



MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
March 12, 2018
6:30 p.m.

- A. MEETING CALLED TO ORDER**
- B. ROLL CALL**
- C. APPROVAL OF AGENDA**
- D. PROCLAMATIONS**
- E. APPROVAL OF MINUTES**
 - 1. February 26, Regular session minutes
- F. APPOINTMENTS to BOARDS & COMMISSIONS**
 - 1. David Rowan is nominated to the Urban Forestry Commission replacing Beth Skelton's unexpired seat by Councilmember McMahon.
- G. SWEARING IN to BOARDS & COMMISSIONS**
 - 1. John Solodar was sworn into the Green Practices Commission in the Clerk's office on February 28, 2018.
 - 2. Dianne Benjamin to be sworn into the Urban Forestry Commission.
- H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)**
- I. PUBLIC HEARINGS**
- J. CONSENT AGENDA**
- K. CITY MANAGER'S REPORT**
 - 1. Crown Center Senior Living / MHDC Project – Letter of Support
(Vote Required)
 - 2. Conditional Use Permit Approval - Garage
(Vote Required)
 - 3. Conditional Use Permit Approval - COCA
(Vote Required)
 - 4. MSD Storage Tanks Project Engineering Review – Service Contract Award
(Vote Required)

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9352** – AN ORDINANCE AMENDING SECTION 120.300 OF THE UNIVERSITY CITY MUNICIPAL CODE REGARDING THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF UNIVERSITY CITY, MISSOURI.

M. NEW BUSINESS

RESOLUTIONS

BILLS

1. **BILL 9353** - AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ST. LOUIS COUNTY, MISSOURI FOR MULTIJURISDICTIONAL DRUG TASK FORCE SERVICES
2. **BILL 9354** - AN ORDINANCE WITHDRAWING AN EASEMENT GRANT TO ST. LOUIS COUNTY, MISSOURI AND REPEALING SECTION III OF ORDINANCE NO. 6420.
3. **BILL 9355** - AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WASHINGTON UNIVERSITY FOR PEDESTRIAN AND BICYCLE RAMP AND BRIDGE SERVICES.

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

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

Q. ADJOURNMENT

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
February 26, 2018
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, February 26, 2018, Mayor Shelley Welsch called the meeting to order at 6:33 p.m.

B. ROLL CALL

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

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

Also in attendance was City Manager, Gregory Rose, and City Attorney, John F. Mulligan, Jr.

C. APPROVAL OF AGENDA

Hearing no requests to amend, Councilmember McMahon moved to approve the agenda as presented, it was seconded by Councilmember Carr and the motion carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. February 12, 2018, Regular Session minutes were moved by Councilmember Jennings, and seconded by Councilmember McMahon and the motion carried unanimously.
2. February 12, 2018, Study Session minutes were moved by Councilmember Glickert, and seconded by Councilmember Carr and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Michael Miller is nominated for reappointment to the Plan Commission by Councilmember Jennings, it was seconded by Councilmember Glickert and the motion carried unanimously.

Mayor Welsch announced that at the last meeting, Carol Jackson had erroneously been nominated for appointment to the Arts and Letters Commission by Councilmember Smotherson.

2. Carol Jackson is nominated to the Arts and Letters Commission replacing Melcine Henderson's expired seat by Councilmember Jennings, it was seconded by Councilmember Smotherson and the motion carried unanimously.
3. Dianne Benjamin is nominated to Urban Forestry replacing Mark Wallace's expired term by Mayor Welsch, it was seconded by Councilmember Glickert and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Mary Gorman was sworn into the Green Practices Commission at tonight's meeting.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Gary Nelling, 850 Warder Avenue, University City, MO

Mr. Nelling stated the U City/Wash U Advisory Committee was comprised of 12 deeply committed individuals from varying backgrounds who expended 200 to 300 hours of scholarship. He encouraged Council to consider placing their July 30, 2015, Report on the agenda for discussion, and as Chairman would be happy to meet with Council to provide any clarifications.

Mr. Nelling thanked Mayor Welsch, Councilmember Jennings, and Councilmember Glickert for their years of service and stated when someone is not inclined to listen to the majority opinions of their constituents the wise choice is to do exactly what they have done, step aside.

Lisa Brenner, 507 N. Central Avenue, University City, MO

Ms. Brenner provided an update on the School Board's activities for February:

- Presentation from Flynn Park, Brittany Woods, and U City High, on their formative data for the current academic year and interventions to improve attendance, achievement, and school culture. Anyone interested in reviewing this report may do so at BoardDocs.
- Approval of a Lease/Purchase Agreement for 17 gas busses, resulting in a slight decrease in yearly costs and ownership of the buses. It is also anticipated that the change from diesel to gas buses will result in a decrease in repair costs.
- Approval of a Memorandum of Understanding with the Missouri Assessment Partnership; a group of leaders across the State dedicated to reforming achievement assessments that enhance the ability to measure a student's growth and inform educators of their needs.
- Approval of a Memorandum of Understanding with Aim High; a summer enrichment program for sixth graders that provides five weeks of summer programming. The District earns attendance money from the State to offset any transportation costs making this a budget-neutral item.
- Presentation on changing procedures for gifted and talented education. These procedures seek to screen all children, decrease referral biases, identify new tests and implement a pilot program.
- In accord with the Board's approval of a district-wide upgrade for phone systems, Flynn Park has been designated as the next school to receive upgrades at a cost of \$41,547.
- Continuation of the District's banking contract with Royal Bank. Royal submitted a competitive bid for services and made a \$12,000 donation to the District.

- Continuation of the District's auditing contract with Daniel Jones & Associates; the lowest responsible bidder.
- Board of Director's second book study to augment professional development; *Balanced Governance*.

Tim Cusick, 7915 Glenside Place, University City, MO

Mr. Cusick stated he thinks it is time to pull the U City/Wash U Advisory Committee's Report dated July 30, 2015, out of the mothballs and bring it back for further discussion. This excellent report highlights the overall imbalance between U City and Wash U, and states, *"After gathering and analyzing all the facts on taxes, property, service costs, monetary, and in-kind services by Wash U to U City, the committee estimates a loss of tax revenue for 2018 of approximately 1.87 to 2.16 million dollars."* It further states, *"There is no way to quantify exactly what Wash U owes to U City to compensate for tax-exempt property. However, we believe the evidence points strongly to the conclusion that taxpayers of U City are bearing a disproportionate share of the burden. Wash U can do more."*

Mr. Cusick stated Wash U is a valued member of this community and one of the largest landowners, but that does not give them carte blanche on how they treat U City. So while he will commend Council for their positive actions over the past year, and he is not naive enough to think that the committee's recommendations will solve all of U City's budgetary problems, it is a starting point. We can either do nothing or we can start the conversation on how to reach an equitable solution in our relationship with Wash U. He asked that the future Council give consideration to acting upon the recommendations presented by this committee and that the report be made readily available on the City's website.

Leif Johnson, 836 Barkley Square, University City, MO

Mr. Johnson stated the Mayor, in her February 18, 2018, newsletter claimed that the people who speak so constantly of being transparent don't even want things discussed if they disagree with them. He stated he is glad to hear that the Mayor is now in favor of transparency in U City's government since it is quite a change from what she wrote on August 11, 2015, when EMS was privatized against the wishes of over 300 residents. *"The idea behind this form of government is that professionals run the City. And they do this without succumbing to politics or outside influence when decisions are being made. Furthermore, no decisions regarding EMS or any other department of the City ought to be made in a public meeting."* The Mayor said she got these ideas from Edmund Burke, whose motto was, *"The laws of commerce are the laws of nature and therefore, the laws of God"*. Burk succeeded in having Parliament abolish laws giving food allotments to the poor during the famine of 1772. He opposed allowing ordinary people the right to vote. He claimed that common people haven't the intelligence or knowledge to govern.

Mr. Johnson stated he trusts that Council will return EMS to the people; that they will continue their dedication to transparency and freeing this City from the followers of Edmund Burke.

Bobette Patton, 8639 Spoon Drive, University City, MO

Ms. Patton stated over the past few years, she has personally observed several disconcerting incidents involving Councilmembers Glickert, Jennings, and Mayor Welsch. And as a result, reached the conclusion that this was not the type of governance she wanted for her community. She stated her desire is to live in a City that is progressive and admired by other cities. That is certainly not where U City is today, but her belief is that these reputable characteristics are on their way back. Councilmember Crow will not be the Mayor by default, but by the will of the people.

I. PUBLIC HEARINGS

1. AMENDMENT TO THE ZONING CODE, OFF-STREET PARKING AND LOADING REQUIREMENTS, LOCATION OF PARKING AREAS.

Mayor Welsch opened the public hearing at 6:56 p.m., and hearing no requests to speak the hearing was closed at 6:56 p.m.

J. CONSENT AGENDA – Vote Required

1. Annual Tire Purchase
2. Golf Course Mower Purchase
3. Park Division Mower Purchase
4. Solid Waste Automated Truck Purchase

Mr. Rose stated the Consent Agenda contains items that are considered routine and can be approved or rejected by one action of the Council.

Councilmember Glickert moved to approve, it was seconded by Councilmember Smotherson, and the motion carried unanimously.

K. CITYMANAGER'S REPORT

1. Drainage Improvement Contract – 8100 Teasdale

Mr. Rose stated In FY17 Council approved a contract with TWN for the design and engineering work for the 8100 block of Teasdale. In FY18 funding for construction of this new project was appropriated. Staff received a total of ten bids and is recommending that Council approve the awarding of a bid for the 8100 block of Teasdale for drainage improvements to Gateway DSC, in the amount of \$169,477.72; the lowest responsive bidder. This project consists of full-depth pavement reconstruction, replacement of concrete curbs and gutter, concrete approaches, storm sewer and inlet utility adjustments and seating. If approved, construction will begin in the spring of 2018.

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

2. Program Agreement – Westgate Ave. Improvements

Mr. Rose stated the City applied for Federal funds through the Missouri Highway and Transportation Commission for the following improvements; millage and resurfacing of existing asphalt, installation of new stop signs, a stop bar at the intersection of Clemmons and Westgate Avenue, bicycle shared lane markings, shared road signs, and others. The grant, which totals \$932,274, is administered by East/West Gateway Council of Government and the Missouri Department of Transportation. Federal participation is 80 percent and the City's participation is 20 percent, for an equivalent cost of \$233,269. Staff is recommending that Council approve the State Agreement allowing for these improvements.

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

Councilmember Smotherson stated since the grant has been awarded for 2019, does that mean the work will not start until 2019?

E - 1 - 4

Sinan Alpaslan, Director of Public Works and Parks, stated the design of the project will commence in Federal Fiscal Year 2019 and construction will take place the following year; Fiscal Year 2020.

Councilmember Smotherson stated the reason for his concern is based on an existing situation at Vernon and Westgate that is damaging cars.

Voice vote on Councilmember Smotherson's motion carried unanimously.

3. Legislative Platform

Mr. Rose stated U City's 2018 Legislative Platform is crafted to provide Council with the ability to give direction to staff and provide Council's position to the City's Federal and State Delegation on current and potential legislative issues. Specifically, the Platform seeks Council's direction on revenue, finance, governance, quality services and infrastructure. This Legislative Platform, if approved, would be used by staff to influence legislation consistent with the direction they are receiving. Staff is recommending that Council approve the Legislative Platform.

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

4. 8109 Olive Site Plan

Andrea Riganti, Director of Community Development, stated this Site Plan is being presented to Council because the intended user is a non-profit entity, and as such, the City's Zoning Code requires that this Site Plan be approved by City Council. This is a re-occupancy of an existing building by a daycare and religious institution. There are no new curb cuts, no additions to the building, no major changes being proposed, and all conditions of the Site Plan have been satisfied. Therefore, staff is recommending that Council approve the Site Plan for 8109 Olive.

Councilmember Glickert asked if staff had discussed this proposal with the owners of Frank & Helen's? Ms. Riganti stated that the owners of Frank & Helen's are aware of the proposed plans and have agreed to allow cross-access.

Councilmember Carr questioned whether the potential conflict regarding the Wednesday night service held during the hours of operation for Frank & Helen's had been resolved? Ms. Riganti stated although staff cannot predict that attendees will be limited to a small number, they have been informed that no significant conflict is anticipated since the number of participants for the Wednesday night service is small and would not hinder the businesses' operation.

Councilmember Smotherson moved to approve, it was seconded by Councilmember Carr and the motion carried unanimously.

L. UNFINISHED BUSINESS

BILLS

- 1. BILL 9350** – AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. (7000 Kingsbury) Bill Number 9350 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

- 2. BILL 9351** – AN ORDINANCE AMENDING CHAPTER 400, ARTICLE VII, SECTION 400.2010 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO THE ZONING CODE, OFF-STREET PARKING AND LOADING REQUIREMENTS, LOCATION OF PARKING AREAS. Bill Number 9351 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

M. NEW BUSINESS

RESOLUTIONS

Introduced by Councilmember Smotherson

- 1. RESOLUTION 2018-3:** Resolution Convening The Tax Increment Financing Commission Of The City Of University City, Missouri, Authorizing The Distribution of Requests For Proposals, and Authorizing Certain Actions Connected Therewith. The motion was seconded by Councilmember Carr.

Councilmember Carr stated she is very excited to see the TIF Commission being established since it represents another achievement for Olive Boulevard and the 3rd Ward.

Mr. Mulligan stated as a procedural matter, there was an introduction and second, but no motion to adopt.

Mayor Welsch stated the Resolution was introduced by Councilmember Smotherson; i.e., moved to approve, and seconded by Councilmember Carr.

Voice vote on the motion to approve carried unanimously.

BILLS

Introduced by Councilmember Crow

2. **BILL 9352 – AN ORDINANCE AMENDING SECTION 120.300 OF THE UNIVERSITY CITY MUNICIPAL CODE REGARDING THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF UNIVERSITY CITY, MISSOURI.** Bill Number 9352 was read for the first time.

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 Glickert stated the High School Athletic Committee just completed their first season of basketball with over 60 elementary school participants. And with the support of the Athletic Director and dedicated citizens, two new programs have been established to make this a well-rounded assortment of activities for this City's youth; Red Bird Rookies baseball and soccer. These high-spirited games are held every Saturday. Councilmember Glickert provided Ms. Reese with several documents and asked that they be distributed to members of Council.

Mayor Welsch reminded Councilmember Crow of the need to fill this position with once Councilmember Glickert's term expires.

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

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

Councilmember Smotherson stated he was amusingly curious to know whether it was possible for the City to receive a \$12,000 donation from Royal Bank.

Q. ADJOURNMENT

Mayor Welsch thanked everyone for their attendance and adjourned the City Council meeting at 7:11 p.m.

LaRette Reese
City Clerk

Tim Cusick

7915 Glenside Place

I wish to commend the council for their positive actions in the past year; you went through the proper process of interviewing and subsequently hiring a new city manager; our fiscal year 2017-2018 budget was passed unanimously; and you have hired a new city clerk. Many good things are happening on the council for University City. However, the budget process looms.

I think it is time to pull the University City/Washington University Advisory Committee's report, dated July 30, 2015 out of the moth balls and bring it back for further discussion.

This excellent report highlights, amongst many important things, the overall imbalance between University City and Washington University. With University City on the losing end of the ledger.

While I think there are many good recommendations in this report, I am not naive enough to think this will solve all our budgetary problems for the upcoming fiscal year or years. However, this is a start of the process. We can either do nothing, and allow this imbalance to continue, with the residents---tax payers---of University City bearing a disproportionate share of the burden. Or we can start the conversation on how to reach an equitable solution in our relationship with Washington University.

The report states that the estimated loss of tax revenue to University City in 2018 is approximately \$1.87 to \$2.16 million.

Washington University is a valued member of our community, and a major player. As you all know, Washington University is the largest landowner in University City. But that does not give them carte blanche on how they treat University City. I want to quote from the report:

“After gathering and analyzing all the facts on tax-exempt property, service costs, monetary and in-kind services by Washington University to University City, the committee deliberated on recommendations to the City Council. There is no way to quantify exactly what Washington University owes to University City to compensate for tax-exempt property. However, we believe the evidence points strong to the conclusion that taxpayers of University City are bearing a disproportionate share of the burden. Washington University can do more”.

I ask that the future council consider this and act upon the recommendations given in this report. And I would also ask the council to make this report readily available, once again, on the City's webpage.

It is time for Washington University to do more.

Testimony of Leif Johnson
836 Barkley Square
U. City, MO 63130

The Mayor, in her February 18th 2018 newsletter claimed that “the people who speak so constantly of being transparent don't even want things discussed if they disagree with them.”

I am glad to hear the Mayor is now in favor of transparency in U. City government. That's quite a change from what she wrote after the City Council meeting in August 2015 when she privatized our Emergency Medical Service *against the wishes of over 300 citizens*. The Mayor's annoyance over the 300 citizens exercising their right to speak, prompted her to write on August 11, 2015:

“The idea behind this form of government is that professionals run the City...and they do this without succumbing to politics or to outside influence when decisions are being made.” [Politics and outside influence being the people.]

The Mayor continues: “I do NOT think it is appropriate for decisions on staffing in our emergency services, or in any other department of the City, to be made in a public meeting.”

In other words, government is run by the “professionals” who are not bound by the opinions of the citizens, and need not even listen to their opinions. Furthermore, no decisions regarding the EMS or “any other department of the City ought do be made in a public meeting”.

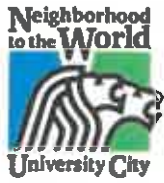
I cannot imagine any set of beliefs more opposite and more destructive of transparency than what the mayor wrote in that August 11, 2015 newsletter..

One more word: the Mayor says she got these ideas from Edmund Burke, who was in the British Parliament during the American Revolution which he vigorously opposed. He was a staunch defender of the “Divine Right of Kings”. He also advocated usury and right of unlimited speculative profiteering. His motto was “The laws of commerce are the laws of Nature, and therefore the laws of God.”

Unable to pay the speculator's usurious prices, the poor of England starved during the famine of 1772. To make sure of this, Burke succeeded in having the Parliament abolish laws giving food allotments to the poor during a famine.

Burke opposed allowing ordinary people the right to vote. He claimed: ...the common people haven't the intelligence or knowledge to govern; they have dangerous and angry passions that could be aroused by demagogues which could undermine cherished traditions and [undermine] established religion, leading to violence and confiscation of property; and they would a create a tyranny over minorities. [minorities being the upper classes].

In a footnote: I trust the Council will return the EMS to the people, and that they will continue their dedication to transparency, and continue their dedication to freeing this City from the followers of Edmund Burke.



City Council Agenda Item Cover

MEETING DATE: March 12, 2018

AGENDA ITEM TITLE: Request for Authorization to Offer Formal Support for the Crown Center for Senior Living Redevelopment, 8350 Delcrest Drive.

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED?: No

BACKGROUND REVIEW:

The Crown Center for Senior Living and its affiliate Crown Center Phase I, L.P. is submitting an application to the Missouri Housing Development Commission for federal tax credits for the acquisition and construction of fifty-two apartment units to lease to mixed income seniors.

A formal letter of support is being sought for this application as per the attached materials.

The applicant will be present at the March 12, 2018 meeting to respond to questions.

ATTORNEYS AT LAW

February 22, 2018

Via E-Mail and Certified Mail

Mayor Shelley Welsch
City of University City, Missouri
7141 Delmar Boulevard
St. Louis, Missouri 63130

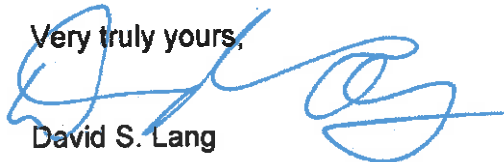
**Re: Crown Center for Senior Living Redevelopment
8350 Delcrest Drive
University City, Missouri 63124**

Dear Mayor Welsch:

As you may recall from last fall, this firm represents Crown Center For Senior Living, and its affiliate Crown Center Phase I, L.P., a Missouri limited partnership (the "Partnership"), with respect to the proposed redevelopment of its campus located at 8350 Delcrest Drive. The Partnership is submitting an application to the Missouri Housing Development Commission for federal tax credits for the acquisition and construction of "Phase I" of the redevelopment plan, which shall consist of fifty-two (52) apartment units for lease to mixed-income "seniors". As discussed (and approved) at the University City Council Meeting on October 9, 2017 (a copy of the minutes from that Council Meeting is enclosed for your reference), the proposed redevelopment shall replace the existing affordable housing stock, so that the Crown Center for Senior Living can continue to provide affordable housing for seniors for the years to come.

We are hereby requesting your "formal" support for this project. To assist you, I have included a "form" of support letter that includes the address of MHDC and project specific information. Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



David S. Lang

cc: Andrea Riganti – City of University City, Director of Community Development
Matthew Fulson – Missouri Housing Partners
Nikki Goldstein – Crown Center for Senior Living, Executive Director
Keith Cohen – Crown Center for Senior Living, President

Enclosures

Doc# 614860.1

David S. Lang, 314.854.0416 dlang@rosenblumgoldenhersh.com

[DATE]

Missouri Housing Development Commission
920 Main Street, Suite 1400
Kansas City, Missouri 64105

Re: Crown Center Phase I Apartments, St. Louis, Missouri
2018 Low-Income Housing Tax Credit Application

Dear Sir / Madam:

I am writing to extend my support for the above referenced project, which I understand is the subject of a tax credit application submitted for your review.

This development will replace the existing affordable housing that has become functionally obsolete in its design, and cost prohibitive to renovate. 100% of these units will be affordable, and marketed solely towards elderly residents, with 90% of the units qualifying for LIHTC. The units will feature a number of amenities to accommodate the elderly, as well as a continuation of social services that Crown Center for Senior Living provides to its residents, and other seniors in the surrounding community. The replacement will provide much needed quality, affordable housing to senior citizens of the City of University City, Missouri, and the County of St. Louis.

The Crown Center For Senior Living has successfully operated this project since initial construction under the United States Department of Housing and Urban Development Section 202 program for more than 50 years. They are working with Missouri Housing Partners, an experienced developer of affordable housing in the State of Missouri, and have assembled an experienced team of local lenders, attorneys, and contractors, with extensive experience in tax credits and affordable housing. We are confident that they can carry out this new development plan with the same degree of success and expertise that they have shown in the past.

Please feel free to contact me if you have any questions. Thank you in advance for your cooperation and assistance, both with this upcoming project, and on the variety of other matters where you help the County of St. Louis and its residents.

Very truly yours,

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
October 9, 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, October 9, 2017, Councilmember Terry Crow, Mayor Pro Tem, called the meeting to order at 6:30 p.m., in the absence of Mayor Shelley Welsch,

B. ROLL CALL

In addition to the Councilmember Crow, Mayor Pro tem, the following members of Council were present:

Councilmember Rod Jennings; (*excused*)
Councilmember Paulette Carr
Councilmember Steven McMahon
Councilmember Terry Crow
Councilmember Michael Glickert; (*via video conference*)
Councilmember Bwayne Smotherson
Mayor Shelley Welsch; (*excused*)

Also in attendance was Interim City Manager, Charles Adams, and City Attorney, John F. Mulligan, Jr.

C. APPROVAL OF AGENDA

Councilmember Smotherson made a motion to remove the appointment of Carl Hoagland until the next meeting, seconded by Councilmember McMahon and the motion carried unanimously

Voice vote on the motion to approve the agenda as amended, carried unanimously.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. September 20, 2017, Study Session minutes were moved by Councilmember Smotherson, seconded by Councilmember Carr, and the motion carried unanimously.
2. September 20, 2017, Special Session minutes were moved by Councilmember Carr, seconded by Councilmember McMahon, and the motion carried unanimously.
3. September 25, 2017, Regular Session minutes were moved by Councilmember Carr, seconded by Councilmember McMahon, and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Michael Warford and Irving Logan were nominated to the Storm Water Task Force by Councilmember Carr on behalf of Councilmember Jennings. Seconded by Councilmember Smotherson and the motion carried unanimously.
2. Carl Hoagland is nominated to the Park Commission replacing Ed Mass's remaining term by Councilmember Crow (*Postponed to the next meeting*)

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Brian Burkett was sworn into the Board of Adjustment in the Clerk's office on October 5, 2017.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Bryce Kehoe, 6552 Corbitt, University City, MO

Mr. Kehoe stated while researching several companies who manufacture inserts for trolley tracks he learned that;

1. Inserts are no longer used in the U.S. because of their inability to remain within the tracks, and
2. The use of signage, lines, arrows, and education have greatly reduced the number of accidents in most cities

He stated while most experienced cyclists understand the need to cross trolley tracks at a right angle, those who are inexperienced do not. So to commence this much-needed educational process within U City he would suggest that Mr. Edwards convert the window he now uses to display a model of the trolley into an educational safety center through the utilization of a big screen TV.

I. PUBLIC HEARINGS

J. CONSENT AGENDA

K. CITY MANAGER'S REPORT

1. Community Development Block Grant Approval – 7900 Westover Place.

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

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9331 – AN ORDINANCE APPROVING AN AMENDED FINAL DEVELOPMENT PLAN FOR PROPOSED REDEVELOPMENT TO CROWN CENTER FOR SENIOR LIVING LOCATED AT 8348-8350 DEL CREST DRIVE IN THE PD-M PLANNED DEVELOPMENT MIXED-USE ZONING DISTRICT.** Bill Number 9331 was read for the second and third time.

Councilmember McMahon moved to approve, seconded by Councilmember Smotherson.

Roll Call Vote Was:

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

Nays: None.

**M. NEW BUSINESS
RESOLUTIONS**

BILLS

Introduced by Councilmember McMahon

1. **Bill 9332** - AN ORDINANCE APPROVING A FINAL PLAT FOR A MINOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS 7430 DELMAR CONDOMINIUMS. Bill Number 9332 was read for the first time.

Introduced by Councilmember Smotherson

2. **Bill 9333** – AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. Bill Number 9333 was read for the first time.

Introduced by Councilmember Carr

3. **Bill 9334** – AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. Bill Number 9334 was read for the first time.

Introduced by Councilmember Carr

4. **Bill 9335** - AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 405, SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, TO REVISE LAND DISTURBANCE TOTAL AREA REGULATIONS AS PROVIDED HEREIN. Bill Number 9335 was read for the first time.

Introduced by Councilmember Smotherson

5. **Bill 9336** – AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. Bill Number 9336 was read for the first time.

N. COUNCIL REPORTS AND 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) Neighborhood Etiquette Booklet
Requested by Councilmembers Smotherson and Carr

Councilmember Smotherson stated while conducting research to address issues that may be specific to his Ward, like residents who BBQ in their front yard or the removal of portable basketball hoops from the street, he discovered various brochures on property maintenance, courtesy warnings, motor vehicles, and other nuisances that can be found throughout neighborhoods. So what he is introducing tonight for Council and staff's review is a compilation of these brochures entitled the "*Neighborhood Etiquette Booklet*". He stated his hope, is that this booklet will assist residents, as well as members of Council, tackle some of the distinct problems they may be experiencing. Information contained on the City's Calendar has also been included in the booklet, which he thinks will enhance its value and be used as a reference throughout the year.

Councilmember Carr asked how the booklets would be disseminated? Councilmember Smotherson stated his thinking was that it could be distributed or mailed to anyone applying for an Occupancy Permit, as well as placed in strategic locations where residents could pick up a copy. Councilmember Carr asked if the booklet could be made available at public buildings like the Library? Councilmember Smotherson agreed that it should be.

Councilmember Glickert stated this is the type of information that needs to be distributed and reinforced on a regular basis. So he would like to make the following suggestions:

- That various segments of the booklet be featured in each issue of ROARS since it is delivered to every household, and
- That the booklet be included in the City's Welcome Packet provided to individuals when they apply for an Occupancy Permit.

He stated although he is uncertain whether the City still provides a Welcome Packet, he does think they are a great way to demonstrate the City's ambassadorship.

Councilmember Glickert stated residents also have a Public Nuisance Hotline they can call when experiencing problems with their neighbors. So perhaps, that could be included in the booklet as well.

Councilmember Smotherson stated although he thinks ROARS is a good idea, his goal is to make this information available as soon as possible. He stated he also wanted to make note of the fact that even though his name is on the front of the booklet he would like the entire body of Council to take ownership and make it a part of their responsibility to ensure that residents are both aware of, and understand its contents.

O. CITIZEN PARTICIPATION (continued if needed)

Thomas Jennings, 7055 Forsyth, University City, MO

Mr. Jennings stated he can attest to the fact that the problems identified by Councilmember Smotherson is not restricted to the 3rd Ward. He stated he had no idea that the City had regulations against residents barbecuing in their front yard, so he thinks the Neighborhood Etiquette Booklet is a great idea.

P. COUNCIL COMMENTS

Councilmember Carr stated she wanted to draw everyone's attention to a very good article written about the Midtown Farmer's Market which takes place in the Loop parking lot every Saturday. The article focuses on the Market's Assistant Training Program that it offers to the City's youth, as well as college students. She asked that everyone not only read the article, but lend their support by making it a point to stop by and visit. *(Councilmember Carr asked that a copy of the article be placed into the record.)*

Councilmember Carr announced the loss of her neighbor and good friend, Bill Thomas. Bill was a longtime resident and Episcopal Priest who served at Burrows as their Admissions Counselor and Instructor of English. He also was a member of the City's Senior Commission. Councilmember Carr stated it is with great sadness that she says goodbye to Mr. Thomas.

- 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 Section 610.021 and (3) – (hiring of a particular employees by a governmental body when personal information about the employee is discussed or recorded). "Personal information" means information relating to the performance or merit of individual employees.

Councilmember Carr moved to go into executive session, seconded by Councilmember Smotherson.

Roll Call vote was:

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

NAYS: *(Councilmember Glickert abstained from voting due to his inability to attend the session.)*

R. ADJOURNMENT

Councilmember Crow closed the regular City Council meeting at 6:57 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 7:18 p.m.

LaRette Reese
Interim City Clerk



Council Agenda Item Cover

MEETING DATE: March 12, 2018

AGENDA ITEM TITLE: Conditional Use Permit – To allow the parking structure at 560 Trinity Avenue in the PA – Public Activity District to accommodate off-site parking requirements for the adjacent and proposed COCA (Center of Creative Arts) expansion and renovation project; Applicant – The Washington University (PC 18-03)

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED? : No

BACKGROUND REVIEW: Attached are the relevant documents for the above-referenced C.U.P. application. A C.U.P is being required as per a recent Text Amendment approved by City Council on February 26, 2018 to Zoning Code Section 400.2010 Location of Parking Areas subsection B.2 , which was amended to state that "...the off-site parking spaces are in a parking structure having at least 200 parking spaces and a conditional use permit for the off-site parking area is approved by the City Council under the procedure in Article XI, Conditional Uses."

Site Plan approval was received from City Council on April 10, 2017 to construct the new parking garage. This C.U.P. is required as per stated above to allow the parking structure to accommodate the off-site parking requirements for adjacent properties, specifically for the adjacent and proposed COCA expansion and renovation project.

Section 400.2700 of the Zoning Code requires staff to review the C.U.P. application and prepare a report for the Plan Commission. Subsequently, the Plan Commission shall review the C.U.P. application and conduct a public hearing. Plan Commission held a public hearing and considered the application on February 28, 2018. The C.U.P. was subsequently approved by Plan Commission 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
- 2: Staff Report

RECOMMENDATION: The City Manager is recommending approval.



Plan Commission

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

March 1, 2018

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

RE: Application for Conditional Use Permit PC 18-03 – accommodation of off-site parking requirements for adjacent properties within a parking structure containing 204 total parking spaces at 560 Trinity Avenue

Dear Ms. Reese,

At its regular meeting on February 28, 2018 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 The Washington University for a Conditional Use Permit in the "PA" – Public Activity District.

By a vote of 7 to 0, the Plan Commission recommended approval of the application subject to the conditions in Attachment A.

Sincerely,

Rosalind Williams

Rosalind Williams, Chairperson
University City Plan Commission

ATTACHMENT A
Conditional Use Permit – PC 18-03 – Conditions of Approval
560 Trinity Avenue

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

- 1. The usage of the 560 Trinity parking garage to satisfy the off-site parking needs for an off-site user shall be defined in an instrument of record between the property owner (“owner) and off-site user (“user”). The instrument shall require the owner, successors, or assigns to provide and maintain the required number of off-street parking spaces for user during the existence of such principal use utilizing the property for parking. The owner shall be bound by this instrument and file same in the office of the St. Louis County Recorder of Deeds. Prior to recording said instrument, a copy shall be reviewed by the City Manager, or his or her designee, and the City Attorney.**



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

STAFF REPORT

MEETING DATE: February 28, 2018
 FILE NUMBER: PC 18-03
 COUNCIL DISTRICT: 1
 Location: 560 Trinity Avenue (southeast corner of round-a-bout intersection of Trinity Avenue and Delmar Boulevard)
 Applicant: The Washington University
 Property Owner: The Washington University
 Request: Conditional Use Permit (C.U.P.) to allow the parking structure at 560 Trinity Avenue to be used to accommodate off-site parking requirements for adjacent properties

COMPREHENSIVE PLAN CONFORMANCE
 Yes No No reference

STAFF RECOMMENDATION
 Approval Approval with Conditions in Attachment A Denial

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

Existing Zoning: "PA" – Public Activity District
 Existing Land Use: Institutional (Washington University – 560 Music Center)
 Proposed Zoning: No change – "PA" District
 Proposed Land Use: No change – Institutional (560 Music Center)

Surrounding Zoning and Land Use:
 North: HR-High Density Residential District Multi-family residential
 Northeast: PA-Public Activity District U.S. Post Office
 East: HR-High Density Residential District Multi-family residential
 South: PA-Public Activity District COCA (Center of Creative Arts)
 South: HR-High Density Residential District Epworth Children & Family Services
 West: PA-Public Activity District Institutional (church)

Existing Property
 The subject property is approximately 2.7 acres in area and occupied by Washington University's 560 Music Center on its western portion and the construction site of a four level parking structure to contain 204 parking spaces on its southeastern portion. The focal subject of this Conditional Use Permit (C.U.P.) is the parking structure, which is to be shared in use by the Castlereagh Apartment

building (Washington University student housing) on a separate parcel to the north (currently under major renovations) and 560 Music Center. The request of this C.U.P. is to allow the parking structure to also accommodate the off-site parking requirements for adjacent properties. It is the intent of Center of Creative Arts (COCA) to use the parking structure to meet its parking requirements (as more specifically described in a separate C.U.P., also being presented at the February 28, 2018 Plan Commission meeting).

Applicant's Request

The current request is for a C.U.P. to allow the parking structure located at 560 Trinity Avenue to accommodate the off-site parking requirements for adjacent properties, as per a recent amendment to Section 400.2010.B.2 (amended sections are ***bolded and underlined***), which provides that "... ***Such off-site parking areas shall be located not more than one-thousand (1,000) feet from the nearest primary entrance to the principal building being served, provided the lot, for which off-site parking is to be provided, is located in a zoning district that permits a parking lot or***



or the off-site parking spaces are in a parking structure having at least two hundred (200) parking spaces and a conditional use permit for the off-site parking area is approved by the City Council under the procedure in Article XI, Conditional Uses. In addition, such off-site parking areas shall not be located so as to cause persons to cross an arterial street to get from said parking area to the principal use which it serves unless such off-site parking area is located within five-hundred (500) feet of a signalized intersection. For purposes of this paragraph, arterial streets consist of Delmar, Olive, and Hanley. Such off-site parking areas shall not be located so as to cause persons to cross I-170 to get from said parking area to the principal use which it serves...".

Note: The text amendment was presented to Plan Commission in January and forwarded to City Council for consideration. At the time of this report preparation, the text amendment is scheduled to have a second and third reading at the February 26, 2018 City Council meeting and has not been adopted.

A C.U.P. is required to allow this parking structure to provide off-site parking for COCA. Separately, the parking structure at 560 Trinity Avenue was approved by City Council on April, 10 2017 through the Site Plan Review process. The C.U.P. requested solely focuses on the use of the garage as an off-site parking area for an adjacent use.

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 parking structure at 560 Trinity Avenue was previously approved on April 10, 2017, through the Site Plan Review process. Therefore, the layout, design, scale, massing, and other physical elements are not under consideration. The C.U.P. requested solely focuses on the use of the actual parking spaces within the structure, which is required as per a Text Amendment, if adopted, to Section 400.2010.B of the Zoning Code pertaining to off-site parking.

As proposed, the parking structure will be used by the 560 Music Center, Castlereagh Apartments, and COCA, providing a total of 204 parking spaces within the structure. COCA requires 128 parking spaces, while 560 Music Center and the Castlereagh Apartments require 50 spaces and 20 spaces, respectively. Fourteen of the 20 parking spaces required by the Castlereagh Apartments will be located on the same parcel as the building, requiring only six parking spaces of the parking structure. Fifty-six of the parking spaces provided by the parking structure will serve the 560 Music Center and Castlereagh Apartments collectively as required. Of the remaining spaces, COCA proposes to secure 128 through a private agreement that has been presented to the City Manager and City Attorney and found acceptable.

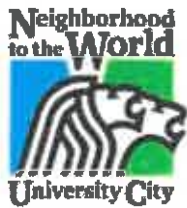
It is staff's opinion that the proposed use of the available parking spaces is reasonable and appropriate at this location and would not be detrimental to the surrounding area. Off-site parking is proposed by COCA within the adjacent parking structure at 560 Trinity Avenue in order to accommodate the proposed expansion and renovation project. Accommodating off-site parking within this structure is permitted upon approval of a C.U.P.

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. Signage 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 off-site parking use of the available spaces within the 560 Trinity Avenue parking structure, as demonstrated in 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.



Council Agenda Item Cover

MEETING DATE: March 12, 2018

AGENDA ITEM TITLE: Conditional Use Permit – Modification of the minimum property line setback requirements to the east and south and to the building height requirements for the proposed COCA (Center of Creative Arts) expansion and renovation project at 524 Trinity Avenue; Applicant – Jeff Ryan w/ Christner, Inc. (PC 18-04)

AGENDA SECTION: City Manager's Report

CAN THIS ITEM BE RESCHEDULED? : No

BACKGROUND REVIEW: Attached are the relevant documents for the above-referenced C.U.P. application. The mechanism to accommodate this request for the COCA expansion and renovation project in the PA – Public Activity District is through a C.U.P. as per sections 400.700.B.3 and 400.700.C.2 of the Zoning Code. Section 400.2690.A.4 - C.U.P. Application and Plan Requirements states that a site plan in conformance with Article X, Section 400.2600 also be submitted with an application.

New structures in the Civic Complex Local Historic District require review and a recommendation from the Historic Preservation Commission (HPC) for conformance with said Historic District Standards. The proposed expansion was reviewed by HPC for consistency with district standards on August 17, 2017 and October 19, 2017. On October 19, 2017, the HPC unanimously recommended approval.

The review criteria for a C.U.P. also includes the impact of projected vehicular traffic volumes and site access. In its capacity as an advisory commission on traffic related matters as per Section 120.420 of the Municipal Code, the Traffic Commission reviewed the application and provided a recommendation at their November 8, 2017 meeting.

Section 400.2700 of the Zoning Code requires staff to review the C.U.P. application and prepare a report for the Plan Commission. Subsequently, the Plan Commission shall review the C.U.P. application and conduct a public hearing. Plan Commission held a public hearing and considered the application on February 28, 2018. The C.U.P. was subsequently approved by Plan Commission 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
- 2: Staff Report

RECOMMENDATION: The City Manager is recommending approval.

ATTACHMENT A
Conditional Use Permit – PC 18-04 – Conditions of Approval
524 Trinity Avenue

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

Department of Community Development

1. The height, mass, and location of the building shall be as shown on the Site Plan submitted. Building material and design shall be as recommended by the Historic Preservation Commission at their October 19, 2017 meeting.
2. A final landscaping plan shall be submitted to the Department of Community Development for review and approval, in conjunction with a review by the City Forester. All landscaping shall be installed and maintained, and any dead trees or plant material replaced, in accordance with the approved plan as set forth in Section 400.1230 of the Zoning Code. Said landscaping plan shall be approved prior to the building permit being issued and the required landscaping shall be installed prior to the approval of any occupancy permits.
3. Curb-cuts shall be as approved by the Department of Public Works and Parks.
4. A detailed construction traffic control and parking plan shall be submitted for review and approval by the Department of Community Development and Department of Public Works and Parks. Said plan shall set forth details pertaining to worker and resident parking during all phases of the proposed construction and shall further detail solutions to public property maintenance issues such as street cleaning and traffic diversion. Said plan shall be finalized prior to the issuance of a building permit.
5. 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.
6. Except as noted herewith, other applicable provisions of the University City Municipal Code must be complied with.

Department of Public Works and Parks

1. All pedestrian facilities shall comply with the Americans with Disabilities Act (ADA). Accessible routes from ADA parking spaces to building exits shall be marked and the final location of van accessible spaces shall be reviewed and approved by the Department of Public Works and Parks.
2. All work in the right-of-way, including signage and lighting, 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. For proposed lighting, a photometric plan shall be provided for review and approval by the Department of Public Works and Parks.

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. The recommendations contained in the Traffic Impact Analysis reviewed by the Traffic Commission and approved at the November 8, 2017 Traffic Commission meeting shall be implemented. Specifically, adequately signed and designed pedestrian crossing shall be installed from COCA to the garage; plantings near Washington Avenue shall be short to maintain visibility; and parking restrictions for passenger drop-off and loading be established.

Fire Department

No Comments

Police Department

No Comments



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

STAFF REPORT

MEETING DATE: February 28, 2018
FILE NUMBER: PC 18-04
COUNCIL DISTRICT: 1
Location: 524 Trinity Avenue (southeast corner of intersection of Trinity Avenue and Washington Avenue)
Applicant: Jeff Ryan w/ Christner, Inc.
Property Owner: COCA (Center of Creative Arts)
Request: Conditional Use Permit (C.U.P.) to allow a modification of the minimum property line setback requirements to the east and south and to the building height requirements for the proposed expansion and renovation project

COMPREHENSIVE PLAN CONFORMANCE
 Yes No No reference

STAFF RECOMMENDATION
 Approval Approval with Conditions in Attachment A Denial

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

Existing Zoning: "PA" – Public Activity District
Existing Land Use: Institutional (COCA – Center of Creative Arts)
Proposed Zoning: No change – "PA" District
Proposed Land Use: No change – Institutional (COCA)

Surrounding Zoning and Land Use:
North: PA-Public Activity District Institutional (560 Music Center)
East: HR-High Density Residential District Epworth Children & Family Services
South: HR-High Density Residential District Multi-family residential
West: SR-Single Family Residential District Single-family residential

Existing Property
The subject property is a corner lot approximately 1.5 acres in area and includes a single building. The building is of historic significance, the original portion of which was designed by renowned architect Eric Mendelsohn, and is the former B'nai Amoona Synagogue. An 11,000 square foot addition was constructed in 2004. The building is listed on the National Register of Historic Places and located in the local University City Civic Complex Historic District.

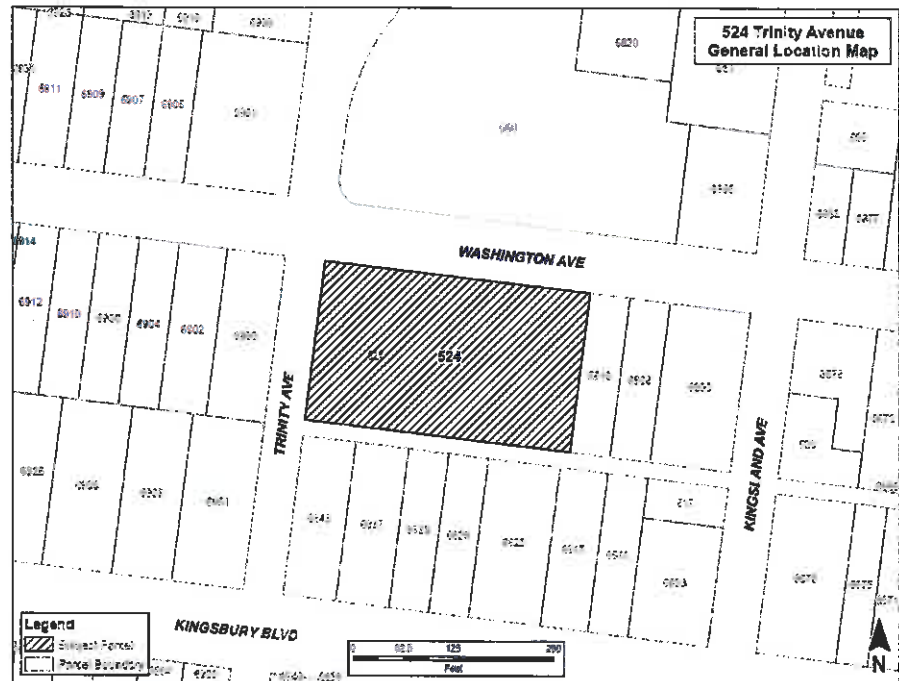
The building is currently occupied by the Center of Creative Arts (COCA), which is an arts education and performance institution. COCA has been continuously located at the site since 1986.

There are two curb-cuts onto Washington Avenue. A 20-foot wide alley is located to the rear of the building and serves the adjacent multifamily residential and institutional uses. Off-street parking is provided on the east side of the building on the COCA property, as well as on a contiguous lot under separate ownership.

There is sparse landscaping on the portion of the lot occupied by the building, and none in the parking areas.

Applicant's Request

The applicant proposes to construct a 45,000 square foot, 2-story expansion that includes a subterranean level. The addition will be attached to the historic Mendelsohn structure and constructed on the existing parking lot to the east. The project will include new art and design space, studio space, state of the art theater, multi-purpose instructional rooms, community space, and renovated areas for better functioning studio space, rehearsal hall and event space.



The applicant is seeking a modification to the minimum property line setback requirements to the east and south and to the building height requirements for the proposed expansion and renovation project in the "PA" – Public Activity District. The mechanism to accommodate such a request in the PA District is through a C.U.P. as per sections 400.700.B.3 and 400.700.C.2 of the Zoning Code.

Section 400.2690.A.4 - C.U.P. Application and Plan Requirements states that a site plan in conformance with Article X, Section 400.2600 also be submitted with an application.

Process – Required City Approvals

Historic Preservation Commission. The subject property is located within the University City Civic Complex Historic District, a locally designated historic district. New structures in the Civic Complex Historic District require review and a recommendation from the Historic Preservation Commission (HPC) for conformance with said Historic District Standards. As per Section 400.1760 of the District Standards, while no specific architectural style is required, compatibility with surrounding buildings, structures, and open spaces in relation to building height, mass, setbacks, and materials is emphasized. The proposed expansion was reviewed by HPC for consistency with district standards on August 17 and October 19, 2017. On October 19, 2017, the HPC unanimously recommended approval for the expansion and related elements as submitted. A copy of the HPC minutes are attached.

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.

Other Processes

Traffic Commission - The review criteria for a C.U.P. includes the impact of projected vehicular traffic volumes and site access with regard to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment. In its capacity as an advisory commission on traffic related matters as per Section 120.420 of the Municipal Code, the Traffic Commission may be concerned with the parking and traffic impact of the project. As such, the traffic impact analysis for this project was submitted to the Traffic Commission for review and recommendation at the November 8, 2017 meeting. Traffic Commission comments are included in the attached.

Analysis

The primary use of the property as a place of cultural service is a permitted use, not conditional use, in the PA-Public Activity District. At issue is the appropriateness of the requested modifications to the property line setbacks and building height.

The minimum property line setback where a lot abuts a residential use in the PA District is 25' from the property line. The existing building is located approximately 8'4" from the southern property line, and north of a 20' wide alley. It does not meet setback requirements, is a dimensional non-conformity and may continue as such.

Along the southern property line, the expansion is proposed to match the setback of the existing building at 8'4". Therefore, it is compatible with the setback to the west. An aerial depicting surrounding properties is provided herein. The uses on Washington Avenue in the subject block are varied. The two buildings to the east at 6816 and 6808 Washington Avenue are located closer to the street and smaller in scale. A greater distance is provided between said buildings and the alley to the south. The buildings located at 6800 Washington Avenue depict significant site coverage, with the southernmost building being 5' from the alley. The property immediately to the south of the proposed expansion addressed as 6823 Kingsbury is a multi-family building. Parking areas serving the building are located off of and accessed by the alley.



The expansion's proposed modification will be consistent with the existing COCA building setback. It will not be out of context or character, increase the degree of non-conformity, or adversely impact surrounding properties.

The Building Height restriction is thirty-five (35) feet. The existing building is 54'1" at its highest point. It does not meet height restrictions, is a dimensional non-conformity and may continue as such.

The expansion, at its highest point, is proposed to be 51'1" to accommodate the programmatic requirements. It will be compatible with the existing building, but not exceed or increase the degree of non-conformity. The height of the building is visually compatible and not out of scale, given the height of the buildings to the north and west. Furthermore, the height, mass, and building materials of the expansion were approved by the HPC and found to be compatible with the University City Civic Complex Historic District.

Regarding compliance with Article X, Section 400.2600 Site Plan Submittal Requirements, adequate buffering, lighting, and conformance with HPC design are provided. The minimum off-street parking requirements set forth in Section 400.2140 of the Zoning Code are proposed to be met through an off-site parking agreement between COCA and the adjacent parking structure at 560 Trinity Avenue as per a recent Text Amendment of Section 400.2010.B of the Zoning Code pertaining to off-site parking. As proposed, the parking structure will be used by the 560 Music Center, Castlereagh Apartments, and COCA, providing a total of 204 parking spaces within the structure. COCA requires 128 parking spaces, while 560 Music Center and the Castlereagh Apartments collectively require 56 spaces provided by the parking structure. COCA proposes to lease 128 of the remaining 148 spaces available to be used as off-site parking through an approved agreement. This C.U.P. is dependent on the approval of the C.U.P. requested by The Washington University to allow off-site parking at the parking structure.

With respect to traffic impacts, there were several recommendations from the traffic analysis that were supported by the Traffic Commission. Specifically, adequately signed and designed pedestrian crossing shall be installed from COCA to the garage; plantings near Washington Avenue shall be short to maintain visibility; and parking restrictions for passenger drop-off and loading be established. There were no roadway design modifications recommended for implementation.

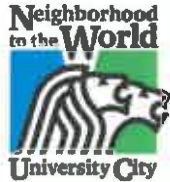
Grading, storm drainage and erosion control plans will be subject to all applicable codes, including the City and Metropolitan Sewer District (if required). Proper design modifications or best management practices will be installed prior to final building permit approval.

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. Signage 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 COCA expansion project, 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.



Department of Public Works

6801 Delmar Boulevard, University City, Missouri 63130, Phone: (314) 862-6767, Fax: (314) 862-0694

Meeting Date: March 12, 2018

Agenda Item Title: MSD Storage Facility Project Review – Engineering Consultant Selection

Agenda Section: City Manager's Report

Can This Item Be Rescheduled: Yes

Background:

On January 22, 2018, City Council approved a funding authorization to hire an engineering firm to review an MSD proposal to build a Storage Facility in University City.

Staff issued a request for qualifications to select an engineering firm on February 20. A response within allowed time (by February 27) was received from Allgeier, Martin and Associates, Inc. from Rolla, Missouri and a draft engineering services contract was obtained.

The draft contract calls for an expenditure of \$30,000 to complete a review of the MSD project options (three shortlisted options of Area C-Option 6, Area C-Option 7, and Area D-Option 1, as shown on the Attachment #1 to this cover letter). The engineering review is proposed to include:

- If the reviewed options are reasonable in meeting the project objectives,
- If the cost estimates are reasonable and a fair comparison between the three options,
- Do the three options give consideration to the environmental impacts to the surrounding areas,
- Do the options give equitable consideration to the required property and easement acquisition feasibility.

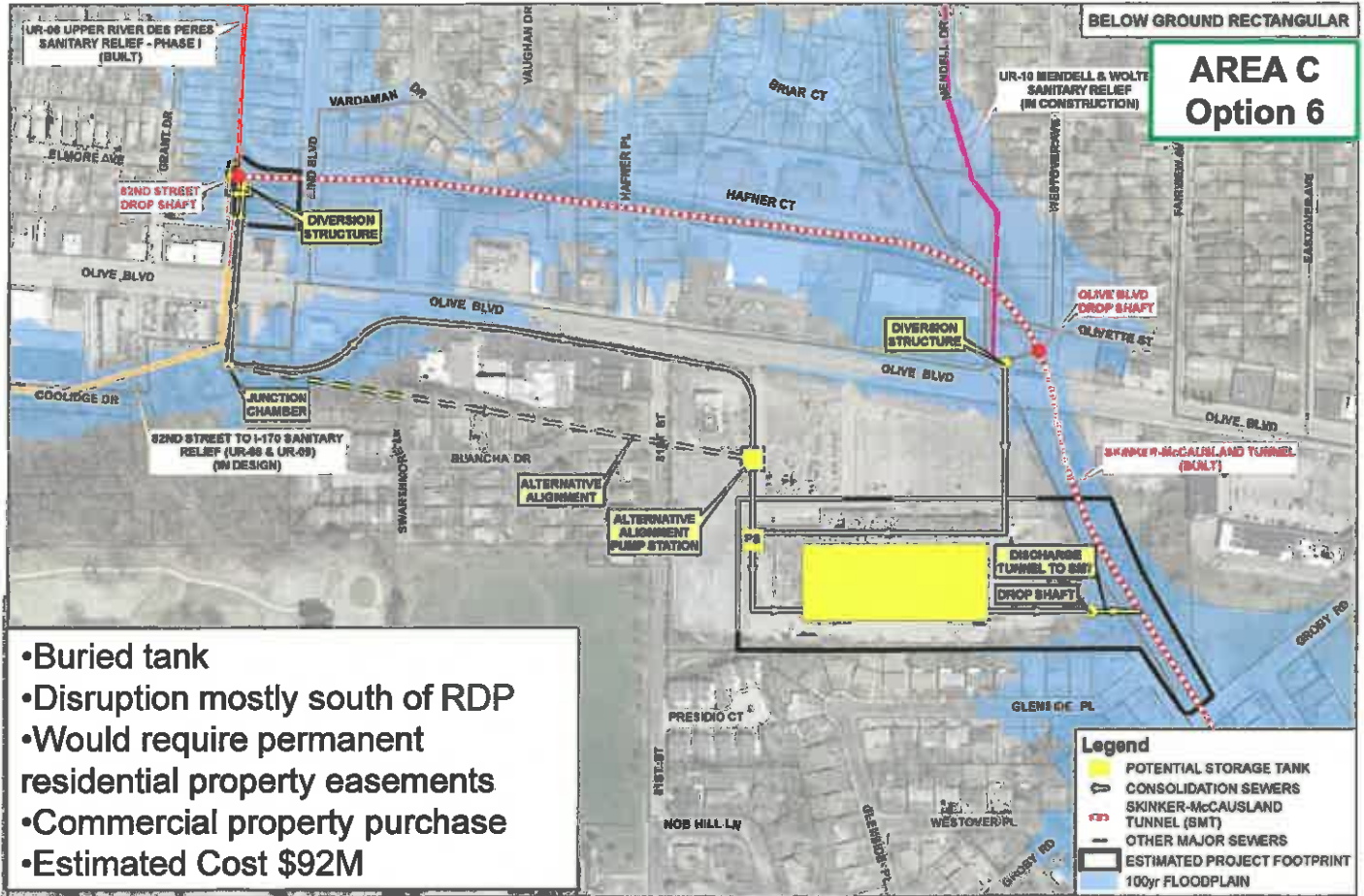
As mutually understood under the draft engineering services contract coverage the ability and speed of performance of the above listed tasks is highly dependent on the disclosure of the applicable data, plans, estimates of cost, worksheets, tables, studies, reports, diagrams, comparisons, analyses, flow rate, design criteria used to size piping and pump, sizes of pipes and pumps used in cost comparisons, and other pertinent information used for comparing the utility and economics of the three options listed. MSD has previously committed to cooperating with an engineer's review as commissioned by University City and with that provision the estimated performance duration of the engineering review by Allgeier, Martin and Associates, Inc. is two months. This consultant would then prepare an executive summary of their findings and present to the City Council at a work session.

Attached documents of a draft engineering services contract (Attachment #2), as well as a statement of qualifications of the incumbent consulting firm (Attachment #3) are for review.

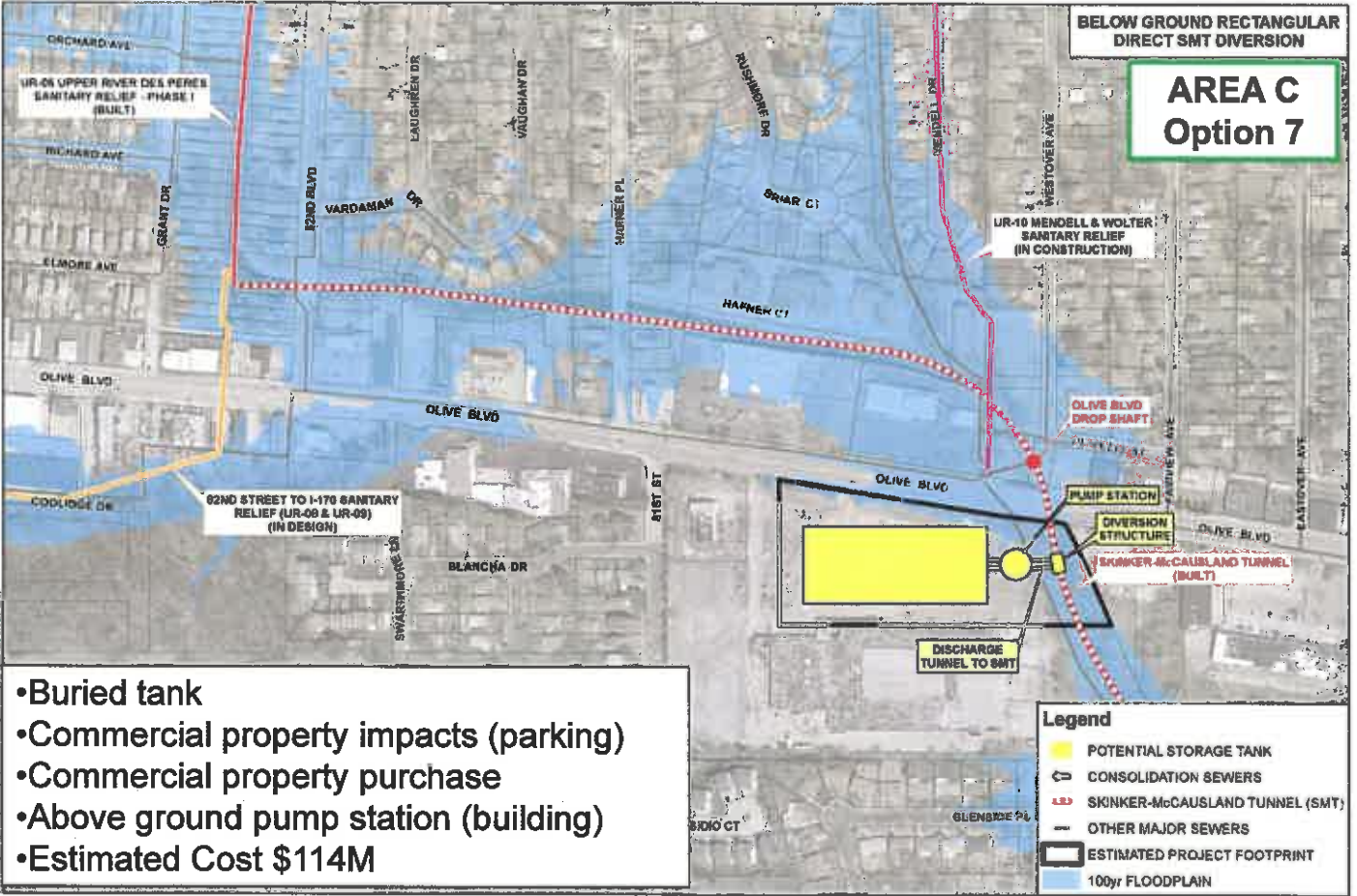
Recommendation: It is the City Manager's recommendation to approve and enter into an engineering services contract with Allgeier, Martin & Associates, Inc. in the amount of \$30,000 for a review of MSD Storage Facility project options. The funding for this study is proposed to come from 12-Capital Improvements Sales Tax Fund (Reserve Funds). obtain City Council's authorization to fund an engineering review of MSD Storage Tanks Project shortlisted siting options for a cost not to exceed \$30,000.

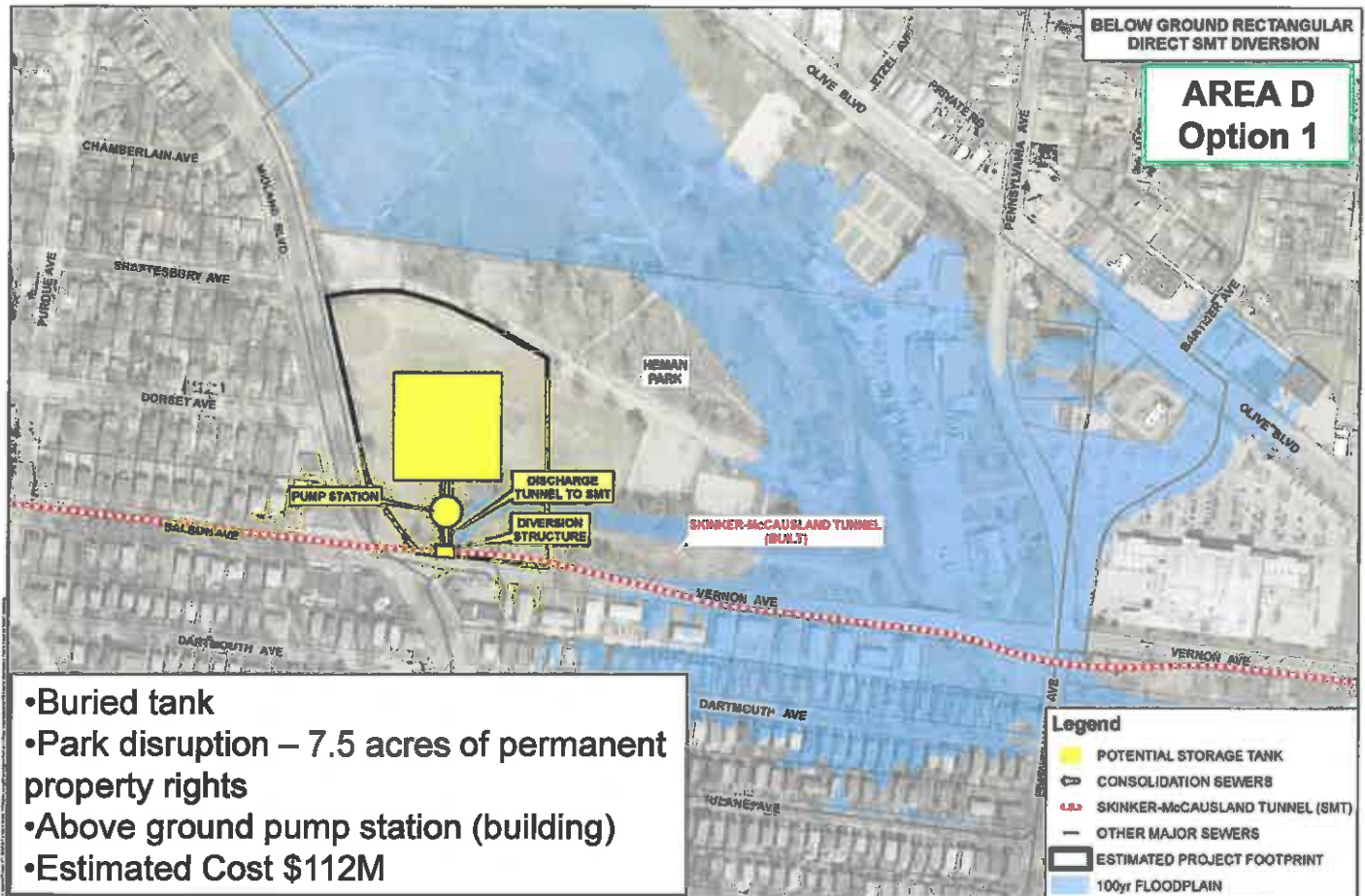
Attachments:

1. MSD Shortlisted Siting Options for Storage Facility Project
2. Allgeier, Martin and Associates, Inc. Draft Engineering Services Contract w/ Cover letter dated March 5, 2018
3. Allgeier, Martin and Associates, Inc. Statement of Qualifications



- Buried tank
- Disruption mostly south of RDP
- Would require permanent residential property easements
- Commercial property purchase
- Estimated Cost \$92M







ALLGEIER, MARTIN and ASSOCIATES, INC.
Consulting Engineers

March 5, 2018

Sinan Alpaslan, P.E.
Director of Public Works-Parks
City of University City
6801 Delmar Boulevard
University City, MO 63130

Re: Engineering Review of Proposed University City Storage Facility Project (MSD Project #11992)

Dear Mr. Alpaslan,

We were pleased to be notified University City has selected Allgeier Martin to perform an Engineering Review of the proposed University City Storage Facility Project being proposed by the MSD. After discussing this project over the phone with you on Friday, we thought we should clarify some of the tasks and objectives of this review.

The scope indicates there are three options University City would like us to review to determine if they are 1) considered reasonable in meeting the project objectives; 2) if the cost estimates are reasonable and a fair comparison between the three options; 3) do the three options give consideration to the environmental impacts to the surrounding areas; and 4) do the Options give equitable consideration to the required property and easement acquisition feasibility. The three options include Area C Option 6, Area C Option 7, and Area D Option 1. The cost estimates for these three options range from \$92 million to \$114 million.

Our discussions have indicated the City has a budget of \$25,000 +/- for the Engineering Review. Our review will be limited to the amount of information provided by the MSD and the budget established by the City. The hydraulic modeling of the MSD sewer system is anticipated to be a highly complex system that has taken many years for the MSD to model and determine the amount of extraneous flows entering/exiting the system and to propose approximately 13 options on how to address the problems. The current budget for a review of this information will not allow for an in-depth review. It will allow us to perform an overall review to see if the options are reasonable from an engineering perspective and a constructability standpoint to compare between the three options to see if they are a fair comparison. This would assume that MSD is able to provide information on proposed improvement alignments and depths, material composition and component sizing. We would then prepare an executive summary of our findings and present to the Council at a work session in the near future. After we present our findings, a determination can be made if a more detailed review is warranted.

We will provide our services based on our standard hourly rates and we have proposed a cost not to exceed of \$30,000 for this initial review and presentation to the Council. Dr. Charles Patterson will attend your next Council meeting on March 12th to answer any questions you may have about our proposal.

Sincerely,

ALLGEIER, MARTIN and ASSOCIATES, INC.

Kurt Higgins, P.E., Vice President

AGREEMENT*
BETWEEN
THE CITY OF UNIVERSITY CITY, MISSOURI
AND
ALLGEIER, MARTIN & ASSOCIATES, INC.
FOR
PROFESSIONAL SERVICES

THIS IS AN AGREEMENT made as of _____, 2018 between the City of UNIVERSITY CITY, Missouri (OWNER) and Allgeier, Martin and Associates, Inc., a Missouri corporation located in Joplin, Missouri (ENGINEER). OWNER intends to hire the ENGINEER to perform an Engineering Review of the Proposed University City Storage Facility Project (MSD Project #11992) by the Metropolitan St. Louis Sewer District (MSD), hereinafter called the Project.

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance of professional engineering services by ENGINEER and the payment for those services by OWNER as set forth below.

ENGINEER shall provide professional engineering services for OWNER in all phases of the Project to which this Agreement applies, serve as OWNER's professional engineering representative for the Project as set forth below, and shall give professional engineering consultation and advice to OWNER during the performance of services hereunder.

SECTION 1 - BASIC SERVICES OF ENGINEER

1.1 General

- 1.1.1 ENGINEER shall perform professional services as hereinafter stated which include customary civil, structural, and mechanical, engineering services.
- 1.1.2 The ENGINEER shall represent the OWNER, insofar as the OWNER desires, to governmental entities and agencies, institutions, and other individual and collective parties in dealings related to the Project.

1.2 Engineering Review

Upon execution of this agreement, the ENGINEER shall:

- 1.2.1 Request detailed information from MSD relevant to the Proposed Options 6 and 7 for Area C and Option 1 for Area D. This information is anticipated to include hydraulic modeling, conceptual designs, itemized cost estimates for the three options, environmental risk considered, property ownership maps showing affected properties, property acquisition cost estimates, easement acquisition cost estimates, project schedules, etc.
- 1.2.2 Based upon the data provided by MSD, provide a concept review of the data for evaluation of the three Options being considered to determine if they are reasonable in meeting the project objectives, construction cost estimates provided are reasonable and are a fair comparison, and does the three options give consideration to the environmental/flood impacts to the surrounding areas and do the Options give equitable consideration to the required property and easement acquisition feasibility.
- 1.2.3 Prepare an Executive Summary of Review Findings and present to the City Council, City Manager,

and Director of Public Works at one work session meeting. ENGINEER will provide three Senior Level Engineers to present these findings at the work session meeting.

SECTION 2 - ADDITIONAL SERVICES OF ENGINEER

2.1 General

Any services not listed in Sections 1.2.1 through 1.2.2 or meetings in addition to the one work session listed above, can be provided for an additional fee. Such services will require written authorization from OWNER before proceeding.

SECTION 3 – OWNER’S RESPONSIBILITIES

OWNER shall:

- 3.1 Provide all criteria and full information as to OWNER's requirements for the Project. ENGINEER will request such information from the MSD on OWNER's behalf, but ENGINEER will not be responsible for reviewing any information not provided.
- 3.2 Designate in writing a person to act as OWNER's representative with respect to the services to be rendered under this agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to materials, equipment, elements, and systems pertinent to ENGINEER's services.
- 3.3 Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of any development that affects the scope or timing of ENGINEER's services.
- 3.4 Furnish, or direct in writing ENGINEER to provide necessary additional services as stipulated in Section 2 of this agreement or other services as required.

SECTION 4 - PERIOD OF SERVICE

- 4.1 The provisions of this Section 4 and the various rates of compensation for ENGINEER's services provided for elsewhere in this agreement have been agreed to in anticipation of the orderly and continuous progress of the Project through completion of the presentation of the Executive Summary. ENGINEER's obligation to render services hereunder will extend for a period which may reasonably be required for the Project.
- 4.2 All engineering services provided under Sections 1.2 of this Agreement shall be completed within two months after receipt by the ENGINEER of written authorization to proceed. However, the failure of the OWNER to fulfill those responsibilities identified above in a timely manner shall be cause for extension of the Consultant's period of service.
- 4.3 If OWNER has requested significant modifications or changes in the extent of the Project, the time of performance of ENGINEER's services and ENGINEER's maximum fee shall be adjusted appropriately as provided in Section 8.2.

SECTION 5 - PAYMENTS TO ENGINEER

5.1 Methods of Payment for Services and Expenses of Engineer

5.1.1 For each element of the engineering services set forth in the following paragraphs 5.1.1.1 through 5.1.1.2, OWNER shall pay ENGINEER as described:

5.1.1.1 Engineering Review: OWNER shall pay ENGINEER for services stated in paragraph 1.2 in preparation of the Engineering Review, at the labor rates and non-labor rates shown in Exhibit A, with a guaranteed not-to-exceed fee of \$30,000.

5.1.1.2 Additional Services. OWNER shall pay ENGINEER for additional services rendered under Section 2 on the basis of labor rates and reimbursable expenses shown in Exhibit A, but not before an amendment is approved.

5.1.1.3 The term "Reimbursable Expenses" will have the meaning assigned to it in paragraph 5.4 below.

5.2 Times of Payments

5.2.1 ENGINEER shall submit one statement for basic services rendered and for reimbursable expenses incurred. The amount of ENGINEER's professional fee billed will be based upon the actual time and expense incurred by ENGINEER's personnel in the performance of this Agreement. OWNER shall make prompt payment in response to ENGINEER's statement.

5.3 Other Provisions Concerning Payments

5.3.1 OWNER shall make prompt payments in response to ENGINEER's statements. If OWNER fails to make any payment due ENGINEER for acknowledged services and expenses within sixty days after receipt of ENGINEER's bill therefor, the amounts due ENGINEER shall include a charge at the rate of 1% per month from said sixtieth day and in addition, ENGINEER may, after giving seven days' written notice to OWNER, suspend services under this agreement until he has been paid in full all amounts due him for services and expenses. The 1% per month charge shall not be applied to ENGINEER's charges for services that are contested by the OWNER.

5.3.2 In the event of termination by OWNER under paragraph 7.1, ENGINEER will be paid for services rendered to date of termination by principals and employees assigned to the Project. In the event of any such termination, ENGINEER will be paid for all unpaid additional services and unpaid reimbursable expenses, plus all termination expenses, subject to the OWNER's receipt of a written statement for such services and expenses from the ENGINEER within thirty (30) days of termination.

5.4 Definitions

Reimbursable expenses mean the actual expenses incurred directly in connection with the Project for: transportation, lodging, and subsistence incidental thereto, limited to applicable IRS allowances; reproduction of facility plans, drawings, and specifications; postage and express delivery services; survey materials; and similar Project-related items.

SECTION 6 - OPINIONS OF COST

6.1 Opinions of Cost

Since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, his opinions of probable Project costs and construction cost provided for herein are to be made on the basis of his experience and qualifications and represent his best judgment as an experienced and qualified professional engineer, familiar with the construction industry; but Engineer cannot and does not guarantee that proposals, bids, or actual Project or construction cost will not vary from opinions of probable cost prepared by him.

SECTION 7 - GENERAL CONSIDERATIONS

7.1 Termination

The obligation to provide further services under this agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

7.2 Reuse of Documents

All documents, including drawings and specifications prepared by ENGINEER pursuant to this agreement are instruments of service in respect of the Project. They are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER; and to the extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER from all claims, damages, losses, and expenses including attorneys' fees arising or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

7.3 Controlling Law

This agreement is to be governed by the laws of the State of Missouri.

7.4 Successors and Assigns

7.4.1 To the extent permitted by law, OWNER and ENGINEER each binds himself and his partners, successors, executors, administrators, assigns, and legal representatives to the other party to this agreement and to the partners, successors, executors, administrators, assigns and legal representatives of such other party, in respect to all covenants, agreements, and obligations of this agreement.

7.4.2 Neither OWNER nor ENGINEER shall assign, sublet, or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this agreement without the written consent of the other, except as stated in paragraph 7.4.1 and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this agreement. Nothing contained in this paragraph shall prevent ENGINEER from employing such independent consultants, associates, and

subcontractors as he may deem appropriate to assist him in the performance of services hereunder.

7.4.3 Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than OWNER and ENGINEER.

7.5 Insurance

ENGINEER shall, as part of this agreement, maintain professional liability insurance covering errors and omissions, with a liability limit of \$2,000,000.

SECTION 8 - SPECIAL PROVISIONS, EXHIBITS AND SCHEDULES

8.1 The following exhibit is attached to and made a part of this agreement: Exhibit A "Rate Schedule".

8.2 This agreement (consisting of pages 1 to 6, inclusive), including the exhibit identified above, constitute the entire agreement between OWNER and ENGINEER and supersede all prior written or oral understandings. This agreement and said exhibits may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

8.3 All services subcontracted during the performance of this contract shall follow the Six Affirmative Steps during selection of the subcontractor to ensure that minority business enterprises (MBE) and woman business enterprises (WBE) have an opportunity to compete for contracting opportunities.

The parties hereto have made and executed this agreement as of the day and year first above written.

OWNER:
CITY OF UNIVERSITY CITY, MISSOURI

ENGINEER:
ALLGEIER, MARTIN & ASSOCIATES, INC.

(Authorized Signature)



(Authorized Signature)

(Printed Name)

Kurt Higgins, P.E.

(Title)

Vice President

*This agreement is modeled after the standard form of agreement prepared and published by the National Society of Professional Engineers, the American Consulting Engineers Council, and the American Society of Civil Engineers.

**EXHIBIT A
"RATE SCHEDULE"**

LABOR RATES

<u>Classification</u>	<u>Hourly Billing Rate</u>
	01/01/2018 thru 12/31/2018
Principal/Engineer V	\$210
Principal/Engineer IV	\$195
Principal/Engineer III	\$180
Project Manager/Engineer II	\$160
Project Manager/Engineer I	\$145
Technician III/GIS Specialist	\$132
Technician III	\$112
Technician II	\$100
Technician I	\$94
Two-Man GPS Survey Crew	\$185
One-Man GPS Survey Crew	\$145
Three-Man Survey Crew	\$201
Two-Man Survey Crew	\$160
Registered Land Surveyor II	\$170
Registered Land Surveyor I	\$150
Survey Crew Member	\$76
Right of Way Specialist	\$116
Project Representative III	\$112
Project Representative II	\$100
Project Representative I	\$92
Secretary/Assistant	\$76
Print Specialist	\$76

Note: All pre-approved overtime hours shall be invoiced at 1½ times the hourly billing rate shown above.

NON-LABOR RATES

<u>Item</u>	<u>Rate</u>
Travel	\$0.53 per mile (or current IRS rate)
Subsistence	Actual Cost
Lodging	Actual cost
Special Postage or Shipping	Actual cost
Printing	Actual cost
Surveying Materials	Actual cost
Subcontract Specialty Services	Cost + 10%



**ENGINEERING REVIEW OF PROPOSED UNIVERSITY CITY STORAGE FACILITY PROJECT by MSD
 SCOPE AND ESTIMATED FEE**

FOR ALLGEIER MARTIN AND ASSOCIATES

3/5/2018

	<u>Hours</u>	<u>Position</u>	<u>Rate</u>	<u>Cost</u>
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DESIGN CONCEPT REVIEW

Assemble and review MSD data and prepare Executive Summary

60	Eng. III	\$	180	\$	10,800
70	Eng. IV	\$	195	\$	13,650

Subtotal \$ 24,450

Present Executive Summary to City Council Work Session

7	Eng. III	\$	180	\$	1,260
20	Eng. IV	\$	195	\$	3,900
670	Miles	\$	0.53	\$	355
	Subsistence			\$	60

Subtotal \$ 5,575

ALLGEIER MARTIN TOTAL ESTIMATED FEE \$ 30,025

BROCHURE

Allgeier, Martin and Associates, Inc.

Allgeier, Martin and Associates, Inc. has provided planning, design, and construction phase engineering services to public and private sector clients since 1954. Our Civil and Electrical Divisions provide our clients specialized, professional expertise.

Civil Engineering Services

The Civil Division serves municipalities, government agencies, institutions and industries. We provide a complete range of civil and hydrological engineering services needed by small and medium-sized cities. Because of the multi-disciplinary approach, many of our clients have no need to go beyond Allgeier Martin, even for large, complex projects.

Electrical Engineering Services

The Electrical Division serves rural electric cooperatives, investor-owned and municipal-owned utilities. We have the capability to undertake large, complex electrical engineering projects and have planned and managed projects in twelve states in the mid-west and southwest.

Survey Department Services

Our Survey Department is fully equipped with premium equipment. Every crew is equipped with a Leica GPS System, a Leica Total Station utilizing Explorer Data Collectors and a laptop computer running Carlson Survey software. Office personnel use AutoDesk Civil 3D to integrate the field data into related engineering projects.

CIVIL ENGINEERING SERVICES

Airports
Bridges
City Engineering
Commercial Development
Compliance Permit Applications
Comprehensive Planning (zoning, subdivision regulation, traffic planning)
Construction Monitoring
Environmental Studies & Plans
Flood Control Projects
Hydrology Analyses & Structures
Streets & Street Lighting
Rate Studies
River Engineering
Site Investigations & Assessments
Stormwater Management

Wastewater Collection & Treatment
Water Distribution & Supply
Water Treatment & Storage
Construction Phase Services
Project Bidding & Contract Award
Cash-Flow
Construction Staking
Resident Project Representation
Contract Administration
Shop Drawing Review
O & M Manuals Development
Start-Up/Follow-Up Services
Electrical Engineering Services
Substation Design, 2.4 kV – 500kV
Transmission Line Design – 345kV
Distribution Line Design – 25kV
Grounding Networks

Long-Range Facilities Planning
Microwave Communication Systems
Optical Fiber Systems
Power System Studies
Power Supply Studies
Protective Relaying Systems
Rate Studies
SCADA Systems
System Mapping & GIS Services
Regulatory Compliance Assistance
Property, Route & Easement Surveying
Corrosion Mitigation Systems
Storm Restoration Design
Surveying Services
ALTA/ACSM
Construction Staking



Allgeier Martin's Civil Division manages projects in the wastewater, water, transportation, stormwater, and site development fields. We have in-house capabilities for structural, mechanical, and electrical design. A full staff of surveyors and experienced field technicians complements the division. We have maintained a strong reputation working for public and private clients, both large and small, since 1954. Our clientele stretches across the states of Missouri, Kansas, Oklahoma, and Arkansas.

Wastewater

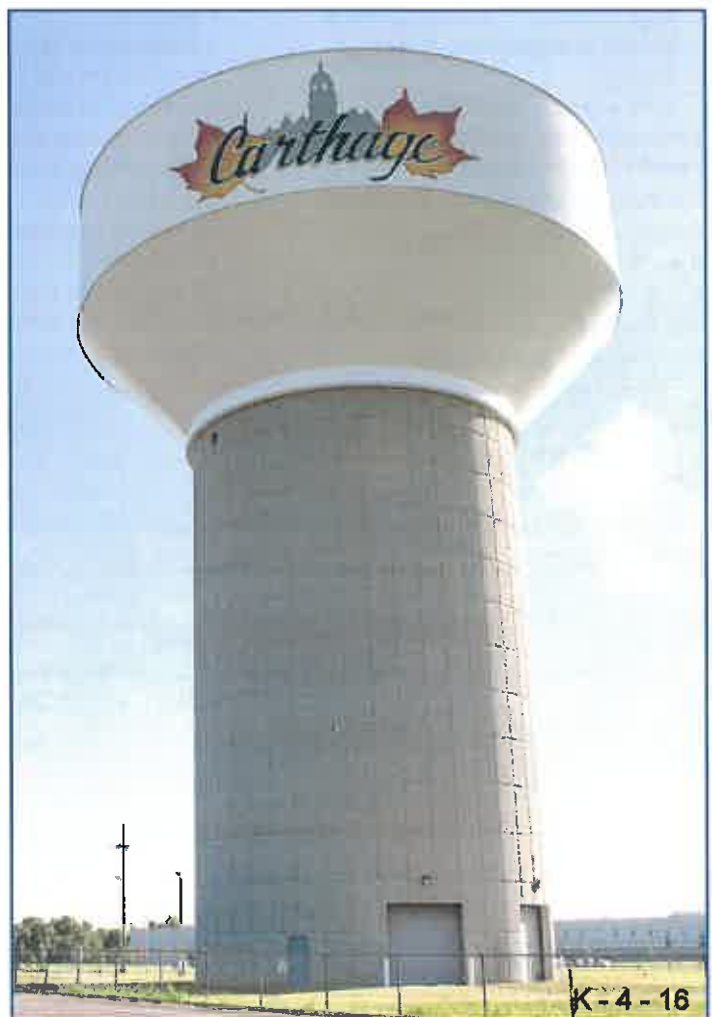
Wastewater treatment projects vary in size from a few thousand gallons per day to tens of millions of gallons per day. Collection system lift stations capable of pumping over 8.5 million gallons per day, and interceptor sewers up to 60" in diameter are among our project experience.

Allgeier Martin's wastewater treatment facilities design experience includes extended aeration activated sludge systems, such as oxidation ditches and sequencing batch reactors, conventional activated sludge systems, trickling filter towers, recirculating sand filters, high-rate and low-rate land application systems, and a variety of proprietary and non-proprietary processes. Biosolids treatment, dewatering, and disposal have also been dealt with, by way of aerobic or anaerobic digesters, sludge drying beds, gravity belt thickeners, and land application.

Water

Our water system experience includes conventional single-stage and two-stage water treatment facilities for public systems, reverse osmosis treatment for industrial process water, and aeration/filtration/disinfection systems for treating groundwater supplies. We have worked extensively in the planning and design of water distribution system upgrades, extensions and replacements, new deep wells, water storage facilities of up to 2.5 million gallons capacity, and in performing comprehensive, long-range studies of water systems. The clients that we regularly serve include municipal systems, rural water districts, and private and commercial systems.

Many of our water system projects have been directly associated with planning and design relative to expansion, improvements, and development of water supplies, distribution, and storage. Each project is preceded by a thorough study in order to provide our client with a functional, efficient, and cost-effective system.



Stormwater

Stormwater and hydrology are also a part of our extensive engineering expertise. Our registered engineers and hydrologists have years of experience in the planning and design of new stormwater systems, hydraulic structures, and in the evaluation of existing systems.

- Master Planning
- Watershed Modeling
- Storm Sewer Systems
- Culvert Analysis/Design
- Detention Reservoirs
- GIS Applications
- Floodplain Mapping and Modeling
- FEMA Map Revisions
- Stream Data Collection
- Technical Training



Transportation

Allgeier Martin has been designing roads, streets, intersections, bridges, signalization, street lighting, and airports since 1954. State transportation departments, municipalities, counties, industries, and airport agencies have taken advantage of our experience and technical knowledge to plan and design new facilities, or to make improvements to existing facilities, to meet the growing needs of the traveling public.

Site Development

Allgeier Martin is regularly involved in site planning and layout, which can include extensive grading and earthwork computations, sanitary and storm sewer design, hydrology, water line design, and roadway layout for municipal and private industrial development projects. Many projects require stormwater management and detention facility design, boundary and topographic surveys, utility relocation and extensions, grading plans, easement preparation, construction oversight and coordination with the client regarding permitting and zoning.

Survey Experience

Our Survey Department consists of four Registered Land Surveyors (R.L.S.), with a combined ninety years of experience in surveying services, two civil engineering crews, two electrical transmission crews, and two electrical distribution crews that are fully equipped with premium equipment. Every crew is equipped with a Leica GPS System, a Leica Total Station utilizing Explorer Data Collectors and a laptop running Carlson Survey software. Office personnel use AutoDesk Civil 3D to integrate the field data into related engineering projects. We have several staff members that are registered ITIC users for 1-Call for the determination and location of underground utilities. In addition, a number of our surveying staff are HazMat and OSHA approved.

- Construction Staking
- ALTA/ACSM
- Boundary and Topographic Surveys
- GPS
- Project Bidding
- Contract Award
- Resident Project Representation
- Contract Administration
- Start-Up and Follow Up Services

ELECTRICAL ENGINEERING SERVICES

Allgeier Martin's Electrical Engineering Division provides several specialty services. We have served municipalities, electrical cooperatives, power companies, industries, institutions and the federal government on hundreds of projects.

Transmission Line Design, 69 kV – 345 kV
Distribution Line Design, 2400V – 25 kV
Substations, 2400V – 500 kV
Power System Planning
Power Supply and Rate Studies
Protective Relaying and Control Systems
SCADA Systems
Fiber Optic Communications Systems
Microwave Communications Systems

Power System Studies
Land Mobile Radio Systems
Property, Route and Easement Surveying
Right-of-Way Acquisition Services
Regulatory Compliance Assistance
Equipment Procurement Assistance
Construction Observation
System Mapping and GIS Services

Distribution Systems

Distribution systems begin with long and short term planning. Long range plans guide the designing for systems over a 10-20 years. Short term recommends specific improvements over a 2-4 year period. Other services include: distribution system automation, economic conductor analysis, mapping and CAD services, cost-of-service studies, power requirement studies, and right-of-way.

Electric Rate Studies

Past year system operating costs are used to develop the pro forma year costs, which are divided into consumer, demand, and energy related expenses. They are allocated to different consumer groups (residential, commercial, industrial). The electric rate is designed to generate the required revenues, and the rate structure is designed to be as equitable as possible between customer classifications.

Transmission Line Design and Routing

We have designed thousands of miles of transmission line ranging in voltage from 69kV-345 kV in rural and urban environments. Services include route analysis and selection, environmental and cultural surveys, right-of-way acquisition, survey and staking, physical line design, upgrade or modification services from existing facilities, project management services, and on-site construction representation.

Substation Design

Substation designs include all standard voltages from 2400V to 500 kV. We can prepare specifications for steel, transformers, breakers, switches, relaying, and other items needed for the substation construction. We will reuse existing designs of steel structures and detail new modified structures in house to reduce costs. We design the relay panel layouts and point-to-point wiring, which maintains control, includes client's desires, and also reduces costs. We prepare contracts and handle the bidding, award, and administration processes.

Protective Relay and Control Systems

We provide protective relay coordination and settings. Once construction is complete, we provide a detailed, functional checkout of the substation and relaying, and assist with energizing and initial operation. However, we do not generally perform hands-on relay acceptance or maintenance testing. We have experience in design, purchase, functional testing, and troubleshooting protective relay systems from overcurrent schemes to multi-terminal communications assisted systems. Our engineers teach client technicians the functional operations of the scheme, allowing clients to better troubleshoot future problems.

SCADA Systems

SCADA experience includes training, database preparation, factory acceptance testing, and the installation and commissioning of vendor systems using a variety of communications types.

Communication

Communication services are provided to municipalities, investor-owned utilities, and rural electric cooperatives. Applications for SCADA, load management, generation load control, telemetering, protective relaying, telephone, computer data links and mobile radio control have been implemented.

Communication Services

- Communication System Planning
- Microwave Path Analysis and Surveys
- Land Mobile Radio Studies
- FAA Determination and FCC License Applications
- NEPA Report Preparation
- Frequency Coordination Administration
- Site Development and Design
- Tower Specifications
- Communication Building Design and Specifications
- Construction Administration and Inspection
- Tower and Antenna Inspections
- Guy Anchor Corrosion Testing
- System Types
- 900 MHz, 2, 6 and 10 GHz Microwave
- Optical Fiber
- Low Band, High Band and UHF Land Mobile Radio
- Power Line Carrier
- Multiple Address Radio



Council Agenda Item Cover

MEETING DATE: March 12, 2018

AGENDA ITEM TITLE: An Ordinance Amending Section 120.300 of the University City Municipal Code Regarding the Tax Increment Financing Commission of the City of University City, Missouri

AGENDA SECTION: Unfinished Business

CAN THIS ITEM BE RESCHEDULED? : No

BACKGROUND REVIEW: In 2008, the Missouri General Assembly amended the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri (the TIF Act) to alter the manner in which Tax Increment Financing (TIF) Commissions were appointed by cities, towns and villages located in a county with a charter form of government and with more than one million inhabitants.

The attached amendment to *Section 120.300 Establishment of TIF Commission; Terms of Office* will ensure the City's code is consistent with the TIF Act, as amended.

The first reading should occur on February 26, 2018, and the second and third reading and ordinance adoption should occur on March 12, 2018.

ATTACHMENT:

- Ordinance

RECOMMENDATION: Adoption

INTRODUCED BY:

DATE:

BILL NO. 9352

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 120.300 OF THE UNIVERSITY CITY MUNICIPAL CODE REGARDING THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF UNIVERSITY CITY, MISSOURI.

WHEREAS, the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 to 99.865 of the Revised Statutes of Missouri, as amended (the "TIF Act"), authorizes municipalities to undertake redevelopment projects in blighted, conservation or economic development areas, as defined in the TIF Act; and

WHEREAS, in 2008, the Missouri General Assembly amended the TIF Act to alter the manner in which tax increment financing commissions are appointed in cities, towns and villages located in a county with a charter form of government and with more than one million inhabitants (the "2008 Amendment"); and

WHEREAS, at the time the 2008 Amendment was enacted, St. Louis County was a charter county with a population of more than one million inhabitants; and

WHEREAS, Section 120.300 of the University City Municipal Code provides for appointments to the Tax Increment Financing Commission of the City of University City, Missouri (the "TIF Commission") in the manner described in the 2008 Amendment; and

WHEREAS, the most recent U.S. Census information indicates that the population of St. Louis County is now below one million inhabitants, which has created uncertainty regarding the 2008 Amendment's applicability to the TIF Commission;

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

Section 1. Amendment of Section 120.300. Section 120.300 of the University City Municipal Code is hereby amended to read as follows:

Establishment of TIF Commission; Terms of Office. There is hereby established the Tax Increment Financing Commission of the City of University City, Missouri (the "TIF Commission"). The members of the TIF Commission shall be appointed and shall serve terms in the manner described in Section 99.820 of the Revised Statutes of Missouri, as amended.

Section 2. Effective Date. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED and ADOPTED THIS _____ DAY OF _____, 2018.

MAYOR

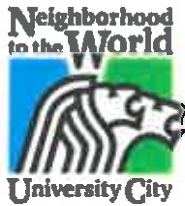
(Seal)

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



Council Agenda Item Cover

MEETING DATE: March 12, 2018

AGENDA ITEM TITLE: M.O.U. with St. Louis County Police Department and Government

AGENDA SECTION: New Business item

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW: University City Police Department (UCPD) would like to enter into an agreement with St. Louis County Department of Police to allow one (1) University City officer to work as part of the Multijurisdictional Drug Task Force from April 1st 2018 to April 1st, 2019. The officer will be deputized under the St. Louis County Deputation Manual and will be working under the supervision of the St. Louis County Police Department;

University City will remain responsible for the officer's salary, benefits, overtime and worker's compensation benefits. University City will be entitled to a portion of assets forfeited federally as a result of the Multijurisdictional Drug Task Force's operations conducted during the time a University City officer is assigned to the unit.

ATTACHMENTS:

1. Proposed Ordinance for University City
2. Contract

RECOMMENDATION: Approval

INTRODUCED BY: _____

DATE: _____

BILL NO.: 9353

ORDINANCE NO.: _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ST. LOUIS COUNTY, MISSOURI FOR MULTIJURISDICTIONAL DRUG TASK FORCE SERVICES

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

Section 1. An Agreement with St. Louis County, Missouri for Multijurisdictional Task Force services is hereby approved in substantially the form attached hereto and incorporated by reference, and the City Manager is authorized to enter into and execute on behalf of the City of University City, Missouri the Agreement, and he may take such further action as may be necessary or desirable to carry out the intent of this ordinance.

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

PASSED and ADOPTED this ____ day of March, 2018.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



ST. LOUIS COUNTY DRUG TASK FORCE



CONTRACT

THIS AGREEMENT is entered into as of the _____ 2018 by and between ST. LOUIS COUNTY, MISSOURI on behalf of the St. Louis County Department of Police (herein after "County"), and the CITY OF UNIVERSITY CITY, MISSOURI (herein after "CITY").

WHEREAS, County's Police Department maintains a Multijurisdictional Drug Task Force which, among other things, engages in undercover activities; and

WHEREAS, City wishes to assign one of its detectives to County's Multijurisdictional Drug Task Force upon the terms stated herein; and

WHEREAS, County is authorized to enter into this agreement pursuant to County's Ordinance Number 15,025, 1990; and

WHEREAS, City is authorized to enter into this agreement pursuant to City's Ordinance Number _____.

NOW THEREFORE, in consideration of the premises and promises contained herein, the parties agree as follows:

1. The City agrees to provide County with the services of one (1) detective, mutually agreeable to both parties, (Herein after "Detective"), for a period of one (1) year, to commence _____ and to terminate _____ and shall continue to remain in effect until terminated by either party as provided under the provisions of paragraph 7 below.
2. In accordance with Missouri statute 650.161, the chief law enforcement officer of the City will serve as a member of the Policy Board for the Multijurisdictional Drug Task Force. Unless determined otherwise by the Policy Board, the Multijurisdictional Drug Task Force will operate under the policies of the St. Louis County Police Department as stated in paragraph 4 below.
3. The Detective will be under the direct supervision and control of the St. Louis County Police Department.
4. The Detective will be subject to the St. Louis County Police Department's rules and regulations, including, but not limited to, random drug testing.
5. The Detective will be deputized under the St. Louis County Deputization Manual.
6. City shall be responsible for Detective's salary, benefits, overtime accrued, worker's compensation benefits and liability, and legal defense and liability resulting from the Detective's actions.
7. Either party to this agreement may cancel this agreement with thirty (30) days' written notice. Notice to County shall be deemed delivered if deposited, postage prepaid, addressed to Chief of Police, St. Louis County Police Department, 7900 Forsyth Boulevard, Clayton, Missouri 63105. Notice to City shall be deemed delivered if deposited, postage prepaid, addressed to the City.

8. City shall be entitled to a portion of assets forfeited federally as a result of Multijurisdictional Drug Task Force operations conducted during the period Detective is assigned to the County's Multijurisdictional Drug Task Force, regardless of the location where such assets were seized. The portion shall be computed as of the time of seizure and not the time of distribution. The portion shall be determined by multiplying the assets forfeited by the following ratio:

(number of detectives assigned to County's Multijurisdictional Drug Task Force by City, that is, 1)

(Total number of Agencies assigned to County's Multijurisdictional Drug Task Force from all sources.)

The County may increase or decrease the number of detectives assigned to the Multijurisdictional Drug Task Force without approval of City. The County may also enter into similar agreements with other municipalities which will affect the number of undercover officers assigned to the Multijurisdictional Drug Task Force from all sources and thereby affect the portion of the forfeited assets to which City will be entitled.

9. City will cooperate with County in preparing the proper documentation for the courts, prosecutors and other law enforcement agencies so that the forfeited assets owed to City are not deposited in a general revenue account of County, but are paid directly to City instead. City will maintain compliance with federal laws as a requirement to share in federally forfeited assets.

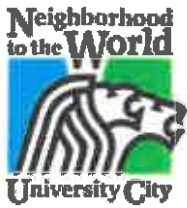
10. County will provide the necessary specialized equipment for undercover activities, including radio equipment, vehicles and other specialized surveillance equipment.

11. As funding allows, County will provide training in the area of undercover operations and narcotics investigations.

12. All necessary evidentiary and expense funds will be provided by St. Louis County.

13. Upon the request of the City, the Commander of the County's Multijurisdictional Drug Task Force will submit a performance evaluation to City regarding the performance of the participating City detective once every twelve (12) months.

14. The City shall provide proof of Commercial General Liability Insurance in compliance with the sovereign immunity limits for Missouri public entities, which are calculated by the Missouri Department of Insurance and published annually in the Missouri Register within three days of request by St. Louis County. This coverage shall also apply to Civil Rights Claims that may arise. St. Louis County shall remain self-insured regarding claims. The City shall maintain during duration of this agreement Workers' Compensation Insurance. If the City should become self-insured prior to the termination of this Agreement, the City shall provide the County a letter of self-insurance with the unencumbered balances that meets the statutory cap on a per occurrence basis in lieu of a Certificate Letter of Self-Insurance.



Council Agenda Item Cover

MEETING DATE: March 12, 2018

AGENDA ITEM TITLE: AN ORDINANCE WITHDRAWING AN EASEMENT GRANT TO ST. LOUIS COUNTY, MISSOURI AND REPEALING SECTION III OF ORDINANCE NO. 6420.

AGENDA SECTION: New Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

An Ordinance withdrawing the 2003 easement grant to St. Louis County for ownership and maintenance of the pedestrian bridge.

Attachments:

1: Ordinance

RECOMMENDATION: The City Manager is recommending approval.

INTRODUCED BY: _____

DATE: _____

BILL NO.: 9354

ORDINANCE NO.: _____

AN ORDINANCE WITHDRAWING AN EASEMENT GRANT TO ST. LOUIS COUNTY, MISSOURI AND REPEALING SECTION III OF ORDINANCE NO. 6420.

WHEREFORE, by Ordinance No. 6420 passed on March 24, 2003, University City, Missouri, to the extent of its interest, granted Bi-State Development Agency of the Missouri-Illinois Metropolitan District ("Bi-State") a temporary construction easement to build a pedestrian overpass at or near Ackert Walk and Forest Park Parkway as part of the Cross County MetroLink Segment I Extension project; and

WHEREAS, St. Louis County, Missouri was granted a permanent easement over the area for the purpose of providing for ownership and future maintenance of the pedestrian overpass; and

WHEREAS, the pedestrian overpass was constructed; and

WHEREAS, Washington University desires to remove the existing pedestrian overpass and construct a new bicycle ramp and bridge in approximately the same area; and

WHEREAS, Washington University will obtain a special use permit from St. Louis County, approval of which is contingent upon Washington University agreeing to own and maintain the bridge and ramp to the extent it is over Forest Park Parkway, a St. Louis County arterial road within the meaning of Section 137.558 RSMo; and

WHEREAS, St. Louis County has not accepted the easement granted by Ordinance No. 6420; and

WHEREAS, University City desires to withdraw the easement grant to St. Louis County and repeal Section III of Ordinance No. 6420.

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

Section 1. The easement granted to St. Louis County pursuant to Section III of Ordinance No. 6420 is hereby withdrawn and Section III is hereby repealed.

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

PASSED and ADOPTED this ____ day of March, 2018.

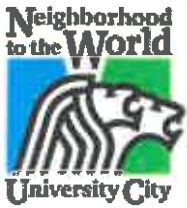
MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY



Council Agenda Item Cover

MEETING DATE: March 12, 2018

AGENDA ITEM TITLE: AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WASHINGTON UNIVERSITY FOR PEDESTRIAN AND BICYCLE RAMP AND BRIDGE SERVICES.

AGENDA SECTION: New Business

CAN THIS ITEM BE RESCHEDULED? : Yes

BACKGROUND REVIEW:

An agreement with Washington University for pedestrian and bicycle ramp and bridge services in substantially the attached form.

Attachments:

- 1: Ordinance
- 2: Service Agreement

RECOMMENDATION: The City Manager is recommending approval.

INTRODUCED BY: _____

DATE: _____

BILL NO.: 9355

ORDINANCE NO.: _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WASHINGTON UNIVERSITY FOR PEDESTRIAN AND BICYCLE RAMP AND BRIDGE SERVICES.

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

Section 1. An Agreement with Washington University for pedestrian and bicycle ramp and bridge services is hereby approved in substantially the form attached hereto and incorporated by reference, and the City Manager is authorized to enter into and execute on behalf of the City of University City, Missouri the Agreement, and he may take such further action as may be necessary or desirable to carry out the intent of this ordinance.

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

PASSED and ADOPTED this _____ day of March, 2018.

MAYOR

ATTEST:

CITY CLERK

CERTIFIED TO BE CORRECT AS TO FORM:

CITY ATTORNEY

SERVICES AGREEMENT

THIS SERVICES AGREEMENT (this "Agreement") is made and entered into as of this ___ day of _____, 2018, by and between THE CITY OF UNIVERSITY CITY ("City") whose mailing address is 6801 Delmar Blvd., St. Louis, Missouri 63130, and, THE WASHINGTON UNIVERSITY ("University") whose mailing address is Campus Box 1058, One Brookings Drive, St. Louis, Missouri 63130-4899.

WHEREAS, pursuant to permission granted by City, University has constructed a pedestrian and bicycle ramp and bridge and associated hardscape and landscaping as more particularly described in the plans attached hereto as Exhibit A (the "Project") on the land depicted on the site plan attached hereto as Exhibit B (the "Project Area") (each such Exhibit of which is incorporated herein by reference) situated in the City of University City, St. Louis County, Missouri.

WHEREAS, in consideration of City's permission to construct the Project, University, at its sole cost and expense, is willing to maintain the Project, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, and in further consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, City and University agree as follows:

1. City, to the extent of its interest in the Project Area and authority to enter into this Agreement, grants to University a right of access to the Project and Project Area solely for the purpose of University performing its obligations hereunder. University disclaims any ownership or other rights in and to the Project and Project Area. University shall have no remedy or recourse whatsoever against City for any loss, cost, expense or damage for the failure of the City to have the authority to grant all or any part of the rights herein granted.

2. This Agreement shall be for a term commencing on the date hereof and expiring June 30, 2019. Thereafter, the term of this Agreement shall automatically renew for additional periods of one (1) year, July 1 to June 30 next, unless either party provides notice of nonrenewal to the other on or before April 1 immediately prior to any such renewal term. The foregoing notwithstanding, this Agreement shall automatically terminate upon the sooner of any of the following events: (a) non-use of the Project as a pedestrian and bicycle ramp to the public pedestrian and bicycle bridge over Forest Park Parkway for a six (6) month continuous period (other than periods of construction); or (b) University is no longer in existence or in control of or capable of maintaining the Project.

3. University shall maintain, repair, and replace any improvements within the Project Area including but not limited to a pedestrian and bicycle ramp, irrigation, landscaping, lighting and hardscape at its sole cost and expense. The methodology and facilities to be placed upon City's land shall initially be as diagrammed and described in Exhibit A, attached hereto and incorporated herein. Any alteration of such improvements shall require the approval of City acting through its City Manager.

4. University at its sole cost and expense shall maintain the Project Area together with any improvements constructed or installed thereon in accordance with the maintenance standards attached hereto as Exhibit C and incorporated herein by reference (the "Maintenance Standards"). Following consultation with University, and with the approval of the University, not to be unreasonably withheld, delayed or conditioned, the City may from time to time modify and amend the Maintenance Standards based on changing conditions and/or then customary municipal maintenance standards or methodologies.

5. In the construction, maintenance, repair or replacement of the Project or Project Area, University at its sole cost and expense shall comply and shall cause all of its contractors, subcontractors and agents to comply with all applicable laws, ordinances and regulations including but not limited to all applicable regulatory, environmental and safety requirements, and the Prevailing Wage Act, Section 290.230.1 RSMo. For all construction, maintenance, repair, replacement or other work by University within the envelope of the MetroLink light rail facility, University shall comply with Standard Operating Procedures 101.17 and 101.23 of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District.

6. (a) Subject to Section 6(b), University shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the City and its elected officials and employees from and against any claims, actions, suits, demands, damages, liabilities, losses, settlements, judgments, costs and expenses (including without limitation reasonable attorney's fees and costs) ("Claims") (i) asserted by a third party that a sale, disposition or use other than as a public park or recreational facility of Greenway South park or any portion thereof has occurred without the approval by a majority of the qualified electors voting thereon at an election called pursuant to an ordinance duly adopted by the City Council of the City, all within the meaning of Section 98 and/or 101 of the Charter of the City, or (ii) to the extent caused by the action, inaction, negligence or misconduct of University or parties for whom University is legally liable, for personal or bodily injury, death or damage to personal property arising out of the construction, maintenance, use, repair, removal or replacement of the Project or the Project Area by University or its agents, employees, contractors, or assigns pursuant to this Agreement or any other agreement which allows or causes such party to perform work with respect to the Project. The City shall promptly notify University of any Claim for which indemnification is sought, following actual knowledge by the City of such Claim, provided however that the failure to give such notice shall not relieve University of its obligations hereunder except to the extent University is materially prejudiced by such failure. After City provides notice to University of any Claim or related legal proceeding from which it expects to be indemnified, University shall immediately and with no cost to City assume the defense thereof; or at City's option, City may defend, settle or otherwise deal with any Claim or legal proceeding and shall then be promptly reimbursed by University for any and all reasonable attorney's fees, costs, and all other Claims as provided herein. The parties shall reasonably cooperate and consult with one another, but City shall have sole and exclusive control of the defense and settlement of any Claim, except that to the extent the Claim is for money damages City shall not concede, settle or compromise such Claim without the prior written approval of University, such approval not to be unreasonably withheld, delayed or conditioned.

(b) Nothing herein shall be deemed to waive the City's sovereign immunity.

7. To the extent any third party Claim seeks the payment of money (a) University shall have the right and option to undertake and control the defense thereof with counsel of its choice, provided however that (i) the City at its own expense may participate and appear on an equal footing with University in the defense thereof, and (ii) the City may undertake control of such defense in the event of the material failure of University to undertake and control the same, and (b) the City shall not concede or settle or compromise any such Claim without the prior written approval of University. To the extent any third party Claim does not seek the payment of money (c) City shall have the right and option to undertake and control the defense of such action with counsel of its choice, provided however that (i) University at its own expense may participate and appear on an equal footing with City in the defense of any such Claim, and (ii) University may undertake control of such defense in the event of the material failure of City to undertake and control the same, and (b) University shall not concede or settle or compromise any Claim without the prior written approval of City. Regardless of which party shall undertake control of the defense of any Claim, City and University shall consult with each other regarding the selection of counsel to serve as lead defense counsel.

8. The University will mitigate damage, if any, to the land or improvements of the residences on Westgate Avenue, the rear property lines of which immediately adjoin the project area, caused by or resulting from the construction, maintenance or repair of the Project or Project Area. The obligations of the University under this Section 7 (a) are limited to matters first brought to the attention of the University within two (2) years after the Project is placed in service, (b) do not include defects, damage or other conditions existing prior the date construction of the Project begins, and (c) do not include damage caused by or resulting from acts or omissions of third parties and/or the owners of such residences (for example, damage resulting from improvements made by or for a homeowner on their own property).

9. University currently provides limited security services in the vicinity of the Project, as described in Exhibit D attached hereto and incorporated herein by reference (the "Current Security Services"). The University will provide security services in the vicinity of the Project at substantially no less than the Current Security Services for a minimum period of five (5) years from the date of this Agreement (the "Minimum Period"). At this time, beyond the Minimum Period the University anticipates it will continue to provide some level of security services in the vicinity of the Project for the foreseeable future, but is not able to and does not commit to provide any such services indefinitely or that the level of such services will remain unchanged. University and City mutually acknowledge that state and local governmental units have the authority and responsibility to provide police, fire protection, emergency and other governmental services to the community. Nothing in this Agreement supplants the authority or responsibility of City to provide governmental services, including police services, to the City of University City community.

10. CITY MAKES NO WARRANTY OR COVENANT AS TO THE EXISTING OR FUTURE CONDITION OF THE PROJECT OR PROJECT AREA OR WHETHER THE PROJECT OR PROJECT AREA IS FIT FOR ANY INTENDED PURPOSE OR ANY OTHER WARRANTY OR COVENANT.

11. University may not transfer or assign its rights or obligations hereunder to any other entity whatsoever, including any state or federal political subdivision, without the prior written consent of City in its discretion.

12. University represents and warrants that University has the full authority to enter into this Agreement and to perform all obligations imposed upon University.

13. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect except in a subsequent modification in writing, signed by the parties.

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IN WITNESS WHEREOF, the party or parties have set their hands the day and date first above written.

City:

City of University City

By: _____
Gregory Rose
City Manager

STATE OF MISSOURI)
)SS.
COUNTY OF ST. LOUIS)

On this ____ day of _____, 2018 before me personally appeared Gregory Rose, City Manager of the City of University City, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed on behalf of the City of University City.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public

My term expires:

University:

THE WASHINGTON UNIVERSITY

By: _____

Amy B. Kweskin
Vice Chancellor for Finance and Chief
Financial Officer

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS) SS.

On this ____ day of _____, 2018, before me appeared Amy B. Kweskin, to me personally known, who being by me duly sworn, did say that she is the Vice Chancellor for Finance and Chief Financial Officer of THE WASHINGTON UNIVERSITY, a corporation organized and existing by Act of the General Assembly of the State of Missouri approved February 22, 1853 and acts amendatory thereto, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors, and acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Notary Public

My commission expires:

EXHIBIT A

Description of Project

The following are hereby incorporated herein by reference:

1. Materials presented at the January 23, 2017 study session of City Council:
 - A. Proposal dated July 28, 2016 and attachments thereto submitted by the University
 - B. Memorandum dated November 7, 2014 from Great Rivers Greenway
2. Materials presented at the March 2, 2017 town hall meeting:
 - A. Slides of presentation by the University
3. New Bridge & Site Improvements GMP Submission

<http://apps.ucitymo.org/PublicPortal/Browse.aspx?startid=111366>

Washington University in St. Louis
NEW BRIDGE & SITE IMPROVEMENTS
1 BROOKINGS DR
ST. LOUIS, MO 63130
WUSTL PROJECT NO. 2015663X
ASG PROJECT NO. 21601.02
GMP SUBMISSION
SEPTEMBER 9, 2016

PROJECT TEAM		
OWNER Washington University 1 Brookings Drive St. Louis, MO 63130 www.wustl.edu	ARCHITECT HOK 1000 North Broadway St. Louis, MO 63102 www.hok.com	ENGINEER Parsons Brinckerhoff 1000 North Broadway St. Louis, MO 63102 www.pb.com
CONSULTANT URS URS URS URS 1000 North Broadway St. Louis, MO 63102 www.urscorp.com	LANDSCAPE ARCHITECT HOK 1000 North Broadway St. Louis, MO 63102 www.hok.com	CONSTRUCTION MANAGER HOK 1000 North Broadway St. Louis, MO 63102 www.hok.com
GENERAL CONTRACTOR URS URS URS URS 1000 North Broadway St. Louis, MO 63102 www.urscorp.com	GENERAL CONTRACTOR URS URS URS URS 1000 North Broadway St. Louis, MO 63102 www.urscorp.com	GENERAL CONTRACTOR URS URS URS URS 1000 North Broadway St. Louis, MO 63102 www.urscorp.com
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Exhibit B

Description of Project Area

DRAFT

LABORATORY 300
84% AS 24, 2016 - B-Den
D:\Projects\2016\101918\18-0068\001_V-100\V-1-CITY BLOCK EXHIBIT 15-0068.dwg

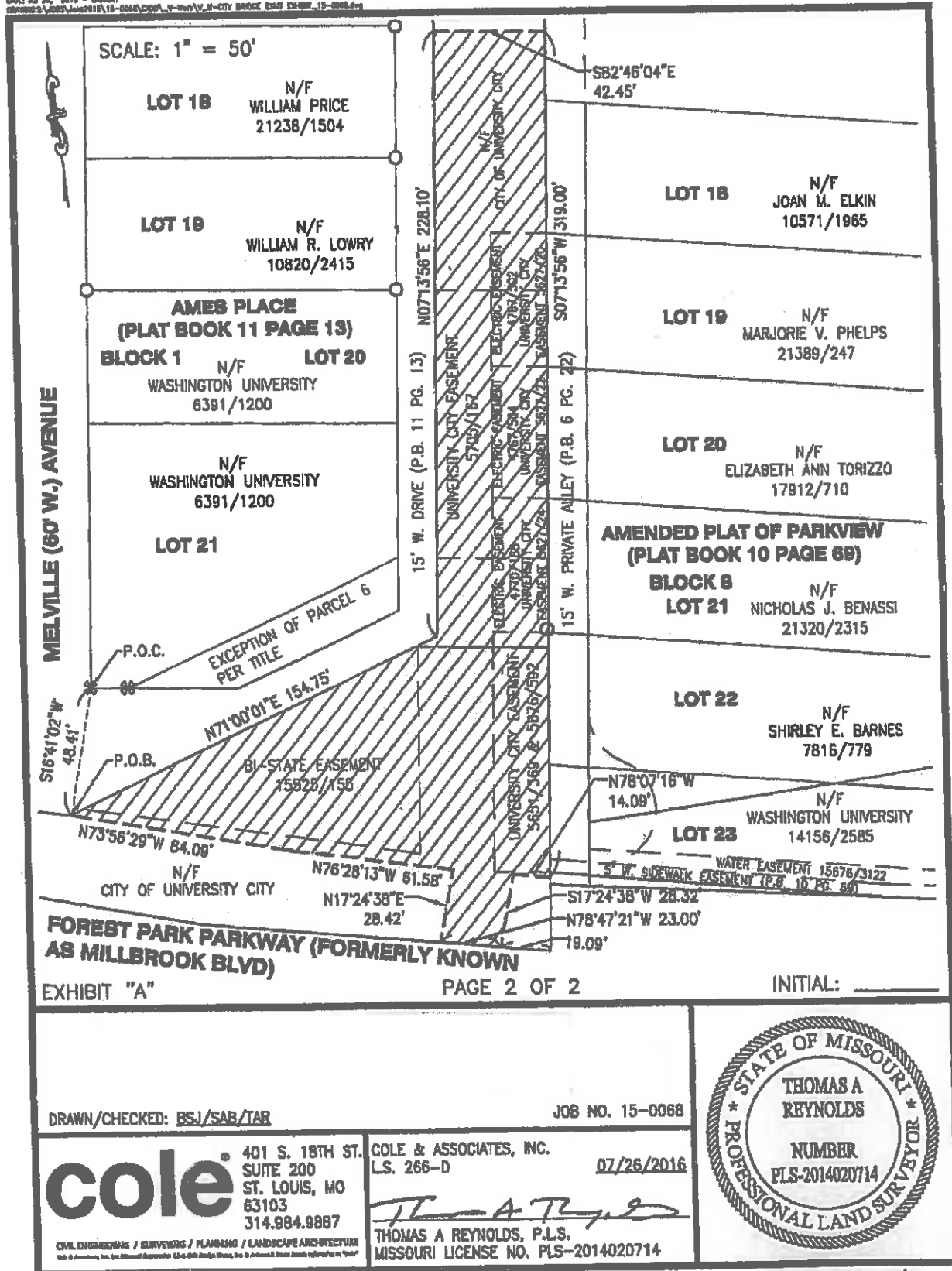


Exhibit C

Maintenance Standards

DRAFT

Greenway South Ramp and Landscaping Maintenance Standards

Washington University in St. Louis will maintain the paved and landscape areas associated with the newly installed ramps and site improvements in accordance with the following maintenance standards.

These standards are based on the Greenway Level of Care Guidelines (LOC) prepared by the Great Rivers Greenway District (GRG). The goal of the GRG LOC Guidelines is to promote a consistent, well-maintained and safe greenway systems that extends across many jurisdictional boundaries of the many Greenway partners. As these improvements are a part of GRG's Centennial Greenway, it is appropriate to use these standards. The standards were developed in a comprehensive process utilizing industry experts and stakeholders resources. It is GRG's intention to use these standards in all operation and maintenance cooperation agreements between GRG and their partners which outline the transfer of the developed greenway facilities to the partner and the partner's responsibility to operation and maintain them.

The LOC guidelines include an annual level of care review and a Capital Facility Assessment to be performed every two to three years. Washington University will provide a report after each LOC review and after the Capital Facility Assessment. If deemed necessary by the assessment, the University will create a scheduled of planned repairs and improvements to be reviewed and approved by the Public Works Department of the City of University City.

In addition to the GRG standards, Washington University contracted with SWT Design to provide specific guidelines for the exact varieties and species of plant materials to be included in the project area.

Washington University follows all Occupational Safety and Health Administration (OSHA) and American National Standards Institute (ANSI) procedures and protocols for site maintenance and operations. Grounds staff are identifiable by uniform clothing and applicable safety equipment. The Grounds Crew currently operates under maintenance business hours, but loud equipment and machinery use occurs between the hours of 9 am and 4 pm. Winter storm events may alter this schedule in an effort to provide a safe environment for the public use of the bridge.

Predicted intensity of a winter weather event dictates the amount, frequency, and duration of treatment of walkways and other paved surfaces. The Grounds Crew currently strives to have all walks cleared by 9 am following an overnight winter weather event. Winter precipitation is removed during and after a winter weather event as appropriate. In the event of an intense winter weather, paved surfaces are cleared within 24 hours following the conclusion of the storm.

As part of the standard maintenance practices, a general site inspection will be conducted daily Monday through Friday to inspect for litter and any other issues that may arise, including storm events, graffiti, and general site compliance. In the event that graffiti is encountered, Washington University has a policy of removing it the same day as discovered, unless extraneous measures are required for removal. Required maintenance on life safety equipment such as railings, lighting, security communications devices are addressed through the Campus Work Order Process.

Tree health and risk will be evaluated in addition to the yearly inspection following severe weather events (severe thunderstorms, snow, ice events). Area landscape drains will also be inspected in the same manner following heavy rainfall events.

Bridge and Ramps	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Maintenance												
Remove trash/debris and sweep as needed to maintain clean surface	20	20	20	20	20	20	20	20	20	20	20	20
Check for damage, graffiti and trip hazards	20	20	20	20	20	20	20	20	20	20	20	20
Clean surface - pressure wash or brush as needed						1						
Paint or repair steel coatings per manufacturer's recommendations						1						
Caulk un-welded seams needing repair with high quality clear exterior silicone caulk						1						
Annual Level of Care Review including - visual inspection of bridge superstructure components including decking condition, fasteners, expansion joints, walls, drainage systems and coatings. Check for rust and/or chipped coating systems. Visual inspection of abutments, walls and piers looking for erosion, cracks, damage and trees, limbs or debris hung onto the structures.												
Capital Facility Assessment - Every 2-3 years												
Formal structural inspection and reporting of structural components of bridge by a MO licensed structural engineer following standardized inspection procedures (i.e. Federal Highway's National Bridge Inspection Standards, MoDOT, AASHTO, St. Louis County Highways and other similar inspection policy guides.												

Greenway South Landscape and General Site Maintenance Standards

Maintenance Functions (Listed as number of expected occurrences)	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
General Site Maintenance													
General Site Inspection	20	20	20	20	20	20	20	20	20	20	20	20	240
- Litter Control	20	20	20	20	20	20	20	20	20	20	20	20	240
- General appearance of other site amenities	20	20	20	20	20	20	20	20	20	20	20	20	240
Drain Inspections*			1			1			1			1	4
Snow Removal*	2	2	2								1	2	9
Tree Care													
Fertilization (as necessary)												1	1
Tree Risk & Health Assessment					1								1
Tree Replacement (as needed)												1	1
Leaf Pick-up			1							2	2	1	6
Mulching of Trees			1										1
Planting Bed Maintenance													
Fertilization (annually)			1										1
Planting Bed Maintenance (weeding, pest/diseases, dead-heading)			1	1	2	2	2	2	2	1	1	1	15
Plant Replacements (as needed)				1					1				2
Mulch Cultivation										1			1
Mulch Application (1" of Mulch per yr)			1										1
Lawn Maintenance													
Mowing			1	2	5	4	5	4	4	2	1		28
Trim along paved areas & bed edges			1	2	5	4	5	4	4	2	1		28
Turf Fertilization & Weed Control				1		1			1				3
Turf Aeration & Overseed									1				1
Irrigation Maintenance													
Start-up & Shut Down					1							1	2
Backflow Inspection				1									1
Irrigation Inspection & Monitoring				1	1	1	1	1	1	1			6
Irrigation Repairs (as needed)					1	1	1	1	1				3

* Drain Inspections and Snow Removal is weather dependent and will be adjusted as necessary.

Plant Description Key

- Full Sun
- Part Sun
- Full Shade
- Showy Flowers
- Winter Interest
- Fall Color
- Fruit
- Rain Garden
- Screen/Hedge
- Parking Lot/Shade
- Street Tolerant
- Wetland
- Dry Swale
- Green Roof Plant
- Attracts Butterflies
- Attracts Birds
- Attracts Hummingbirds
- Fragrant
- Poisonous
- Native
- Medicinal Properties
- Known Deer Resistance
- Known Rabbit Resistance
- Edible
- Low Moisture
- Medium Moisture
- High Moisture



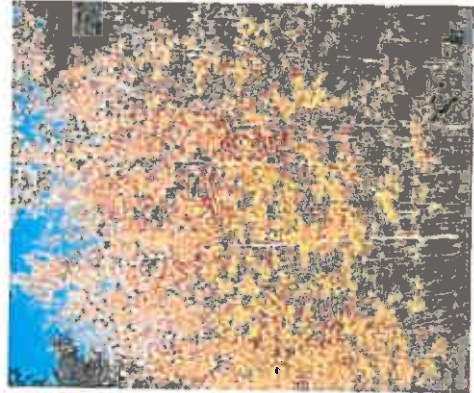
Ulmus 'Frontier' - Elm



Platanus x acerifolia 'Exclamation' - London Plane tree



Quercus phellos - Willow Oak



Populus tremuloides 'Prairie Gold' - Quaking Aspen



Nyssa sylvatica 'Red Rage' - Black Gum



Halesia carolina - Carolina Silverbell



Cercis canadensis - Eastern redbud



Chionanthus virginicus - White fringetree



Carpinus caroliniana - American Hornbeam



Picea abies - Norway Spruce



Hamamelis vernalis - Vernal Witch Hazel



Ita virginica 'Little Honey' - Virginia Sweetspire





Mahonia aquifolium - Oregon Grapeholly



Castanea obliqua - Turtlehead



Pleopeltastus pygmaeus - Dwarf Bamboo



Muehlenbergia struthiocephala - Oatman Fern



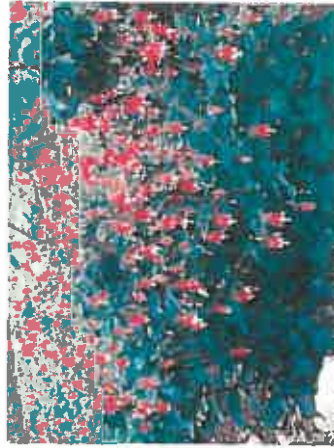
Carex glauca 'Blue Zinger' - Blue Sedge



Carex praegracilis - Tolway Sedge



Iris pallida 'Variegata' - Variegated Iris



Aquilegia canadensis - Columbine



Exhibit D

Current Security Services

Two security officers (not police officers) from 6:00 pm to 2:00 am, 7 days a week, 365 days a year, patrolling one at the south end, one at the north end, from the bridge to where the walkway reaches Washington Avenue, including periodic patrol of portions of intervening streets and alleyways; no set pattern of patrol; and subject to exceptions such as for breaks, illness, force majeure, other customary interruptions. The presence of a security officer at or near any given location at or near any given time cannot be assured.

DRAFT