

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, September 24, 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, September 24, 2018, Mayor Terry Crow 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 Stacy Clay
Councilmember Paulette Carr
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

Mayor Crow stated that the City Manager has requested that Item K-2 under the City Manager's Report be removed and that Item J-1 under the Consent Agenda be moved to the first item for consideration under the City Manager's Report.

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

Councilmember Carr moved to approve the agenda as amended, it was seconded by Councilmember McMahon and the motion carried unanimously.

Mayor Crow stated there are a number of Proclamations this evening and while he is not certain whether they need to be read in their entirety if Council elects to do so, he would prefer that they either be read by the City Clerk or another member of Council. Otherwise, he would simply entertain a vote on each one and move forward.

Councilmember Clay asked whether there was a custom or practice regarding the reading of Proclamations? Mayor Crow stated Council has started to receive more courtesy Proclamations than they have in the past, and in all honesty, he is not sure they necessarily need to be read.

Councilmember Carr asked the Mayor if he would consider reading the Extra Mile Day Proclamation? Mayor Crow acknowledged Councilmember Carr's request and announced that the Proclamation would be read by Councilmember Clay.

D. PROCLAMATIONS

1. 2018 “Extra Mile Day” – A declaration by the City Council of U City and the State of Missouri proclaiming November 1, 2018, to be Extra Mile Day. Each individual in this community is encouraged to take time on this day to not only go the extra mile in his/her own life but to acknowledge all those who are inspirational in their efforts and commitments to make the world a better place.
2. Courtesy Proclamation – A declaration honoring Minnie W. Woods on her 100th Birthday.
3. Gatesworth Senior Living.

Councilmember Carr moved that all three Proclamations be approved, it was seconded by Councilmember Smotherson and the motion carried unanimously.

E. APPROVAL OF MINUTES

1. August 27, 2018, Study Session minutes; (*Sewer Lateral Program and Traffic Commission*), were moved by Councilmember Hales, it was seconded by Councilmember Carr and the motion carried unanimously.
2. September 10, 2018, Regular minutes were moved by Councilmember Carr, it was seconded by Councilmember Clay and the motion carried unanimously.
3. September 10, 2018, Study Session minutes; (*EDRST Funding Program*), were moved by Councilmember Carr, it was seconded by Councilmember Cusick and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Councilmember McMahon nominated Henry Slay Jr. to the Board of Adjustments as a **fill-in term**, replacing Jeremy Schumacher's unexpired term until July 2021. It was seconded by Councilmember Hales and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Liz Essman was sworn into the Green Practices Commission at tonight's meeting.
2. Aren Ginsberg was sworn into the Library Board on September 21st in the City Clerk's office.

Mayor Crow thanked all three citizens for their willingness to serve this community by volunteering to participate on the City's Boards and Commissions.

He also noted that the City is in need of a resident with a background in structural engineering to fill a position on one of the City's Board. Therefore, it would be greatly appreciated if anyone who knows a qualified candidate would ask them to contact either himself or the City Clerk.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Aren Ginsberg, 430 West Point Court, University City, MO

Ms. Ginsberg thanked Council for her appointment to the Library Board and looks forward to putting her quarter of a century library service to work on behalf of this community.

She then reiterated her concerns regarding the actions taken by Tom Sullivan related to the City's redevelopment plans; and asked if he was being paid to campaign against University City's redevelopment plan.

In conclusion, Ms. Ginsberg stated she would like to comment on a statement made by Jan Adams in her September 10th statement to Council. Although Ms. Adams accurately stated that U City's insurance deductible has increased from \$15,000 to \$150,000, per occurrence, and urged Council to be prudent stewards of taxpayer funds, she failed to include the numerous costly lawsuits that took place under the leadership of Mayor Welsch and City Manager, Lehman Walker.

Jan Adams, 7150 Cambridge, University City, MO

Ms. Adams presented several issues for Council's consideration.

1. Honorary Street Signs: Chicago adds an honorary sign under the legal street name. The legal name remains in green; the honorary sign is brown with gold lettering, and the designation of honorary.
2. Community Benefits Agreement: Ms. Adams stated last month she submitted a written comment asserting that a list of proposals for a CBA had been presented to members of Council. The basis for that comment was several emails she had received. Later in that same meeting, Councilmember Carr claimed that she had not seen the list, and asked her colleagues if they had received it. Two members who she knew had been copied on the email shook their heads no, and the City Manager expressly denied receiving any documents. So, while there are citizen advocates who post on social media in support of the TIF, who frequently accuse others of misleading the public and providing misinformation, there is a great deal of misinformation coming from our elected officials. By failing to agree to a CBA this Council is depriving their constituents of the power to enforce the promises being made to them. And she believes this is an abuse of power and a blatant attempt by seven officials to obtain sole control over the anticipated 15 million dollar fund.
3. Human Relations Commission: Ms. Adams read two emails she had received from a member of the HR Commission regarding the Commission's proposal to conduct a survey about TIF funds. *"I received a phone call from Mayor Crow ordering us not to proceed with this survey at the TIF Commission meeting without Council approval of the survey" (Second email) "The day we submitted our survey I received negative, confrontational, and disrespectful comments about our suggestion to include community-based funding from the redevelopment on the survey. I was told that we; four volunteer Commission members, had voted to obtain all of the money our City was to receive from one of the biggest projects to occur in U City. In attendance with Commission members at the meeting were two government liaison members, so officials knew these two could verify our intentions, to be honest. But attacks came anyway. I took time and analyzed who would put the rumor out into the community about Citizens voting to take government funds; what was their motive? The rumor I feel was designed to preclude a need to oust the HR Commission entirely. Maybe we are getting too close to something? It was then I was told specific guidelines about our simple survey. Absolutely no reference to a community-based initiative could be included."* Ms. Adams stated she is appalled by the efforts of any member of this Council to gag community activists, and this administration will regret such efforts. *(Ms. Adams asked that her written comments be made a part of the record.)*

Amanda Im and Angela He, 1 Brookings Drive, St. Louis, MO

Ms. Im stated she and Ms. He are members of Asian-Pacific Islanders Demanding Justice; a Wash U student group concerned with Asian-American and Pacific Islander social issues. This group is very concerned about the TIF and future displacement of the Olive Boulevard community, which is an important aspect of many people's lives, both in the local community and those that call St. Louis home during their college years.

Olive Boulevard represents a place where over 30% of the Wash U student population and many immigrant families can reconnect with their culture. For residents, it is their home and their families. For others, the businesses they've built are their livelihoods. Displacement; especially for first generation, non-English speaking residents, would mean taking away everything they've worked for since coming to America. These businesses and restaurants attract visitors to U City and infuse a unique character that sets U City apart from other municipalities. Ms. He asked that Council consider the interest of the people they represent by letting their voices be heard. Costco can be built anywhere, but an entire way of life cannot.

Patrick Fox, 1309 Purdue Avenue, University City, MO

Mr. Fox stated he would like to provide feedback from a new constituent's perspective that may be helpful in ensuring future residents have a smooth transition when moving into U City.

Mr. Fox admitted he has limited experience with services provided by a City municipality but believes he is a quick learner. After researching the City's process on how to discard large items, he learned that the schedule for bulk waste was divided into three zones. And unlike the map for regular trash pickup, which is clear and easy to follow, the bulk map was difficult to discern because of the limited amount of reference points included. While rallying his neighbors for clarity, a resident of over 40 years shared that their bulk pickup was the following week, and since many of his neighbors had already placed items out for pickup, he was inclined to believe this information was accurate. By the end of the week when items still had not been picked up, he called Public Works and learned that his pickup had been scheduled for the prior week. If the City's bulk item and leaf pickup schedule have to be divided into three zones, why do the three zones have to be distinctly different than the already existing and well-understood Wards? As it now stands, the 3rd Ward could be in either the west, central or east zones. Aligning these zones with the Wards could alleviate any future misunderstandings since these boundaries are well-known by residents. Mr. Fox stated that he shared his concerns with the Director of Public Works who seemed to be amenable to exploring this option. And today, Public Works conducted a bulk item pickup in his area, even though the designated week was September 10th. So, while he would like to recognize them for going above and beyond the call of duty, he would ask that his suggestions be given due consideration.

I. PUBLIC HEARINGS

1. Annual Property Tax Rates

Mayor Crow opened the Public Hearing at 6:53 p.m., and hearing no requests to speak the hearing was closed at 6:54 p.m.

J. CONSENT AGENDA – Vote Required

1. Sewer Lateral Program – Interfund Loan

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

K. CITY MANAGER'S REPORT

1. Residential Sewer Lateral Repair Program Change

Mr. Rose stated on August 27th of this year, Council was advised that the Sewer Lateral Repair Program currently operates under an 80/20 shared cost between the City and the property owner; that the annual revenue stream is \$570,000, and that the fund reserves for this program have been depleted due to the increasing cost of repairs in recent years. As a result, staff is recommending that Council consider the proposed changes to this program being presented by the Director of Public Works.

Public Works Director, Sinan Alpaslan, stated that pursuant to the discussions held at the August Study Session staff is proposing the following changes:

- A 70/30 or 50/50 split for the shared cost between the City and the property.
- A revision to the qualification criteria; sewer laterals will only be repaired when there is severe damage causing ground cave-ins and backups in the home. *(Cave-ins were previously limited to public right-of-ways.)*
- Staff analyzed the option of utilizing a cap based on 220 repairs at an average cost of \$4,000; the impact it would have on property owners, and the impact it would have on program expenditures. Utilizing the capped amounts of \$2,000, \$2,500, and \$3,000, staff determined that a \$2,500 cap would fall within the City's annual expenditure limits and potentially increase the program's reserve funds.
- If a non-defective condition is observed in a location where work is already being performed and it is the opinion of the contractor and City inspector that the noted repair will need to be addressed within the next three fiscal years, then the homeowner should be offered an opportunity to apply for the \$2,500 cap representing the City's shared cost for the repair.

Although the homeowner will have to pay any up-front costs, this addendum provides a cost-savings to both the City and the homeowner, based on the fact that the contractor is already working in the area, so it eliminates the need to rebid the project, the trench is already open, and the cost associated with the City's portion can be spread out over a three-year period.

- A one-year trial program to track its effectiveness through the submission of quarterly reports to the City Manager detailing the number of repairs that have been approved, denied, or completed; Ward designations; whether the cost of repairs were supplemented by other programs, and any emergency repairs not completed due to a home owner's inability to pay their shared cost.
- National League of Cities (NLC) Line Warranty Insurance Program. Upon receipt of authorization from U City management residents have the option of obtaining a warranty that provides repairs for a low monthly fee, with no deductibles or service fees. The program covers up to \$8,500 and can be combined with the City's Sewer Lateral Program.

Mr. Alpaslan stated while the answers to most of the questions posed during the Study Session have been researched and included in Council's packet, there were two

questions that staff was unable to answer because the data specific to these questions have not been tracked:

1. The number of repairs in the right-of-way versus outside of the right-of-way, and
2. The number of repairs caused by tree roots

Mayor Crow stated at this time, he would like to entertain a motion to revise the Sewer Lateral Program to reflect the one-year trial implementation of a \$2,500 cap for a City share method to enable balanced program spending. This implementation shall include quarterly reporting, and the caveat that if any repair project is found not to be immediately qualified under the program criteria, but a determination is made that the defective condition of the sewer lateral line warrants a future repair that can generate a cost-savings if immediately completed, then the reimbursement of the City's share shall be made to the homeowner. In the future, during the fiscal year for which the repair would normally be warranted.

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

Mayor Crow explained that at this point, Council is free to discuss, ask questions, amend the motion prior to exercising a vote or request a postponement.

Councilmember Clay asked Mr. Alpaslan if he was aware of the premium costs associated with the insurance program offered by the NLC? Mr. Alpaslan stated approximately \$70.00 a year. Councilmember Clay asked if staff's proposal included doing some degree of marketing this insurance program? Mr. Alpaslan stated the goal is to share information about the changes to the City's program and the NLC insurance program simultaneously. However, the NLC also has resources to conduct marketing on their own. Councilmember Clay stated while he certainly understands the situation the City is facing with this program, he does have concerns about a \$1,000 increase and the impact it might have on various homeowners. However, at this point, he would like to get a better understanding of the three-year cost spread? Mr. Alpaslan stated If the City is performing an eligible repair and observes another defect that might not have been apparent without a camera inspection of the line, and it is determined that this condition will create an eligible defect within the next three years, then the scope of the project can be expanded to include a repair of the newly observed defect. If the homeowner has already utilized the \$2,500 cap, they would be responsible for the cost of the repair, minus the additional costs normally incurred with bidding the job and reopening the trench. However, if it is deemed eligible for repair within the next three fiscal years, the City would offer the homeowner another \$2,500, plus the added cost savings associated with bidding and reopening the trench. Of course, inflation could be a factor if the repair is completed in one of the three impending years. Councilmember Clay asked if this was a correct abstract; the pipe is exposed, all of the repairs manifest themselves, but the homeowner's costs associated with the repair is spread out over the next three years? Mr. Alpaslan stated that is correct. Staff would place the homeowner on a list for either year one, two or three, and they would be awarded another \$2,500 payment during the year designated for repair.

Councilmember Clay stated this process has the potential to get a little bit confusing, so he thinks that staff's presentation will need to include a robust educational process to ensure that homeowners understand exactly what it entails.

Mayor Crow stated as everyone knows, the City is trying to address this situation the best way that it can, but the truth is, this is probably going to end up being a fluid situation for some period of time and going forward, adjustments may need to be considered.

Councilmember Cusick asked whether the \$4,000 cost of repairs represented the average or if that number fluctuated to any significant degree; i.e., one may be \$1,000, and another \$9,000? Mr. Alpaslan stated that the cost could fluctuate. Councilmember Cusick stated he had previously mentioned the possibility of implementing a 70/30 split in addition to the \$2,500 cap, to Mr. Rose. That way someone with a \$2,000 repair would receive a percentage of the cost rather than the full amount. He stated in his opinion, it seems somewhat unfair for the person paying the smaller amount to reap the same benefits as someone paying a larger amount. Mr. Rose stated if what you are suggesting is that we retain the cap of \$2,500 and include a 70/30 split to be utilized when the cost of repairs falls below that cap, it would still result in savings for City. Councilmember Cusick stated his suggestion is that the 70/30 split be used to pay a percentage of whatever the cost is, not to exceed the \$2,500 cap. Mr. Rose stated if you make an assumption that the total cost of the project is \$2,500, as it is currently being proposed, the City would pay the entire amount. And what Councilmember Cusick is proposing is that the City only pay 70% of that \$2,500.

Councilmember Carr stated she was similarly confused, although some of that confusion has been clarified. So is this the concept we are going to be voting on: The City will pick up the entire tab for repairs costing \$2,500 or less, and homeowners will have to pay the remaining balance for any repairs that exceed \$2,500? Mr. Alpaslan stated that is correct. Councilmember Carr stated with regard to future repairs or the clause now being added to the program criteria, the homeowner pays the entire cost of the repair up front, and is reimbursed \$2,500 in either year one, two or three? Mr. Alpaslan stated that is correct.

Councilmember Carr stated assuming the City continues to complete 220 projects a year, with a cap of \$2,500 per repair, it would still have enough money to finance this program without having to borrow money from the General Fund. She stated in a sense, every homeowner already has a form of insurance since sewer laterals are accounted for in their personal property taxes. And while she certainly does not know what other people's financial positions are, \$70.00 a year for the NLC insurance sounds pretty good from her perspective. However, she would have to agree with her colleague, in that these changes must be clearly laid out in language that allows everyone to understand exactly what portion of the cost they will have to assume. Councilmember Carr asked whether staff would provide homeowners with some form of documentation outlining when their reimbursement would be paid? Mr. Alpaslan stated that staff's intent is to draft some type of an agreement.

Councilmember Hales asked whether this policy would take effect tonight if approved? Mr. Rose stated that it would, although anyone already in the hopper would be allowed to proceed under the old plan. Councilmember Hales stated he has since learned that State Farm is also making this type of gap insurance available to homeowners. He then asked Mr. Alpaslan if he knew the annual percentage of total repairs that would be completely covered by the \$2,500 cap? Mr. Alpaslan stated probably one-fourth of the repairs are \$2,500 or below.

Councilmember Clay asked what would be the next steps in the process after a resident pays their yearly premium and discovers they are in need of a repair? Mr. Alpaslan stated a claim would first be filed with NLC, who is the primary payer that pays up to the limits of coverage; \$8,500, and once that limit has been reached, a resident can apply for the City's program. Councilmember Clay asked if it was correct to assume that most of the incidents where this insurance program has been activated fall under the \$8,500 limit? Mr. Alpaslan stated the assumption that \$8,500 would cover most of the repairs in U City, is correct. And if the \$2,500 is added on top of that amount, all totaled it would probably cover about 95% of the repair projects in U City. He stated in the past, rerouted lines have cost as much as \$15,000, but that is not a common occurrence.

Councilmember Smotherson stated as Councilmember Clay has alluded to, the transition from an 80/20 program to a \$2,500 cap will have a major impact on residents in the 3rd Ward. So, if in fact, this is approved, he would emphasize the urgency of getting this information out to those residents to ensure that they understand every nuance and how this drastic change could affect them. Mr. Rose stated as you know, this administration is about 90 days out from bringing a Director of Communications on board. So staff's intent is to do an extremely thorough job of providing not only the criteria of this new program but specific examples of how the program works, to every Ward in this City.

Voice vote on Councilmember Carr's motion to approve, carried unanimously.

2. Conditional Use Permit – Church of Scientology

Mr. Rose stated staff is recommending that Council consider a Conditional Use Permit for the construction of a new building located at 6901 Delmar Boulevard and allowance for an increased building height for Church/Office Use in a Public Activity District. This permit has been considered by the Planning and Zoning Commission who also recommended that it be approved by Council.

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

Councilmember Carr stated with the Mayor's permission, she would like to read a comment from a resident at the appropriate time in the proceedings. Mayor Crow informed Councilmember Carr that he had received no requests to speak on this issue from citizens, and therefore, she could proceed.

Councilmember Carr stated that **Christine Mackey-Ross, of 21 Princeton**, asked that these comments be read into the record, in lieu of her appearance. *"Dear Council, I wish to make known my support of the requested building extension for the Church of Scientology. The proposed addition in no way changes the current purpose of the existing structure. More importantly to me, the Church of Scientology has proved to be good neighbors over the years, allowing their lot to be used for overflow parking and ensuring activities in the church are respectful of close neighbors, with low levels of noise and light. Leadership of the church held multiple meetings with individual neighbors, invited our trustees, and the entire neighborhood to informational sessions."* (Ms. Mackey-Ross's comments have been attached to the record and can be read in their entirety.)

Councilmember Cusick stated he would also like to give kudos to the Church of Scientology for the work they performed on this project and their conscientious effort to conduct due diligence. He is glad they have decided to stay and be a part of U City and hopes that other institutions in this community would take a few lessons from them.

Councilmember Carr stated she too, would like to commend the Church of Scientology for the level of effort they put forward, in spite of the various problems that arose over the long period of time this proposal was being considered. Therefore, she would like to extend her gratitude both personally and on behalf of her constituents in the 2nd Ward.

City Attorney, John Mulligan stated as a matter of clarification, Council's cover for this agenda item lists the dimensions for this building as 43 feet, 4 inches, but Staff's Report indicates 42 feet, 4 inches. After discussing this issue with the applicant, their architect, and counsel, he determined that the correct dimensions are as stated in Staff's Report, 42 feet, 4 inches. However, what the applicant is seeking, by way of the Conditional Use Permit, is an increase of up to 45 feet, which is permissible under the permit and authority granted by the Code.

Mayor Crow asked Mr. Mulligan which of the two dimensions are contained in the motion before Council? Mr. Mulligan stated Council's agenda item says 43 feet, 4 inches, but per the Site Plan and Staff's Report, it should be 42 feet, 4 inches. So, as it stands right now, the motion should be for 42 feet, 4 inches. However, what the applicant is seeking; and Council has the discretion to approve, is an extension of up to 45 feet.

Mayor Crow stated he would look to the members of Council from the 2nd Ward for guidance.

Councilmember Cusick amended his motion to allow for the requested extension of up to 45 feet, it was seconded by Councilmember Carr and the motion carried unanimously.

Voice vote on the Conditional Use Permit carried unanimously.

3. Liquor License – 2 Thumbs Up; *(Removed from the agenda)*
4. Morgan Wilshire Consultant Agreement

Mr. Rose stated staff is recommending the approval of a contract with Civil Design, Inc., for \$35,704, for additional services needed on the Morgan Wilshire and drainage improvement project.

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

5. Economic Development Retail Sales Tax (EDRST)

Mr. Rose stated staff is recommending that Council approve funding from the EDRST fund as outlined in the City Manager's Recommendation and attached spreadsheet. This includes \$133,000 to cover the salary, benefits, and other administrative costs associated with the employment of an Economic Development Director.

Mr. Rose asked Mr. Mulligan if he would verify that the proposed recommendation complies with the City's Ordinance and State Statute.

Mr. Mulligan stated he had specifically been asked to examine the Code and State Statute regarding their authority to expend up to 25% of the fund for administrative purposes. And while the recommendation before Council is to use \$133,000 of the fund, specifically for the costs associated with hiring an Economic Director, administrative costs are not necessarily limited to a specific purpose. It simply cannot exceed 25%. Consequently, based on his review, he does not believe the allocation of administrative costs would fall under any of the three categories mentioned by Councilmember Clay, **and** the recommendation appears to be consistent with the Code and statute.

Mr. Rose stated another aspect of this recommendation is to develop contracts for each individual organization in receipt of EDRST funds that clearly outlines the intended purpose of those funds and provides staff with an auditable financial matrix.

Councilmember Clay stated the province of the EDRST Board as he understands it from Section 120.540 of the statute is that *"The Board, subject to approval of the City Council, shall consider economic development plans, economic development projects, or designations of an economic development area."* And there does not appear to be any language which states that the 25% set aside, in and of itself, shall be considered a plan, project or redevelopment. So he would like a little clarity on this process.

Mr. Rose stated by no means is the EDRST Board a Commission equivalent to CALOP that has its own funding source and creates its own budget. It is an Advisory Board to the Mayor and Council that has no administrative oversight. And pursuant to his understanding of the statute and ordinance, it is the Mayor and Council who ultimately make the decisions with respect to the allocation of those resources.

Mr. Mulligan stated pursuant to the Code and State Statute, administrative costs are within the purview of Council. Thus, the process entails the City Manager's recommendation, and as long as the amount does not exceed the 25% restriction, subject to Council's approval, no further action is needed.

Councilmember Clay asked Mr. Rose why the \$5,000 previously allocated for the Summer Jobs Program had not been included in his recommendation? Mr. Rose stated his belief is that the intent of EDRST funds is for higher wage technology type jobs as it relates to job training. So while he thinks the Summer Jobs Program is an excellent resource that he does intend to recommend to Council for approval, he would like the monies to come out of a different funding source. And at this point in time, he perceives that source to be the City Manager's budget.

Councilmember Clay stated among the more costly items being recommended are the Olive Boulevard Master Plan, the Economic Development Strategy, and the Hotel Feasibility Study. And during a previous Study Session, he believes Councilmember Carr indicated that the City already had some semblance of a Master Plan for Olive. So he would like to get a brief explanation about the existing plan; how it might inform any subsequent actions being taken, and any interconnection it might have to the Comprehensive Plan that is also being contemplated?

Mr. Rose stated although Council previously authorized staff to update the existing Comprehensive Plan that process failed to yield the anticipated results.

But, if you will recall, what he shared with Council during the Work Plan Retreat was his intent to guide the community through a visionary process to appraise where this City is now and what they expect it to look like in the next twenty years. So the work to revise the Comprehensive Plan will commence thereafter. Mr. Rose stated with respect to the projects mentioned by Councilmember Clay, the necessity to utilize the funds contained in his recommended is contingent upon what the visioning process reveals. If Council and the community believe nothing should be changed; then none of those funds will be needed

Councilmember Smotherson stated although he has read the ordinance, he would like some clarification on Council's role and the EDRST Board's role as it relates to selecting, approving or disapproving plans associated with the distribution of EDRST funds? Mr. Rose stated although Council has the authority to fund projects, the work involved in developing these projects would be extremely onerous for Council to take on. Therefore, Council can delegate a specific task to an advisory board who works with staff, as well as residents, to bring a more "*polished*" document back to Council for consideration. So, if you consider the projects being recommended; for example, the Economic Development Strategy, it would be reasonable for a great deal of that vetting process to occur at the EDRST Board level since that is the funding source being utilized; the task falls within their realm of responsibility, and he believes their involvement is crucial to the development of this strategy.

Councilmember Smotherson stated since the City no longer has a Chamber of Commerce he would like to see those funds removed from this recommendation. And he also has an issue with the Taste of U City. While he is aware they generate income by charging an admission fee, he has never seen a report detailing what happens with the money they receive.

Councilmember Carr stated if you look on page K-4(7), you will see that the City Manager has not recommended any funding for Chamber activities since they have now merged with an external organization. And the Taste of U City has also not been included in his recommendation. Councilmember Smotherson apologized and thanked Councilmember Carr for the clarification.

Councilmember Carr stated for clarification purposes she would like to note that both the Comprehensive Plan and the Olive Boulevard Master Plan are old. The Comprehensive Plan was passed in 2005, with the intent that it would be updated every five years. However, since the City is now moving in a direction that was embraced back in the '90s, it may be worthwhile to look at some of the recommendations contained in the Olive Boulevard Master Plan. And for the record, both of these plans were developed through the utilization of a community visioning process.

Councilmember Carr stated although she does not have an estimate as to the cost of developing these plans, she does recall having to beg and plead in order to get \$80,000 for a consultant for the Comprehensive Plan, which did not work out well. So this time, whatever is done in terms of moving forward with these plans should be carried out in a comprehensive and purposed manner.

She stated that she would also like to note that the top three recommendations from the City Manager were actually tabled by the EDRST Board. And since they have failed to put those funds back in reserves, as far as she's concerned, they are still on the table for Council's consideration.

Councilmember Carr moved to approve the budget as presented, with the proviso that each organization accepting EDRST funds must sign an agreement with the City to ensure adequate oversight and audit power.

Point of Clarification: Councilmember Hales asked Councilmember Carr if her motion pertained to the items in the far left-hand column under the City Manager's recommendations? Councilmember Carr stated her belief is that those items represent his recommendations. Councilmember Carr's motion to approve was seconded by Councilmember Hales.

Councilmember McMahon stated he would like to make certain there is also oversight on some of the recommended expenditures that extend outside the City limits. Because in reviewing the statute, what it says is that when using these funds to execute plans that extend outside the City's limits you must be able to show a significant economic benefit. So, while he is in support of these efforts, and understands they draw people into U City, past practices have not provided sufficient oversight in order to show a significant economic benefit.

Councilmember Clay stated he wanted to make sure his understanding was correct; specifically with respect to the \$100,000 expenditure, that there will be a process that walks Council through the development of this plan? Mr. Rose stated that is correct. And In fact, Council will see it many times.

Voice vote on Councilmember Carr's motion carried unanimously.

L. UNFINISHED BUSINESS
BILLS

M. NEW BUSINESS
RESOLUTIONS

- 1. Resolution 2018-14** – A RESOLUTION ORDERING THE LEVY AND FIXING THE RATE OF PROPERTY TAXES TO BE COLLECTED IN THE CITY OF UNIVERSITY CITY FOR THE YEAR 2018 TO PROVIDE FOR GENERAL REVENUE, POLICE AND FIREFIGHTER RETIREMENT PLAN, AND FOR THE UNIVERSITY CITY LOOP SPECIAL BUSINESS DISTRICT AND THE PARKVIEW GARDEN SPECIAL TAXING DISTRICT.

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

Mr. Rose stated the Resolution as proposed, will result in a property tax rate increase for commercial property, from .508 to .520, for the General Fund and Pension Fund for police and fire.

Finance Director, Tina Charumilind, asked Council to keep in mind that this is not a reassessment year and that changes in the assessed values are coming from sort of adjusted tax abatement enacted by the Hancock Amendment. As you can see, the changes are slight, with the assessed valuation for commercial property dropping from 70 million dollars to 68 million dollars; causing a reduction of 1.5 million dollars, and an increased tax rate of .520. The Hancock Amendment also allows cities to maintain their same level of revenue. So if your assessed valuation goes up, your rate will come down and vice-versa.

Ms. Charumilind stated next year is the year for reassessments, so the City will see some big changes. And Council should also keep in mind, that new construction is excluded from these assessments.

Mr. Rose stated as he understands it, the assessed valuation is decreasing and this increase is to keep the City's revenues level?

Ms. Charumilind stated that this assessment is only for commercial property. For residential, the assessed value increased, so the rate went down. However, the City has always collected between 3.5 and 3.7 million dollars for property tax revenue and between \$800,000 and \$900,000 for the Pension Fund.

Mr. Rose asked Ms. Charumilind if the decrease in assessed commercial property values has resulted in the need for an increase in the rates? Ms. Charumilind stated that is correct.

Voice vote on Councilmember Carr's motion to approve carried unanimously.

BILLS

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions

Councilmember Smotherson stated currently there are two vacancies on the Arts & Letters Commission, with the possibility of there being four within the next 30 days. So he is asking each and every resident to please consider joining this Commission.

Councilmember Clay highlighted some of the topics discussed at the last Senior Commission meeting.

- A guest speaker from Odd Couple's Housing; a creative co-living situation between graduate students and seniors, provided a synopsis of their program and extended an invitation to U City seniors who would like to participate in this unique venture.
- There will be an open enrollment event for Medicare Part D and Medicare Advantage Plans on Wednesday, October 17th, from 9 a.m. to noon at the U City Public Library. This is a great opportunity to get more information or sign up to participate in these plans.
- Make a Difference Day is October 27th, from 8 a.m. to noon. This year's project includes light repairs and maintenance for seniors in the community. Residents interested in participating should contact U City's Senior Services Coordinator, Marcia Mermelstein.

Councilmember Clay stated he believes this is a project that members of Council can get involved in, so he will be reaching out to the Mayor for support.

Councilmember McMahon stated as Council Liaison for the Arts & Letters Commission he would like to echo Councilmember Smotherson's comments. The pool has run dry and if there is anybody out there that would like to step up and join, he would truly appreciate their support.

Councilmember Hales stated a reoccurring theme for the Traffic Commission revolves around two primary influences, Centene and Washington University. There has been a lot of discussion about the residential parking permit system which seems to be going from one block to the next. And even though the Commission is doing a terrific job, he believes that as construction continues, they will be looking at a more comprehensive approach to this issue.

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

O. CITIZEN PARTICIPATION (continued if needed)

Cindy Thierry, 8135 Stanford Avenue, University City, MO

Ms. Thierry stated on October 6th, the PTO will be sponsoring their 2nd Annual Pancake Breakfast. This is a community event, featuring lots of entertainment, so the PTO hopes to see more of the community; i.e., police officers, firefighters, staff, and members of Council, come out and join them this year.

On another note, Ms. Thierry stated she has recently redeveloped several residential properties which have been a very eye-opening experience. Several of the contractors she's dealt with don't like working in U City because of their stringent inspection process. And she would have to agree because while she believes she has done a fabulous job rehabbing these properties; it has been extremely difficult to pass inspection. However, her next door neighbor has not mowed their yard all summer and has paint peeling off the entire front porch. But the saddest moment was when her first prospective buyer said: *"Love the house; looking for a different neighborhood"*.

Mary Ann Coley, 7365 Drexel, University City, MO

Ms. Coley stated she has intentionally stayed away from getting involved in U City politics because it would be a source of frustration. However, since so much is at stake with the proposed TIF redevelopment, she would like to voice the following concerns:

- How this project will play out over the next 20 years; only time will tell if this will really be a benefit to U City.
- The lack of trust, expertise, and transparency in City Council.
- Poor communication, planning, and too many topics being broad-brushed.
- Council's blind eye to the community's interest in a Community Benefit's Agreement (CBA). It is somewhat arrogant of this Council to think that input from the community on such a large project is unnecessary.
- Numerous allegations of bullying by a member of Council.

Ms. Coley stated it's time for all of these tactics to stop. Councilmembers should listen and take into consideration the opinions of others; be open and honest in their communications; start the ball rolling on a CBA; stop the bullying tactics, and hire a consultant with expertise in this area. She stated the stakes are too high to allow this project to fail, as similar projects have done in other communities.

Tom Sullivan, 751 Syracuse, University City, MO

Mr. Sullivan reiterated his thoughts about Ms. Ginsberg's Sinquefield and Institute for Justice comments and suggested that before she opens her mouth, she should get her facts straight. He stated that Council had really lowered their standards by allowing comments like these to occur at this meeting and for nominating someone like Aren to be a member of the Library Board. In his opinion, they could have done so much better than that.

Jan Adams, 7150 Cambridge Avenue, University City, MO

Ms. Adams stated she would like to qualify her earlier assertion that people lied about the CBA process. Being cognizant of the legal definition of "lie" she should have listened to the audio of Councilmember Carr's question because if she had asked "Do you have a list of asks," a truthful answer could be no if the document received had been disposed of. If her question had been, "Have you seen the list of asks," a no answer would be truthful, if the people who were sent the document simply declined to read it. Nevertheless, neglect to perform a duty or any attempt to mislead the public regarding such an important issue is nearly as bad as a lie when you are seeking the trust of a community.

On the issue of collecting EMS ambulance bills, this Council will be forced to make difficult policy decisions as to whether they will authorize the collection agency to file suit, execute judgments, and possibly foreclose on someone's property in order to collect delinquent bills; problems Council didn't have when they outsourced this service. Council must also establish a procedure that is both objective and uniformly applied across the board.

Ms. Adams stated she was actually tempted to speak out of turn at the meeting where a citizen turned the podium away from Council and addressed her personal differences with citizens seated in the audience. Citizens who are here for City business should not have to listen to such confrontations and she would urge Council to adopt rules that prohibit such exchanges in the future.

Patricia Washington, 7040 Plymouth, University City, MO

Ms. Washington stated she shares some of the same concerns expressed earlier and thinks that the tone and tenor of this administration have been one of bullying, intimidation, and misrepresentation; especially since she has personally been the subject of Councilmember Carr's defamatory remarks.

Ms. Washington stated in her opinion, a Comprehensive Plan should have been in place before the City started talking about the Olive/1-70 Project. And it's also her opinion, that there are some good suggestions in the Olive Boulevard Master Plan that have never been implemented. So she wonders if residents should expect more of the same with these new plans? Ms. Washington stated she would also like to know the answer to the following questions:

1. What formula was used to arrive at the 15 million dollar amount for the 3rd Ward, given the decades of neglect?
2. What formula was used to arrive at 5 million dollars over 23 years in the form of grants or loans for improvements on Olive?
3. Was Councilmember Carr present at a meeting where Jonathan Ferry's report was discussed with U City staff?
4. Is there a recommendation in Mr. Ferry's report that 23 years is not sustainable for the TIF; that it should only be for 15 years, and at a cost less than 70 million dollars?
5. If Councilmember Carr was present, did she share any of this information with her fellow TIF Commissioners who have repeatedly denied seeing this report?
6. Was there a meeting with the Equal Housing Opportunity Commission (EHOC) to discuss the CBA?

Ms. Washington stated following the advice of her councilperson she submitted a request to meet with this administration to talk about the CBA, and that request was denied. So tonight, she will ask in open public, if someone; the Mayor or City Manager, would please schedule a meeting with her to talk about the CBA, answer questions, and dispel some of the myths about the CBA's viability on this project.

E - 1 - 15

Suzanne Greenwald, 836 Barkley Square, University City, MO

Ms. Greenwald stated lately she finds herself being very confused about some of the terms and procedures being expressed, and wonders if her confusion has to do with her own misinterpretations. Her understanding is that "*Community*" refers to U City, in general; more specifically, all the residents who will be affected by this new development. And she would suppose that "*Benefits*" means that the community is going to make some demands on the developer and that these demands would be negotiated until there is an agreement. Taken literally, that means that the whole community would meet in a room with the developer. But of course, that's not possible, so the community then needs representation.

Ms. Greenwald stated in her opinion, there seems to have been some self-appointed representatives who she does not remember voting for to represent her interests. When did the community elect Patricia Washington, Tom Sullivan, Jan Adams, Ellen Bern or Sonya Pointer? On the other hand, she does remember voting for Councilmembers Carr, Cusick, and Mayor Crow, to represent her. And apparently, residents in the 3rd Ward made their voices known by voting for Councilmembers Smotherson and Clay.

So perhaps, the term "*Community Benefits Agreement*" refers to a very specific type of documentation. But from her perspective, this community will have a CBA once this government; the people they actually voted for, negotiates the terms and comes to an agreement with the developer.

Donna McGhee, 7584 Melrose, University City, MO

Ms. McGhee stated there is a large City-owned Sycamore tree located next to her driveway that she has requested to have removed due to safety and liability concerns. Large branches fall on a daily basis and the tree's roots have encroached up on her driveway, destroying the pavement and making it impossible for her to park her car. She stated although she was granted an appeal by the Urban Forestry Commission, she was disappointed by the process, response, and outcome. The Commission failed to present any criteria from the International Society of Arboriculture; which is supposed to be the standards they apply. And in spite of the fact that she had taken the time to generate a petition signed by neighbors and other members of the community, their decision seemed to solely be based on their belief that, "*This was such a beautiful tree*".

Ms. McGhee stated she would love to be able to access her home and while the City has informed her that they will be pruning all trees, that is not scheduled to occur until sometime late in the fall.

Jerrold Tiers, 7345 Chamberlain, University City, MO

Mr. Tiers stated he is concerned about two issues related to the Olive Development.

1. The Need for Additional Outreach: Residents apparently believe this development is going to march completely down Olive; very soon, and root out the Asian community and businesses. But unless he is completely mistaken, this development will be limited to the area west of McKnight and the City limits adjacent to 1-70, and the rest of Olive is actually slated for 5 million dollars in upgrades and retention of existing businesses. But the fact that he keeps hearing this misconception leads him to believe that his information has not been made sufficiently clear and more outreach should be undertaken to make people aware of what is really going on.

2. The CBA: Mr. Tiers stated in general, he would be supportive of a CBA because, at the very least, it improves the optics. And based on his understanding, there are some things that cannot; under Missouri law, be agreed upon between the City and the developer, one of them being a wage agreement. So that's another area where a CBA could conceivably be a benefit. He stated he also understands that a CBA must be executed between the developer and a group of citizens' representative of the community. And while he is uncertain about whether the City actually has the authority to say that an external group cannot in any way make this agreement, he is hard-pressed to understand how a CBA can be executed by a group, that to his knowledge, doesn't even exist?

P. COUNCIL COMMENTS

Mayor Crow thanked the City Manager and Matt Pagano, for helping the City secure a 1.9 million dollar SAFER Grant for the possibility of placing additional firefighters into the community and reinstatement of the City's EMS Transport. He stated that special thanks should also go out to Congressman Lacy Clay for his support in these efforts.

- 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 RSMo 610.021 (2) Leasing of real estate by a public governmental body

Councilmember Hales moved to go into Closed Session, at was seconded by Councilmember Smotherson.

Roll Call Vote Was:

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

Nays: None.

R. ADJOURNMENT

Mayor Crow closed the regular City Council meeting at 8:30 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 9:24 p.m.

Council Comments – September 24, 2018

Honorary Street Signs – Chicago simply adds an honorary sign under the legal street sign. The legal name remains in green and the honorary sign placed underneath is brown with gold lettering with a designation “honorary”. I don’t see why that would not be the simplest and least expensive resolution for us. Once this Council opens these floodgates, you are likely to receive numerous requests, so I urge you to take the long view and conserve our resources.

Misleading the public and distorting the City’s public records.

I submitted a written comment last month stating that a list of proposals for a CBA had been presented to Council Members. My basis for that statement was copies of e-mails that I had received. I was both amazed and amused when later in that same meeting Paulette Carr claimed that she had not seen any such documents. She asked if any other members of Council had seen such documents. Two of the Council Members that I knew had been copied on the e-mails shook their heads no and the City Manager expressly denied receiving any such documents. Thus, they asserted that I had not told the truth.

My first thought is why are these three City leaders keeping these documents away from Paulette? My second thought was why would these leaders dare to lie, on the public record, about something that can be proven to be false?

I deferred to Patricia Washington to set the record straight, which she did at the last Council meeting. I just want to remind the citizens of UCity that there are citizen advocates who post on social media support for the TIF and the Olive Development and frequently accuse others of misleading the public and providing misinformation. However, there is a great deal of misinformation coming from our elected officials. So, to complete the public record, I did not lie about Council Members and the City Manager having a list of asks by the community organizers advocating for a CBA, but our elected Officials did.

This Council may still agree to a CBA. By failing to agree, you are depriving your constituents of the power to enforce the promises being made to them. I believe this is an abuse

of power, a blatant attempt for seven officials to obtain sole control over the anticipated \$15 Million Dollar fund. My assertions are supported in recent correspondence with citizens appointed to our Human Relations Commission.

Human Relations Commission

The HR Commission proposed to conduct a survey regarding the anticipated TIF funds, but the Mayor ordered the Commission to refrain. Quoting from an e-mail I have, "I received a phone call from Mayor Crow ordering us not to proceed with the survey at the TIF Commission meeting, without Council approval of the survey (for which there was no time)..."

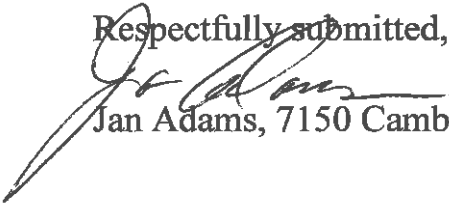
Quoting from another e-mail, "The day we submitted our survey, I received negative, confrontational and disrespectful comments about our suggestion to include Community Based funding from the redevelopment on the survey. I was also told that we, four *volunteer* commission members, had voted to obtain all of the money our city was to receive from one the biggest projects to occur in U. City. Ha! What a joke!! (emphasis in the original)

"In attendance with commission members at the meeting were two government liaison members... So, officials knew these two [] could verify our intentions to be honest. But, attacks came anyway! Wonder why? I took time and analyzed who would put the rumor out into the community about citizens voting to take government funds? What was their motive? The rumor, I feel was designed to prelude a need to oust the HRC entirely! Why now, I thought? Maybe, we were getting too close to something? It was then I was told specific guidelines about our simple survey. Absolutely, no reference to a Community Based initiative could be included.

I am appalled by the efforts of this Council to gag our community activists. This administration will regret these efforts.

EMS

Respectfully submitted,


Jan Adams, 7150 Cambridge Ave.

Regarding University City's TIF plans and the impact on Olive Blvd

Angela He

Good evening, everyone. My name is ~~Amanda~~ ~~Erin~~, and I am a member of Asian and Pacific Islanders Demanding Justice, a WashU student group concerned with Asian-American and Pacific Islander social issues. I am speaking on the behalf of myself and several other APIDJ students who couldn't make it, but are very concerned about the TIF plan and the future displacement of the Olive Blvd community.

The Olive Blvd community is an important aspect of many people lives, both in the local community and those that call St. Louis home during their college years. Olive represents a place where over 30% of the WashU student population, including myself, and many immigrant families can reconnect with our culture. For residents, it has been their home and family.

For others, the businesses that they've built are their entire livelihoods. It was extremely difficult to rebuild the community after the construction of the Busch Stadium parking lot that destroyed the previous Chinatown and forced everyone to move. To displace everyone again, especially for many of the first-generation non-English speaking residents, would be to take away everything they've worked for since they moved to America.

If the TIF plan were to carry through as it is now, we would lose not only an important aspect of University City life, but a unique, irreplaceable one as well. Many of these are family small businesses and restaurants that attract visitors to University City and add character that sets the city apart from the other municipalities in the St. Louis area. We stand in support with the residents of Olive Blvd, ask that the council consider the interests of *all* the people they represent, and ask that the council let the voices of these people be heard. A Costco can be built anywhere. An entire way of life cannot.