

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
April 9, 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, April 9, 2018, Mayor Shelley Welsch called the meeting to order at 6:30 p.m.

B. ROLL CALL

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

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

Also in attendance were City Manager, Gregory Rose, Sinan Alpaslan, Director of Public Works and Parks, and City Attorney, John F. Mulligan, Jr.

C. APPROVAL OF AGENDA

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

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. March 26, 2018, Regular Session minutes were moved by Councilmember Smotherson, it was seconded by Councilmember McMahon and the motion carried unanimously.
2. March 26, 2018, Study Session minutes were moved by Councilmember McMahon, it was seconded by Councilmember Carr and the motion carried unanimously.
3. March 12, 2018, Study Session minutes were moved by Councilmember McMahon, it was seconded by Councilmember Carr and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. William Chilton is nominated for reappointment to the Historic Preservation Commission for a second term by Councilmember Glickert, it was seconded by Councilmember McMahon and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Leif Johnson, 836 Barkley Square, University City, MO

Mr. Johnson welcomed the new Mayor and Council, which represents the end of Ms. Welsch's asset-stripping of the City, lying, slandering, cutbacks on services, the secret government tactics used to deny citizens access to government, and employee's the right to speak. Civility and financial honesty will now be restored, along with the most important pillar of democratic government; an informed electorate.

Mr. Johnson stated this is the bedrock upon which our form of government succeeds and supplies the needs of the people. Therefore, he would recommend that the new Mayor and Council replace the lying newsletter of Shelley Welsch with a new one dedicated to transparency and informing the public. He stated he is aware that Ms. Welsch has left this new administration with a badly depleted financial situation that some elected officials may not be inclined to talk about. But just as citizens should be informed about this new administration's plans to overcome these obstacles, they also have a right to know how, and who got them into this mess.

Thomas Jennings, 7055 Forsyth, University City, MO

Councilmember Jennings stated something U City might think about implementing is the Stars Program. This program that the City of Clayton's Fire and Police Departments have recently put into operation, tracks citizens with special needs and places them into their emergency response system to provide police and firefighters with advance notice of any specific requirements. *(Councilmember Jennings provided the City Clerk with an article containing more information about this program and asked that it be placed into the record.)*

Councilmember Jennings stated recently he noticed that no parking signs had been placed on the south side of Forsyth in anticipation of work being performed on the street. And while he hopes the City will actually enforce these no parking restrictions, he also thinks, that at this point in time, any work being performed should consist of nothing more than repairing potholes. He stated with all of the construction being performed by Centene and our Lady of Lourdes, it would better serve the City to wait until these projects are complete before any work is initiated to repave the street.

I. PUBLIC HEARINGS

J. CONSENT AGENDA – Vote Required

K. CITY MANAGER'S REPORT

1. Sidewalk and Curb Replacement Project – Project 1362

Mr. Rose stated that on March 28, 2018, the City opened bids for the annual sidewalk and curb replacement project. Prime Master; the lowest responsible bidder, presented a proposal in the amount of \$403,686.60. As a contractor who has worked with the City in the past and demonstrated satisfactory performance, staff is recommending that Council consider awarding this contract to Prime Master.

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

Councilmember Smotherson asked Mr. Rose if he was aware of the company's minority participation goals? Mr. Rose asked Mr. Alpaslan if he could provide Councilmember Smotherson with an explanation of how the City tracked MBWE?

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Sinan Alpaslan, Director of Public Works, stated the City's utilization requirement for a diverse workforce in the performance of this contract, is 20 percent. Councilmember Smotherson asked if this was a specific requirement with respect to laborers at the work site or the company as a whole? Mr. Alpaslan stated although the performance of this contract does not dictate how this requirement should be achieved, and the City does not have a formal tracking system, there will be inspectors out in the field talking to employees and making observations about the company's utilization of women and minorities.

Mr. Rose stated it would be unusual for staff to dictate how a company elects to employ a worker in order to meet this 20 percent requirement. Typically, what the City looks at is the aggregate number of employees utilized to meet certain specifications; not how or where they are utilized. Councilmember Smotherson stated his belief that this is a relevant question is based on numerous concerns regarding the lack of minority participation that have been raised in the past. Mr. Rose stated he would ask staff to contact Prime Master and encourage them to assemble a team that is reflective of the community.

Councilmember Glickert acknowledged the validity of Councilmember Smotherson's concern, and questioned whether this 20 percent participation requirement was still a mandated City regulation? Mr. Alpaslan stated the Code requires that any contract in excess of \$50,000 adhere to the 20 percent diverse workforce specification.

Since the problem seems to center on the City's ability to enforce this regulation, Councilmember Jennings questioned whether any systems were in place to ensure a company's compliance? Mr. Alpaslan stated with these kinds of contracts the City's goal is to always achieve compliance, not to enforce it. So, although contractors must commit to this requirement at the time the contract is awarded, and submit an affidavit regarding the prevailing wage rate once the project is completed, there is no similar process with respect to the diverse workforce.

Councilmember Crow stated unless it is deemed atypical, the simple solution would be to implement a diverse workforce affidavit similar to the one designed for the prevailing wage rate.

Councilmember Jennings stated the justification typically espoused by contractors is their inability to find experienced women and minorities to fulfill this goal. And while the School District was successful in getting one of their contractors to hire locally, very few cities impose any type of penalties for their failure to comply. Consequently, if our desire is to ensure that these contractors meet their minority quotas and prohibit the use of these same old excuses, this needs to be an enforceable goal.

Councilmember Smotherson stated MoDOT does a great job of exhibiting their adherence to these requirements and when residents see contractors working in their community who do not appear to follow the same criteria, it raises concerns. So, this is an issue he thinks the City really needs to start paying more attention to.

Voice vote on Councilmember Jennings motion to approve carried unanimously.

2. Bloomberg Philanthropies Public Art Challenge

Mr. Rose informed Council that this presentation would be provided by Mr. Alpaslan, who has been working with the Mayor to draft this application.

Mr. Alpaslan stated the Public Art Challenge Grant Application has been drafted in collaboration with the Community Development Department to create a neighborhood connection with public art. The city awarded this grant can receive up to 1 million dollars with no local match. The estimated cost of the City's grant proposal is roughly \$700,000, and the deadline for submittal is April 19th.

The proposed project seeks to:

- Connect neighborhoods to the north and south through the creation of a public art installation
- Update sections of the fence in surrounding areas
- Modernize area crosswalks and sidewalks

Mr. Alpaslan stated that permission to access some portions of this project will be required from St. Louis County's Dept of Transportation and MSD, who has a large infrastructure in the area.

Councilmember Glickert stated there are a couple of reasons why this is a great project:

1. It is a much-needed improvement to the City's entrance at Skinker and Vernon, which is a stark contrast to the entrance at Olive and Skinker.
2. The fencing in this area is seriously in need of repair and the litter is incredible.

Councilmember Glickert asked whether it would be a reasonable request to ask St. Louis County if they would be amenable to removing some of the litter prior to the summer grass cutting season so that it is not shredded and allowed to remain? Mr. Alpaslan stated he would check with the County and also try to institute a volunteer program to assist with the control of litter.

Councilmember Jennings stated while he is also excited about dressing up this entry point, he would like to see involvement by the Arts & Letters Commission or some type of oversight, to prevent a similar debacle from occurring like the one at Midland and Olive. Mr. Alpaslan stated that staff could build a form of oversight into the application.

Councilmember Carr stated this is a long-neglected section of the City that she is excited to see being developed, particularly in light of the Trolley, where Vernon has been established as a major thoroughfare.

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

3. Site Plan Review – 6200 Olive Blvd.

Mr. Rose stated this is a 1,980 square foot addition to the existing Cintas facility that will be used as a fully enclosed loading dock and include four overhead doors facing south. Staff is recommending that Council approve this plan. Mr. Rose informed Council that the applicant was present to answer any questions.

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

4. Site Plan Review – 6321 Cates Ave.

Mr. Rose stated this plan is for two, three-story buildings consisting of twenty-one garden unit apartments in the High-Density Residential District. As depicted in the Site Plan one building will front Cates Avenue and consist of ten, one-bedroom units, and the second building, located along Vernon Avenue, will consist of eleven, one-bedroom units. Mr. Rose informed Council that the applicant was present to answer any questions.

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

Councilmember Carr stated she is pleased to see this additional housing that she believes is a good fit for this area which is ripe for redevelopment.

Voice vote on the motion carried unanimously.

L. UNFINISHED BUSINESS

BILLS

1. **BILL 9356** – AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER ITS PASSAGE, AND REPEALING ORDINANCE NO 7044. Bill Number 9356 was read for the first and second time.

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

Roll Call Vote Was:

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

Nays: Mayor Welsch.

2. **BILL 9357** - AN ORDINANCE APPROVING A RIGHTS-OF-WAY USE AGREEMENT AND SETTLEMENT WITH MCIMETRO ACCESS TRANSMISSION SERVICES CORPORATION. Bill Number 9357 was read for the second and third time.

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

Councilmember Carr stated this is an agreement with MCI, with whom the City has had previous dealings, therefore, she would ask Mr. Rose if he could enumerate the settlement for the record? Mr. John Mulligan, City Attorney, stated the settlement is set out in the agreement, which has been attached to the Bill. In terms of the compensation, the City will receive a lump sum from MCI representative of past fees in the amount of \$483,126, as well as a per linear foot amount of \$17,527 or \$2.00 per linear foot to be paid on an ongoing basis. There is a desire to add an additional 23,950 feet, and assuming the build-out takes place as anticipated, that would bring the total amount paid on an ongoing basis up to roughly \$83,000 a year.

Roll Call Vote Was:

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

Nays: None.

- 3. BILL 9358 - AN ORDINANCE APPROVING A RIGHTS-OF-WAY USE AGREEMENT AND SETTLEMENT WITH XO COMMUNICATIONS SERVICES, LLC.** Bill Number 9358 was read for the second and third time.

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

Councilmember Carr asked Mr. Rose if he could enumerate this settlement for the record? Mr. Mulligan stated the settlement is set out in the agreement, which has been attached to the Bill. The amount of arrearage for XO is \$543,499, and the per linear footage of 24,360 linear feet; to be paid going forward, is roughly \$48,720 a year. Councilmember Carr asked if the total settlement to the City from these two agreements would be roughly 1 million dollars? Mr. Mulligan stated that was correct.

Roll Call Vote Was:

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

Nays: None.

M. NEW BUSINESS

RESOLUTIONS

BILLS

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

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

Councilmember Carr stated that the next TIF Commission meeting will be held in Council Chambers on April 18th. And as she has been listening to all of the buzz regarding this development, she found one comment from Matthew Stiffelman, to be interesting. He writes, "*U City has two primary sources of revenue, sales tax, and property tax. The citizens already pay a high property tax compared to other municipalities and we can't afford to pay more unless our property values go up. Right now other municipalities are collecting our citizens' sales tax, but nobody is coming from other places to spend their everyday money here. So then, how do we increase sales tax revenues? The daily*

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This concept of the daily dollar essentially means the place where we buy our daily necessities, like groceries, cleaning supplies, clothes, small electronics, furniture, linens, cars, the things we use every single day. Most people leave U City to spend their daily dollars; nobody comes to U City to spend their daily dollars. Groceries; our Schnucks is worst than Overland, Ladue or Richmond Heights, and many residents are close enough to a better Schnucks to go to one in a different municipality. Nobody from other places would go to our Schnucks. Our other options also don't attract outside business; Aldi, Dollar General, Family Dollar, Dollar Tree and discount stores collect less sales tax because the prices are lower. We do not have Dierberg's, Straub's, Whole Foods, Trader Joe's, Target, and Wal-Mart, where people from U City and other places go to spend daily grocery dollars. This leads to the next level of daily spending, larger purchases; Target, Wal-Mart, Sam's, Home Depot, Lowe's, Menard's, REI, Galleria, Marshalls, T. J. Maxx, Kohls; see a common theme? None are in U City." (This letter was read in its entirety and included in the minutes.)

Councilmember Carr stated while she does not agree with everything in this letter, he does make the point ; this is something that can change the trajectory of this community, and she hopes that everyone will keep Council and the TIF Commission apprised of their thoughts and desires for the future of U City.

Councilmember Jennings commended his colleagues on the passage of Resolution 2018-4, in support of sensible gun laws.

Councilmember Smotherson thanked Councilmember Carr for her request to enumerate the MCI settlement for the record and the presentation of Mr. Stiffelman's letter.

He stated as an African-American man, he does not understand the article written by Ryan Danielson regarding the composition of the TIF Commission and their alleged mission to make decisions for minorities. Council has already decided how the funds will be used and the TIF Commission's objective is to make a recommendation on whether to adopt the proposed redevelopment plan. As a reporter, Mr. Danielson has an obligation to verify his information prior to putting it into print. And had he done so, he would have uncovered the truth about the School Board's involvement and the fact that the 3rd Ward was not allowed to appoint anyone. Although Susan Armstrong, an African-American member of the Commission from the 1st Ward, was his suggestion. Councilmember Smotherson stated it is typical, in the world we live in, for African-Americans to constitute the minority on any board or commission. So in his opinion, the points Mr. Danielson was trying to make were not well-founded.

Councilmember Crow expressed his pleasure with having Mr. Mulligan in attendance at these meetings, and his astonishment to learn that these two cellular companies are paying as much per year for use of the City's right-of-ways, as Wash U contributes to the community. So perhaps, this is something everyone should ponder with respect to the massive expansion of this neighbor into our community.

He stated his belief is that everyone benefitted from the discussion on minority participation, and his hope is that the same will hold true for discussions related to the redevelopment of Olive & 1-70. So, while he commends the *Post Dispatch* for their balanced article, he would encourage residents to read and study the redevelopment plans before formulating comments based solely off of social media posts. Because at this point, it's kind of hard to argue for a great deal of walkability. While it may hit all the check lists, this location makes that request almost impossible to achieve. However, the bright side is, that this is the City's moment in time.

Councilmember Crow stated this intersection has been discussed for the entire ten years he's been on Council, so it's either going to be thumbs up or thumbs down. And what everyone should realize is that no one has been knocking at the door to do the kind of redevelopment needed at the western entrance of U City that will keep sales tax dollars in this community. He stated he would also caution his colleagues to remember the influence they have on this project by the things said inside and outside of Chambers. If there are questions or concerns, please take advantage of his open invitation to discuss them in a forum that moves this City forward, rather than late night emails laced with innuendos about what could, should or might be. Councilmember Crow stated this TIF is too important and the days of engaging in monologues should cease.

Councilmember Carr extended congratulations to the newly elected officials; Mayor Terry Crow; Steven McMahon, Ward 1; Tim Cusick, Ward 2, and Stacy Clay, Ward 3.

Mayor Welsch stated the Annual U City in Bloom Plant Sale will be held on the weekend of April 27th. As a result of the weather they have had problems getting everything potted, so if anyone is interested in assisting them they can be contacted at their Vernon location.

Q. ADJOURNMENT

Mayor Welsch thanked everyone for their attendance and adjourned the City Council meeting at 7:20 p.m.

LaRette Reese
City Clerk

Testimony of Leif Johnson, 836 Barkley Square, U. City, April 9, 2018

I welcome the new Mayor and new Councilmen. This means both the end of Shelley Welsch's asset stripping our City, and to the lying, slandering, cutbacks on services, outsourcing to reduce services, and the secret government tactics used to deny citizens access to government, deny our employees the right to speak.

Civility and financial honesty will be restored in this new administration.

There are only two forms of government in this world. For millenia, government consisted of a handful of persons, “the rulers”, who exploited the people “the subjects”. Call those rulers kings, monarchs, oligarchs, aristocrats, dictators, tyrants, fuhrers, or followers of Edmund Burke.

The second form, created by the American Revolution barely 250 years ago, was described by Abraham Lincoln as a government “of the people, for the people and by the people.” This democracy places an obligation upon both the citizens and their representatives. Those elected to office have the high responsibility of governing in the interests of the people—not on some hidden agenda of fame, fortune, or ideological oppression.

Upon the citizenry falls the burden of demanding financial and policy honesty from their elected officials, monitoring their actions, and most importantly, becoming fully informed on the working of their government.

The most important pillar of democratic government is an informed electorate. This is the bedrock upon which our form of government succeeds, and supplies the needs of the people. If government fails or refuses to inform the public, the public suffers, democracy is eroded, and the party of oppression takes back the government.

Therefore, I recommend to the new mayor and council that a newsletter be issued every week, containing not only what was debated and legislated, but what issues we face in the future. This will replace the lying newsletter of Shelley Welsch, with an honest one, dedicated to transparency and informing the public.

I am aware that Shelley's asset stripping leaves this new administration with a badly depleted financial situation. Some of our elected officials may be inclined not to mention how we got into this hole. “Let's not mention the Mayor, we are looking towards the future”, or “let bygones be bygone.” That would be untruthful. The citizens have a right to know how, and by whom, we got into this mess, just as they must be informed how we will overcome it. If this is not done, Shelley will surely return. Remember: her motto: “Triumph of Will.” “Triumph of Will” (You can almost hear them marching.)

CITY OF CLAYTON CITY VIEWS

STARS Special Needs Tracking & Awareness Response System

The Clayton Fire and Police Departments recently implemented a new program for individuals with disabilities, the Special Needs Tracking and Awareness Response System (STARS). This new system will enable first responders to provide better care to children with special needs should an emergency arise. The program is available to dependents up to 21 years of age.

The goal is to have important patient information in the hands of the first responders and medical professionals before they arrive at the patient's side. This allows the necessary care to be provided immediately and skillfully. Most importantly, it decreases potentially unnecessary measures and achieves better outcomes much faster.

Individuals who especially benefit are those who have:

- Significant developmental delay
- Seizure disorders
- Cardiac history
- Cerebral shunts
- Autism spectrum disorder

As well as individuals that have had

- In-clinic mental health evaluation
- Tracheostomies
- Any atypical diseases or syndromes



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