

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, October 8, 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, October 8, 2018, Mayor Terry Crow called the meeting to order at 6:31 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 announced that during the Study Session held this evening the agenda was amended in an administrative capacity to move Items J-1, J-4, and J-5 from the Consent Agenda to the City Manager's Report.

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

Mayor Crow stated he would like to take a few minutes to recognize Former Mayor, Janet Majerus, who passed away on September 30th at the age of eighty-two.

Majerus, a Quincy, Ill. native, married Phillip Majerus and moved to St. Louis in the 1960s after earning a journalism degree from the University of Illinois. During her time in St. Louis, Ms. Majerus wrote five novels, the most notable, "*Grandpa and Frank*," which was later made into a television movie "*Home to Stay*," starring Henry Fonda in 1978.

Her political career began in 1984, when after serving several years on the City's Planning and Zoning Commission; she was elected to City Council. In 1986, she was elected mayor and was then re-elected in 1990 and 1994. She resigned in December 1995, when she remarried and moved to Maryland. Majerus, the first woman to be elected as Mayor in U City, was characterized as being dedicated to the values of this City. During her tenure, she replaced U City's deteriorating welcome signs; noting, "*If we can't take care of the things people see first as they enter into our City, how can we be recognized as a wonderful place to live and work*".

She led the Lions Gate Civic Plaza Restoration Committee; expanded the City's Recycling Program, and was instrumental in legislation that changed St. Louis County's method of distributing sales tax revenues. Ms. Majerus' courageous efforts to promote awareness of the increasing drug problem within our communities, led to a major federal grant that funded a community partnership organization, employee assistance programs for businesses and the DARE Program which initiated in the U City School District. A park located at Raymond and Partridge avenues in University City is named in her honor.

Mayor Crow stated on behalf of Council and the residents of U City, he would like to offer heartfelt condolences to her husband and children, Suzanne, David, Julie, and Mary Karen. And if the City's protocols allow, he would ask the City Manager and staff to lower the flag to half-staff on Monday morning, October 9th, through sunset of October 13th.

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. September 24, 2018, Regular Session minutes were moved by Councilmember Carr, seconded by Councilmember McMahan and the motion carried unanimously.
2. September 24, 2018, Study Session (EMS Transport), were moved by Councilmember Hales, seconded by Councilmember Clay and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Eleanor Mullin is nominated to the Arts and Letters Commission as a fill-in until 1/2/2019 replacing Myra Vandersall's unexpired term by Councilmember Steve McMahan, it was seconded by Councilmember Carr and the motion carried unanimously.

Councilmember McMahan thanked Suzanne Greenwald for her support and recommendation of Ms. Mullin.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Henry Slay Jr. to be sworn into the Board of Adjustments at a later time.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

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

Ms. Ginsberg stated the only person she represents is herself; the views she express are her own, and she is still waiting for Mr. Sullivan to answer her question about why he is working against U City's proposed TIF.

Ms. Ginsberg thanked everyone who worked on the SAFER Grant. This funding will help to completely staff the firehouses and reestablish mutual aid with neighboring communities.

Morton Hyman, 739 Harvard, University City, MO

Mr. Hyman stated as a Trustee of University Heights, he would like the City Manager, Mayor, and Council, to know how much they appreciate the remarkable work that has been accomplished in the last six months. The new attitude is commendable and residents can finally see real progress.

Tom Sullivan, 751 Syracuse, University City, MO

Mr. Sullivan stated it's good to see that a mature and respectable person like Ms. Mullin is being appointed to a commission.

He stated last week he filed another complaint with the Attorney General's Office for the City's violation of the Sunshine Law and appointment of Mr. Hales to City Council. His next complaint will be to the Disciplinary Commission against members of the Missouri Bar who took part in a meeting, despite the fact that notification was provided prior to the meeting that the agenda did not conform to the law.

Mr. Sullivan stated it was recently brought to his attention that a phone call made by Mr. Crow is the reason why a member of the U City Human Relations Commission resigned and future meetings have been suspended. Mr. Crow has no authority over this Commission which is supposed to be independent. But apparently, the Commission, in trying to do its job, had agreed to disseminate a survey about the need for a CBA. And one can only assume that the big fear is that it would have revealed that citizens were in support of establishing such an agreement; which is also probably why the Olive/1-70 development project was never put to a vote.

Harassment, intimidation, and bullying of anyone expressing a contrary opinion on what could be the biggest mistake in U City's history, seems to be continuing. In an online statement made by a minister who supported the CBA, he wrote that after expressing his opinion about the CBA several weeks ago, he has been personally attacked by supporters of the development. He refers to the process as "*A holy uncivil affair,*" and states, "*I have had my motives and my integrity questioned in person, over the phone, and online by advocates of the Olive Project. I regret the whole environment of distrust, anger, and point scoring, which has come to characterize our public life in U City. We are choosing to engage in the biggest economic decision our City will make in a generation and it's quite an understatement that people don't trust this process.*"

He stated in his opinion, it is Mr. Crow and others, who have orchestrated this harassment and attacks against citizens. Who would have thought that U City would have ever come to this? The whole process surrounding the proposed Olive/1-70 development has been corrupt and continues to be corrupt.

Karen Cameron, 1455 Westmeade Drive, Chesterfield, MO

Ms. Cameron stated her parents emigrated from Vietnam and have been shopping in U City's China Town her entire life, so she was absolutely devastated when she heard about the proposed TIF development. This is a unique neighborhood where her family and friends celebrate numerous events and the redevelopment of this area would be a huge loss to people throughout the City of St. Louis.

Ms. Cameron stated a study on tax increment financing in the St. Louis area conducted by Better Together demonstrated that:

- Simple mathematics leads to the realization that there will be less room in the market for entrepreneurs and local shops, and TIF(s) increase the likelihood that profits will leave the St. Louis area.

While TIF(s) within the St. Louis area have had varying success stories, neither one of these results suggests a positive return on the public financing that some retail TIF projects enjoy. We don't need another Costco, we already have two, but what we do need are these unique, one-of-a-kind restaurants and family-owned businesses that are irreplaceable and you can't find anywhere else.

Amanda Im, 1327 Purdue Avenue, University City, MO

Ms. Im stated she is a member of Asian-Pacific Islanders Demanding Justice; a Wash U student group concerned with Asian-American and Pacific Islander social issues. She stated she is speaking on behalf of herself and several other APIDJ students to

express concerns about the TIF Plan and its future impact on the Olive Boulevard community. Ms. Im stated when she first moved to St. Louis the Olive Supermarket was the first place she went shopping with her parents and seeing the Asian brands they were accustomed to purchasing was positively reassuring.

Olive Boulevard represents a place where over 30% of the Wash U student population and many immigrant families find a sense of belonging and community. But if the TIF is carried out as now envisioned; the major construction on Olive Boulevard would severely obstruct access to these businesses making it extremely difficult for customers and businesses to function. And businesses located west of McKnight would be encouraged, if not forced to move, with little financial support once their main source of income is cut off.

Even though Council has said that their goal is to prioritize existing businesses and if necessary, help them relocate, how can these businesses be confident of this aid when Council has failed to address the language barriers by providing translators during meetings to ensure that each and every one of these businesses understands the plan. With the impending Amazon Warehouse, Costco is substitutable, but Olive Boulevard is built by families and communities that are irreplaceable. Therefore, APIDJ would ask that Council consider the needs and livelihoods of every person they represent. *(Ms. Im asked that a copy of her written statement be included in the minutes.)*

Council's Comments

Councilmember Hales thanked both Karen and Amanda for their presentations and stated with the Mayor's permission he would like to respond to some of the comments that have been made.

Having had the opportunity to speak with several business owners on Olive and in fact, listening to one owner's remarks regarding his explicit understanding that his business was going to be torn down and redeveloped, he wanted to make it very clear that this redevelopment will only occur between McKnight and 1-70. And while there may be some periodic lane closures, Olive is not only a main artery it is a State highway, so it absolutely will not be shut down. Councilmember Hales stated he would be more than happy to talk to Wash U students or anyone else who feels connected to these businesses and would encourage them to reach out to either him or his colleagues on Council with any future concerns.

Councilmember Hales stated that after listening to the audio of the Human Relations Commission meeting being referenced here tonight, what struck him as odd was the fact that at no point during the meeting was there any discussion about a CBA. The survey the Commission reached a consensus on asked residents to list three concerns and to provide suggestions on how the additional 15 million dollars in TIF monies should be reinvested into the 3rd Ward and Olive Boulevard. Nothing along the lines of what has previously been referenced was approved by the Commission, and that is very concerning. Council has conducted numerous discussions about commissions and process and perhaps, this is something that should be looked into. Councilmember Hales stated he believes the commissioners are all well-intentioned volunteers, and although he is not sure how this happened, he certainly hopes someone can figure out how it did.

Councilmember Carr stated if either of the two women who spoke this evening had attended the TIF Commission meetings they would have heard the City Manager say we want to keep all businesses, and that's the plan this Council intends to follow.

She stated it has almost been 50 years since U City made any improvements to Olive, and as you drive down this boulevard what you'll see is a time-warp. However, as you drive from Chesterfield through every other community you'll see that they have peeled back a decade. So yes, some upgrades are needed to the City's infrastructure, but the intent is to keep all of the businesses in what she refers to as the "*International District*".

Councilmember Carr stated she would beg to differ with Mr. Sullivan's comment about Council having no authority to address a commission since the majority of the City's boards and commissions are advisory to the Council. They do not exist independent of Council and each commissioner is appointed and approved by Council. So it's important that everyone realizes that although Council seeks and respects the recommendations made by these boards and commissions, Council as a body, has the right to disagree with them.

Councilmember Carr stated as the 2nd Ward representatives, both she and Councilmember Cusick would be happy to discuss any issues raised here tonight or answer any questions. Her hope is that this dialogue will be ongoing because not only does the City want to keep its existing businesses, it would like to attract more businesses to this area.

I. PUBLIC HEARINGS

J. CONSENT AGENDA – Vote Required

1. SAFER Grant Approval; *(Removed)*
2. Leaf Collection Contract
3. Road Salt Contract
4. Annex Study RFQ; *(Removed)*
5. ModSpace Contract; *(Removed)*

Councilmember Hales moved to approve J-2 and J-3, it was seconded by Councilmember Carr and the motion carried unanimously.

K. CITY MANAGER'S REPORT

1. SAFER Grant Approval

Mr. Rose stated staff is recommending that Council consider the acceptance and approval of the Staffing for Adequate Fire and Emergency (SAFER) Grant. Acceptance of the grant will result in no reduction of force for the hired personnel within the Fire Department over the term of the grant. The total amount of the grant is \$3,104,424, with a required match of \$1,190,029 of non-federal funds. The federal share is \$1,914,395 of the approved total project cost of \$3,104,424.

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

Councilmember Clay asked if the approval and acceptance of this grant meant that the City will start bringing in new hires during the first quarter of next year? Mr. Rose stated his understanding is that the City has 180 days from the time the grant is accepted to hire additional firefighter/paramedics.

Councilmember Clay asked if the City would still be under the auspices of Gateway's contract during the first quarter of next year?

Mr. Rose stated the one thing he wished to advise Council on is that although the grant will enable the City to bring EMS transport back in-house, the grant's main purpose is to bring the Fire Department back up to full strength. So he would ask Chief Hinson to highlight what that looks like in terms of the number of firefighter/paramedics needed to achieve the grant's objectives.

Chief Hinson stated according to Regulation 17-10 of the National Fire Protection Association (NFPA), which regulates the organization's deployment of fire suppression operations by career fire departments, fire company staffing requirements shall be based on the minimum level necessary for safe, effective, efficient emergency operations. A fire company whose primary functions are to pump, deliver water, and perform basic firefighting at fires, including search and rescue shall be known as an Engine Company, and these companies shall be staffed with a minimum of 4 per truck on-duty.

Regulation 17-10 also requires a career fire department with an aerial truck to have an assembly of 15 people, with a response time to the scene of an alarm of less than 8 minutes, 90 percent of the time. And for a 2,000 square foot, two-story, single-family dwelling without a basement and no adjoining exposures, you must provide a minimum of 14 members or 15 members when an aerial device is used. Commercial structures typically require the assistance of mutual aid, but a shortage of firefighter/paramedics in the City's department requires more outside manpower, which could take you outside of the 8-minute window.

Chief Hinson stated even though his Department does not have the number of firefighter/paramedics outlined in these regulations they continue to strive to meet the less than an 8-minute requirement, 90 percent of the time. This grant will not only enable the Department to meet these requirements every time, but it will also provide them with the manpower to exceed them.

Chief Hinson stated these are standards for which the Fire Department will be judged on should anything go wrong, which means the City will be judged on whether they were proactive or reactive, should an incident occur. And since an ambulance runs with the engine company, bringing EMS back in-house is simply a bonus.

Mr. Rose stated through previous conversations he believes there is a consensus on the Council to bring transport back internally. But since many of the current firefighter/paramedics have never worked on an ambulance a transition period needs to occur in order to go through that training process. So he has asked the Chief to work with his staff in putting together a plan that can be provided to Council, illustrating step-by-step how they intend to make this transition.

He stated Gateway's contract expires in August of 2020, and his belief is that it will take eighteen months to purchase the necessary equipment, train employees, and reach a point where the City can actually take the EMS function back over. So there may be a six month period where the contract may or may not be in effect. He stated that his intent is to work with Gateway during this process, and in fact, pursuant to Council's consensus, he has already reached out to them on an informal basis and started these conversations. More formal discussions will be conducted in the near future.

Mayor Crow stated while he appreciates the updates provided by the City Manager and Chief Hinson, he would like to remind everyone that much of this information was covered extensively during a Study Session, and placed on tonight's agenda for approval and acceptance.

Councilmember Clay stated in essence, the SAFER Grant is about getting the number of firefighters up to where they should be, irrespective of what happens with bringing EMS transport back in-house? Chief Hinson stated the grant would bring his Department up to the minimum requirements under the NFPA.

Councilmember Carr stated many sitting in the audience tonight are probably not aware of the attempt to eliminate five firefighter positions during the 2016/2017 budget process. And based on her understanding, these positions have never been filled. Chief Hinson stated when he started 25-years ago the department had 15 per crew, with 5 office positions, for a total of 49 employees. Today, the department consists of 33 employees.

Councilmember Carr noted that these positions were never officially eliminated by Council; who is the only body with the authority to make such decisions, but if they were removed, it was based on; in her opinion, a Scribner's technical mistake. Therefore, she wholeheartedly supports bringing staff back up to the levels previous to what she calls the gutting of staff levels.

Citizen's Comments

Edward McCarthy, 7101 Princeton Avenue, University City, MO

Mr. McCarthy stated he is opposed to accepting the SAFER Grant which is only for a three year period because the costs that the City is going to incur as a direct impact of this grant will continue for decades. He stated he is also opposed to hiring 12 to 14 additional firefighter/paramedics when they are not necessary. Today, the ambulance and EMS services provided to the City costs nothing. So why should the City increase its costs by \$33,000, \$230,000, and \$80,000, as projected by Mr. Rose, when it already has a service that is taking care of their residents' needs? He thinks Gateway is doing an excellent job, and if that were not the case, everyone would have heard about it in the news.

Mr. McCarthy stated the intent of the SAFER Grant is to make U City a safer place to live. And if it is approved he would like to see it used to supplement Gateway's services by purchasing better equipment or whatever is needed. He stated that the \$800,000 in outstanding collections is only going to increase because as soon as people hear the words "*government sponsored*," in their minds it means free, and people will not be paying for these services.

Mr. McCarthy stated another issue he wanted to bring up, again, is the fact that the Pension Plan Board still has not received any additional funding. And yet, Council is willing to spend this money to incur additional costs. He stated in talking with Gateway today, they informed him that they plan to fulfill their entire contract. So if anybody thinks they are just going to skip out when we bring in these additional people, it's not going to happen.

The Captain, Fire Department or anybody else can say anything they want, but 10, 25; 30 years ago U City had a population of roughly 60,000 people, now it has 35,000. The population has decreased and it only seems logical for there to be a reduction in our Fire Department personnel.

Gregory Pace, 7171 Westmoreland, University City, MO

Mr. Pace stated the NFPA is not a local, state or federal law that the City is duty-bound to follow; it's essentially a standard or a suggestion. And although the minimum standard for a full truck company is four, the acceptable minimum under NFPA 17-10 is three, not four.

He stated that U City has a 20% absentee rate, so even with the addition of four firefighters per shift, on a typical day, you'll still only have 12 firefighters to handle

residential fires. U City borders six fire agencies and with the complement of employees it has now, only one mutual aid truck is needed at residential fires; and that's what they've currently been doing. Chief Adam Long explained to Council that the Fire Department had two floaters, making it 11 firefighters on each shift; which included the Battalion Chief. And that there were very few days when the Department did not have the necessary complement of firefighters need to operate both trucks. So the idea that the City can't meet four on a truck, on a daily basis, is a misnomer. And as Ed stated, Gateway has no intentions of not fulfilling their contract; but isn't that the real reason the City wants to hire these employees? Because that's how this grant was sold in the beginning, to bring EMS back in-house. And he would be happy to send anyone a copy of the audio or minutes that clearly reflect that intent.

Mr. Pace stated he would challenge the Chief to find any other municipal fire department in St. Louis County that meets the 17-10 standard for fifteen bodies on a truck for a residential fire. Everyone depends on mutual aid because that's the whole point of its existence. Everyone has always assumed that the Department could get two trucks to a fire for years, but now all of a sudden, Council is going to put the City in a hole by hiring additional personnel that will be sitting around all day doing nothing. Good luck defending that the next time you run for election.

Mayor Crow stated he finds it rather surprising that anyone would come to the microphone and say that Council is doing anything all of a sudden. Because he thinks Council has taken a professional and methodical approach to work through this issue versus the extreme kneejerk reaction and decision that was made to outsource this service; contrary to the wishes of the vast majority of citizens they represented. And the election results since that decision was made, substantiates his belief.

So while he respects the arguments presented by those folks who actively participated in the decision to outsource, he would also extend compliments to staff, the Fire Department, and Council for the proficient manner in which they addressed a wrong that should never have occurred.

Voice vote on Councilmember Carr's motion carried unanimously.

2. Annex Study RFQ

Mr. Rose stated staff is recommending that Council grant the authority to enter into negotiations with Triver & Associates to conduct an analysis of the City Annex and potential construction of a police substation. He then asked Mr. Alpaslan to highlight the process staff utilized to arrive at this recommendation.

Sinan Alpaslan, Director of Public Works, stated staff utilized a qualifications-based process, supported by the RFQ issued on August 1st, which included a mandatory pre-bid walkthrough of the facility. Ultimately, the firms who participated in the walkthrough teamed up and staff received four qualified bids.

Per the Missouri "*Little Brooks Act*," competitive negotiation procurement is to be based on demonstrated competence and qualifications. Therefore, the price can only be considered in the negotiation phase after the consultant is selected and authorization is received from the City Manager. If staff is unable to reach a compromise on the price, the negotiations are suspended, and the process is repeated with the next firm.

Mr. Alpaslan stated Council has been provided with a copy of the results, which indicates that per the panel of examiners; which included the City Manager, Trivers' vast experience in both historic renovations and the design and construction of police

facilities was found to be the most qualified.

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

Councilmember Carr asked if someone could provide her with an explanation of the Missouri "*Little Brooks Act*"? Mr. Alpaslan stated per the MO Revised Statutes, the "*Little Brooks Act*" imparts that each bid be graded on four evaluation criterion:

1. Experience and technical competence; (Candidates were allowed to submit five letters of intent which were cross-referenced by staff.)
2. Capacity and capability; (this criterion applies to all team members.)
3. Past record of performance
4. Familiarity and proximity to U City

Mr. Alpaslan stated while this is the criteria used for most Public Works projects, the familiarity and proximity category is not utilized for projects subsidized by a grant, since they follow national standards. Each category is scored by members of the panel based on the following formula:

- 30 point maximum for experience and technical competence
 - 25 point maximum for capacity and capability
 - 25 point maximum for past record of performance
 - 20 point maximum for familiarity and proximity to U City.
- ❖ *(Ties are resolved by selecting the firm that scored highest in experience and technical competence, et cetera.)*

Councilmember Smotherson questioned whether staff had formulated an estimated cost for the analysis or set any type of ceiling? Mr. Rose stated although staff will provide Council with a recommendation based on the lowest cost received from a qualified consultant, any ceiling on the actual cost of performing the analysis will be left to the discretion of the Mayor and Council.

He stated some of the things staff will be looking at are the consultant's ability to provide an outcome that represents a well-thought-out plan that has not been steered in any way and demonstrates their ability to make reasonable recommendations that can be defended on a quantitative basis. The idea behind the legislation restricting that price can only be considered in the negotiation phase; that procurement should be based on competence and qualification, and that should outweigh the cost.

Councilmember Smotherson stated although his opinion with respect to steering is that there is really no way to prevent it from happening; his question is why the old library located next to the Annex had not been included in the RFQ? Mr. Rose stated this project was designed to focus on two specific areas identified in the Capital Improvement Plan. Language in the plan was revised to reflect that not only would the City look at the construction of a police substation but that it would also analyze the Annex to determine if it was reasonable to construct a substation; what services it should house; what services should remain at City Hall, and whether it was safe and feasible for the Annex to be used for police operations in the future.

With regards to the old library or Trinity Building, also included in the Capital Improvement Plan is a Space/Use Analysis project that will encompass all of the City's facilities.

The goal is to first determine a building's use to ensure that any modifications or upgrades are completed with an intended purpose.

Councilmember Smotherson questioned whether staff was willing to accept the possibility that the consultant's analysis might conclude that the Annex is not a feasible

option? Mr. Rose stated the RFQ was structured to provide staff with the facts, not for the engineer to give them the answers he thinks they are seeking. So this project will progress based on the best analysis the company can perform, which is one reason why the panel is recommending a firm that has ample experience in the restoration of historical structures.

Councilmember Cusick asked if the consultant's analysis would take into consideration the specific needs of the Police Department? Mr. Rose stated both the Police Department and the Public Works Department will act as the customers this firm will be working with. One criterion of specific importance is to ensure that whatever structures the Police Department ends up with, will enable them to continue their accreditation process. Councilmember Cusick asked if the consultant's instructions to "*Develop solutions to meet the current and future Police Department space and operational needs,*" means they will make an assessment of whether or not the Annex is feasible for the Department's operational needs or if it will be necessary for the City to construct a new facility or substation at a different location? Mr. Rose stated that the scope of work outlined in the RFQ requires an analysis of both the Annex and construction of a substation because the idea is to complete the renovations and construction simultaneously.

He stated an item that will be coming up on tonight's agenda is an extension of the lease terms for the temporary facility; which the City has invested a considerable amount of funds into and still has a significant lifespan. So that will also be factored into the equation of determining how to meet the Department's future needs.

Councilmember Cusick asked if it was the City's intent to operate two substations? Mr. Rose stated that included in the Capital Improvement Program is roughly 6 million dollars for the construction of a substation; although no location has been identified at this point. However, a substation is substantially different from a satellite facility, which could be a possible use for the temporary facility.

Voice vote on Councilmember Carr's motion carried unanimously.

3. ModSpace Contract

Mr. Rose stated staff is recommending that Council approve an extension of the lease agreement for the unit housing the police currently operates out of. He then asked Mr. Mulligan if he would highlight the terms of the agreement.

Mr. Mulligan stated as Council is aware, the City currently has a lease agreement for the temporary police station at 601 Trinity with ModSpace that was entered into in May of 2016. That agreement expires on October 15th. Payments for the first two years of this agreement were expensive since they included the construction, installation and associated costs. Now that the bulk of that expense has been paid the current agreement would allow the City to lease the units on a month-to-month basis, at a rate of \$11,500. However, since that month-to-month agreement could be terminated by either party with 30 days' notice, staff initiated negotiations with ModSpace to extend the lease to a four-year period of time in order to lock-in the rate of \$11,500.

Going beyond that, the City has an option to extend the lease agreement for an additional three years, at a rate of \$12,075. Mr. Mulligan stated staff was also able to negotiate a 180-day cancellation clause with no penalty for both the four and three-year extension periods.

The expiring lease agreement establishes a rate for tear-down and return of the

existing facility at \$164,130; assuming that it would take place on or about October 15th of this year. And although the rising cost of labor prevented ModSpace from providing an exact rate for the tear-down at the end of the four-year agreement, staff was able to negotiate a cap of \$210,086. If the lease is extended for an additional three-years the rate would be capped at \$244,553. Mr. Mulligan noted that the terms of the original agreement remain the same.

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

Councilmember Smotherson stated if anyone can recall, approximately four months ago he expressed his dissatisfaction with the direction the City was going with the police station, and this is a part of the reason why he feels that way. It shouldn't take four years for the City to come up with a solution for the police station, at a cost of \$11,500 per month. Councilmember Smotherson stated he had asked that this item be removed from the Consent Agenda to make sure that people had a clear understanding of how much money is being spent on this facility.

Mayor Crow stated while he thinks everyone has concerns about the financial terms; many also understand that this has been a front-loaded contract that now appears to be much more manageable. And he's certain they understand that without these modular units the City's Police Department would have no place to go. So, while probably every member of Council would have preferred to have a shorter initial term with a longer lease extension, that's not the way it played out. So, at this point, everyone is working through the process and trying to find the best options.

Councilmember Hales stated based on his many years of experience as a member of the audience, he would agree that the City should not be in the position it is in today. But this is clearly a result of the policies that preceded this Council. So while he would love to see this process move faster, the most important thing for him is to get it done right.

Voice vote on Councilmember Carr's motion carried unanimously, with the exception of Councilmember Smotherson.

4. Majerus Park and Playground Improvements Contract

Mr. Rose stated this project for Phase I of the improvements to Majerus Park, was advertised on August 30th of this year, and a total of seven bids were received. As a result, staff is recommending this contract be awarded to All Inclusive and Brian Jones Construction companies as the lowest responsible bidders for their respective section of work, in the amount of \$460,670.83.

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

L. UNFINISHED BUSINESS

BILLS

M. NEW BUSINESS

RESOLUTIONS

BILLS

Introduced by Councilmember Carr

1. **BILL 9365** - ORDINANCE APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF UNIVERSITY CITY AND VRE FIBER OPTICS VENTURES, L.L.C. FOR PROPERTY LOCATED AT 601 TRINITY. Bill Number 9365 was read for the first time.

Introduced by Councilmember Smotherson

2. **BILL 9366** – AN ORDINANCE CHANGING THE NAME OF TAMERTON AVENUE, BETWEEN PARAMOUNT DRIVE AND MONTREAL DRIVE, TO REV. JOE L. MIDDLETON LANE. Bill Number 9366 was read for the first time.

Mayor Crow acknowledged a request to speak on this item and after being informed that no action would be taken on this Bill, the speaker expressed a desire to defer their comments until the next meeting.

Introduced by Councilmember Carr

3. **BILL 9367** – AN ORDINANCE AMENDING CHAPTER 358 OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN. (6300-6400 blocks of Enright Avenue) Bill Number 9367 was read for the first time.

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
Councilmember McMahon stated as the liaison for CALOP he was asked to inform Council about a new project recently authorized, which consists of three to five-minute videos designed to capture the younger audience. This \$30,000 grant allocation represents a change in Commission's customary practice of producing documentaries, and for the first time, has established specific criteria that require participants to submit films focused on promoting U City. So he thinks CALOP is going to help lead the way by demonstrating how to capitalize on social media.
3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business
 - a) **Bulk and Leaf Pickup Area Designation**
Requested by Councilmembers Smotherson and Clay

Councilmember Smotherson stated he appreciated Councilmember Clay's support in helping him get this item on the agenda. He stated the designated zones for bulk and leaf pickup are outlined by areas; central, west and east. However, since these zones do not correspond with the ward a resident lives in it has always been confusing and difficult to understand the pickup dates. So the purpose of this discussion is to find out why the designations were established and to determine whether they could be changed to correspond with each ward and hopefully, create some type of uniformity that residents can understand.

Councilmember McMahon stated he is not sure that changing leaf and bulk pickup designations to match the wards is a solution that fixes the problem. Because when you think about the way the City's wards are drawn up, an argument could be made that such a modification would be completely improper in terms of voting. Wards are designed to ensure that no specific group is disenfranchised. And he certainly would not vote for something that not only deprived residents of that right but changes the make-up and representation of each ward. Councilmember McMahon stated the purpose of wards is political in nature and the redrawing of these boundaries would only add more confusion. He stated in his opinion, the issue of bulk waste and leaf pickup is about the mechanics of how the City is best able to perform this service for its residents.

Councilmember Carr stated she would concur with the sentiments expressed by Councilmember McMahon because what she really does not want to hear is someone saying that their Ward is not being taken care of. She stated the boundary lines in the western section of U City are constantly changing. First, it was Ward 2, later it was changed to Ward 1, and now parts of it are Ward 3. So while those people north of Olive may be very clear about being in Ward 3, it's possible that at some point, those lines will be changed too. And that's another reason why she believes these specific pickups should probably be done geographically to ensure that staff can cover certain areas within the designated time allowed. Because if you've actually looked at the map for Ward 1, it extends really far to the west; which she's not sure people are aware of, or even if staff could complete all of the pickups in a weeks' time.

Councilmember Carr stated her solution is for each member of Council to inform their constituents of when these pickups will occur. Or huge banners could even be put up in areas to notify residents. But ultimately, it's incumbent upon Council to communicate with residents and for residents to contact their councilperson if they have a question about the area they live in.

She stated one thing no one ever knows about is the timetable for street cleaning. Some areas get it three times a year; some who live in Parkview Gardens get it once a month, and the Loop appears to get it once a week. But at this point, she would be loathe upending the Public Works Department based on a lack of communication, and without first learning the rationale behind why they established these geographic zones. So perhaps, gaining a better understanding of what works best for the City in terms of delivering these services is something that can be explored during a Study Session.

Councilmember Clay stated he would also like to hear from the professionals since he's had some confusion about the exact dates for bulk pickups. So he would like to know why these pickups are set up in the manner that they are, and whether the process can be improved.

Councilmember Smotherson informed his colleagues that it was never his intent for this to become a political issue.

O. CITIZEN PARTICIPATION (continued if needed)

Kevin Chau, 6615 Devonshire Avenue, St. Louis, MO

Mr. Chau stated his original intent was to talk about the TIF. However, after listening to many of the comments made tonight it seems like this Council has inherited a lot of issues and that they are working very hard to do what they think is best for the City. And that is a value he appreciates. He stated he has lived in St. Louis his entire life and has watched as both U City and Olive have changed.

And while he personally is against TIF(s), he'd like to take a phrase out of Beth Comstock's book, *"Imagine It Forward: Make Change Work for You,"* where she writes,

"There is a need to accept change, because you can't stop it". Mr. Chau stated a Costco seems slightly shortsighted when you look at a TIF's potential, so he would ask Council to seek a greater vision than the one currently being proposed.

Donna McGhee, 7584 Melrose, University City, MO

Ms. McGhee thanked Mr. Alpaslan and Mr. Gates for being attentive to her concerns. And although she is grateful for the temporary fix and the ability to access her driveway, there is still a huge hump in the concrete, and the overabundance of falling branches still causes her to have safety and liability concerns. Ms. McGhee stated there had been some discussion about reaching a middle ground, but at this point, she has no idea what that entails.

Garrie Burr, 750 Kingsland, University City, MO

Mr. Burr, President of the Arts & Letters Commission stated he would like to extend an invitation to the Mayor and Council for two upcoming events.

- The 2018 Tradition in Literary Excellence Award will be presented to Author Gerald Early of Washington University during a special reception at 7 p.m. at City Hall. Also honored during this reception will be the retiring Children's Librarian, Larita Wright of the U City Public Library, and the U City High School journalism students that were recognized last spring for their outstanding achievements.
- The Annual Returning Artists Program featuring Artist/Musician Jeffrey Anderson will be held at 7 p.m. at the U City High School Career Library, on Wednesday, November 14th. Mr. Anderson will be working with students during the week to encourage the pursuit of the arts as a vocation.

(Printed invitations for both events will be mailed to each member of Council.)

P. COUNCIL COMMENTS

Councilmember Cusick stated he would like the young people who spoke about Olive Boulevard and the TIF to know that this City does have a greater vision. In fact, this process was implemented in order to capture some of the incentives associated with a TIF to make improvements along Olive and assist residents in the 3rd Ward who has seen the value of their homes decrease. So, it's not just about putting a Costco in our neighborhood. He stated the City has been trying to redevelop Olive for a long time and this is the first real opportunity to do something long-term that will enhance the economic development of the entire City. A great deal of the City's tax revenues are lost as a result of Wash U's tax-exempt status related to the acquisition of property, so something had to be done. Councilmember Cusick thanked the speakers for their concerns and encouraged them to stick around and watch all of the great things that are going to happen along Olive.

Councilmember Cusick stated he was honored to attend the Human Rights Campaign's Annual Gala at Union Station on September 29th, with Councilmember Hales, and would like to congratulate Mayor Crow on receiving the HRC Visibility Award.

Councilmember Smotherson stated Marian Sharpe, the wife of Former Councilmember Arthur Sharpe, Jr., passed away last Thursday. Mrs. Sharpe was very active in this community, especially in the 3rd Ward, and while he understands that it is too late for Council as a whole to prepare a Proclamation, he would ask for a consensus from his colleagues to prepare a Proclamation and present it to Mr. Sharpe?

Mrs. Sharpe's memorial service will begin at 11:00 a.m. this coming Thursday at Washington Tabernacle, located on the corner of Washington and Compton.

Mayor Crow stated the only thing he would ask is that Councilmember Smotherson seeks the assistance of the City Clerk since she has the official format.

Councilmember Smotherson stated although he would prefer not to refer to this project as the TIF, which is merely a function of the development, he would like to put a little twist on some of the comments expressed tonight. He stated whenever his relatives from California and Phoenix visit U City it has become a ritual for them to eat at the Asian restaurants on Olive and then before they leave, purchase more food to take back home with them. So from the very beginning, when he and Councilmember Carr brought this development forward there was never any intention to eliminate anything on Olive. At this juncture, there are about six restaurants located in the development area, but the majority; including the Olive Supermarket, are located to the east of Woodson and McKnight. So he would also invite anyone with questions or concerns about the City's greater vision to contact him.

Councilmember Clay made the following announcements:

- A Town Hall meeting will be held on October 16th from 6 p.m. to 8 p.m. at the Heman Park Community Center. Although the meeting is focused on garnering input from 3rd Ward residents as to what they would like to see in the redevelopment agreement, it is open to the entire public.
- 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 the conversations regarding the City's first responders caused the house fire that occurred last week, resulting in the tragic death of a U City resident to resonate in his mind. That said, having been on a similar dais at an earlier point in his life, he understands that public policy cannot be made solely on individual circumstances. But at the same time, you cannot make policy that is devoid of taking individual circumstances into consideration. What we do know, is that as we contemplate what to do with our first responders; be it ambulance, fire or police, there will be significant dollars involved, and that point is not lost on him. So he thinks that a part of this process needs to involve a conversation with the community about its priorities because obviously if the City does certain things it will likely be unable to afford other things. That's a part of the give and take process you go through. But wherever we might land as individual members of Council, what he is gratified and confident in, is that a process involving citizens would have been a key component of these decisions and result in a process that is transparent. Councilmember Clay thanked his colleagues for continuing to have these conversations and looks forward to more in the future.

Councilmember McMahon stated while he thinks acceptance of the SAFER Grant was the right thing to do, he does have some concerns about Gateway's assertion to fully execute their contract. He stated when he arrived at the last Council meeting he checked to see if a Gateway ambulance was parked at its designated location; it wasn't there. So out of curiosity, he drove to Heman Park; another designated location, and it wasn't there. When he came back to the meeting, it wasn't there, and when he glanced out the window on several occasions during the meeting, it still wasn't there. And they are not parked outside tonight.

However, at some point, he did find one of their ambulances parked in Overland at the City line. Were they waiting on the line to see which city was going to call first?

So, if Gateway's intention is to fulfill their entire contract, and the City is faced with a situation where it has to continue outsourcing, then we've got to make sure they

understand that they will be looking at a totally different contract than the one that was written the first time around. And that contract will include the City's oversight authority. When people talk about there being no cost to outsourcing that's not true, there's always a cost when you are responsible for monitoring and following up on a company's performance. So perhaps, we haven't seen any costs because no form of oversight was in Gateway's last contract. Subsequently, the question then becomes whether Gateway is going to say, yeah, we want to bear the burden of the City's oversight authority for another five years? And if they decide not to stick around, what is U City going to do for its ambulance service? Councilmember McMahon stated there was never a plan to address that possibility, and that's the position this Council is trying to put themselves in with the acceptance of this grant in order to make sure the residents of this community are safe.

Councilmember McMahon stated he always finds it interesting when someone comes up to the podium, talks about bullying, and then not only tells you what a poor job you're doing as a councilperson, but threatens to ruin your livelihood by trying to get you disbarred; all over a Sunshine Law complaint. Perhaps, someone should file a Sunshine request to see how many complaints filed with the Attorney General's office have actually been successful.

Councilmember Hales stated he not only wanted to dovetail off of Councilmember McMahon's comments but thank him for addressing this issue because he's pretty sure that the Fire Chief and firefighter in this room tonight have no idea if there's a second ambulance available. And they probably don't even know how far they would have to come if one was needed since some of the reports indicate that Gateway's drivers have come from as far as Florissant to answer a call in U City.

Councilmember Hales stated he would also like to thank the Police Chief, Fire Chief, and the City Mayor for the roles they played in Washington University's Wild Event held last Friday. This is an event that typically raises concerns from some of the neighboring communities, however when he arrived at 4:30 p.m. there were four police cars canvassing the neighborhoods and very good presence from Wash U's residential patrols and officers.

Councilmember Smotherson mentioned some of the issues associated with Wash U. And in the five months he's been on Council he has spent the majority of his time addressing emails, phone calls, and visits from residents in the 1st Ward related to the impact Wash U has on their lives every single day. Councilmember Hales stated this certainly illustrates something he thinks everyone already knows, and that is, this relationship is out of balance. The streets on the north side of Kingsbury have effectively become a commuter parking lot for students and staff. When you have buildings that are essentially being used as dormitories housing three or four students, you can easily understand why cars are parked for long periods of time because the lifestyle of a student is different than the lifestyle of a resident. And while he is aware that the City Manager has made it a priority to conduct a Comprehensive Parking Study for the City, it has never been clearer how important it is to move forward with this study. Councilmember Hales stated he would also like to ask the Traffic Commission to weigh-in on this topic to hopefully assist the City Manager in identifying the hot spots or problem areas that need to be looked at closely.

Mayor Crow stated it should not come as a surprise to anyone in this room or those watching by live stream, that when you are talking about a 200 million dollar development there will be people on both sides of the equation. Although this is one of the few times where the City has had more people from outside the community with concerns than perhaps, they've had inside. So it has been somewhat intriguing to listen to the ideas,

questions, and comments being expressed, and attempt to visualize where we are going with this. Because at this point, the City has already conducted numerous TIF hearings; perhaps, more than any TIF in the history of this country, just to ensure that everybody had an opportunity to be heard, but moving forward, the City's participation in many of these decisions will be coming to a conclusion. And even though citizens will always have an opportunity to be heard through Council's regular comment period, this item will probably be moving off the agenda by the end of this year.

Mayor Crow stated within the past month, he has been called a spineless Mayor and a dictator, which is totally confusing because you certainly can't be both. But that's okay since he also finds it interesting when citizens who have constantly put others under the microscope get offended when they're put in that same position; as if they have no idea where it's coming from.

In regards to the Human Relations Commission, Mayor Crow stated he would like to make sure that people understand the history of this commission, which, unfortunately, was not created with a great deal of forethought. So much so, that it was abandoned at one point because its role was diminished by changes in the law. Nevertheless, it was reinstated by the previous Council and tasked with addressing concerns from the public. And the reason why they rarely have meetings is because there have been no concerns from the public. One of the challenges with all of the City's Boards and Commission; and something that staff and Council are currently trying to work through, is establishing clear objectives that are structured in a way to promote and assist City government. So, while he respects everyone who volunteers on the City's Boards and Commissions; particularly those who serve in the capacity of the chair, no chairperson has the authority to simply stop having meetings.

Mayor Crow reminded everyone about the upcoming election in November and encouraged everyone who has not already done so, to register by this coming Wednesday.

The Gatesworth, one of the largest employers in U City, and listed as one of the top 10 retirement communities by *Forbes Magazine* is celebrating their 30th Anniversary. Mayor Crow stated the Gatesworth have been an incredible addition to this community and he would like to congratulate the owners, residents, and employees, on their success.

Finally, Mayor Crow stated he wished to thank Councilmember Hales for his perspective on the Comprehensive Parking Study, and wish the City Manager a happy birthday.

Councilmember Carr moved to adjourn the meeting, it was seconded by Councilmember McMahan and the motion carried unanimously.

Q. ADJOURNMENT

Mayor Crow closed the Regular City Council meeting at 8:30 p.m.

LaRette Reese,
City Clerk

Amanda Im
1327 Purdue Avenue, University City 63130

Good evening, everyone. My name is Amanda Im, 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 to express our concerns about the 170-TIF plan and its future impact on the Olive Blvd community. When I first moved to St. Louis, Olive supermarket was the first place I went shopping with my parents. Stepping inside and seeing the Asian brands that we were used to, we felt immediate relief and comfort after a week of stressful packing and tearful goodbyes. So you can see how Olive is a place where over 30% of the WashU student population, including myself, and many immigrant families find a sense of belonging and community. For residents, Olive is their family and home.

Many of the businesses on Olive are small family businesses and restaurants that attract visitors to University City. If the TIF plan were to carry through as it is now, the major construction on Olive Blvd would severely obstruct access to these businesses, making it extremely for customers and, ~~more importantly,~~ the businesses themselves to function. The businesses that lay west of McKnight would be encouraged, if not forced, to move with little financial support as their main source of income is cut of for years. The council has said that this isn't the case—that the new TIF plan will prioritize existing businesses and, if necessary, help them relocate. But how will the council ensure this aid when they haven't even provided translators during their previous hearings? How will the council address the language barriers and not only increase transparency but ensure that each and every one of these businesses understands the plan and their rights. We ask that the council consider the needs and livelihood of all the people they represent. With the upcoming Amazon warehouse, a Costco is substitutable. But Olive blvd is built by family and community, and that is irreplaceable.