

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, September 10, 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, August 27, 2018, Pursuant to the excused absence of Mayor Crow, Mayor Pro Tem Paulette Carr called the meeting to order at 6:31 p.m.

B. ROLL CALL

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

Councilmember Stacy Clay
Councilmember Steven McMahon
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Bwayne Smotherson

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

C. APPROVAL OF AGENDA

Councilmember Cusick stated Aren Ginsberg is unable to be in attendance at tonight's meeting and has contacted Ms. Reese to reschedule her swearing into the Library Board.

Councilmember Smotherson moved to approve the agenda as amended, seconded by Councilmember Hales and the motion carried unanimously.

D. PROCLAMATIONS

1. National Suicide Prevention Awareness - A declaration proclaiming the month of September 2018, as National Suicide Prevention Awareness month in the City of U City.
2. Courtesy Proclamation – A declaration congratulating Alvin Henry, a resident of U City for over 45-years, on his 85th birthday; September 13, 2013.
3. Courtesy Proclamation – A declaration honoring Maurice Bell, a resident of U City for 54 years, for his contributions to the citizens of the greater community. A formal celebration will be held on September 23rd at Centennial Commons.

E. APPROVAL OF MINUTES

1. August 27, 2018, Regular minutes were moved by Councilmember Cusick, seconded by Councilmember McMahon and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Detective Lieutenant Shawn Whitley (Police Dept.) and Sinan Alpaslan (Public Works Dept.) are nominated for appointed to the Traffic Commission by City Manager Rose.

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

2. Liz Essman is nominated for appointment to the Green Practices replacing Kathy Straatmann's expired term by Councilmember Carr, seconded by Councilmember Cusick and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Karl Reid was sworn into the Senior Commission at tonight's meeting.
2. Aren Ginsberg to be sworn into the Library Board; *(to be rescheduled)*.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Jan Adams, 7150 Cambridge Avenue, University City, MO

Ms. Adams stated she understands it is the City Manager's prerogative to hire Directors and his responsibility to oversee their performance, however, the duty to be prudent stewards of our taxpayer funds is squarely on the shoulders of each Councilmember. Therefore, as a member of the Civil Service Board, she wished to inform the new members of Council and remind older members, about the costs incurred by the City during the previous tenure of the new Director of Human Resources as a result of the unlawful hiring and firing of City employees.

Ms. Adams presented a summary of the events deemed to be the most impactful. *(These events were recorded and made a part of the presentation to the State Auditor in 2008 and 2009.)*

1. A clear case of nepotism occurred when the Director fired an employee and hired her sister to fill that position.
2. The City paid over \$300,000 in settlement costs when the Director failed to notify the City's insurance carrier about a lawsuit that had been filed by an employee fired by the Director.
3. An appeal to the Civil Service Board resulted in a \$65,000 settlement and reinstatement of an employee with 34-years of service that had been fired by the Director.
4. In direct violation of the employer's rules and regulations, the Director changed her ex-husband's classification status which resulted in an increase in salary, at a time when her child support payments were set as a percentage of his income.
5. The Director's decision to rehire her ex-husband, presenting the opportunity for repeat offenses.
6. The City paid \$325,000 in settlement costs as a result of yet another lawsuit filed against the Director.

At the time of the \$325,000 settlement the City's insurance deductible was \$15,000, however, the culmination of these settlements; and others, have contributed to the City's current deductible of approximately \$150,000.

Ms. Adams stated that a common practice of the Adams/Feier administration; and also a subject of the State audit, was to improperly report some of the settlements incurred as a result of this Director into the City's accounting records under the category of "Legal Fees". *(These off-the-book settlements were never approved by Council.)* And as a direct result, her recent Sunshine request for all settlement agreements from 2005 to the present produced no agreements prior to 2015. She would also like to note, that prior to her recent appointment as Secretary to the Civil Service Board, the Director failed to schedule quarterly meetings, create minutes of the meetings, submit annual reports and proposed changes in

classifications/compensation to the Board for recommendation to Council. All in direct violation of the City's Charter.

Ms. Adams urged each member of Council to be diligent in overseeing the Human Resources Department and preserving taxpayer dollars. *(Ms. Adams submitted her written comments and asked that they be attached to the minutes.)*

Eleanor Jennings, 7055 Forsyth, University City, MO

Ms. Jennings thanked Mr. Rose and Councilmembers McMahon and Hales for helping her get rid of some trash along Forsyth. And she also thinks the suggestion by Councilmember Smotherson to compile a booklet on neighborhood etiquette might be something for Council to seriously think about creating.

I. PUBLIC HEARINGS

J. CONSENT AGENDA – Vote Required

1. Community Development Block Grant (CDBG) Approval
2. Computer Program City Wide Drone Operation Approval

Councilmember Hales moved to approve, seconded by Councilmember Cusick.

Councilmember Smotherson asked if the CDBG would be used to pave Kennedy Avenue? Finance Director, Tina Charumilind, stated this grant; which was awarded last year, was placed on the agenda pursuant to STLC guidelines that require a confirmation of the designated project prior to the disbursement of funds. The project associated with this grant is a \$5,000 Forgivable Loan Program for low-income residents. She stated the grant recently approved by Council will commence in FY19. Previous funds from the CDBG have been allocated to the Police Department for overtime expenses; Public Works for ADA requirements, and Community Development for a similar low-income program for residents in the process of losing their homes due to unpaid taxes.

Councilmember Clay asked Ms. Charumilind if the Forgivable Loan Program was new or the continuation of an existing program? Ms. Charumilind stated it is an existing program. Councilmember Clay asked if she knew the number of residents that participated in this program last year? Ms. Charumilind stated currently there are over thirty people who still have outstanding loans.

Voice vote on Councilmember Hales' motion carried unanimously.

K. CITY MANAGER'S REPORT

1. Contract to Demolish Gables Tea Room

Mr. Rose stated staff is recommending that Council consider a proposal for demolition of the Tea House and removal of the sculptures located at the intersection of Olive and Midland; 7315 Olive Boulevard, in the amount of \$18,500 for Z & L Wrecking Company.

Citizen's Comments

Christine Mackey-Ross, 21 Princeton, University City, MO

Ms. Mackey-Ross stated although she is speaking as a private citizen she is also a member of the Historic Preservation Commission that reviewed this contract last month. During that meeting, a citizen presented the Commission with a proposal for the Tea House and asked that he be given a period of time to see if he could obtain funding.

By consensus, the Commission agreed to present a recommendation to Council requesting that the City abate any decision on the demolition of this building for a period of 90-days to allow the petitioner an opportunity to explore his funding options.

Ms. Mackey-Ross stated she realizes this recommendation is being made without having full knowledge of the City's intent for this plot of land; nevertheless, she did want to acknowledge this gentleman's proposal and allow him an opportunity to present his request to Council.

Travis Gude, 5989 Clemmons, University City, MO

Mr. Gude stated at this point, he would simply like to get a clear understanding of the City's intent for this property. Upon direction of the City Manager, Mr. Gude stated he talked to Mr. Alpasian who invited him to attend the Historic Preservation Commission's meeting where the proposed demolition was being discussed. After presenting his proposal the Commission agreed to recommend a 90-day extension of the demolition. Thereafter, Mr. Gude stated he received an email from the City Manager which asserted that he had previously asked him to submit a letter outlining the proposal; although he does not recall such a request being made. Next, he was informed by Councilmember Smotherson that Council had already voted to demolish the building and suggested that he look at purchasing the old Goodwill location. Upon doing so, he learned that the property had already been sold.

Mr. Gude stated he fully understands that he must work with the City to be successful in any endeavor. And at this point, he and his partners have a tentative plan; are willing to pay the \$19,000 that it would cost for the demolition in order to maintain a piece of history, or even utilize a portion of the building. He stated they are eager to get everything going and just need to know if this property is available for them to purchase.

Council's Comments

Councilmember Smotherson moved to approve, seconded by Councilmember Clay.

Councilmember Clay stated he is unclear as to what transpired at the Historic Preservation meeting and would like to know whether some sort of commitment had been made to allow additional time for the exploration of other options?

Councilmember Cusick stated Mr. Gude had indeed, made a presentation to the Commission. The merits of the proposal were debated and the Commission reached a consensus to submit a recommendation to Council for a 90-day moratorium prior to making a final decision.

Councilmember Smotherson stated first, he wants to make sure everyone is clear that this Commission can only make recommendations to Council. And second, that there was an obvious misunderstanding if he informed Mr. Gude that the vote had already been taken since it is scheduled to take place tonight. That said, Councilmember Smotherson stated the lot is definitely for sale and he is truly interested in learning more about Mr. Gude's plans. However, this has been a longstanding issue in the 3rd Ward and he thinks Council should move forward with tonight's vote.

Councilmember McMahon stated the information provided to Council indicates that no one has expressed an interest in the recovery or repossession of the sculptures. So he would like some clarity on whether they are owned by the City, and if not, had any attempts been made to track down the artists and discuss this issue with them to prevent a future claim that the City had improperly disposed of their property? Mr. Rose stated that the sculptures are owned by the City and that Mr. Alpasian had reached out to Wash U to discuss their interest in acquiring the pieces. Wash U's response was that they had no interest in the sculptures.

Mayor Pro Tem Carr stated to further clarify this issue; she would like Mr. Gude to understand that when the demolition of this property was submitted to the Historic Preservation Commission it was merely done as a courtesy to inform them of Council's intent, not to seek their permission. And even though Council can take any recommendations this Commission makes under advisement, it is Council who makes the final decision. Mayor Pro Tem Carr acknowledged that Mr. Gude had contacted her on several occasions regarding some of his questions, but was uncertain whether the City had received an actual proposal? Mr. Rose stated he had talked to Mr. Gude on two occasions; once to express his interest in developing the property and to determine its status; and second, via email, which was centered on discussions he had had with several members of Council. He stated on the first occasion he shared the directions he had received from Council regarding the identification of costs for demolition and asked Mr. Gude to provide him with a copy of his proposal; which he has not received. On the second occasion, Mr. Rose stated he reiterated Council's directions and informed Mr. Gude about the role of the Preservation Commission, which is to act in an advisory capacity to Council. So even though this issue falls within the authority of the City Manager, the convoluting of this issue caused him to believe that the best course of action would be to bring it back to the Mayor and Council for a final decision.

Voice vote on Councilmember Smotherson's motion to award the demolition contract to Z & L Wrecking Company carried unanimously.

L. UNFINISHED BUSINESS

BILLS

- 1. BILL 9364 - AN ORDINANCE AMENDING CHAPTER 505 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO STREETS, SIDEWALKS AND PUBLIC PLACES, TREES AND SHRUBS, BY ENACTING THEREIN A NEW SECTION TO BE KNOWN AS "SECTION 505.015. ESTABLISHMENT OF HONORARY STREETS."** Bill Number 9364 was read for the second and third time.

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

Councilmember Smotherson stated while he recognizes and understands that the Police and Fire Departments may not be in favor of this Ordinance, this is a two-way street with 27 households and is not a busy thoroughfare. Therefore, he does not believe it will significantly affect anyone's ability to identify exactly what street it is. Councilmember Smotherson stated his hope is that Council will consider voting in favor of this Ordinance based on the aforementioned rationale, the amount of work that has been put into this process, and the understanding that the two street signs will be distinct in color and design.

Councilmember Clay stated certainly everyone who sits on this dais takes the concerns of their first responders seriously and one of his requests had been to obtain data from the City related to public safety. Consequently, he would like to know if he was correct in assuming that Council had not received any information indicating that the assignment of an honorary street would present an issue in terms of public safety? Mr. Rose stated while there is a concern regarding the potential impact the honorary signs might have on emergency response times if this practice were to be continued, both departments have agreed that this one street would not make a huge difference.

Councilmember Clay stated it's his understanding that the number of these requests in anyone's recent memory has been two, which surprisingly came within the same six-month period. Mr. Rose stated he does not believe that staff has seen a significant number of requests for honorary streets. Councilmember Clay stated to be clear, each future request will be evaluated and any concerns of the City's first responders will be baked into that process? Mr. Rose stated his intention is to bring all future requests before the Traffic Commission and Council for evaluation and a final decision.

Citizen's Comments

Mildred Pettiford, 8333 Fullerton Avenue, University City, MO

Ms. Pettiford stated with regards to the Ordinance being voted on tonight, which requires that signatures be obtained from 75% of the 27 impacted homeowners, as well as several other requirements, she would like clarification on the following:

1. Since the original petition containing signatures was entitled, "*Street Name Change*," must she now create a new petition with the amended title of "*Honorary Street Name*" for residents to sign?
2. Will the approval of this Ordinance render the petition created prior to its passage null and void?
3. Who should she contact to determine the length of the street and the costs associated with installing the sign?

Council's Comments

Mayor Pro Tem Carr informed Ms. Pettiford that what Council is considering tonight is whether there should be an option to allow honorary street signs in U City and not whether there should be an honorary street name for Paramount.

Mr. Mulligan stated with respect to Ms. Pettiford's questions, the way the Ordinance is drafted there are two ways to establish an honorary street. One would be administratively when initiated by a Councilmember, and the other would be to make an application, along with the additional requirements described in Section B of the Ordinance, which would then be reviewed by staff and presented to the Traffic Commission for a recommendation to Council. This procedure is somewhat identical to the Residential Street Parking Program, in that you're looking at one specific location and voting on it by way of legislation.

With respect to her question about whether the signatures she has already gathered would be in compliance with Section B in the event, the Bill is passed tonight, would be up to Council to decide. Mr. Mulligan stated if Council is satisfied that in excess of 75% of the parcels have consented to this petition, then they may decide that it is not necessary for the signatures to be dated after passage of the Bill, because what this does is allow Council on its own, to establish an honorary street by way of an Ordinance; bypassing this entire process, or say that such a request will not be considered unless the process is followed. So to the extent, there's a defect in the instant petition, if you will, Council could cure that by passing the Ordinance establishing the street.

Finally, this applies not only to individuals but to groups. So if there's a group that comes forward asking for an honorary street, the same process would be applied.

Mayor Pro Tem Carr asked if Council would be able to designate an honorary street for someone? Mr. Mulligan stated that it would be permissible for Council to do that under this Ordinance. Mayor Pro Tem Carr asked if the Ordinance contained any criteria for designating a street?

Mr. Mulligan stated the physical characteristics of the street are specified; the location; the length; the bounding streets; the number of parcels; the real estate affected; the number of uses affected, i.e., residential, commercial, industrial, and then the reason for the designation, and the biography of the individual or group to be honored. But beyond the factors listed in the Ordinance, it's really up to Council to make the decision as to whether or not there is sufficient merit to the application. Right now the criterion is somewhat broad, but if Council wished to have additional qualifications it could be specified in the particular Bill.

Mayor Pro Tem Carr asked if there was anyone in attendance that could speak to the issue of honorary streets and their impact on public safety? Mr. Rose stated if it pleases the Council, he would ask both Chief Hampton and Chief Hinson to address the impact that honorary streets could potentially have on public safety.

Police Chief Larry Hampton stated his department is eager to support the residents and stakeholders of this community. And while he understands the difference between an actual name change versus an honorary street, it could create a problem because the honorary name is not in the CAD system utilized for both departments. So, if the dispatcher taking the 911 call lacks knowledge about the correct association between the two names for the street, and there is confusion about the exact location, it could cause a delay in their response time.

Battalion Chief Bill Hinson stated from the Fire Department's perspective the problem doesn't stem from within, but rather the fact that there are 43 different fire departments in the area that all rely heavily on mutual aid. And their biggest concern about honorary streets is that a lot of emergency calls are made by people who just happen to be driving by that will call out the first street sign they see. These honorary names are not only absent from the CAD system but they are also not included in Google maps or any other electronic mapping systems used by all departments. So if the wrong name is provided to a mutual aid company it could delay their response time.

Chief Hinson stated he took a few of St. Louis City's honorary street signs and typed them into the mapping system today, and none of them could be found. The data indicates that when St. Louis City first started their program in 2001 there were only five streets, by 2008 they were averaging 12 streets a year, and in 2010 they were up to an average of 26 streets a year, at a cost of \$10,000 for maintenance and repair of these honorary signs. So the bottom line is that while one or two streets are manageable, he believes the best approach for honoring a specific individual or group would be to attach a banner to the street sign or streetlights.

Councilmember Hales stated he drove this neighborhood again last week and noticed a road that connects Paramount and Montreal on the side yard of the residences that essentially fronts the church. Google maps listed it as Montreal Drive, but he was curious to know whether that was correct, or if anyone knew the exact name of that north/south section of road connecting these two streets? Chief Hampton stated although he does not know the name offhand, there are no residents on that street, and it's often identified by the location of the church.

Councilmember Hales stated he shares a lot of the concerns that have been raised tonight, and wonders if it might be more suitable to actually rename that street; which he'll refer to as Montreal Drive since it fronts the vast majority of the church and holds no physical addresses? Chief Hinson stated if the name was legally changed then it would be in every system.

Councilmember Hales stated something the Fire Chief mentioned regarding the size of these sign coincides with his biggest problem. And that is that there are no proportional standards in the Ordinance. For example, the street sign for Walton is very large, and proportionately, the honorary street sign for Councilmember Smotherson's father is much smaller. But on the other hand, the street sign for Paramount seems to be a pretty standard size, and if you install a larger sign; which based on the length of the name being honored would probably be the case, there's a strong likelihood that the honorary sign would be much more noticeable. So he would like to see that specific standard codified in the Ordinance because at this point he is not comfortable proceeding without it.

Separately, when he was a member of the Traffic Commission, he repeatedly expressed his belief that the issue of honorary street names was not something the Commission should be asked to consider. But at this point, he will defer to the current Commission's wisdom on that subject, should this petition move forward. Councilmember Hales stated that personally, he would like to consider legally changing the street name which on many different levels seems like a much better option when contemplating this major policy change.

Councilmember Smotherson stated if his understanding is correct, the Ordinance can be passed without the proportional standards because if Council accepts this application those standards can be added to the specific Bill submitted for that street.

Councilmember Hales stated he would actually disagree with Councilmember Smotherson's comments since his belief is that the Ordinance should establish the total process. And while it is correct that staff could administratively impose these standards, there is no guarantee they will be followed in perpetuity, unless they are codified in the Ordinance. In fact, he thinks this standard is so important that he would suggest that the vote on this Ordinance be postponed until it has been amended and brought back to Council.

Councilmember Clay stated in his opinion, Councilmember Hales' proposal could be manifested in the application.

Councilmember Hales stated if the proportional standards are not codified in the Ordinance, they are not policy. And since an administrative policy is not perpetual, he would make a motion to amend, and ask that Council delay consideration of this Ordinance until it can be amended to include the proportion standards for honorary street signs when compared with the original street sign; seconded by Councilmember Cusick.

Councilmember McMahan stated there may be a little more process involved beyond simply adding proportionality because the standard cannot be limited to a specific street, and therefore, you could run into DOT issues or streets that cross County roads.

Councilmember Cusick agreed that the Ordinance as presented was too vague. Because even though he understands that each application will be presented to Council for review on a case-by-case basis, it does not supply Council with in-depth information on what criteria should be considered for granting an honorary street sign, whose responsibility it is to pay for the signs or what the estimated costs of maintaining these signs would be.

Councilmember Clay stated while some of the points raised by Councilmember McMahon could be addressed procedurally, there does have to be an appropriate balance for any procedure.

Mayor Pro Tem Carr asked Councilmember Hales if he would like to add any other factors to his motion? Councilmember Hales stated his desire is to limit the motion to proportionality.

Citizen's Comment

Mildred Pettiford, 8333 Fullerton Avenue, University City, MO

Ms. Pettiford stated although she does believe the street currently bears a name, Councilmember Hale's suggestion is something she would like to consider. So, if she decides to pursue that suggestion and Council deems it appropriate for her to do so, would she have to start the process over by submitting an application to the Traffic Commission?

Mr. Rose stated even though there may not be a street sign posted staff would first have to research this issue to determine whether there is an existing name. But if no sign has existed for a significant amount of time, and there are no residents or businesses that would be impacted by such a change, that might be an easier option to execute. So once this research is completed he will advise Ms. Pettiford of the next steps.

Ms. Pettiford stated if a new application is needed, she would like to present it at the next Traffic Commission meeting.

Mr. Rose informed Ms. Pettiford that the Public Works Director, Sinan Alpasian, would be able to provide her with all of the documentation needed to complete the application.

Councilmember Hales stated one of the challenges for the Traffic Commission was their ability to understand this process without the benefit of an established set of procedures. Because when looking through the Code there does not appear to be a process for street name changes and to his recollection, the only similar situation where no commercial or residential addresses were impacted is Sergeant Mike King Drive. However, under the proposed Ordinance, if a member of Council made a request to change the name of this street, then it could probably be done administratively.

Mr. Rose asked Mr. Alpasian to share his understanding of the process outlined in the City's codes or policies, and if none exists, whether there was any precedent his Department follows.

Mr. Alpasian stated that he had actually had to ask his wife; a former U City employee, about how the written policy had been initiated. And her response was that the first incident she could recall was the renaming of Harvard Avenue, now known as Sergeant Mike King Drive; that it has never been reflected in the Code, and remains as an administrative policy on the Department's books. Mr. Alpasian stated that he had not checked the land records to determine whether the Harvard Avenue name still exists, in spite of the change, because until these recent requests there had been no need to revisit this issue.

And while he does not want to provide the wrong answer without conducting due diligence, his recollection is that there are no unnamed streets in the City and that the correct name for the street being referred to as Montreal Drive is Tamerton Avenue.

Roll call Vote on Councilmember Hales' motion to Postpone Was:

Ayes: Councilmember McMahon, Councilmember Hales, Councilmember Cusick, Councilmember Smotherson and Mayor Pro Tem Carr.

Nays: Councilmember Clay

Vote: 5 to 1, the motion passes.

M. NEW BUSINESS

RESOLUTIONS

- 1. Resolution 2018-13** - A Resolution Approving a Rights-Of-Way Use Agreement and Settlement with Extenet Systems, Inc.

Mr. Mulligan stated this is a Resolution to approve a Right-Of-Way Use Agreement with Extenet Systems, who has four antennas and approximately 7600 linear feet of telecommunication facilities in the public right-of-way.

The Agreement sent out in Council's packet contained typographical errors on page 5, and unfortunately, staff did not get Extenet's authority to substitute that page until today. The correction; which has now been submitted to Council, pertains to Section 3.4, where it states "*The monthly antenna and linear foot fees are for December 1, 2017, through August 31, 2018*". This statement refers to a settlement based on the City's contention that Extenet was delinquent in paying fees for this period, in the amount of \$19,710, as required under the City's Ordinance.

The Proposed Agreement attached to the Resolution, allows Extenet to maintain its telecommunication facilities in the public right-of-way pursuant to the receipt of payments in the amount of \$1.98 per linear foot or \$1,266 a month, and \$200 a month for antennas. However, since legislation by the Missouri General Assembly prohibiting antenna fees becomes effective January 1, 2019, the monthly payment of \$200 will only run through the end of this year. This legislation expires on January 1, 2021, so the way this Agreement is worded is that Extenet has to pay the \$200 a month for its antennas as allowed by law. Linear foot payments were not affected by legislation and will continue through January 1, 2021, and beyond, barring any legislative changes.

Mr. Mulligan stated under the Code, this Agreement can either be approved by an Ordinance or Resolution. It is being presented to Council in the form of a Resolution because it takes one meeting for passage, as opposed to the two meetings required for an Ordinance.

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

BILLS

N. COUNCIL REPORTS/BUSINESS

- 1. Boards and Commission appointments needed**

Mayor Pro Tem Carr 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)

Patricia Washington, 7040 Plymouth, University City, MO

Ms. Washington stated she would like to address some of the comments made by Councilmember Carr, and others, during the August 27th meeting.

During that meeting, Councilmember Carr referenced a meeting she had attended with several members of the clergy, which at some point focused on the press release she had sent to the *St. Louis American*.

- Fact: A letter of support was drafted and approved by clergy members in attendance at that meeting and she, along with others, had been asked to send out press releases to the *St. Louis American* and other media outlets.
- Fact: The individual who is now claiming he did not know about this request was copied on every email and answered in the affirmative regarding the issuance of the press release.
- Fact: After the press release was published by the *St. Louis American*, a clergy member from the Scientology community sent out an email expressing his concerns about the article. Ms. Washington stated she agreed that the release should not have gone without the mutual consent of all parties, and immediately informed her contact within the clergy coalition that she would speak to someone at the *St. Louis American* and ask them to retract the article.
- Fact: A letter authored by the clergy member expressing concerns about the article was sent to the TIF Commission. His letter is posted on the City's website, but her reply to the Commission regarding that letter is not posted.

Mr. Washington stated that statements made by Councilmember Carr, or anyone else, that numerous clergy members had asked her not to release the article; that she took no action to retract the article, and that she made no attempts to contact the City Manager or Council, are simply not true.

- Fact: An email was sent to Mr. Rose on June 25, 2018, at 6 2:34 p.m. requesting a meeting to discuss the CBA. Later that afternoon Mr. Rose responded to her email by denying that request.
- Fact: On at least three separate occasions she reached out to Council and was successful in conducting two or three private meetings with Councilmembers Clay and Smotherson regarding the CBA.

(Ms. Washington submitted documentation to substantiate her comments and asked that they be made a part of the record.)

Christine Mackey-Ross, 21 Princeton, University City, MO

Ms. Mackey-Ross stated she wanted to advise Council and those present in the room that a former U City resident, Henry Biggs; in collaboration with others, has produced a movie entitled, "*Swimming for Ferguson*," that will be shown at the Tivoli Theater from February 14th through the 22nd. She stated while the movie highlights the aftermath of Ferguson and the racial division in St. Louis, its main focus is about building stronger communities and bridging those gaps. Ms. Mackey-Ross stated Mayor Terry Crow will introduce the film at the February 18th showing, which has been designated as U City Resident Night, so anyone attending that has an ID indicating a U City address, will get two dollars off the price of their ticket.

P. COUNCIL COMMENTS

Councilmember Cusick made the following announcements:

1. Sunday, September 23rd is the Annual U City in Bloom Clean Air Art Event. The 2 - 12

event begins with artist painting in concentrated areas around the City, and at 5 p.m. all of the artwork will be on display at the Heman Park Community Center. And if you would like to have your home painted and happen to live in one of the areas where these artists will be painting, you can contact U City in Bloom for more information.

2. The U City Historical History Society will be hosting an event in these Chambers on Thursday, September the 20th, which will include lighting the beacons on top of City Hall. So he would like to throw out a little hint to the Fire and Police Departments about how nice it would be to send out one of their drones and provide the Society with some memorable film coverage of this event.

In response to the earlier Proclamation on National Suicide Prevention Awareness Month, Councilmember Cusick stated he would like to emphasize the importance of everyone making themselves aware of the signs and symptoms associated with suicide. He stated suicide is something he runs across far too often in his profession and would agree that suicide is the second leading cause of death for people between the ages of 10 to 24. In fact, there was a recent article in *The New York Times* about a ten-year-old boy that hung himself because he was being bullied at school. Councilmember Cusick stated this is something that needs to be talked about, and he would encourage anyone who thinks they may know someone in a crisis to go to the National Suicide Prevention website and learn how they could potentially save someone's life.

Councilmember Clay stated while he obviously disagreed with Councilmember Hales' motion to postpone a vote on the Ordinance, he does appreciate the creative thinking utilized in trying to accommodate Ms. Pettiford's request because she has been long-suffering in this process.

Mayor Pro Tem Carr stated tomorrow is the 17th Anniversary of 911 where 3,000 innocent people lost their lives and the nation lost its innocence. So please take a moment tomorrow to give a kind thought to all those impacted.

Q. *Revised to include RSMo 610.021(2)*

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 RSMo 610.021 (2)Purchase or sale of real estate by a public governmental body

Councilmember Smotherson moved to go into Closed Session, it was seconded by Councilmember Cusick.

Roll Call Vote Was:

Ayes: Councilmember Hales, Councilmember Cusick, Councilmember Smotherson, Councilmember Clay, Councilmember McMahon, and Mayor Pro Tem Carr.

Nays:

R. ADJOURNMENT

Mayor Pro Tem Carr closed the regular City Council meeting at 8:08 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 9:03 p.m.

COUNCIL COMMENTS 9.10.18

I rise to present some institutional memory based on my service as a member of the Civil Service Board and to inform the new members of Council and to remind the senior members of the costs to the City as a result of the wrongful hiring and firing of City employees during the previous tenure of our recently re-hired Director of Human Resources.

I understand that it is the City Manager's prerogative to hire his Directors and that it is his responsibility to oversee their performance. However, the duty to be prudent stewards of taxpayer funds is squarely on the shoulders of each Council Member. The buck stops with you.

Because I have only five minutes for this Comment, I will present just a brief summary of the more impactful events that I became aware of in my capacity as a Civil Service Board member. These events were all recorded and made a part of the presentation to the State Auditor back in 2008 and 2009, so there are public records to support my assertions. Also, because Paulette Carr and I worked together to compile the information presented to the State Auditor, she should have independent recall of these events.

1. The most egregious event occurred when the Director fired an employee and then hired her sister to fill that position – a clear case of illegal nepotism.
2. The most costly event was when she fired an employee who filed a lawsuit against the City but failed to notify our insurance carrier. As a result, the City had to pay the over \$300k for that settlement. This appeared to be intentional in order to avoid litigation that would have exposed certain egregious acts and omissions.
3. Another employee's case was settled for \$325,000. There was insurance coverage for this claim and the deductible at that time was only \$15,000, but these settlements contributed to the cause for the increase in our deductible, which is now at least \$150,000.
4. This Director also fired an employee who had 34 years with the City and was only 2 years from retirement. At the CSB appeal that I adjudicated, that employee testified that he had

attended a meeting with other City employees who were complaining of the heavy-handed management by this Director, that the Director crashed the meeting and there was a heated confrontation. The employee called the police to have her removed. The Civil Service Board recommended that termination be reversed. The City Manager agreed; there was a \$65,000 settlement and the employee was reinstated for pension purposes.

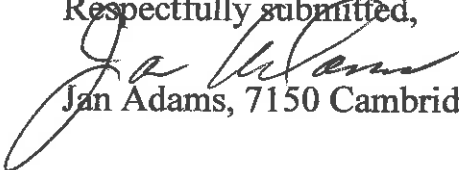
5. This Director also gave her ex-husband an increase in classification and a raise at a time when her child support payments were set as a percentage of his income, in direct violation of our Employee Rules and Regulations. The Director's ex-husband has also been re-hired, so the opportunity for a repeat offense is still present.

Some of the settlements paid during the Director's prior tenure were "off the books" because they were not approved by the City Council under the Adams/Feier Administration, which was a common practice of that Administration and also the subject to the State Audit of 2009. Those settlements were not properly reported in the City's accounting records but simply lumped into the category of "legal fees". I have just received, pursuant to a Sunshine Request for all Settlement Agreements from 2005 and there were no Agreements produced before 2015. So, what happened to those public records?

Finally, before I was appointed to the Board, the Director was responsible for scheduling quarterly CSB meetings, creating minutes of the meetings and submitting an annual report. She failed to meet any of those requirements. She also failed to submit proposed changes in classifications and compensation to the Board for recommendation to Council, in violation of our Charter. Consequently, the Board, under Chairman Gerry Greiman, elected me to be the Secretary for the Board so the various rules and procedures were followed.

I urge each of you to be diligent in overseeing our current Human Resources Department and any employment litigation and settlements in order to preserve taxpayer funds

Respectfully submitted,


Jan Adams, 7150 Cambridge Ave.



RISE UCity <rise.ucity@gmail.com>

Possible Meeting to discuss Draft CBA

3 messages

RISE UCity <rise.ucity@gmail.com>

Mon, Jun 25, 2018 at 2:34 PM

To: grose@ucitymo.org

Bcc: misspat7312@gmail.com, Clair Antoine <clair.b.antoine@gmail.com>

Hello Mr. Rose, I hope you had an enjoyable weekend!

I am writing to request a meeting with you (and whomever you deem appropriate) to discuss the Olive/170 Community Benefits Agreement being supported by Rise U City and the Missouri Civics Project. We sincerely want to understand more about the City's vision for RPA 2 and the Olive Corridor specifically. We would also like to share in greater detail some of the CBA "asks" shared with us by residents.

I realize your schedule is quite busy so if you could provide a couple of feasible dates I will work with Clair to schedule.

Thank you for all of the patience you have exhibited during this process and I look forward to hearing from you.

Best Regards,

Patricia Washington



Gregory Rose <grose@ucitymo.org>

Mon, Jun 25, 2018 at 4:55 PM

To: RISE UCity <rise.ucity@gmail.com>

Cc: Stacy Clay <clayucity@gmail.com>, Bwayne Smotherson <bsmotherson@gmail.com>, Rosalind Williams <rwilliams@ucitymo.org>, Gregory Rose <grose@ucitymo.org>

Hello Ms. Washington,

I will be working with Council Members Smotherson and Clay to schedule a community meeting to discuss the CBA.

At this time a date, time, and location has not be established, but we will ensure that you are included on the list of residents to contact about the meeting.

Thank you for your email, and I am sure we will notify you soon with more specifics.

Sincerest regards,

E - 2 - 17



Patricia Washington <misspat7312@gmail.com>

CBA notes (I'll call this evening)

4 messages

Patricia Washington <misspat7312@gmail.com>
To: Bwayne Smotherson <bsmotherson@gmail.com>

Wed, May 9, 2018 at 10:00 AM

CBA Notes:

- CBAs are negotiated *before* a development goes to the city for approval.
- Implementation, monitoring, and enforcement are key to ongoing success. Winning a particular CBA, policy, process, or plan is only half the battle. Without enforceable language, defined timelines and benchmarks, clear and consistent reporting requirements, and specific staff or agency accountability, the victories can be whittled away in the implementation phase—thus undermining the work of community members and elected leaders who fought for and agreed to the stated community benefits.

Negotiate Community Benefits Agreements with Developers

Improving the quality of life in cities is often touted as one of the goals of economic development, but development projects often produce few tangible benefits for local residents. Many cities have embraced a development strategy that involves investing large public subsidies in big-ticket items such as new stadiums, entertainment districts, and convention centers in downtown areas. While these projects may increase entertainment and tourism spending in one part of town, the benefits don't always reach out into neighborhoods. Such developments often create low-wage jobs while pushing up housing prices, forcing long-time residents from the area.

The community benefits movement is founded on the premise that economic development should create tangible improvements for local residents, particularly those in low-income neighborhoods. Community benefits agreements (CBAs) are legally enforceable contracts, signed by community groups and by a developer, which spell out a set of community benefits that the developer has committed to provide as part of a development project.

Pioneered by a coalition of labor, community, and faith-based organizations in Los Angeles, CBAs give community groups a voice in shaping projects, enable them to press for project benefits that match local needs, and give them the legal authority to enforce developers' promises. CBAs differ from the other reforms we recommend because rather than being legislative -- that is, passed by a legislature at the state or local level and applied to all projects subsidized under a particular program or in a jurisdiction --CBAs are legal agreements between two private parties (the developer and community coalition) negotiated individually for a specific project.

Possible "asks"

1. Funding pool for investing in non-profits that assist U City residents with soft skills/job training, re-entry programs, senior services, homelessness (Establish community investment board)
2. Co-funding a youth center/ community meeting space in the 3rd Ward
3. City residents hiring initiative/provisions for ex-offenders
4. Minority and women participation (M/WBE) (construction, professional contracts, supplier)
5. Support tech infrastructure (community computing center)
6. Fund for small businesses relocation to East end
7. Neighborhood beautification projects including neighborhood markers (flags, banners, entry landscaping)

E - 2 - 18

9/10/2018

Gmail - CBA notes (I'll call this evening)

8. benchmarks for local hiring (U City First)

9. livable wages and protections for workers to organize

Bwayne Smotherson <bsmotherson@gmail.com>
To: Patricia Washington <misspat7312@gmail.com>

Sun, May 13, 2018 at 8:41 PM

Sorry it took a minute to get back to you on this. I've been very busy. I believe your concerns and "asks" are being addressed by this council. I don't see the need for a separate group to negotiate any deal with Novus when myself and this council are already putting in place some of the concerns and working on others. These are things that should be brought to the council meetings especially in June when the final decision on the TIF and approval of the project are made. Please call any time for a more detailed answer to your concerns and ASKS.

Bwayne

[Quoted text hidden]

Bwayne Smotherson
City Councilman, 3rd Ward
University City MO

Patricia Washington <misspat7312@gmail.com>
To: Bwayne Smotherson <bsmotherson@gmail.com>

Sun, May 13, 2018 at 8:47 PM

Thanks for getting back to me. I just wanted to be sure we made you aware of our efforts. Have a good evening.

[Quoted text hidden]

Patricia Washington <misspat7312@gmail.com>
To: Bwayne Smotherson <bsmotherson@gmail.com>

Sun, May 13, 2018 at 8:49 PM

I'm sorry...forgot to ask. Where can I find information on the things we are interested in as they relate to Council plans?

[Quoted text hidden]

Thu, Aug 9, 2018 at 10:57 AM

Cc: Joe Louis Middleton <jlmiddleton@tcolcc.com>, Patricia Washington <misspat7312@gmail.com>, "Antoine, Clair" <clair.antoine@wustl.edu>, Father Mike Turek <frmiketurek@aol.com>, Mike Angell <mangell@holychommunion.net>, Reverend Ellen Maher-Forney <ellen@scientologymissouri.org>, "cc: rise.ucity@gmail.com" <rise.ucity@gmail.com>, Veronica James <vjames@tcolcc.com>, Monsignor Michael Witt <witt@kenrick.edu>, "Reverend Rich Hanneke (msgrrichard@ucitylourdes.org)" <msgrrichard@ucitylourdes.org>

Why don't you initially try for RFT, STL American, STL Public Radio (and STL On The Air), and STL Post-Dispatch?

Pat & Clair, which news organizations do you have connections with? What other news media might be interested? West End Word?

One of the main critiques that I heard last night was "who would be part of the CBA? there's no accountability through an elected process! these would be self-appointed people." Therefore, Glenn, would EHOC be willing to be named as one of the coalition leaders for a CBA? Are there any political minefields we should know about EHOC in terms of U City (and specifically 3rd Ward representation?) What other coalition leaders would we need to propose? (maybe the

[REDACTED] I could reach out to [REDACTED]

[REDACTED], since I have contacts there.

I realize this is getting past what our clergy letter initiated. I really see the role of the clergy in saying there SHOULD be non-profits and community organizations at the table, not necessarily which ones. But when the pushback is immediately, "Which ones?" perhaps we need to be prepared to offer suggestions.

[REDACTED]
[Quoted text hidden]



Patricia Washington <misspat7312@gmail.com>

U City Clergy support CBA on Olive Project

1 message

Patricia Washington <misspat7312@gmail.com>

Thu, Aug 9, 2018 at 12:14 PM

To: Sandra Jordan <sjordan@stlamerican.com>

Hi, please see the press release attached regarding the University City Ministerial Alliance's support of a Community Benefits Agreement on the Olive/170 Development project. Let me know if I can help make any connections for you with clergy reps. Thanks!

--

Patricia A. Washington**"Don't cry because it's over; smile because it happened."--Dr. Seuss**

 **CBA Press Release.pdf**
81K



Patricia Washington <misspat7312@gmail.com>

thank you...but..

2 messages

Patricia Washington <misspat7312@gmail.com>

Fri, Aug 10, 2018 at 1:38 PM

To: Sandra Jordan <sjordan@stlamerican.com>

I appreciate you getting the clergy release up for U City. Apparently there will be a new statement later with some different information. There is a meeting Thursday. Would it be too much to take this article down until we have their final statement? Also I have some additional info I can send over later regarding the announcement today with Lezley McSpadden and her announcement about Ferguson city council race.

--

Patricia A. Washington**"Don't cry because it's over; smile because it happened."--Dr. Seuss**

Patricia Washington <misspat7312@gmail.com>

Thu, Aug 23, 2018 at 1:47 PM

To: matt@scientologymissouri.org

My request of the American to remove article.

[Quoted text hidden]

Patricia Washington | 7040 Plymouth Avenue

Tonight I would like to address Councilwoman Paulette Carr's defamatory statements made about me in her recent 2nd Ward Newsletter.

Ms. Carr takes every opportunity to remind us that she is thorough and does her homework. But in this case, she clearly did not do her homework leading me to believe she has other motives.

I will not go into great detail but I can tell you that a letter authored by a local faith leader and shared by Ms. Carr in her newsletter contains a number of misrepresentations and by its very detailed construct, makes me question the intent. The same letter, pertaining to the Olive/170 development, was shared with the TIF Commission by City Manager Gregory Rose and widely shared on social media by those who scoff at the idea of a CBA.

After reviewing the letter I called the author; we had a revealing two-hour conversation and I shared an email and other details that without question demonstrate that the letter contained statements that were patently false. I also shared that same information with the TIF Commissioners.

If the church simply wanted to be removed from the list of those signing on to support a CBA they could have requested that. If a correction or retraction needed to be made in any public forum, that could have been done. But in my opinion, the sole purpose of that letter was an attempt to diminish the influence of those faith leaders who do support a CBA and brand me as someone who cannot be trusted. For that you should be ashamed.

Paulette, you did not stop at sharing a letter that had false information, you went a step further and added your own little spin in a special note accusing me of engaging in an effort in which I played no part nor did I have any knowledge of. Once again. You didn't do your homework and you were not thorough. You in fact lied. But why?

And as for your statement that I never reached out to council, the city manager or staff to discuss the CBA. Not true. Had you asked Mr. Rose, I'm sure he would have produced an email from me dated June 25, 2018 in which I requested a meeting with him and whatever staff he deemed appropriate to discuss the CBA. All those questions that Mr. Rose and others raised regarding a CBA could

have been answered a long time ago. But since those questions ^{play} pay well with the peanut gallery, you didn't want answers.

I truly hoped that this Council would honor ^{its} your pledges to move forward in a new direction. Sadly that is not the case. I feel certain members of this administration enjoy stirring the pot and ginning ^{their SUP porters} up. But I am happy that a new ~~group of~~ people are waking up to U City politics. Change is coming.

Councilwoman Carr, you and others in this ^{administration} have personalized the efforts to include a CBA on the Olive/170 project. It is not enough to address what you believe are shortcomings with the CBA process, you have to try and intimidate and impugn the reputation of anyone who dares cross you on this-- including faith leaders in our community.

Firing your housekeeper was ^{your} the first salvo. Well, I'm not your housekeeper. I'm a resident of this city, a proud 3rd Ward resident at that, and I am not going anywhere. You cannot fire me nor can you silence me; I will continue advocating for a CBA. And you can put that in your newsletter.

and building a more progressive political coalition