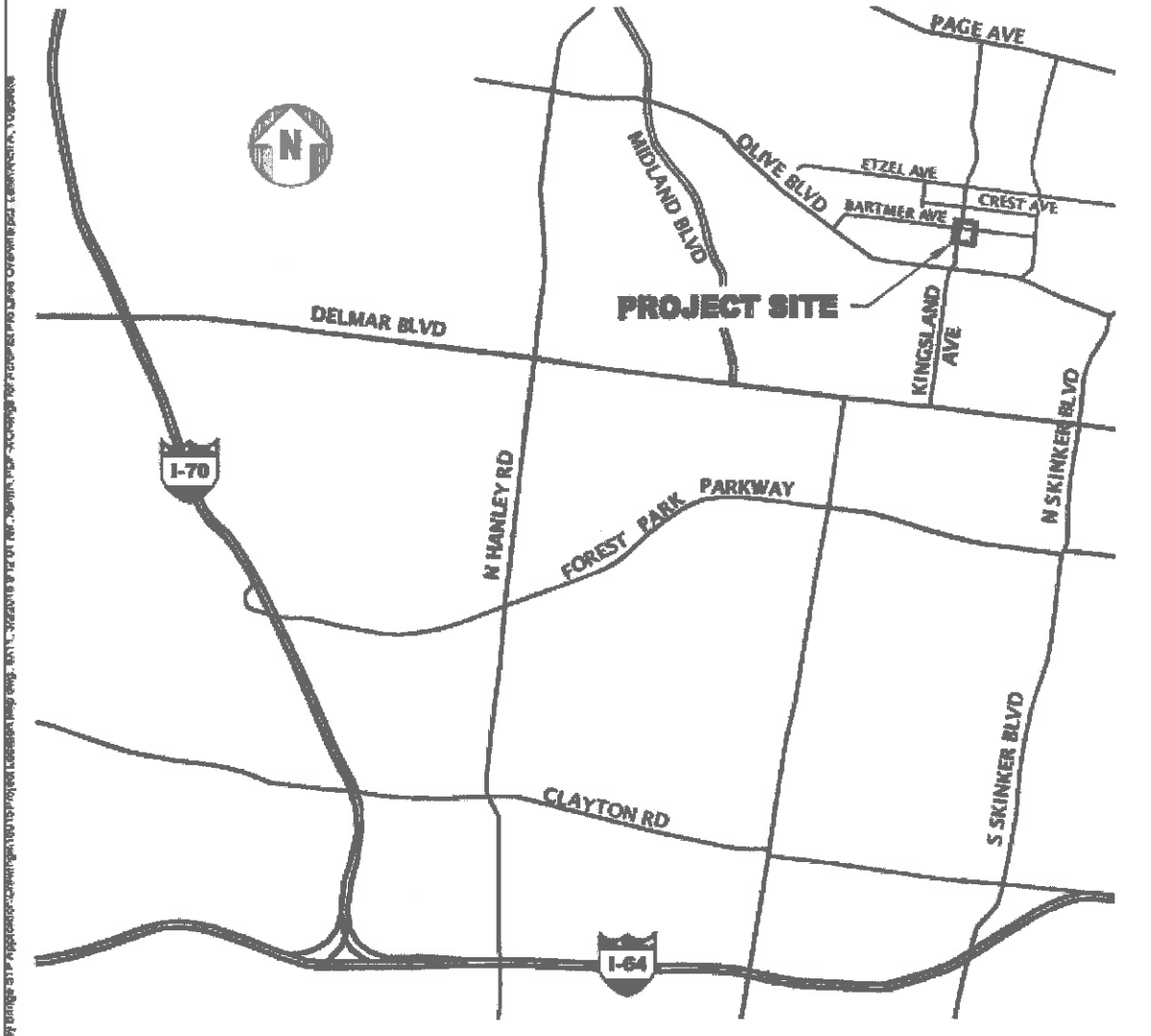
[If needed to authorize a city official
to execute the agreement.]

Ordinance No: _____

Exhibit A - Location of Project

PROJECT LOCATION MAP

City of University City, Mo. (St. Louis County)
Kingsland Ave. Alley Bridge Proposed Reconstruction
Bridge No. 4320014 - Unit 30
Section 2, Township 45N, Range 6E



Map created by the City of University City, Missouri, for the proposed reconstruction of the Kingsland Ave. Alley Bridge. The map is not to scale and is for informational purposes only.

Exhibit B – Project Schedule

Project Description: University City, STP-5582(604), Kingsland Ave Alley Bridge

Activity Description	Start Date (MM/YYYY)	Finish Date* (MM/YYYY)	Time Frame (Months)
Receive Notification Letter	3/2016	4/2016	1.0
Execute Agreement (Project sponsor & DOT)	4/2016	5/2016	1.0
Engineering Services Contract Submitted & Approved ¹	9/2017	10/2017	1.0
Obtain Environmental Clearances (106, CE-2, etc.)	10/2017	2/2018	4.0
Public Meeting/Hearing			
Develop and Submit Preliminary Plans	12/2017	4/2018	4.0
Preliminary Plans Approved	4/2018	5/2018	1.0
Develop and Submit Right-of-Way Plans	5/2018	5/2018	1.0
Review and Approval of Right-of-Way Plans	6/2018	7/2018	2.0
Submit & Receive Approval for Notice to Proceed for Right-of-Way Acquisition (A-Date) ²	7/2018	7/2018	1.0
Right-of-Way Acquisition			
Utility Coordination	10/2017	6/2018	8.0
Develop and Submit PS&E	5/2018	10/2018	4.0
District Approval of PS&E/Advertise for Bids ³	11/2018	12/2018	2.0
Submit and Receive Bids for Review and Approval	1/2019	2/2019	2.0
Project Implementation/Construction	3/2019	9/2019	6.0

*Note: the dates established in the schedule above will be used in the applicable ESC between the sponsor agency and consultant firm.

**Schedule dates are approximate as the project schedule will be actively managed and issues mitigated through the project delivery process. The Award Date or Planning Study Date deliverable is not approximate and requires request to adjust.

Exhibit C

**REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS**

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ATTACHMENTS

- A. Employment Preference for Appalachian Contracts (included in Appalachian contracts only)

I. GENERAL

1. These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

3. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

4. A breach of the following clauses of the Required Contract Provisions may also be grounds for debarment as provided in 29 CFR 5.12:

- Section I, paragraph 2;
- Section IV, paragraphs 1, 2, 3, 4, and 7;
- Section V, paragraphs 1 and 2a through 2g.

5. Disputes arising out of the labor standards provisions of Section IV (except paragraph 5) and Section V of these Required Contract Provisions shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the DOL, or the contractor's employees or their representatives.

6. Selection of Labor: During the performance of this contract, the contractor shall not:

- a. discriminate against labor from any other State, possession, or territory of the United States (except for employment preference for Appalachian contracts, when applicable, as specified in Attachment A), or
- b. employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II. NONDISCRIMINATION

(Applicable to all Federal-aid construction contracts and to all

related subcontracts of \$10,000 or more.)

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the State highway agency (SHA) and the Federal Government in carrying out EEO obligations and in their review of his/her activities under the contract.

b. The contractor will accept as his operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the SHA contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of EEO and who must be assigned adequate authority and responsibility to do so.

3. **Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minority group employees.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. **Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed

In publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with EEO contract provisions. (The DOL has held that where implementation of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment. Information and procedures with regard to referring minority group applicants will be discussed with employees.

5. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

7. **Unions:** If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for

minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the SHA and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualified minority group persons and women. (The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the SHA.

8. **Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

a. The contractor shall notify all potential subcontractors and suppliers of his/her EEO obligations under this contract.

b. Disadvantaged business enterprises (DBE), as defined in 49 CFR 23, shall have equal opportunity to compete for and perform subcontracts which the contractor enters into pursuant to this contract. The contractor will use his best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of DBE construction firms from SHA personnel.

c. The contractor will use his best efforts to ensure subcontractor compliance with their EEO obligations.

9. **Records and Reports:** The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the SHA and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women;

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees; and

(4) The progress and efforts being made in securing the services of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. The contractors will submit an annual report to the SHA

each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data.

III. NONSEGREGATED FACILITIES

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.)

a. By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement or purchase order, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, material supplier, or vendor, as appropriate, certifies that the firm does not maintain or provide for its employees any segregated facilities at any of its establishments, and that the firm does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The firm agrees that a breach of this certification is a violation of the EEO provisions of this contract. The firm further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability.

b. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).

c. The contractor agrees that it has obtained or will obtain identical certification from proposed subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of \$10,000 or more and that it will retain such certifications in its files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGE

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempt.)

1. General:

a. All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week and without subsequent deduction or rebate on any account [except such payroll deductions as are permitted by regulations (29 CFR 3) issued by the Secretary of Labor under the Copeland Act (40 U.S.C. 276c)] the full amounts of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment. The payment shall be computed at wage rates not less than those contained in the wage determination of the Secretary of Labor (hereinafter "the wage determination") which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or its subcontractors and such laborers and mechanics. The wage determination (including any additional classifications and wage rates conformed under paragraph 2 of this Section IV and the DOL poster (WH-1321) or Form FHWA-1495) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. For the purpose of this Section, contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act (40 U.S.C. 276a) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also, for the purpose of this Section, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in paragraphs 4 and 5 of this Section IV.

b. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein, provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

c. All rulings and interpretations of the Davis-Bacon Act and related acts contained in 29 CFR 1, 3, and 5 are herein incorporated by reference in this contract.

2. Classification:

a. The SFA contracting officer shall require that any class of laborers or mechanics employed under the contract, which is not listed in the wage determination, shall be classified in conformance with the wage determination.

b. The contracting officer shall approve an additional classification, wage rate and fringe benefits only when the following criteria have been met:

(1) the work to be performed by the additional classification requested is not performed by a classification in the wage determination;

(2) the additional classification is utilized in the area by the construction industry;

(3) the proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and

(4) with respect to helpers, when such a classification prevails in the area in which the work is performed.

c. If the contractor or subcontractors, as appropriate, the laborers and mechanics (if known) to be employed in the additional classification or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the DOL, Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, D.C. 20210. The Wage and Hour Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

d. In the event the contractor or subcontractors, as appropriate, the laborers or mechanics to be employed in the additional classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. Said Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

e. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 2c or 2d of this Section IV shall be paid to all workers performing work in the additional classification from the first day on which work is performed in the classification.

3. Payment of Fringe Benefits:

a. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor or subcontractors, as appropriate, shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

b. If the contractor or subcontractor, as appropriate, does not make payments to a trustee or other third person, he/she may consider as a part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. Apprentices and Trainees (Programs of the U.S. DOL) and Helpers:

a. Apprentices:

(1) Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the DOL, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or if a person is employed in his/her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment as an apprentice.

(2) The allowable ratio of apprentices to journeyman-level employees on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate listed in the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor or subcontractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman-level hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

(3) Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator for the Wage and Hour Division determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

(4) In the event the Bureau of Apprenticeship and Training, or a State apprenticeship agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor or subcontractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the comparable work performed by regular employees until an acceptable program is approved.

b. Trainees:

(1) Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the DOL, Employment and Training Administration.

(2) The ratio of trainees to journeyman-level employees on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(3) Every trainee must be paid at not less than the rate specified in the approved program for his/her level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour

Division determines that there is an apprenticeship program associated with the corresponding journeyman-level wage rate on the wage determination which provides for less than full fringe benefits for apprentices, in which case such trainees shall receive the same fringe benefits as apprentices.

(4) In the event the Employment and Training Administration withdraws approval of a training program, the contractor or subcontractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Helpers:

Helpers will be permitted to work on a project if the helper classification is specified and defined on the applicable wage determination or is approved pursuant to the conformance procedure set forth in Section IV.2. Any worker listed on a payroll at a helper wage rate, who is not a helper under an approved definition, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed.

5. Apprentices and Trainees (Programs of the U.S. DOT):

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

6. Withholding:

The SHA shall upon its own action or upon written request of an authorized representative of the DOL withhold, or cause to be withheld, from the contractor or subcontractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements which is held by the same prime contractor, as much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the SHA contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

7. Overtime Requirements:

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen, or guards (including apprentices, trainees, and helpers described in paragraphs 4 and 5 above) shall require or permit any laborer, mechanic, watchman, or guard in any workweek in which he/she is employed on such work, to work in excess of 40 hours in such workweek unless such laborer, mechanic, watchman, or guard receives compensation at a rate not less than one-and-one-half times his/her basic rate of pay for all hours worked in excess of 40 hours in such workweek.

8. Violation:

Liability for Unpaid Wages; Liquidated Damages: In the event of any violation of the clause set forth in paragraph 7 above, the contractor and any subcontractor responsible thereof shall be liable to the affected employee for his/her unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman, or guard employed in violation of the clause set forth in paragraph 7, in the sum of \$10 for each calendar day on which such employee was required or permitted to work in excess of the standard work week of 40 hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. Withholding for Unpaid Wages and Liquidated Damages:

The SHA shall upon its own action or upon written request of any authorized representative of the DOL withhold, or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 8 above.

V. STATEMENTS AND PAYROLLS

(Applicable to all Federal-aid construction contracts exceeding \$2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural collectors, which are exempt.)

1. Compliance with Copeland Regulations (29 CFR 3):

The contractor shall comply with the Copeland Regulations of the Secretary of Labor which are herein incorporated by reference.

2. Payrolls and Payroll Records:

a. Payrolls and basic records relating thereto shall be maintained by the contractor and each subcontractor during the course of the work and preserved for a period of 3 years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work.

b. The payroll records shall contain the name, social security number, and address of each such employee; his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid. In addition, for Appalachian contracts, the payroll records shall contain a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Attachment A, paragraph 1. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the contractor and each subcontractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and show the cost anticipated or the actual cost incurred in providing benefits. Contractors or subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprentices and trainees, and rates and wage rates prescribed in the applicable programs.

c. Each contractor and subcontractor shall furnish, each week in which any contract work is performed, to the SHA resident engineer a payroll of wages paid each of its employees (including apprentices, trainees, and helpers, described in Section IV, paragraphs 4 and 6, and watchmen and guards engaged on work during the preceding weekly payroll period). The payroll submitted shall set out accurately and completely all of the information required to be maintained under paragraph 2b of this Section V. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal stock number 029-005-0014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

d. Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) that the payroll for the payroll period contains the information required to be maintained under paragraph 2b of this Section V and that such information is correct and complete;

(2) that each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made

either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR 3;

(3) that each laborer or mechanic has been paid not less than the applicable wage rate and fringe benefits or cash equivalent for the classification of worked performed, as specified in the applicable wage determination incorporated into the contract.

e. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 2d of this Section V.

f. The falsification of any of the above certifications may subject the contractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

g. The contractor or subcontractor shall make the records required under paragraph 2b of this Section V available for inspection, copying, or transcription by authorized representatives of the SHA, the FHWA, or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the SHA, the FHWA, the DOL, or all may, after written notice to the contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

VI. RECORD OF MATERIALS, SUPPLIES, AND LABOR

1. On all Federal-aid contracts on the National Highway System, except those which provide solely for the installation of protective devices at railroad grade crossings, those which are constructed on a force account or direct labor basis, highway beautification contracts, and contracts for which the total final construction cost for roadway and bridge is less than \$1,000,000 (23 CFR 635) the contractor shall:

a. Become familiar with the list of specific materials and supplies contained in Form FHWA-47, "Statement of Materials and Labor Used by Contractor of Highway Construction Involving Federal Funds," prior to the commencement of work under this contract.

b. Maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA-47, and in the units shown on Form FHWA-47.

c. Furnish, upon the completion of the contract, to the SHA resident engineer on Form FHWA-47 together with the data required in paragraph 1b relative to materials and supplies, a final labor summary of all contract work indicating the total hours worked and the total amount earned.

2. At the prime contractor's option, either a single report covering all contract work or separate reports for the contractor and for each subcontract shall be submitted.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635).

a. "Its own organization" shall be construed to include only workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of

a subcontractor, assignee, or agent of the prime contractor.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph 1 of Section VII is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the SHA contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the SHA contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the SHA has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

VIII. SAFETY; ACCIDENT PREVENTION

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the SHA contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 835) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality,

quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

X. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

(Applicable to all Federal-aid construction contracts and to all related subcontracts of \$100,000 or more.)

By submission of this bid or the execution of this contract, or subcontract, as appropriate, the bidder, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any facility that is or will be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*, as amended by Pub.L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*, as amended by Pub.L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR 15) is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

2. That the firm agrees to comply and remain in compliance with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. That the firm shall promptly notify the SHA of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility that is or will be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. That the firm agrees to include or cause to be included the requirements of paragraph 1 through 4 of this Section X in every nonexempt subcontract, and further agrees to take such action as the government may direct as a means of enforcing such requirements.

XI. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. Instructions for Certification - Primary Covered Transactions:

(Applicable to all Federal-aid contracts - 49 CFR 29)

a. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this

transaction for cause of default.

d. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations.

f. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement portion of the "Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs" (Nonprocurement List) which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph f of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

b. Have not within a 3-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1b of this certification; and

d. Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Covered Transactions:

(Applicable to all subcontracts, purchase orders and other lower tier transactions of \$25,000 or more - 49 CFR 29)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "primary covered transaction," "participant," "person," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and

frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

XII. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

(Applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 - 49 CFR 20)

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT PREFERENCE FOR
APPALACHIAN CONTRACTS**
(Applicable to Appalachian contracts only.)

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph 1c shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph 4 below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification,

(c) the date on which he estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, he shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within 1 week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph 1c above.

5. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



Council Agenda Item Cover

MEETING DATE: May 8, 2017

AGENDA ITEM TITLE: Trolley Do Not Pass – Municipal Code Amendment

AGENDA SECTION: Unfinished Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

For a safe Loop Trolley system operation an amendment to the Municipal Code is proposed.

The City's Municipal Code is proposed to be amended to regulate under which conditions vehicles, with the exception of emergency vehicles, shall not any time pass a Loop Trolley Car traveling in the same direction as the vehicle.

An amended Chapter 340 – Section 340.160 Passing Regulations is proposed as provided in the attached draft bill.

The Traffic Commission reviewed and recommended approval of this bill at their regular meeting on March 8, 2017.

RECOMMENDATION:

Staff recommends that the Municipal Code Chapter 340 – Section 340.160 be amended as provided herein.

ATTACHMENT:

- Bill amending Chapter 340 – Section 340.160 "Passing Regulations"
- Traffic Commission staff report and meeting minutes.

AN ORDINANCE AMENDING CHAPTER 340, SECTION 340.160 OF THE CITY OF UNIVERSITY CITY MUNICIPAL CODE, TO ADD NO PASSING OF LOOP TROLLEY CARS.

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

WHEREAS, the Council of the City of University City desire to update the City of University City Municipal Code to add no passing of Loop Trolley Cars as set forth herein. Language to be deleted from the Code is represented as ~~stricken through~~; language to be added to the Code is emphasized. This Ordinance contemplates no revisions to the Code other than those so designated; any language or provisions from the Code omitted from this Ordinance is represented by an ellipsis and remains in full force and effect.

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

Section 1.

Section 340.160 of the Municipal Code of the City of University City, is hereby repealed and a new Section 340.160 is enacted in lieu thereof, to read as follows:

Section 340.160. Passing Regulations.

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.

B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction;

3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; and

2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

E. No vehicle, with the exception of emergency vehicles, shall at any time pass a Loop Trolley Car traveling in the same direction as the vehicle under the following conditions:

1. When any Loop Trolley Car has stopped for the purpose of taking on or discharging passengers, until the Loop Trolley Car has taken on or discharged all such passengers; and

2. The driver of a vehicle shall not stop more closely to the rear of the Loop Trolley Car than is reasonably safe and prudent, having due regard for the speed of the Loop Trolley Vehicle and the traffic upon and the condition of the roadway.

A vehicle may pass a Loop Trolley Car where a safety zone has been established and is properly marked.

* * *

Section 2. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED THIS _____ day of _____ 2017

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

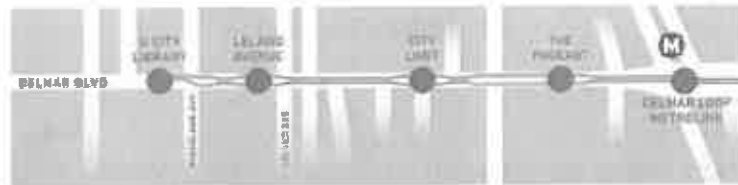


STAFF REPORT

MEETING DATE: March 8, 2017
APPLICANT: The Loop Trolley
Location: The Loop Trolley Route (University City Limits)
Request: Amend the City Code to reflect the "Do Not Pass Regulation"
Attachments: Traffic Request Form

Existing Conditions:

Loop Trolley University Route



Currently the Code only regulates general passing

Request:

Amend the Code Chapter 340 Section 340.160 to include:

E. No vehicle, with the exception of emergency vehicles, shall at any time pass a Loop Trolley Car traveling in the same direction as the vehicle under the following conditions:

1. When any Loop Trolley Car has stopped for the purpose of taking on or discharging passengers, until the Loop Trolley Car has taken on or discharged all such passengers; and
2. The driver of a vehicle shall not stop more closely to the rear of the Loop Trolley Car than is reasonably safe and prudent, having due regard for the speed of the Loop Trolley Vehicle and the traffic upon and the condition of the roadway.

A vehicle may pass a Loop Trolley Car where a safety zone has been established and is properly marked.

Conclusion/Recommendation:

Staff recommends that the Municipal Code Chapter 340 – Section 340.160 be amended.

Attachments – Proposed amended code 340.160



Traffic Commission

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

CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION March 8, 2017

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, March 8, 2017, Chairman Jeff Hales called the meeting to order at 6:32 p.m. In addition to Chairman Hales, the following members of the commission were present:

- Bart Stewart
- Eva Creer
- Curtis Tunstall
- Derek Helderman
- Jeffrey Mishkin

Also in attendance:

- Errol Tate (non-voting commission member – Public Works Liaison)
- Sinan Alpaslan (Public Works Director)
- Councilmember Bwayne Smotherson (non-voting commission member—Council Liaison)
- Police Department Sergeant Shawn Whitley (non-voting commission member – Police Department Liaison)

Absent (excused):

- Jeff Zomes

3. Approval of Agenda

Mr. Tunstall moved to approve the agenda and was seconded by Mr. Helderman. The motion carried unanimously.

4. Approval of the Minutes

A. January 11, 2017 Minutes

Mr. Tunstall made a motion to approve the minutes of the January 11, 2017 meeting and was seconded by Helderman. The motion carried unanimously.

5. Agenda Items

a. Restriction of high profile vehicles parking in the westbound lane of Forsyth in-between the entrance and exit of Bethel Lutheran Church at 7001 Forsyth Blvd.

Mr. Tate presented the request from Bethel Lutheran Church and members Gary Sheetz and Wayne Flesch.

Churchmember Gary Sheetz of 7722 Lyle of Richmond Heights addressed the commission about the issues with the poor visibility from the western exit L-2-8



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drive from the church. He noted that cars often park right to the edge of the driveway and high profile vehicles block the line of sight for vehicles attempting to exit the church lot. The church operates a nursery school daily with regular pickup and drop-off. He requested a restriction on the height of the vehicles parked between the entry and exit driveways and a parking restriction of 10 to 15 feet east of the western exit.

Mr. Tunstall asked Mr. Sheetz and Mr. Sheetz confirmed that nature of the request is safety related.

Mr. Mishkin asked if the restrictions were to be everyday at all hours of the day. Mr. Sheetz confirmed that they would like the restrictions to be at all hours of the day, every day of the week.

Mr. Tunstall asked if they were seeking no parking in the space between the driveways or if the request was for parking of low profile vehicles. Mr. Sheetz clarified that they sought to restrict all parking for 10 to 15 feet to the east of the western exit drive and restrict the remaining spaces to low profile vehicles.

Mr. Stewart asked about the current no parking restriction in front of the church. Mr. Helderman clarified that the current restrictions restrict parking during certain hours.

Mr. Mishkin asked if the city had any restrictions about parking distance from driveways. Sgt. Whitley stated there were no such restrictions in the code and no such restrictions related low profile or compact cars.

Mr. Hales asked if there was an existing ordinance defining compact cars. Mr. Tate stated that the commission had discussed but no action had been taken.

Mr. Alpaslan stated that the staff would have to review and propose an ordinance to accommodate compact or low profile vehicle only parking restriction.

Mr. Helderman stated he thought it would be best to implement compact car parking in the entire space between the driveways.

Mr. Mishkin asked what the enforcement of a compact car only restriction. Sgt. Whitley stated that a compact car would typically be less than 60 inches and violators would be ticketed. He stated that the police would use common sense on enforcement on the height levels.

Mr. Hales stated that he thought the issue was really related to the height and not necessarily the length. He asked if the commission could consider a restriction of no van, truck or SUV parking.

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Mr. Mishkin asked if there had been any accidents. Mr. Sheetz stated there were none that he could recall but there have been a number of close calls. Mr. Mishkin asked if the commission could recommend church parking only in those spaces. Mr. Helderman indicated he thought limiting parking to the church would not be enforceable.

Sgt. Whitley stated that the 10 foot parking restriction would reduce the number of cars that could park between the driveway from 3 to 2.

Mr. Hales stated that he thought if a new restriction on van, truck and suv parking were to be implemented, that it would be helpful if the public works and police department staff could provide a recommendation on the circumstances or instances where such a restriction should be implemented, such as only near commercial driveways. He suggested that the commission could proceed with restricting parking 10 feet to the east of the western driveway for now and continue discussing the new parking restrictions for high profile vehicles in the coming meetings.

Mr. Helderman asked if the current signage restricting parking during certain hours would remain. Mr. Sheetz stated that was not requested to change.

Mr. Mishkin made a motion to recommend restricting all parking for a distance of 10 feet to the eastern edge of the western driveway exit of Bethel Lutheran Church and was seconded by Mr. Tunstall. The motion carried unanimously.

b. Permanently make Loop South a two way street from Kingsland Avenue to a point four hundred and twenty-four feet to the east.

Mr. Tate presented the staff recommendation to make this portion of Loop South two-way.

Mr. Hales informed the commission that he also spoke with Jessica Bueler who is the Marketing Director for the Loop Special Business District and she conveyed that the businesses in the loop were strongly in favor of the two way traffic on Loop South. He also indicated that Mr. Edwards had come to the previous meeting at which there was no quorum and expressed his support for the proposal as well.

Boo McLaughlin, Executive Director of Craft Alliance (6640 Delmar) presented a letter signed by representatives of Commerce Bank, McArthurs Bakery and Pitaya in support of the recommended two-way traffic on Loop South. She stated that two-way traffic is more convenient to their customers and will be more convenient to delivery trucks with the opening of the Loop Trolley.

Mr. Tate informed the commission that a traffic engineer would be evaluating the street and that the parking would be moved from the southern side to the northern side of the street.

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Mr. Stewart asked if the commission was being asked to make a recommendation on the 2-way traffic only or if the commission was to make a recommendation on the parking as well.

Mr. Tate stated that the timing of the implementation of the two way street and new parking on the north side would take place at the same time.

Mr. Mishkin asked if the city would install parking meters. Mr. Tate stated the city would stripe the spaces.

Mr. Helderman asked if the businesses needed to sign a petition. Mr. Hales stated that there is no requirement in the code, bylaws or charter that the commission get a petition except in the case of residential parking permits. He stated that he believed it was completely within the purview of the commission to make a recommendation.

Mr. Hales asked Ms. McLaughlin if the change of allowing parking on only one side of Loop South was known to her and businesses. Ms. McLaughlin stated that she and the Loop Businesses were not aware of the change in parking to the north side, but did not believe it makes a difference.

Mr. Hales asked if staff was concerned about the potential of losing spaces by moving parking from the south to the north side. Mr. Alpaslan indicated that was a concern and he suggested that the parking engineer provide two options to see if it would be feasible to keep parking on the south side.

Mr. Mishkin asked where the majority of the customers park. Ms. McLaughlin indicated that most people park in the lots behind the buildings and on Loop South.

Mr. Helderman made a motion to recommend that Loop South become two-way traffic as recommended by staff and was seconded by Mr. Mishkin. The motion carried unanimously.

c. No Parking on west side of North and South Road between Gannon Ave. and Cornell Ave.

Mr. Hales introduced the petition from Genevieve Kramer of 7732 Gannon Ave. He commented that there were a lot of people who showed up for this issue at the previous meeting at which there was not a quorum. The petitioner did not show up and was not in attendance on this night.

Mr. Tate presented the request from Ms. Kramer and initially requested that the traffic commission make a recommendation to take to St. Louis County

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but stated that upon further review that staff believed the request should be denied because of the existing parking restriction.

Mr. Hales stated that the road is a county road and the city does not have jurisdiction.

Ms. Natasha Kwon of 622 North and South addressed the commission as a resident and an owner of businesses at North and South and Gannon. She was strongly against the proposed restriction and suggested a stop sign at North and South and Gannon because of the high number of pedestrians and her observations of speeding traffic.

Mr. Mishkin asked what the parking restriction would do to the nearby businesses. Ms. Kwon stated that it would be very negative for the local businesses. Mr. Mishkin asked what the purpose of the four-way stop. Ms. Kwon indicated it was about safety.

Mr. Hales stated that the commission has discussed this intersection and said when he first saw this proposal he was strongly opposed it. He noted that this intersection has very good sightlines from Gannon eastbound looking northbound on North and South because of the 35ft parking restriction for the bus stop. He stated that commission has talked about pedestrian safety at this intersection multiple times in the past and has suggested that city work with the county to install LED solar operated crossing signals at the crosswalk on North and South and Gannon as well as others on Delmar, but the county has not been very receptive to it. He stated that he believes what would really help is if the business community and neighbors contacted the county requesting a signalized crosswalk, it might make a difference.

Sgt. Whitley stated the St. Louis County examined it and decided against crossing signals.

Councilman Smotherson recommended to Ms. Kwon that she contact St. Louis County Councilwoman Hazel Erby with her concerns over the crosswalk safety.

Ms. Mary Adams (6985 Dartmouth) is the Executive Director of the University City Chamber of Commerce and came to speak on behalf of the local businesses. She expressed concern over the potential loss of parking spaces for the local businesses. She emphasized the access to parking being directly related to a business' ability to thrive.

Mr. Hales stated that the floor was open to anyone to make a motion in favor of the proposed restriction. No motions were made. No action was recommended.



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d. Senn Bierwerks Site Plan Update for Information Only

Mr. Alpaslan provided an informational update on the Senn Bierwerks site. He indicated that the traffic patterns on Olive and North and South are still awaiting review and proposals from MODOT and St. Louis County Traffic. He informed the commission that the city has requested the proposed implementation along Olive and North and South which will be brought to the traffic commission as soon as it is received. Mr. Smotherson stated his reason for bringing this to the commission was that the City Council has approved the site plan and he thought the commission should be aware of the proposed changes with the implications to traffic on North and South and Olive which are the jurisdiction of St. Louis County and MODOT respectively.

Mr. Mishkin expressed concern over potential traffic issues related to ingress and egress from the lots. Mr. Alpaslan stated that because Olive is a State road and North and South is a County road that they are responsible for reviewing and making changes to their roads. He indicated that it is possible that one or both agency could recommend changes at which point the commission would be updated.

e. Loop Trolley "Do Not Pass" Code Amendment

Mr. Tate presented the staff recommendation to amend the traffic code to add a do not pass ordinance restricting the passing of the Loop Trolley.

Mr. Hales stated he looked back through the minutes in December of 2012 and Officer Margul indicated that the commission would have to look at whether it wanted to recommend allowing passing of the trolley and asked what considerations went into the recommendation from staff prohibiting passing of the trolley.

Mr. Alpaslan stated that passing of the trolley would violate the rules of the road and the pavement markings because the trolley travels in the traffic lane. He stated that the only area where traffic could pass the trolley would be at Leland where the trolley is in the turn lane.

Mr. Mishkin expressed concern about the trolley travelling in the left hand turn lane while travelling east with through traffic at Leland. Mr. Alpaslan stated that the trolley has its own traffic signal and the traffic has a pre-empt device which will allow the trolley to continue east through the intersection while through traffic heading east will have a red light. He stated that at the Leland intersection, the traffic signal will govern the traffic movement.

Mr. Mishkin expressed concern that the through traffic would proceed when it sees the trolley proceeding through the intersection. Mr. Hales stated he

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shared Mr. Mishkin's concerns and hoped that the traffic engineers had considered these issues.

Mr. Hales asked what the signage would be like in the loop. Mr. Alpaslan stated that the trolleys will have signs on the rear of the trolley stating "Do Not Pass".

Mr. Hales asked if the ordinance applied to bicycle traffic. Mr. Stewart stated that there is a new bike route, but his understanding was that bikes are not prohibited on Delmar. Mr. Alpaslan stated that there is no prohibition to bicycle traffic on Delmar; the signage discouraging bikes is not regulatory, but he indicated that staff would be looking at that. Mr. Alpaslan stated he understood the concerns of the commission about bicycles.

Mr. Helderman stated that while he shared many of the concerns expressed he made a motion to approve the ordinance as recommended. Ms. Creer seconded and the motion carried unanimously.

f. Loop Trolley "Obstruction Zone" Create Chapter to the Code

i. The Loop Trolley Track Layout Plans

Mr. Tate stated that the purpose of this ordinance was to restrict vehicles from stopping on the trolley tracks.

Mr. Mishkin mad a motion to recommend the ordinance as recommended by staff and was seconded by Mr. Stewart. The motion passed unanimously.

6. Council Liaison Report

None

7. Miscellaneous Business

Mr. Tate stated he had one issue that will be coming to the commission at the April meeting related to the study on the school zone speed limit study.

8. Adjournment.

Mr. made a motion to adjourn the meeting and was seconded by Mr. Mishkin. The motion unanimously carried and the meeting was adjourned at 8:16pm.

Minutes prepared by Jeff Hales, Traffic Commission Chairman & Secretary



Council Agenda Item Cover

MEETING DATE: May 8, 2017

AGENDA ITEM TITLE: Trolley Obstruction Zone – Municipal Code Amendment

AGENDA SECTION: Unfinished Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

For a safe Loop Trolley system operation an amendment to the Municipal Code is proposed.

It is codified under the City's Municipal Code by this amendment that the physical corridor used by the Loop Trolley vehicles during movement along the Loop Trolley track (including a safety buffer) shall be maintained free of obstructions. The procedures for removal and ticketing of obstructing vehicles within the defined Loop Trolley physical corridor are also included in the attached bill.

A new Chapter 357 - "Unauthorized Stopping and Parking along Trolley Track" is proposed to be enacted as provided in the attached draft bill.

The Traffic Commission reviewed and recommended approval of this bill at their regular meeting on March 8, 2017.

RECOMMENDATION:

Staff recommends that the Municipal Code be amended to add a Chapter 357 as provided herein.

ATTACHMENT:

- Bill creating Chapter 357 – Unauthorized Stopping and Parking along Trolley Track.
- Traffic Commission staff report and meeting minutes.

AN ORDINANCE AMENDING THE TRAFFIC CODE CREATING A NEW CHAPTER 357 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI ENACTING AND ADOPTING "UNAUTHORIZED STOPPING AND PARKING ALONG TROLLEY TRACK".

WHEREAS, the City wishes to enact an ordinance to keep the Loop Trolley track clear of obstructions that could impair Trolley service or present safety concerns for the traveling public.

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

Section 1. A new Chapter 357 of the Traffic Code of the University City Municipal Code, "Unauthorized Stopping and Parking along Trolley Track", is hereby enacted, which shall read as follows:

Chapter 357 – Unauthorized Stopping and Parking Along Trolley Track

Section 357.010. Definitions.

For the purpose of this Section, the following terms, phrases and words shall have the meanings given herein and shall apply in the interpretation and enforcement of this Chapter unless otherwise specifically stated:

TROLLEY OBSTRUCTION ZONE

The physical corridor used by the Loop Trolley vehicles during movement along the Loop Trolley track (including a safety buffer), measuring five feet six inches (5'6") outward in both direction from the center of the Loop Trolley track (11' wide in total), except that if the City has officially striped a parking lane along the edge of the Trolley Obstruction Zone, then the Trolley Obstruction Zone extends to the stripe's curb-side edge.

Section 357.020. Stopping and Parking Prohibited.

- A. No person shall stop or leave standing any vehicle, other than an emergency vehicle, whether attended or unattended, in the Trolley Obstruction Zone, as defined in Section 357.010 except in compliance with the directs of a police officer, traffic-control device, or City-issued right-of-way permit with track access authorization.

- B. The prohibitions set forth in this Section shall apply 24 hours a day, 7 days per week and apply with or without a trolley vehicle being present on the Trolley track.
- C. Where street parking is allowed parallel to the Trolley track, vehicles parked along the curb in a marked parking space shall not permit any part of the vehicle to cross or encroach over or onto the pavement surface marking that defines the parking space onto the Trolley track.
- D. Such prohibition shall not apply to delivery trucks lawfully stopped or parked for the purpose of loading or unloading in areas marked and designated as Loading Zones.

Section 357.030. Removal of Obstructing Vehicles.

Where any vehicle is stopped or standing within the Trolley Obstruction zone in violation of Chapter 357, the Police will attempt to locate the owner or person in charge of the vehicle and request the vehicle be moved outside of the Trolley Obstruction Zone. Where the owner fails or refuses to move the vehicle, or the vehicle is incapable of being moved under its own power, the Police may without notice, if notice is infeasible, cause the same to be removed to a City contracted tow lot and the Police shall thereupon notify the owner or owners of such motor vehicle if known, by certified mail, of the location thereof and of the right of such owner to secure return of possession of the motor vehicle upon payment of the cost of removal and storage. Nothing herein shall be construed to provide the owner with a defense against any Sections of this Chapter. No person other than the City or its duly authorized contractor shall tow or move the incapacitated vehicle, authorize the towing or moving of the incapacitated vehicle, or remove or tamper with wheel immobilization device.

Section 357.040. Parking Violation.

Vehicles parked in the trolley obstruction zone as defined in Section 357.010 shall be ticketed as a non-moving parking violation. Tickets are subject to late fees based on non-payment. Fourteen (14) days after non-payment, ticket amounts double from the initial fine. Citations remained unpaid after forty-five (45) days from the issuance date shall triple from the initial fine. After forty-five (45) days of non-payment, tickets are subject to receive a summons to appear in Municipal Court.

* * *

Section 2. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished in accordance with the provisions of the University City Municipal Code.

Section 3. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED THIS _____ day of _____ 2017

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

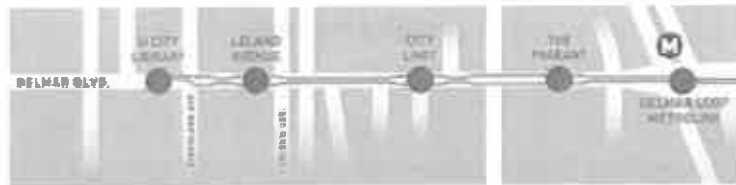


STAFF REPORT

MEETING DATE: March 8, 2017
APPLICANT: The Loop Trolley
Location: The Loop Trolley Route (University City Limits)
Request: Create Chapter 357 of the Code to reflect "Trolley Obstruction Zone"
Attachments: Traffic Request Form

Existing Conditions:

Loop Trolley University Route



No Chapter currently adopted

Request:

For a safe Loop Trolley system operation an amendment to the Municipal Code is requested. So that the physical corridor used by the Loop Trolley vehicles during movement along the Loop Trolley track (including a safety buffer) shall be maintained free of obstructions. This should include the removal and ticketing of obstructing vehicles within the defined Loop Trolley physical corridor also.

Conclusion/Recommendation:

Staff recommends a Bill creating Chapter 357 – Unauthorized Stopping and Parking along Trolley Track. .

Attachments – Proposed Bill Creating Chapter 357



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Absent (excused):

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L-3-10



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d. Senn Bierwerks Site Plan Update for Information Only

Mr. Alpaslan provided an informational update on the Senn Bierwerks site. He indicated that the traffic patterns on Olive and North and South are still awaiting review and proposals from MODOT and St. Louis County Traffic. He informed the commission that the city has requested the proposed implementation along Olive and North and South which will be brought to the traffic commission as soon as it is received. Mr. Smotherson stated his reason for bringing this to the commission was that the City Council has approved the site plan and he thought the commission should be aware of the proposed changes with the implications to traffic on North and South and Olive which are the jurisdiction of St. Louis County and MODOT respectively.

Mr. Mishkin expressed concern over potential traffic issues related to ingress and egress from the lots. Mr. Alpaslan stated that because Olive is a State road and North and South is a County road that they are responsible for reviewing and making changes to their roads. He indicated that it is possible that one or both agency could recommend changes at which point the commission would be updated.

e. Loop Trolley "Do Not Pass" Code Amendment

Mr. Tate presented the staff recommendation to amend the traffic code to add a do not pass ordinance restricting the passing of the Loop Trolley.

Mr. Hales stated he looked back through the minutes in December of 2012 and Officer Margul indicated that the commission would have to look at whether it wanted to recommend allowing passing of the trolley and asked what considerations went into the recommendation from staff prohibiting passing of the trolley.

Mr. Alpaslan stated that passing of the trolley would violate the rules of the road and the pavement markings because the trolley travels in the traffic lane. He stated that the only area where traffic could pass the trolley would be at Leland where the trolley is in the turn lane.

Mr. Mishkin expressed concern about the trolley travelling in the left hand turn lane while travelling east with through traffic at Leland. Mr. Alpaslan stated that the trolley has its own traffic signal and the traffic has a pre-empt device which will allow the trolley to continue east through the intersection while through traffic heading east will have a red light. He stated that at the Leland intersection, the traffic signal will govern the traffic movement.

Mr. Mishkin expressed concern that the through traffic would proceed when it sees the trolley proceeding through the intersection. Mr. Hales stated he

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shared Mr. Mishkin's concerns and hoped that the traffic engineers had considered these issues.

Mr. Hales asked what the signage would be like in the loop. Mr. Alpaslan stated that the trolleys will have signs on the rear of the trolley stating "Do Not Pass".

Mr. Hales asked if the ordinance applied to bicycle traffic. Mr. Stewart stated that there is a new bike route, but his understanding was that bikes are not prohibited on Delmar. Mr. Alpaslan stated that there is no prohibition to bicycle traffic on Delmar; the signage discouraging bikes is not regulatory, but he indicated that staff would be looking at that. Mr. Alpaslan stated he understood the concerns of the commission about bicycles.

Mr. Helderman stated that while he shared many of the concerns expressed he made a motion to approve the ordinance as recommended. Ms. Creer seconded and the motion carried unanimously.

f. Loop Trolley "Obstruction Zone" Create Chapter to the Code

i. The Loop Trolley Track Layout Plans

Mr. Tate stated that the purpose of this ordinance was to restrict vehicles from stopping on the trolley tracks.

Mr. Mishkin made a motion to recommend the ordinance as recommended by staff and was seconded by Mr. Stewart. The motion passed unanimously.

6. Council Liaison Report

None

7. Miscellaneous Business

Mr. Tate stated he had one issue that will be coming to the commission at the April meeting related to the study on the school zone speed limit study.

8. Adjournment.

Mr. made a motion to adjourn the meeting and was seconded by Mr. Mishkin. The motion unanimously carried and the meeting was adjourned at 8:16pm.

Minutes prepared by Jeff Hales, Traffic Commission Chairman & Secretary



Council Agenda Item Cover

MEETING DATE: May 8, 2017

AGENDA ITEM TITLE: Parking in Prohibited or Restricted Zone – Municipal Code Amendment – 7001 Forsyth Blvd.

AGENDA SECTION: Unfinished Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

Two representatives of Bethel Lutheran Church (7001 Forsyth Blvd.) submitted a traffic request for restricting parking in front of Bethel Lutheran Church to compact cars only. This request would prevent higher profile vehicles from parking next to the exiting driveway of the church parking lot.

As the City Traffic Code doesn't currently regulate for compact car-only parking, it was recommended by the Traffic Commission at their March 8, 2017 regular meeting to prohibit parking for 10 feet in front of the church starting at the eastern side of the exiting driveway and extending 10 feet to the east. The Traffic Commission voted in favor of recommending this parking prohibition for approval by City Council.

RECOMMENDATION:

It is the recommendation of the Public Works and Parks Department that the Municipal Code be amended to include a parking prohibition in the area in front of Bethel Lutheran Church at 7001 Forsyth Blvd. as referenced on the attached draft enacting bill.

Traffic Code Section 355.100; Parking in Prohibited or Restricted Zone is hereby proposed to be amended.

ATTACHMENTS:

- Bill amending section 355.100 Parking in Prohibited or Restricted Zone
- Traffic Commission staff report and meeting minutes

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INTRODUCED BY:

DATE:

BILL NO: 9314

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN.

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

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

Section 2. Schedule III – “Table III-E – Parking Prohibited On Certain Streets At All Times” of the University City Municipal Code is hereby amended to add Forsyth Boulevard: North side thereof from a point starting at one hundred (170) feet west of Big Bend Boulevard to one hundred ten (180) feet to west of Big Bend Boulevard where the City has designated as a “No Parking Zone”, to be edited to the Traffic Code.

* * *

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

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

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

PASSED THIS _____ day of _____ 2017

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

DRAFT



STAFF REPORT

MEETING DATE: February 8, 2017
APPLICANT: Bethel Lutheran Church, 7001 Forsyth Ave.
Location: Forsyth Boulevard at Big Bend Boulevard
Request: Vehicle Type Parking Restriction
Attachments: Traffic Request Form

Existing Conditions:

Forsyth Ave at Big Bend Blvd



Currently in front of 7001 Forsyth Blvd there is a no parking restriction in place for all types of vehicles. When exiting the parking lot, driver's vision is impaired by large vehicles that are parked in parking lane.

Request:

Restriction of high profile vehicles parking in the West bound lane of Forsyth Blvd in-between the entrance and exit of Bethel Lutheran Church.

Conclusion/Recommendation:

It is recommended to install signage to implement compact car parking only in-between the entrance and exit of Bethel Lutheran Church at 7001 Boulevard.



Traffic Commission

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CITY OF UNIVERSITY CITY MINUTES OF THE TRAFFIC COMMISSION March 8, 2017

At the Traffic Commission meeting of University City held in the Heman Park Community Center, on Wednesday, March 8, 2017, Chairman Jeff Hales called the meeting to order at 6:32 p.m. In addition to Chairman Hales, the following members of the commission were present:

- Bart Stewart
- Eva Creer
- Curtis Tunstall
- Derek Helderman
- Jeffrey Mishkin

Also in attendance:

- Errol Tate (non-voting commission member – Public Works Liaison)
- Sinan Alpaslan (Public Works Director)
- Councilmember Bwayne Smotherson (non-voting commission member—Council Liaison)
- Police Department Sergeant Shawn Whitley (non-voting commission member – Police Department Liaison)

Absent (excused):

- Jeff Zornes

3. Approval of Agenda

Mr. Tunstall moved to approve the agenda and was seconded by Mr. Helderman. The motion carried unanimously.

4. Approval of the Minutes

A. January 11, 2017 Minutes

Mr. Tunstall made a motion to approve the minutes of the January 11, 2017 meeting and was seconded by Helderman. The motion carried unanimously.

5. Agenda Items

- a. Restriction of high profile vehicles parking in the westbound lane of Forsyth in-between the entrance and exit of Bethel Lutheran Church at 7001 Forsyth Blvd.

Mr. Tate presented the request from Bethel Lutheran Church and members Gary Sheetz and Wayne Flesch.

Churchmember Gary Sheetz of 7722 Lyle of Richmond Heights addressed the commission about the issues with the poor visibility from the western exit-4-6



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drive from the church. He noted that cars often park right to the edge of the driveway and high profile vehicles block the line of sight for vehicles attempting to exit the church lot. The church operates a nursery school daily with regular pickup and drop-off. He requested a restriction on the height of the vehicles parked between the entry and exit driveways and a parking restriction of 10 to 15 feet east of the western exit.

Mr. Tunstall asked Mr. Sheetz and Mr. Sheetz confirmed that nature of the request is safety related.

Mr. Mishkin asked if the restrictions were to be everyday at all hours of the day. Mr. Sheetz confirmed that they would like the restrictions to be at all hours of the day, every day of the week.

Mr. Tunstall asked if they were seeking no parking in the space between the driveways or if the request was for parking of low profile vehicles. Mr. Sheetz clarified that they sought to restrict all parking for 10 to 15 feet to the east of the western exit drive and restrict the remaining spaces to low profile vehicles.

Mr. Stewart asked about the current no parking restriction in front of the church. Mr. Helderman clarified that the current restrictions restrict parking during certain hours.

Mr. Mishkin asked if the city had any restrictions about parking distance from driveways. Sgt. Whitley stated there were no such restrictions in the code and no such restrictions related low profile or compact cars.

Mr. Hales asked if there was an existing ordinance defining compact cars. Mr. Tate stated that the commission had discussed but no action had been taken.

Mr. Alpaslan stated that the staff would have to review and propose an ordinance to accommodate compact or low profile vehicle only parking restriction.

Mr. Helderman stated he thought it would be best to implement compact car parking in the entire space between the driveways.

Mr. Mishkin asked what the enforcement of a compact car only restriction. Sgt. Whitley stated that a compact car would typically be less than 60 inches and violators would be ticketed. He stated that the police would use common sense on enforcement on the height levels.

Mr. Hales stated that he thought the issue was really related to the height and not necessarily the length. He asked if the commission could consider a restriction of no van, truck or SUV parking.

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Mr. Mishkin asked if there had been any accidents. Mr. Sheetz stated there were none that he could recall but there have been a number of close calls. Mr. Mishkin asked if the commission could recommend church parking only in those spaces. Mr. Helderman indicated he thought limiting parking to the church would not be enforceable.

Sgt. Whitley stated that the 10 foot parking restriction would reduce the number of cars that could park between the driveway from 3 to 2.

Mr. Hales stated that he thought if a new restriction on van, truck and SUV parking were to be implemented, that it would be helpful if the public works and police department staff could provide a recommendation on the circumstances or instances where such a restriction should be implemented, such as only near commercial driveways. He suggested that the commission could proceed with restricting parking 10 feet to the east of the western driveway for now and continue discussing the new parking restrictions for high profile vehicles in the coming meetings.

Mr. Helderman asked if the current signage restricting parking during certain hours would remain. Mr. Sheetz stated that was not requested to change.

Mr. Mishkin made a motion to recommend restricting all parking for a distance of 10 feet to the eastern edge of the western driveway exit of Bethel Lutheran Church and was seconded by Mr. Tunstall. The motion carried unanimously.

b. Permanently make Loop South a two way street from Kingsland Avenue to a point four hundred and twenty-four feet to the east.

Mr. Tate presented the staff recommendation to make this portion of Loop South two-way.

Mr. Hales informed the commission that he also spoke with Jessica Bueler who is the Marketing Director for the Loop Special Business District and she conveyed that the businesses in the loop were strongly in favor of the two way traffic on Loop South. He also indicated that Mr. Edwards had come to the previous meeting at which there was no quorum and expressed his support for the proposal as well.

Boo McLaughlin, Executive Director of Craft Alliance (6640 Delmar) presented a letter signed by representatives of Commerce Bank, McArthurs Bakery and Pitaya in support of the recommended two-way traffic on Loop South. She stated that two-way traffic is more convenient to their customers and will be more convenient to delivery trucks with the opening of the Loop Trolley.

Mr. Tate informed the commission that a traffic engineer would be evaluating the street and that the parking would be moved from the southern side to the northern side of the street.

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Mr. Stewart asked if the commission was being asked to make a recommendation on the 2-way traffic only or if the commission was to make a recommendation on the parking as well.

Mr. Tate stated that the timing of the implementation of the two way street and new parking on the north side would take place at the same time.

Mr. Mishkin asked if the city would install parking meters. Mr. Tate stated the city would stripe the spaces.

Mr. Helderman asked if the businesses needed to sign a petition. Mr. Hales stated that there is no requirement in the code, bylaws or charter that the commission get a petition except in the case of residential parking permits. He stated that he believed it was completely within the purview of the commission to make a recommendation.

Mr. Hales asked Ms. McLaughlin if the change of allowing parking on only one side of Loop South was known to her and businesses. Ms. McLaughlin stated that she and the Loop Businesses were not aware of the change in parking to the north side, but did not believe it makes a difference.

Mr. Hales asked if staff was concerned about the potential of losing spaces by moving parking from the south to the north side. Mr. Alpaslan indicated that was a concern and he suggested that the parking engineer provide two options to see if it would be feasible to keep parking on the south side.

Mr. Mishkin asked where the majority of the customers park. Ms. McLaughlin indicated that most people park in the lots behind the buildings and on Loop South.

Mr. Helderman made a motion to recommend that Loop South become two-way traffic as recommended by staff and was seconded by Mr. Mishkin. The motion carried unanimously.

c. No Parking on west side of North and South Road between Gannon Ave. and Cornell Ave.

Mr. Hales introduced the petition from Genevieve Kramer of 7732 Gannon Ave. He commented that there were a lot of people who showed up for this issue at the previous meeting at which there was not a quorum. The petitioner did not show up and was not in attendance on this night.

Mr. Tate presented the request from Ms. Kramer and initially requested that the traffic commission make a recommendation to take to St. Louis County

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but stated that upon further review that staff believed the request should be denied because of the existing parking restriction.

Mr. Hales stated that the road is a county road and the city does not have jurisdiction.

Ms. Natasha Kwon of 622 North and South addressed the commission as a resident and an owner of businesses at North and South and Gannon. She was strongly against the proposed restriction and suggested a stop sign at North and South and Gannon because of the high number of pedestrians and her observations of speeding traffic.

Mr. Mishkin asked what the parking restriction would do to the nearby businesses. Ms. Kwon stated that it would be very negative for the local businesses. Mr. Mishkin asked what the purpose of the four-way stop. Ms. Kwon indicated it was about safety.

Mr. Hales stated that the commission has discussed this intersection and said when he first saw this proposal he was strongly opposed it. He noted that this intersection has very good sightlines from Gannon eastbound looking northbound on North and South because of the 35ft parking restriction for the bus stop. He stated that commission has talked about pedestrian safety at this intersection multiple times in the past and has suggested that city work with the county to install LED solar operated crossing signals at the crosswalk on North and South and Gannon as well as others on Delmar, but the county has not been very receptive to it. He stated that he believes what would really help is if the business community and neighbors contacted the county requesting a signalized crosswalk, it might make a difference.

Sgt. Whitley stated the St. Louis County examined it and decided against crossing signals.

Councilman Smotherson recommended to Ms. Kwon that she contact St. Louis County Councilwoman Hazel Erby with her concerns over the crosswalk safety.

Ms. Mary Adams (6985 Dartmouth) is the Executive Director of the University City Chamber of Commerce and came to speak on behalf of the local businesses. She expressed concern over the potential loss of parking spaces for the local businesses. She emphasized the access to parking being directly related to a business' ability to thrive.

Mr. Hales stated that the floor was open to anyone to make a motion in favor of the proposed restriction. No motions were made. No action was recommended.



Traffic Commission

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d. Senn Bierwerks Site Plan Update for Information Only

Mr. Alpaslan provided an informational update on the Senn Bierwerks site. He indicated that the traffic patterns on Olive and North and South are still awaiting review and proposals from MODOT and St. Louis County Traffic. He informed the commission that the city has requested the proposed implementation along Olive and North and South which will be brought to the traffic commission as soon as it is received. Mr. Smotherson stated his reason for bringing this to the commission was that the City Council has approved the site plan and he thought the commission should be aware of the proposed changes with the implications to traffic on North and South and Olive which are the jurisdiction of St. Louis County and MODOT respectively.

Mr. Mishkin expressed concern over potential traffic issues related to ingress and egress from the lots. Mr. Alpaslan stated that because Olive is a State road and North and South is a County road that they are responsible for reviewing and making changes to their roads. He indicated that it is possible that one or both agency could recommend changes at which point the commission would be updated.

e. Loop Trolley "Do Not Pass" Code Amendment

Mr. Tate presented the staff recommendation to amend the traffic code to add a do not pass ordinance restricting the passing of the Loop Trolley.

Mr. Hales stated he looked back through the minutes in December of 2012 and Officer Margul indicated that the commission would have to look at whether it wanted to recommend allowing passing of the trolley and asked what considerations went into the recommendation from staff prohibiting passing of the trolley.

Mr. Alpaslan stated that passing of the trolley would violate the rules of the road and the pavement markings because the trolley travels in the traffic lane. He stated that the only area where traffic could pass the trolley would be at Leland where the trolley is in the turn lane.

Mr. Mishkin expressed concern about the trolley travelling in the left hand turn lane while travelling east with through traffic at Leland. Mr. Alpaslan stated that the trolley has its own traffic signal and the traffic has a pre-empt device which will allow the trolley to continue east through the intersection while through traffic heading east will have a red light. He stated that at the Leland intersection, the traffic signal will govern the traffic movement.

Mr. Mishkin expressed concern that the through traffic would proceed when it sees the trolley proceeding through the intersection. Mr. Hales stated he

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shared Mr. Mishkin's concerns and hoped that the traffic engineers had considered these issues.

Mr. Hales asked what the signage would be like in the loop. Mr. Alpaslan stated that the trolleys will have signs on the rear of the trolley stating "Do Not Pass".

Mr. Hales asked if the ordinance applied to bicycle traffic. Mr. Stewart stated that there is a new bike route, but his understanding was that bikes are not prohibited on Delmar. Mr. Alpaslan stated that there is no prohibition to bicycle traffic on Delmar; the signage discouraging bikes is not regulatory, but he indicated that staff would be looking at that. Mr. Alpaslan stated he understood the concerns of the commission about bicycles.

Mr. Helderman stated that while he shared many of the concerns expressed he made a motion to approve the ordinance as recommended. Ms. Creer seconded and the motion carried unanimously.

f. Loop Trolley "Obstruction Zone" Create Chapter to the Code

i. The Loop Trolley Track Layout Plans

Mr. Tate stated that the purpose of this ordinance was to restrict vehicles from stopping on the trolley tracks.

Mr. Mishkin mad a motion to recommend the ordinance as recommended by staff and was seconded by Mr. Stewart. The motion passed unanimously.

6. Council Liaison Report

None

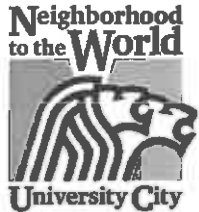
7. Miscellaneous Business

Mr. Tate stated he had one issue that will be coming to the commission at the April meeting related to the study on the school zone speed limit study.

8. Adjournment.

Mr. made a motion to adjourn the meeting and was seconded by Mr. Mishkin. The motion unanimously carried and the meeting was adjourned at 8:16pm.

Minutes prepared by Jeff Hales, Traffic Commission Chairman & Secretary



Commission on Senior Issues

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 505-8563

Meeting Minutes – University City Commission on Senior Issues

February 21, 2017

Location: Heman Park Community Center
Attendees Present: Mary Hart, Sue Slater, Margie Diekemper, Dorothy Merritt, Wayne Flesch, Marcia Mermelstein (Senior Coordinator), LaRette Reese (staff Liaison)
Excused: Bill Thomas, Councilwoman Paulette Carr
Absent: Elaine Henton
Guest: Marian Sharpe, Jodie Lloyd

Ms. Mary Hart called the meeting to order at 6:12

Roll call was done by Ms. Marcia Mermelstein

Approval of Minutes

Mr. Flesch moved to approve the minutes from the meeting of November 21, 2016; it was seconded by Ms. Slater. The motion passed.

Unfinished Business

- Senior Commission Liaison - Chairperson Hart explained that there is a change concerning the staff liaison to the Senior Commission, and that as of this meeting, the new liaison will be Marcia Mermelstein. This decision was reached at a recent meeting where LaRette Reese, Marcia, and Jodie Lloyd (Marcia's supervisor) decided that it makes sense for Marcia to now play that role. Ms. Hart thanked Ms. Reese for all that she has done to assist and support the Senior Commission, and Ms. Diekemper presented Ms. Reese an "Above and Beyond" award.
- Commissioner Training – Ms. Hart asked Jodie Lloyd to explain what is included in the Senior Commission binder. Ms. Lloyd also explained that our commission will operate with the same processes as other boards and commissions in the Community Development Department. She asked commission members to contact Ms. Mermelstein to set up an appointment for an orientation meeting, and indicated that commission members could come individually or several people together for those meetings. Mr. Flesch and Ms. Slater set up a meeting for 2:30 p.m. on Thursday, February 23. Ms. Mermelstein said that she will let the rest of the commission members know that they can make their own appointments at a different time.
- Seniors Count – Mr. Flesch had looked into whether or not Proposition S is going to come up again on a future ballot. He reported that Lori Fiegel from St. Louis County says they're trying to keep the same planning group together, and that they are very interested in putting Proposition S on the ballot again. He also mentioned that he is a member of the St. Louis County Older Adult Commission, which will be using the AARP Age-Friendly Community "Action Toolkit."
- Senior Commission "Accomplishments" hand-out – Chairperson Hart mentioned that Councilwoman Carr has read this information and was impressed by the commission's accomplishments. All City Council members have also received a copy.

New Business

- **Future Directions for Commission**

Chairperson Hart said that she would like to talk in depth next month about what direction the commission should focus on. She suggested that we might want to consider using the AARP “Age-Friendly Community Guidelines” as our roadmap. There is a 5-year commitment from communities who choose to follow the AARP established process. Ms. Hart said that she will email county Age-Friendly Community documents to commission members so that they can be reviewed before next month’s meeting. Commission members were encouraged to send emails to either Ms. Hart or Ms. Mermelstein if they have additional ideas concerning future directions.

Chairperson Hart explained that Ms. Mermelstein and the commission will all be working together, with the commission making recommendations and offering advice.

Discussion was held about whether we should focus on identified needs (poorer residents living north of Olive) or try to develop new programs for residents who don’t seem to have specific needs or who don’t identify themselves as “older adults. There was some consensus that we should focus on known gaps in service.

Mr. Flesch brought up the idea of scheduling a “Fall Prevention” program, possibly using a Wash. U. staff person as facilitator. Ms. Mermelstein said that she knows OASIS does a yearly fall prevention program, and that she would contact someone there to clarify whether our scheduling a similar program would be considered a conflict. During the discussion, it was suggested that firefighters can refer people to resources when they go to houses to help pick them up if they have fallen. If we schedule a program, we can give firefighters a flyer to hand to people to encourage them to attend. Mr. Flesch, Ms. Mermelstein, and Chairperson Hart said they would talk further about developing this program.

Other Business:

Ms. Diekemper gave an update concerning ITN--Clayton and Brentwood announced at the last steering committee meeting that they would be going to their city councils to ask for financial contributions similar to the one that U-City decided on at our last meeting. There still is the need to recruit drivers and do fundraising, and this will be discussed at the steering committee taking place tomorrow. She said that they hope to finalize promotional materials, and then we will need to use guidelines they have about how to do outreach into the community.

Senior Coordinator Update:

Ms. Mermelstein provided the following updates on activities, meetings, and programs related to older adults:

- The senior mailing list is up to around 325 names.
- She is continuing to get frequent phone calls about making appointments for tax assistance at the U-City Library. Most of those callers are U-City residents, enabling her to add many new names to the database.
- About a dozen people are participating in the “Computer Comfort” class offered by Washington University.
- She has had a large response to the newsletter she sent out recently, and has already received a number of applications for the April “Make A Difference Day” program.

Council Liaison Update: NA

Public Participation

Ms. Marian Sharpe said that she wanted the commission members to know how much she appreciates their efforts. N-1-2

Closing Comments – Chairperson Hart presented a bouquet and card to Ms. Reese, thanking her on behalf of the entire commission for her years of assistance. She then presented a bouquet and card to Ms. Slater, who will be getting treatment for cancer in the near future, wishing her well on behalf of all of us. Everyone was then invited to eat some *hamantashen* (Purim cookies) that Ms. Mermelstein had brought.

Meeting was adjourned at 7:35PM

Next Meeting: Monday, March 20, 2017 at 6:00 PM. – Heman Park Community Center

**Board of Adjustment
February 23, 2017 Meeting Minutes
(approved 4-17-17)**

A Board of Adjustment meeting was held on Thursday February 23, 2017 at the Heman Park Community Center located at 975 Pennsylvania Ave., University City, Missouri. The meeting commenced at 6:30 pm.

Members Present

Charles Marentette, Chairperson
Roger McFarland, Vice-Chairperson
Peggy Holly
Denise Anderson
Gary Nelling

Members Absent (excused)

None

Non-Voting Members Present

Rod Jennings, Council Liaison

Staff Present

Andrea Riganti, Director of Community Development
Zach Greatens, Planner

1. Election of Officers

Mr. McFarland made a motion to nominate Mr. Marentette to serve as Chairperson. The motion was seconded by Ms. Anderson and carried unanimously.

Mr. Marentette made a motion to nominate Mr. McFarland to serve as Vice-Chairperson. The motion was seconded by Ms. Anderson and carried unanimously.

2. Approval of Minutes

The minutes from the September 19, 2016 Board of Adjustment meeting were approved.

3. Case # BOA 17-01 – 7411 Teasdale Avenue

Mr. Adam Davenport with Killeen Studio Architects requested a variance on behalf of Eric Wittenauer, property owner of 7411 Teasdale Avenue, to construct a detached garage maintaining a side yard setback of two and two-tenths (2.2) feet in lieu of five (5) feet from the western property boundary and a rear yard setback of two and five-tenths (2.5) feet from the northern property boundary as required by Sections 400.160.B and 400.1090.A of the Zoning Code.

Mr. Davenport explained the request and stated that the proposed garage would be replacing the existing garage, which was deteriorating and beyond repair. The proposed garage would maintain the same side yard setback as the existing garage. The proposed rear yard setback would actually be increased in comparison to the existing garage. He stated that because the setbacks would either be the same or greater than the existing garage, there would be no

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detrimental impact on adjacent property owners. Due to the shallowness of the lot, there was not enough room to construct a detached garage in compliance with the required setbacks and also allow for proper space to maneuver vehicles into and out of the garage.

Public Comments

- Tracy Floeh, property owner of 7400 Teasdale Avenue, stated she was in support of the proposal as there was not enough room on the shallow lots and that a garage was a necessity in the St. Louis area.
- Lynn Rossel, property owner of 7407 Teasdale Avenue, stated she did not object to the proposal.
- Pamela Guillot, property owner of 7421 Teasdale Avenue, stated she did not oppose the proposal. She stated she was concerned about the poor condition of the properties to the north of the subject property, on Delmar Boulevard.

Board members discussed the proposal and agreed that the request met the hardship requirements set forth in the Zoning Code. There was some concern about access to the north and west sides of the proposed garage for future maintenance. The applicant stated that the rear yard setback would actually be increased in comparison to the existing garage and that he and the property owner had discussed installing a gate in the existing fence to allow for access to the north and west sides of the garage. A portion of the existing fence would have to be removed in order to construct the proposed garage, so that would allow an opportunity to install a gate. Board members agreed that there would be enough room to allow access to the north and west sides of the garage and that the situation was unique to the property in question.

The variance request was approved by a vote of five (5) to zero (0).

4. Adjournment

The meeting adjourned at 7:15 p.m.



April 6, 2017
(revised April 27, 2017)

Ms. LaRetta Reese
Interim City Clerk
6801 Delmar Blvd. – 2nd Floor
University City, MO 63130

Dear Ms. Reese:

Thank you for the opportunity to provide you with a proposal for the City Manager recruitment and selection process for University City. GovHR USA ("GovHR") is committed to providing you with a tailored, personal approach to executive recruitment and selection, and we are able to adapt to your specific requirements for the position.

GovHR is a public management consulting firm serving municipal clients and other public sector entities on a national basis. GovHR offers customized executive recruitment services and completes other management studies and consulting projects for communities. Our consultants are experienced executive recruiters who have conducted over 600 recruitments, working with cities, counties, special districts and other governmental entities of all sizes throughout the country. In addition, we have held leadership positions within local government, giving us an understanding of the complexities and challenges facing today's public sector leaders.

GovHR Senior Vice President Lee Szyborski will be responsible for your recruitment and selection process. Mr. Szyborski has assisted or managed more than 40 executive searches for communities in Illinois, Wisconsin, Missouri and Massachusetts. Mr. Szyborski's biography is attached to the Proposal and his contact information is:

Lee Szyborski
GovHR USA, LLC
342 N. Water Street, 6th Floor
Milwaukee, WI 53202
Telephone: (414) 750-7799
lszyborski@govhrusa.com

The attached Proposal is a firm and irrevocable offer and shall remain in effect for a period of six months from the date of the Proposal. We look forward to hearing from you, and hopefully to working with you on this important recruitment.

Sincerely,

A handwritten signature in black ink that reads 'Heidi Voorhees'.

Heidi Voorhees
President
GovHR USA, LLC

630 Dundee Road, Suite 130, Northbrook, Illinois 60062
Local: 847.380.3240 Toll Free: 855.68GovHR (855.684.6847) Fax: 866.401.3100 GovHRUSA.com

EXECUTIVE RECRUITMENT • INTERIM STAFFING • MANAGEMENT AND HUMAN RESOURCE CONSULTING

**PROPOSAL FOR RECRUITMENT SERVICES
CITY MANAGER, UNIVERSITY CITY**

GovHR is pleased to provide the following Proposal for recruitment and selection services for the City Manager of University City.

Qualifications and Experience

GovHR is a public management consulting firm serving municipal clients and other public sector entities on a national basis. Our headquarters offices are in Northbrook, Illinois. We are a certified Female Business Enterprise in the State of Illinois, and work exclusively in the public sector. GovHR offers customized executive recruitment services and completes other management studies and consulting projects for communities. Please note the following key qualifications of our firm:

- Since our establishment in 2009, our consultants have conducted hundreds of recruitments in 24 states, with an increase in business of at least 30% each year. Twenty-eight (28%) of our clients are repeat clients, the best indicator of satisfaction with our services.
- Surveys of our clients show that 94% rate their overall experience with our firm as *Outstanding*, and indicate that they plan to use our services or highly recommend us in the future.
- Our state of the art processes, including extensive use of social media for candidate outreach and skype interviews with potential finalist candidates, ensure a successful recruitment for your organization.
- GovHR has handled a number of high profile recruitment and selection processes that required unique facilitation and outreach skill sets. One recent example was the Ferguson City Manager recruitment, which involved numerous stakeholder interviews, the establishment of a direct email between the citizens and our office to receive confidential feedback, and a highly participatory interview process involving panels of community members and a community forum for the candidates.
- Our high quality, thorough Recruitment Brochure reflects the knowledge we will have about your community and your organization, and will provide important information to potential candidates.
- We provide a two-year guarantee for our recruitments. Less than 1% of our clients have had to invoke the guarantee.
- The firm has a total of twenty-two consultants, both generalists and specialists (public safety, public works, finance, parks, etc.), who are based in Arizona, Florida, Illinois, Indiana, Michigan, and Wisconsin, as well as five reference specialists and eight support staff.

Our consultants are experienced executive recruiters who have conducted over 600 recruitments, working with cities, counties, special districts and other governmental entities of all sizes throughout the country. In addition, we have held leadership positions within local government, giving us an understanding of the complexities and challenges facing today's public sector leaders.

GovHR is led by Heidi Voorhees, President, and Joellen Earl, Chief Executive Officer. Ms. Voorhees previously spent 8 years with the nationally recognized public sector consulting firm, The PAR Group, and was President of The PAR Group from 2006 – 2009. Ms. Voorhees has conducted more than 240 recruitments in her management consulting career, with many of her clients repeat clients, attesting to the

high quality of work performed for them. In addition to her 12 years of executive recruitment and management consulting experience, Ms. Voorhees has 19 years of local government leadership and management service, with ten years as the Village Manager for the Village of Wilmette. Ms. Earl is a seasoned manager, with expertise in public sector human resources management. She has held positions from Human Resources Director and Administrative Services Director to Assistant Town Manager and Assistant County Manager. Ms. Earl has worked in forms of government ranging from Open Town Meeting to Council-Manager and has supervised all municipal and county departments ranging from Public Safety and Public Works to Mental Health and Social Services.

Consultant Assigned

GovHR Senior Vice President Lee Szyborski would be responsible for your recruitment and selection process. Mr. Szyborski has assisted or managed more than 40 executive searches for communities in Illinois, Wisconsin, Missouri and Massachusetts, as well as non-profit agencies including the International City/County Management Association. Mr. Szyborski's biography is attached and his contact information is:

Lee Szyborski
GovHR USA, LLC
342 N. Water Street, 6th Floor
Milwaukee, WI 53202
Telephone: (414) 750-7799
Lszyborski@govhrusa.com

A complete list of GovHR's clients is available on our website at www.govhrusa.com.

References

The following references can speak to the quality of service provided by GovHR:

Ferguson, MO (City Manager, 2015) – Heidi Voorhees & Joellen Earl

Mayor James Knowles III
110 Church Street
Ferguson, MO 63135
314-521-7721
jknowles@fergusoncity.com

Maryland Heights (City Administrator, 2015) – Lee Szyborski

Deborah Hamilton
HR Director
11911 Dorsett Road
Maryland Heights, MO 63043
314-291-6550
dhamilton@marylandheights.com

Kirkwood, MO (Fire Chief, 2015) – Lee Szyborski

Russell Hawes
Chief Administrative Officer
139 S. Kirkwood Road
Kirkwood, MO 63122
314-822-6800
hawesrb@kirkwoodmo.org

Republic, MO (City Administrator, 2016) – Lee Szymborski
Brian Buckner
Former Mayor
213 North Main Street
Republic, WI 65738
417-840-2231
brian.buckner@sbcglobal.net

Scope of Work

A typical recruitment and selection process takes approximately 175 hours to conduct. At least 50 hours of this time is administrative, including advertisement placement, reference interviews, and due diligence on candidates. We believe our experience and ability to professionally administer your recruitment will provide you with a diverse pool of highly qualified candidates for your position. GovHR clients are informed of the progress of a recruitment throughout the entire process. We are always available by mobile phone or email should you have a question or need information about the recruitment.

GovHR suggests the following approach to your recruitment, subject to your requests for modification:

Phase I – Position Assessment, Position Announcement and Brochure Development

Phase I will include the following steps:

- A public meeting with the entire City Council (City Council defined as all seven members of the body) to discuss process, recruitment strategy and answer questions about the process, and to develop our Recruitment Brochure (i.e., Candidate Profile). This important document outlines the expectations that the Council and citizens have for its next City Manager, providing us with the information we need to target our recruitment. During this process, we will assist you with establishing the salary for the position by conducting a salary survey of comparable communities, if requested. (Please note: additional fees and expenses may be incurred if more than one trip is required to achieve consensus on the candidate profile, recruitment strategy and/or process. See Cost Proposal.)
- Development of a Position Announcement.
- Development of a detailed Recruitment Brochure for your review and approval.
- Agreement on a detailed Recruitment Timetable – a typical recruitment takes 90 days from the time you sign the contract until you are ready to appoint the finalist candidate.

Phase II – Advertising, Candidate Recruitment and Outreach

We make extensive use of social media as well as traditional outreach methods to ensure a diverse and highly qualified pool of candidates. We network extensively with state, city and county management associations, and also attend the meetings of Women Leading Government, the International Hispanic Network, and the National Forum for Black Public Administrators, among others. In addition, our website is well known in the local government industry – we typically have 5,000 visits to our website each month. Finally, we develop a database customized to your recruitment and can do an email blast to thousands of potential candidates.

Phase II will include the following steps:

- Placement of the Position Announcement in appropriate professional online publications. In addition to public sector publications and websites, outreach will include LinkedIn and other

private sector resources. We can provide the Council with a list of where we intend to place the position announcement, if requested.

- The development of a database of potential candidates from across the country unique to the position and to University City, focusing on the leadership and management skills identified in Phase I as well as size of organization, and experience in addressing challenges and opportunities also outlined in Phase I. This database can range from several hundred to thousands of names depending on the parameters established for the outreach. Outreach will be done in person, and through e-mail and telephone contacts. GovHR consultants have extensive knowledge of the municipal government industry and will personally identify and contact potential candidates. With more than 600 collective years of municipal and consulting experience among our consultants, we often have inside knowledge about candidates.

Phase III – Candidate Evaluation and Screening

Phase III will include the following steps:

- Review and evaluation of candidates' credentials considering the criteria outlined in the Recruitment Brochure.

Candidates will be interviewed by skype or facetime to fully grasp their qualifications, experience and interpersonal skills. The interviews include asking specific questions about their experiences and skill sets as well as asking questions specific to the City Manager. We will ask follow up questions and probe specific areas. By utilizing skype or facetime we will have an assessment of their verbal skills and their level of energy for and interest in the position.

Optional: One-way video Interview where finalist candidates answer interview questions on their own time. It's convenient for them and incredibly insightful for you. A link to each candidate video can be emailed to you for your review.

- Formal and Informal references and an Internet/social media search of each candidate will be conducted to further verify candidates' abilities, work ethic, management and leadership skills, analytical skills, interpersonal skills, ability to interact with the media, and any areas identified for improvement.
- All résumés will be acknowledged and contacts and inquiries from candidates will be personally handled by GovHR, ensuring that University City's process is professional and well regarded by all who participate.

Phase IV – Presentation of Recommended Candidates

Phase IV will include the following steps:

- GovHR will prepare a Recruitment Report that presents the credentials of those candidates most qualified for the position. You will advise us of the number of reports you will need for the individuals involved in this phase of the recruitment and selection process. We provide a binder which contains the candidate's cover letter and résumé. In addition, we prepare a "mini" résumé for each candidate, so that each candidate's credentials are presented in a uniform way. GovHR will provide you with a log of all candidates who applied. You may also review all the résumés, if requested.
- GovHR will meet with you on-site to review the Recruitment Report and expand upon the information provided. The report will arrive two to three days in advance of the meeting, giving you the opportunity to fully review it. In addition to the written report, we will spend 2 to 3 hours

discussing the candidates by reviewing their skype interviews and providing excerpts from the references we will have conducted on the individuals.

Phase V –Interviewing Process

Phase V will include the following steps:

- After the Recruitment Report is presented, the Interviewing Process will be finalized including the discussion of any specific components you deem appropriate, such as a writing sample or oral presentation.
- GovHR will develop the first and second round interview questions for your review and comment. GovHR will provide you with interview books that include the credentials each candidate submits, a set of questions with room for interviewers to make notes, and evaluation sheets to assist interviewers in assessing the candidate's skills and abilities.
- GovHR will work with you to develop an interview schedule for the candidates, coordinating travel and accommodations. In addition to a structured interview with the City, the schedule will incorporate a tour of University City's facilities and interviews with senior staff, if the City so desires.
- Once candidates for interview are selected, additional references will be contacted, along with verification of educational credentials, criminal court, credit, and motor vehicle and records checks.
- GovHR recommends a two-step interviewing process with (typically) five or six candidates interviewed in the first round. Following this round, we strongly suggest that two or three candidates are selected for second round interviews. Again, we will prepare a second round of interview questions and an evaluation sheet.
- GovHR consultants will be present for all the interviews, serving as a resource and facilitator.

Phase VI – Appointment of Candidate

- GovHR will assist you as much as you request with the salary and benefit negotiations and drafting of an employment agreement, if appropriate.
- GovHR will notify all applicants of the final appointment, providing professional background information on the successful candidate.

Recruitment Schedule

A detailed recruitment schedule will be provided in Phase I. The recruitment and selection process typically takes 90 days from the time the contract is signed until the candidate is appointed. We can work with you on a shorter process, should you so desire.

Our typical recruitment process includes the following milestones and deliverables:

- **Weeks 1 - 2** Public meeting with the City Council, development and approval of recruitment brochure
Deliverable: recruitment brochure

- **Weeks 3 - 8** **Placement of professional announcements; candidate identification, screening, interview and evaluation by consultant**
- **Week 9** **Consultant recommendation to the Council of qualified candidates**
Deliverable: recruitment report
- **Week 10** **Selection of candidate finalists by the Council; additional background and reference checks, report preparation and presentation**
Deliverable: Interview reports including suggested questions and evaluation sheets
- **Weeks 11-12** **Interviews of selected finalist candidates; Council recommendation of final candidate; negotiation, offer, acceptance and appointment**

Optional 360° Evaluation

As a service to the City, we offer the option to provide you with a proposal for a 360° performance evaluation for the appointed City Manager at about six months into his or her employment. This evaluation will include seeking feedback from both Elected Officials and Department Directors, along with any other constituent the City feels would be relevant and beneficial. This input will be obtained on a confidential basis with comments known only to the consultant. If you are interested in this option, GovHR USA will prepare a proposal for this service.

Philosophy

Executive search is an important decision-making process for a community and our primary goal is to help our client to make a good decision. Our firm's executive recruitment philosophy embraces a professional process of integrity, trust, and respect toward all parties involved, and complete commitment toward meeting the expressed needs and desires of our client. All of our services are handled by principals of the firm who have established and well-regarded reputations in the search field, as well as actual operating experience in the public management fields in which they now consult. Each has impeccable professional credentials and unblemished personal reputations. Keeping both our client and prospective candidates informed on the status of the recruitment on a regular basis is also an important part of our recruitment process. Our work is carried out in an open manner with particular attention given toward seeking out critical factors of a client's organization and governance, and utilizing such information respectfully and discreetly in seeking out candidates who truly have the ability to meet the expectations and needs of the client—working strenuously in developing a fully qualified, "best match" candidate pool for client consideration. Our process includes assistance in the critical final interview and selection phases of the recruitment, and availability to both client and candidate for months following the appointment. Our process was developed and refined over the years to meet the special, and often unique, needs and circumstances facing our local government, public management, and related not-for-profit clients.

GovHR Guarantee

It is the policy of GovHR to assist our clients until an acceptable candidate is appointed to the position. Therefore, no additional professional fee would be incurred should the Client not select from the initial group of recommended candidates and request additional candidates be developed for interview consideration. Additional reimbursable expenses may be incurred should the situation require consultant travel to University City beyond the planned three visits.

Upon appointment of a candidate, GovHR provides the following guarantee: should the selected and appointed candidate, at the request of the City or the employee's own determination, leave the employ of the City within the first 24 months of appointment, we will, if desired, conduct another search for the cost of expenses and announcements only, if requested to do so within six months of the employee's departure.

In addition, in accordance with the policy of our firm as well as established ethics in the executive search industry, we will not actively recruit the placed employees for a period of five years.

Why Choose GovHR?

We ask you to consider the following as you deliberate:

- We are a leader in the field of local government recruitment and selection with experience in more than 24 states, in communities ranging in population from 1,000 to 1,000,000. More than 28% of our clients are repeat clients showing a high level of satisfaction with our work. We encourage you to call any of our previous clients.
- We are committed to bringing a diverse pool of candidates to your recruitment process. We network extensively with state, city and county management associations, attending more than 20 state and national conferences each year. In addition, we support and attend the meetings of Women Leading Government, the International Hispanic Network, the California Network of Asian Public Administrators, and the National Forum for Black Public Administrators.
- We conduct comprehensive due diligence on candidates. Before we recommend a candidate to you, we will have interviewed them via Skype, conducted reference calls, and media and social media searches. Our knowledge of local government ensures that we can ask probing questions that will verify their expertise.
- We are your partners in this important process. You are welcome to review all the resumes we receive and we will share our honest assessment of the candidates.
- Our goal is your complete satisfaction. We are committed to working with you until you find the candidate that is the best fit for your position.

We believe we have provided you with a comprehensive proposal; however, if you would like a service that you do not see in our proposal, please let us know. We can most likely accommodate your request.

This proposal will remain in effect for a period of six months from the date of the proposal.

ACCEPTED BY UNIVERSITY CITY, MISSOURI

BY: _____

TITLE: _____

CONSULTANT BIOGRAPHY

Lee Szymborski Senior Vice President – GovHR USA

Lee Szymborski is a Senior Vice President with GovHR USA, working on both executive search and general management consulting assignments. He has more than 33 years of experience in local government administration.

Mr. Szymborski's experience spans both Wisconsin and Illinois communities. Mr. Szymborski served more than 15 years as City Administrator in Mequon, Wisconsin. Mequon is a full-service city with \$30 million in combined budgets, and more than 170 employees serving 23,000 residents. In addition to his Wisconsin service in Mequon, he also worked for the City of Wauwatosa and Milwaukee County. In Illinois, he served for 12 years as Assistant Village Manager in Buffalo Grove.

Mr. Szymborski's track record points to a results-oriented approach to municipal government management. That is demonstrated by his work including the purchase of a \$14 M private water utility that has seen its customer base increase under city ownership (Mequon); reorganizing city departments and reducing workforce costs in an organizationally sensitive manner (Mequon); spearheading a 10-community oversight committee to secure the startup of commuter rail service (Metra) on the WI Central railway (Buffalo Grove); and re-purposing TIF funds to provide incentives that secured a \$16 M mixed-use development in Mequon's Town Center. He is additionally skilled in budgeting, personnel administration, community engagement efforts and strategic planning.

Mr. Szymborski's experience in recruiting key staff extends back to his management roles in both Buffalo Grove and Mequon. In Buffalo Grove, he handled for the Village Manager all aspects of recruiting the management team. During his time in Mequon, Mr. Szymborski recruited all members of the City's management team.

Since joining GovHR USA in 2014, Mr. Szymborski has assisted or managed more than 40 executive searches for communities in Wisconsin, Illinois, Missouri and Massachusetts, as well as non-profit agencies including the International City/County Management Association. His recent searches include Administrator and department head positions for the Wisconsin communities of Wauwatosa, Oak Creek, Cedarburg (Town), Middleton, and Beloit (Town). His work for Illinois municipalities include, among others, East Peoria, Washington and DeKalb. He has also managed local government searches in Missouri and Massachusetts. He has done management studies for several Wisconsin and Illinois communities and has facilitated strategic planning retreats and written plans for the City of Eau Claire and the Wisconsin City/County Management Association. He has also been part of GovHR USA's classification and compensation studies in several Wisconsin and Illinois communities.

Mr. Szymborski has published articles in Public Management magazine, and is an adjunct instructor at Upper Iowa University – Milwaukee Center. He holds a B.A. in Political Science, and an M.S. in Urban Affairs, both from the University of Wisconsin – Milwaukee. He is an active member of the Mequon-Thiensville Sunrise Rotary Club, and is a past-president of the club. Mr. Szymborski serves on the Board of Directors for the Mequon Nature Preserve. He is a recipient of the Mequon – Thiensville Chamber of Commerce's Distinguished Service Award. He has also served in leadership roles with the International City/County Management Association, the Wisconsin City/County Management Association, the Illinois City/County Management Association and the Illinois Association of Municipal Management Association, (past-president).



**UNIVERSITY CITY, MISSOURI
COST PROPOSAL – CITY MANAGER RECRUITMENT SERVICES**

Summary of Costs	Price
Recruitment Fee:	\$13,500
Recruitment Expenses: (not to exceed) <ul style="list-style-type: none"> ➤ Expenses include consultant travel, postage/shipping, telephone, support services, candidate due diligence efforts, copying etc. 	5,000
Advertising: <ul style="list-style-type: none"> *Advertising costs over \$2,500 will be placed only with client approval. If less than \$2,500, Client is billed only for actual cost. 	2,500*
Total:	\$21,000**

**This fee does not include travel and accommodations for candidates interviewed. Recruitment brochures are produced as electronic files. Printed brochures can be provided, if requested, for an additional cost of \$900.

The above cost proposal is predicated upon three consultant visits to the City; the first for the recruitment brochure interview process; the second to present recommended candidates; and the third for the candidate interview process. Any additional consultant visits requested by the City may result in an increase in the travel expenses and those expenses will be billed to the Client.

Payment for Fees and Services

Professional fees and expenses will be invoiced as follows:

- 1st Payment:** 1/3 of the Recruitment Fee (invoice sent upon acceptance of our proposal).
- 2nd Payment:** 1/3 of the Recruitment Fee and expenses incurred to date (invoice sent following the recommendation of candidates).
- Final Payment:** 1/3 of the Recruitment Fee and all remaining expenses (invoice sent after recruitment is completed).

Recruitment expenses and the costs for printing the Recruitment Brochure will be itemized in detail. Payment of invoices is due within thirty (30) days of receipt (unless the client advises that its normal payment procedures require 60 days.)

630 Dundee Road, Suite 130, Northbrook, IL 60062
 Local: 847.380.3240 Toll Free: 855.68GovHR (855.684.6847) Fax: 866.401.3100 GovHRUSA.com

EXECUTIVE RECRUITMENT INTERIM STAFFING MANAGEMENT AND HUMAN RESOURCE CONSULTING