

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, August 12, 2019
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on the fifth floor of City Hall, on Monday, August 12, 2019, 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

Councilmember Hales moved to approve the agenda as presented; it was seconded by Councilmember Cusick.

Mr. Rose made the following requests:

1. That Item I(2); liquor license for Poke Doke Restaurant, be removed from the agenda; That Item J(1); Liquor License Approval – DJ Food Inc., be moved to the City Manager's Report;
2. That J(2); liquor license for Poke Doke Restaurant, be removed from the agenda;
3. That J(8), Sidewalks and Curb Contract Approval; J(10), Electric Vehicles Purchase Approval; J(11), EMS Ambulance and Equipment Purchase, and J(12), EMS Ambulance Remount Purchase, be moved to the City Manager's Report.

Mr. Rose informed Council that there were also some numbering issues associated with the Resolutions that will be corrected prior to publication.

Councilmember Hales moved to approve the agenda as amended; it was seconded by Councilmember Cusick.

Voice vote to approve the agenda carried unanimously.

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

Councilmember Smotherson while he appreciates the City Manager's requests to amend the agenda; which helped to resolve some of his issues, his concern is that the Consent Agenda contains thirteen items totaling over a million and a half dollars. And since Council just received their packets on Friday, there has not been enough time to thoroughly review and digest all of this information.

D. PROCLAMATIONS

1. 55th Graduation Anniversary - University City High School Class of 1964.

Mayor Crow reminded Council of the need to sign the Proclamation prior to leaving tonight's meeting.

E. APPROVAL OF MINUTES

1. July 8, 2019, Regular Session Minutes were moved by Councilmember Carr, seconded by Councilmember Hales and the motion carried unanimously.
2. July 8, 2019, Study Session Minutes – Dog Park were moved by Councilmember Carr, seconded by Councilmember Smotherson and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Eleanor Mullin and Karla Teeters Brown are nominated for **re-appointment** to Municipal Commission on Arts and Letters by Councilmember Bwayne Smotherson; it was seconded by Councilmember Carr and the motion carried unanimously.
2. James Nowogrocki is nominated to the Civil Service Board replacing Barbara Sydnor's expired term by Mayor Terry Crow; it was seconded by Councilmember Hales and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Douglas Killebrew, 6354 Pershing, University City, MO

Mr. Killebrew stated he has lived at this address for forty-seven years and raised four children who all attended U City schools. So it has been his pleasure to watch the growth and development of Delmar whose success is largely due to the City's progressive policies. But, even though he understands and agrees; to a certain extent, with the tightening of restrictions related to soliciting, the City's recent policy with respect to street musicians seems to be a situation of throwing the baby out with the bathwater. Through discussions with the City's Police Department, he has since learned that technically, musicians are still allowed as long as they keep moving; which is kind of hard to do. As a result, the net effect of this policy really equates to street musicians being cut out of the picture. Mr. Killebrew stated U City has had some very talented musicians who have played regularly on Delmar, that in his opinion, have been a positive addition, adding novelty to a patron's eating and shopping experience. So in the spirit of maintaining the vibrancy of Delmar, he would like to see this policy; as it relates to musicians, reviewed and modified.

Donna McGee, 7594 Melrose, University City, MO

Ms. McGee commended the Police Department for being attentive to the residents of this community and thanked Mr. Dunkle for trimming the two Ash Trees at the end of her block that was obstructing the street sign. Clearing this area addressed several major safety issues.

Ms. McGhee stated while she and Mr. Rose had agreed to disagree regarding his solution to work around the tree located at the base of her driveway, her preference would have been for the solution to work around the needs of human beings. The Street Department poured some asphalt at the base of her driveway to bridge the area; which appears to address the situation in a tacky kind of way, but the roots of the tree are still there, and the two branches encroaching on her property constantly fill her gutters with debris. So while she appreciates everyone's time and the opportunity to continue addressing this issue, the bottom line is that she would like to see the tree removed. In fact, she would be more than happy to pay for a seedling to replace this improperly situated tree that she believes constitutes a serious safety hazard.

Tom Jennings, 7055 Forsyth, University City, MO

Mr. Jennings stated his initial thought had been that the refinishing of Forsyth should be delayed because of all the ongoing construction in the area. However, after discussing these concerns with Councilmember Hales, he learned that the refinishing involved federal funds that could vanish if the work was not completed on schedule, so the timetable makes a lot more sense. And to date, they have done a really nice job.

Thanks to Councilmember Smotherson, Mr. Jennings stated his neighbor now has a designated handicapped parking space. So when the work begins on the south side of Forsyth he would like to see the signage moved to ensure that she maintains that designated parking.

With respect to the Dog Park, Mr. Jennings stated his hope is that this development will be studied carefully with special attention given to residents that border the park. He stated based on the large turnout of supporters he can easily envision twenty-five barking dogs at someone's back door day in and day out. And the fact that there will be no one monitoring the park between 7 p.m. to 7 a.m. increases his concerns.

Paul Schoomer, University City, MO

Mr. Schoomer stated the question of street musicians has been a point of discussion for roughly forty years. The current plan, which addresses questions regarding misuse by street practitioners, as well as desirable musicians, was recommended by the Special Benefit Tax District. Meetings are held on Tuesday mornings and everyone is invited to openly register their complaints and/or suggestions.

I. PUBLIC HEARINGS

1. Liquor License - DJ Food Inc. (East Seoul Oriental Grocery Store)

Mayor Crow opened the Public Hearing at 6:49 p.m., and hearing no requests to speak the hearing was closed at 6:49 p.m.

2. Liquor License - Poke Doke Restaurant; *(Removed)*

J. CONSENT AGENDA – Vote Required

1. Liquor License Approval – DJ Food Inc. (East Seoul Oriental Grocery Store); *(Moved to City Manager's Report)*
2. Liquor License Approval – Poke Doke Restaurant; *(Removed)*
3. Position Reclassification – Parks Crew Leader
4. Ackert Walkway Improvements – Transportation Alternatives Program Approval
5. Fogerty Park Phase II Improvements Contract Approval
6. MS Office 365 Migration and Contract Approval
7. Leaf Collection Contract Approval

8. Sidewalks and Curb Contract Approval; *(Moved to City Manager's Report)*
9. Electric Vehicles Purchase Approval (Inspectors)
10. EMS Ambulance and Equipment Purchase; *(Moved to City Manager's Report)*
11. EMS Ambulance Remount Purchase; *(Moved to City Manager's Report)*
12. Conditional Use Permit Extension Approval – Church of Scientology; *(Moved to City Manager's Report)*
13. Solar Group Buy – Grow Solar (Authority to Support)

Councilmember Hales moved to approve Items 3, 4, 5, 6, 7, 9 and 13, of the Consent Agenda; it was seconded by Councilmember Carr and the motion carried unanimously.

K. CITY MANAGER'S REPORT

1. Liquor License Approval – DJ Food, Inc. (East Seoul Oriental Grocery Store)

Mr. Rose stated staff is recommending that Council approve a liquor license for DJ Food, Inc. The application was reviewed and no issues of concern were identified.

Councilmember Clay moved to approve; it was seconded by Councilmember Cusick and the motion carried unanimously.

2. Sidewalks and Curb Contract Approval

Mr. Rose stated staff is recommending that Council approve Project 1429 for sidewalk and curb replacement. The City opened bids for this project on July 15th, wherein staff determined that the lowest and most qualified bidder was Pride Master Exteriors, Inc.; *(a company that has previously performed work for the City)*. A total of \$500,000 was budgeted for this project and Pride Master's bid came in at \$386,185.73. Based on the fact that this amount is favorable to the City, staff is asking that the total award be increased to \$450,000, in order to expand the scope of this project by adding additional curb and sidewalk repairs.

Councilmember Cusick moved to approve; it was seconded by Councilmember Carr and the motion carried unanimously.

3. EMS Ambulance and Equipment Purchase

Mr. Rose stated staff is recommending approval of EMS Ambulance and Equipment Purchases made through the HGAC; *(Houston/Galveston Area Council Cooperative)*, a government procurement service. The purchases are as follows:

- a. \$166,314 for two Freightliner M2 chassis
- b. \$5,511.03 for remount upgrades
- c. \$78,385.32 to the Zoll Medical Corp., for two new cardiac monitors and equipment

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

4. EMS Ambulance Remount Purchase

Mr. Rose stated staff is recommending approval of an EMS Ambulance Remount Purchase. This procurement was included in the FY 2020 budget as part of the CIP Program. The cost is \$55,388.97.

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

5. Conditional Use Permit Extension Approval - Church of Scientology

Mr. Rose stated staff is recommending that Council consider a Conditional Use Permit (CUP) Extension requested by the Church of Scientology for the construction of a new building at 6901 Delmar with an increased building height and office within a Public Activity District (PAD). A formal request was submitted by the Church per letter dated August 3, 2019. The specific details of that CUP will be presented by Mr. Cross.

Clifford Cross, the Director of Planning & Development, stated the original CUP was issued pursuant to the Church's request to expand, which staff deemed to be a nonconforming use within the PAD. However, after discovering that some of the proposals contained in the original design would take much longer to address than anticipated, the Church revised their original design and is asking for an extension to allow them enough time to complete construction.

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

Councilmember Carr questioned whether there were any additional changes to the CUP other than the extension of time? Mr. Cross stated there are absolutely no changes to the CUP. In fact, it will still follow the same process of going through an administrative review and staff approval.

Voice vote on the motion to approve carried unanimously.

6. Economic Development Retail Sales Tax (EDRST) Funding Request

Mr. Rose stated staff is recommending approval of the funding request presented by the EDRST Board. The EDRST Board met on July 9, 2019, to consider all of the applications submitted for funding and voted to recommend the following applications:

- a.** \$28,500 for U City Farmer's Market
- b.** \$11,100 for St. Louis Artworks
- c.** \$68,300 for U City School District's EMT Training
- d.** \$50,573 for U City in Bloom
- e.** \$150,000 for U City's Facade Improvement Program

Mr. Rose informed Council that one modification had been made to the Board's recommendation; St. Louis Artworks has agreed to relocate their mural project from Barbara C. Jordan Elementary to one of the interior walls of the City's Parking Garage.

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

Councilmember Smotherson stated based on the City's impending plans for the redevelopment of Olive Boulevard, he would like to suggest that applicants located in the areas west of Groby Road and Mt. Olive Avenue be prohibited from applying for funds in the Facade Improvement Program.

Mr. Rose stated while the guidelines of this program do not prohibit anyone from applying for these funds, staff will certainly be sensitive to the fact that specific areas have been targeted for redevelopment. However, ultimately, it will be up to the Mayor and Council to make the final decisions.

Mayor Crow asked Councilmember Smotherson if he was suggesting that folks within this area; which in reality is a pretty large segment, not be allowed to apply for funding? Councilmember Smotherson stated in his opinion, this Improvement Program has never made a significant impact on Olive. However, based on Mr. Rose's explanation he would rescind his suggestion.

Councilmember Smotherson stated one of the problems he discussed with Chief Henson was the lack of minority recruits. So he would like to thank the Chief for initiating this EMT Training Program for high school students within the district.

Councilmember Carr asked Mr. Rose if he could provide her with a little background about St. Louis Artworks; specifically with respect to who would be performing the artwork? Mr. Rose stated the intent is to use EDRST funds to enhance the City's marketing efforts in The Loop. As a result, staff approached St. Louis Artworks, whose work is performed by student artists, to ask if they would be willing to relocate their proposed project, and they agreed to do so.

Voice vote on the motion to approve carried unanimously.

7. Update - Olive / 170 Redevelopment Project

Mr. Rose stated the approved Redevelopment Agreement for this project went into effect on June 13, 2019, and as a result, his goal is to provide Council and the public with quarterly updates.

- a. NOVUS is currently working to acquire property, which is estimated to take six to eighteen months to complete.
- b. NOVUS is seeking to obtain financing and attract businesses interested in leasing spaces within the development.
- c. Once the financing and leasing objectives are completed, NOVUS will be required to go through the City's development process, i.e., the zoning process for various parcels.
- d. The City will begin their work with businesses and residents to determine if they have an interest in participating in the relocation process.
- e. The construction process begins by preparing the land for development.

Mr. Rose stated the anticipated time period for when the City will start to receive revenue from this project that can be used for either the 3rd Ward or Olive Boulevard Corridor is twenty-four months.

Citizen's Comments

Jerrold Tiers, 7345 Chamberlain, University City, MO

Mr. Tiers stated he is in complete agreement with the City on the desirability of this development, which is intended to generate funds that will be utilized to reverse new threats and historical neglect of the 3rd Ward. And even though the City Manager briefly addressed this, he is still a little concerned because his assumption was that actions to acquire properties currently under a provisional contract would have already been in progress.

However, as of last Friday, County records revealed only four residences and three business parcels as being owned by the developer. These new issues facing the 3rd Ward will not go away nor will they remain within that Ward, so work in this area should not be solely dependent on this development. U City cannot succeed unless the 3rd Ward is thriving.

The new threats include dumping, rental landlords owning numerous properties; some of whom are absentee landlords asking top dollar and caring nothing about maintenance. Property values in some areas are now too low for bank loans leaving low-ball investors as the only interested buyers. There is also a risk of some of these areas becoming slums; a problem that many cities are now facing.

Mr. Tiers stated after researching what other cities are doing to reverse these trends, he discovered that these problems have a lot of interlinking parts; which was a real eye-opener. Every action that might be taken by a city to correct an issue, on its own, has the risk of unforeseen consequences that can undo or create more harm, than all of the good that was intended. A common thread among the cities that have succeeded is strong planning performed by qualified city personnel who understand the local conditions and have the full support of their city government. Successful plans require time to study the conditions and develop a plan that coordinates all of their corrective actions so that the real problems can be effectively addressed without any counterproductive surprises.

Fortunately, U City has qualified people on its staff. And while he thinks everyone would agree on the results they would like to see achieved in the 3rd Ward, when he heard that no consideration for planning has even been contemplated at this stage of the game, his research clearly indicated that this is a recipe for failure. Mr. Tiers stated something his background in engineering has taught him is that in-depth identification and analysis of a problem takes all factors into account because quite often, the obvious solution is completely wrong. Therefore, he would suggest that planning by this City's administration needs to start now, with the full support of Council, as well as the involvement of residents and other stakeholders.

Council's Comments

Councilmember Clay asked Mr. Rose if the future practice of providing quarterly updates would be modified if and when significant developments emerged? Mr. Rose stated as issues worthy of notification emerge they will be presented to both Council and the general public on a timely basis.

Councilmember Clay stated it has been his experience when communicating with folks in the 3rd Ward, and especially those in RPA-1, that outreach; even if the details are incomplete, is welcomed. Because if nothing else, it reminds constituents that we are thinking about them, even though much of the work at this point, is now in the hands of NOVUS. So in terms of communication, he would urge this administration and Council that they should not be fearful of allowing the perfect to be the enemy of the good.

8. Update - Area Flooding Issues

Mr. Rose stated last week he had the opportunity to tour the channel of River Des Peres within U City and identify several reasons why flooding continues to exist in this community. There appear to be two main issues.

The first revolves around maintenance of the channel, which he believes contributes to the flooding because it is in such an unfortunate state of disrepair.

Mr. Rose stated during one of MSD's presentations to Council, staff sought to determine exactly whose responsibility it was to maintain the channel, and MSD's response was that the responsibility fell to the residents.

However, he is not thoroughly convinced that their response was accurate. And as a result, will be asking the Mayor and Council for authorization to commence lobbying efforts as a part of the legislative platform, to gain a clear understanding about who is truly responsible for maintaining this portion of the channel.

The second issue is related to the design of the channel where the width is simply not wide enough to accommodate all of the water and creates several choke points. Here again, he will be asking the Mayor and Council for authorization to work with the Army Corps of Engineers and MSD on the development of a comprehensive study that can help determine the best options for correcting the current situations. Mr. Rose stated he has taken the initiative to ask the Director of Public Works to schedule a meeting with these two parties that hopefully results in finding real solutions to these problems.

Mr. Rose stated he will also be asking the Mayor and Council to revisit the City's buy-out policy. Simply put, our climate is changing, and unless the City continues to extend the areas impacted by this policy, he is not sure how effective staff will be with its execution. Recently the City attempted to purchase the Hafner Court Apartments, but unfortunately, the acquisition price exceeded the allowable amount of the grant.

Mr. Rose stated he would like to take this opportunity to commend the City's Fire Department for their outreach to residents in areas impacted by these floods. They do an excellent job of notifying residents before any flooding occurs. And as Councilmember Carr can attest, the Stormwater Task Force is taking a very close look at the need to establish an early warning flood notification system.

Councilmember Carr stated the Task Force is on the verge of publishing their report that will indeed recommend the creation of an early warning flood system. But something that falls in line with Mr. Rose's comments is that several weeks ago they noticed that one of the choke points in the channel severely restricting the flow of water was associated with a bridge; specifically, the bridge over Pennsylvania south of Heman Park. So she would like to commend the work performed by the members of this Task Force, who in her opinion, have done a phenomenal job. And her hope is that their report will aid in the City's negotiations.

Councilmember Smotherson stated he would like to go back to the situation involving the Hafner Court Apartments so that he can gain a better understanding of why the City lost the 3.3 million dollar grant from SEMA.

In 2015 Hafner Court Apartments sustained such severe flooding that the police had to swim into the complex and pull people out of their apartments. That's part of the reason why the City solicited the grant from SEMA. Now, the relevance of all of this, is based on the recent incidents with flooding at Hafner and Westover Apartments which resulted in him receiving calls the next day questioning why people were still residing in these apartments if they had been bought out by the City? So to put this all into proper perspective, and hopefully provide a clear understanding of exactly what happened with this deal, he would ask that the City Clerk be allowed to read the letter from SEMA into the record.

"RE: Acquisition project for commercial structures located at 8-33-856, 8011 - 8024, and 8061 - 8082 Hafner Court, University City, FMA-PJ-07-MO-2016-008.

Dear Mr. Alpaslan:

The purpose of this letter is to inform you that the buy-out grant referenced above is being terminated due to noncompliance with the terms of the grant agreement.

The State Emergency Management Agency (SEMA) has worked with the City to the greatest extent possible to allow a revised work schedule to ensure the work could be achieved within the grant's period of performance. It has been determined that this is now not feasible since the City is not on track with the revised work schedule.

If there are any eligible expenses incurred by the City please forward a request for funds so these expenses can be reimbursed. The RFF must be received by SEMA no later than September 21, 2018, in order to be considered for reimbursement.

It is with great disappointment that this action must be taken. We look forward to working with U City, however, on future projects."

Councilmember Smotherson stated this letter; which was provided to Council today, raises a question in his mind about what actually caused the City to be in noncompliance with the terms of the agreement? Because the tone of this communication would not lead anyone to reach the conclusion that the termination had anything to do with the City's inability to arrive at an agreement on the purchase price. Mr. Rose informed Councilmember Smotherson that the City was unable to comply with the terms of the grant because the owners would not reduce their price, thereby putting the City in a position to be unable to accept the grant.

Sinan Alpaslan, Director of Public Works, stated the first appraisal for the three properties was for 3.5 million dollars. The second appraisal for the three properties was for 2.9 million dollars. However, with the total amount of the grant being only 3.3 million dollars, it did not cover the 1.1 million dollars needed to cover the additional costs associated with tenant relocation, agent's assistance, management fees, and the cost of demolition.

Mr. Rose stated once the City realized that they had reached a stalemate, staff attempted to negotiate with the two entities by asking SEMA to increase the amount of the award to cover the additional costs and the owner to reduce his price so that it would fall within the range of the grant. Both of these options were unsuccessful.

Councilmember Smotherson asked if it was the City's intent to reapplying for a grant to purchase this property? Mr. Rose stated it is his intent to reapply. Although this time, he has instructed staff to ask for an amount that would cover the purchase price, as well as all of the additional expenses.

Councilmember Clay stated in July, twenty residents living on the first floor of Hafner and Westover Apartments were forced to flee their homes and find temporary shelter due to flooding. And while the City Manager worked to engage the Red Cross and other agencies to assist folks, what they determined is that some of the residents who thought they were covered by flood insurance had purchased policies that did not cover the external intrusion of water into their homes. So while he certainly appreciates the efforts of Councilmembers Smotherson and Carr from a policy perspective, what everyone needs to keep in mind is that this situation impacts real people who may not have a lot of resources or options.

Councilmember Carr posed the following questions:

Q. Do all of the people living in these apartments have some type of lease?

A. Mr. Rose stated that they did.

Q. Knowing the propensity for the first floor of these buildings to flood, why is the City still issuing Occupancy Permits to residents who reside in those units?

A. Mr. Rose stated restricting occupants from residing in those units is something that staff can look into. However, any decision would have to be consistent with the City's Property Maintenance Code.

Mr. Cross stated per the Code, those apartments cannot be condemned based on the possibility of flooding. Although staff has suggested that property owners be required to secure renter's insurance that covers internal, as well as external floods.

Councilmember Carr stated while it may not be the law, here is her assessment. We know the problem exists; we know that we have been unable to reach an agreement with the owners to purchase the property, and yet, we continue to say it's okay to lease these apartments and allow the owners to repeatedly put people in harm's way.

Mr. Cross stated this goes back to Mr. Rose's initial comment about reapplying for a pre-mitigation buy-out grant that covers all of the additional costs. He stated that he will be working on the application with Sinan, and believes that this time everything will be accounted for. However, the one thing he would like to caution Council about is that if they are successful, the City will not only be making an acquisition, it will be responsible for the demolition, land clearance, and reassurance that no rebuilds will ever be constructed on that parcel of land. Councilmember Carr stated since the people living in those apartments probably don't have the economic means to obtain the right kind of insurance, she really hopes that the City will be successful in obtaining this grant. It's a given, flooding is going to happen again, and since our past efforts have been unsuccessful, we must try a different approach.

Councilmember Carr stated she wanted to remind Council about her fight to retain a \$750,000 set aside in the City's Reserve Fund to be used as another source of revenue to assist with buy-outs. Those funds were in the coffers as of 2015, and her hope is that it is still there. Mr. Cross stated since this is a 75/25 grant, that \$750,000 would be helpful. He stated another suggestion is to apply for a Federal FEMA grant along with a SEMA match to ensure the project is completely funded. When there is a natural disaster FEMA requires that a certain percentage of the monies received from their grant be set aside for pre-mitigation activities, so a lot of states have what's called a "Global match".

Councilmember Carr stated at this point, all she can say is thank God no one was injured; but that was not the case in 2008. So in her mind, the priority should be on this specific complex. And if there is no way to make sure that the units on the first floor are not leased then the City needs to move forward to make sure it is not faced with the potential for serious injuries during the next unprecedented flooding season. Mr. Cross informed Councilmember Carr that staff will also be looking at additional grants to assist with making physical improvements to the site.

Councilmember Cusick asked Mr. Alpaslan if the purchase price submitted by the owners of Hafner Court was 3.5 million dollars? Mr. Alpaslan stated per the grant, the City must pay the appraised value determined by FEMA. But when there are two appraisals; as there was in this case, FEMA takes those two numbers and uses them to calculate its own appraisals, which typically, is somewhere in the middle. So if everything had proceeded as planned, the cost of purchasing the properties would have been roughly 3 million dollars. Councilmember Cusick asked if that figure included the cost for relocation, fees, and demolition? Mr. Alpaslan stated if you were to include those costs the total price would have been roughly 4.1 million dollars.

Councilmember Hales stated while there are certainly warning signs in the area that obviously does not seem to be enough. So from a policy standpoint, could the City require disclosure so that individuals seeking to lease these apartments are independently made aware of the potential for flooding? Mr. Rose stated he would have to defer that question to the City Attorney to determine exactly how much authority the City has regarding that type of disclosure.

Mayor Crow stated since this is a known hazard, he was even wondering if the City could make the landlord aware that going forward, the cost of providing public safety during these events will have to be reimbursed?

Councilmember Clay stated given the interest in this topic, would it be possible to get an update on some of the questions and concerns expressed tonight at the next Council meeting? Mr. Rose stated that providing an update on their findings would not be a problem.

L. UNFINISHED BUSINESS

**M. NEW BUSINESS
RESOLUTIONS**

1. Resolution 2019- 11 Municipal Park Grant -Mooney/Kaufman Park.

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

2. Resolution 2019-12 Municipal Park Grant - Greensfelder Park.

Councilmember McMahon moved to approve; it was seconded by Councilmember Smotherson.

Councilmember Smotherson stated the only park large enough to accommodate many of the activities at Heman Park is Greensfelder Park. So he was wondering if staff had received an update from MSD regarding their proposal to put their underground tanks in Heman Park, and if that narrative would be taken into consideration as the City moves forward with this Resolution? Mr. Rose stated his understanding is that MSD is continuing to explore the best design for these tanks, which must incorporate the mutual agreement entered into by the City and MSD that at a minimum, the tanks must be placed underground. So while the City has asked MSD to take a close look at Heman Park, they still have a lot of leeway with respect to their final destination. Nevertheless, that mutual agreement also dictates that the City receive money for restorations and improvements no matter where the tanks are located. Mr. Rose asked Mr. Dunkle if he was aware of any new information?

Darren Dunkle, Director of Parks, Recreation & Forestry stated MSD has completed the project to perform borings at the Heman Park site to determine if the soil is suitable for these tanks and it will probably take between six and nine months before they have the results.

Voice vote on the motion to approve carried unanimously.

3. Resolution 2019- 13 Municipal Park Grant – Ackert Park.

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

BILLS

N. COUNCIL REPORTS/BUSINESS

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

Councilmember Smotherson informed the City Clerk that there were two openings on the Arts & Letters Commission that need to be assigned to a member of Council to fill. He stated that Arts & Letters is unique, in that it is a working commission that quite often, is the impetus behind many of the City's projects and events.

Councilmember Hales stated there will be a special Traffic Commission meeting to discuss the proposed Dog Park on Bland Drive at 6:30 p.m. on Thursday, August 22nd. So hopefully, they will address the concerns expressed by Mr. Jennings and his friends in the Northmoor Park neighborhood.

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

O. CITIZEN PARTICIPATION (continued if needed)

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

Ms. Ginsberg stated over the past two weeks TNR volunteers trapped, neutered, vaccinated, and returned three adult cats in the 2nd Ward, and the Police and Fire Departments saved a kitten trapped in a car's engine, which is now being prepped for adoption at a local rescue center that partners with TNR.

The Annual Dog and Cat Days of Summer Picnic and Bake Sale were held last Sunday, where TNR partnered with the Pound, Pals Cat Aid Fund and St. Louis County Save, to help educate neighbors about the benefits of TNR.

Ms. Ginsberg stated U City's TNR volunteers are laying the groundwork to host the OpSpot Veterinary Van on a regular basis to provide low-cost neutering and vaccinations for U City pet owners and community cats. The Heman Park Community Center would be ideal, and Mr. Cross and his staff are working with TNR; in addition to partnering with St. Louis County Animal Control, to help secure this location. TNR looks forward to the day when low-cost veterinary care is regularly accessible to everyone in the community.

Mayor Crow stated as Mr. Hu comes forward, he would like to apologize for the fact that he was not notified in advance that Poke Doke's applications were being removed from tonight's agenda.

Robert Hu, 162 Saddleford Drive, Chesterfield, MO

Mr. Hu stated the Poke Doke Restaurant opened in May of this year at the old Chipotle location, and their application for a liquor license was submitted to accommodate customers who expressed an interest in drinking sake with their meals. Mr. Hu stated his application was submitted a month ago, yet, this problem was not brought to his attention until two o'clock this afternoon.

So wanting to put a face behind the paperwork, he rearranged his schedule to be in attendance at tonight's meeting and hopefully get a better understanding of exactly what it is he needs to do.

The problem identified by U City staff was that he had supplied the signatures of real estate owners in U City instead of residents. However, after reading Section 600.080, which states, "*A petition must be submitted in favor of a license. In the absence of a valid petition the City Council must have a 5/7th vote to approve the license,*" his interpretation was that the application would merely be treated as a recommendation and that the license could be approved without submitting a formal application as long as the appropriate number of votes were cast. Perhaps, that was a misunderstanding on his part, but since he had applied this section of the Code to previous applications for liquor licenses in U City, he was confused by the response he received. However, if he had received this information sooner, he probably would have been able to obtain the correct information before tonight's meeting instead of now being forced to wait until the September meeting. So at this point, any help would be much appreciated.

Mr. Mulligan stated his understanding of the issue is that the Section of the Code relevant in this instance is 600.060(a.2). And that section states, "*An application must be accompanied by the recommendation of five resident citizens of the City vouching for the character and reputation of the applicant*". Poke Doke's application, which contains the names of two residents and three LLC's, does not meet the definition of "*resident or citizen,*" which in this case means an individual as opposed to a business entity. Mr. Mulligan stated this issue has come up in the past and Council has been consistent in adhering to the language in the Code. So the application simply needs to be resubmitted with the names of five residents.

Mr. Hu asked Mr. Mulligan if it would be correct to assume that an individual citizen can represent themselves as an LLC? Mr. Mulligan stated it would be correct to assume that an individual could have an ownership interest in an LLC. Mr. Hu stated in spite of the fact that they may be registered as an LLC, from his perspective; these are three individuals that own property in U City.

Councilmember McMahon stated he would have never raised the issue if the folks who owned these businesses also lived in U City because then they would be residents. This is an issue that has been raised in the past, but that's what the law requires; an individual resident or citizen of U City.

Mr. Hu asked if it would help to expedite this matter if he provided Council with the owners' names? Councilmember McMahon stated it could, as long as they are also residents of U City.

Mayor Crow advised Mr. Hu that while no action would be taken tonight, once the new information is submitted, Council, along with the City Manager will make a determination as to whether the application can be addressed sooner rather than later.

P. COUNCIL COMMENTS

Councilmember Clay stated many of the items in the Consent Agenda pertained to capital improvement projects, and the Ackert project which uses MoDOT funds to pay for the improvements talks about a 12 percent minimum requirement for minority or disadvantaged businesses.

U City is spending hundreds of thousands of dollars on these improvement projects and given the composition of the City, he wants to make sure that the City is doing more than the minimum in terms of minority and women participation; irrespective of where the funds come from. Councilmember Clay stated while he understands the challenges of implementing hard mandates in terms of percentages, there is a lot of opportunities. And after discussing this issue, as well as the employment of a Purchase Officer, with Mr. Rose, his understanding is that the goal is to establish a program that will assist in addressing this issue. So he is eagerly awaiting more updates.

Councilmember Smotherson stated as we speak, the management of Hefner Court Apartments is repairing all of those flooded units with the intent of moving people back into the same situation. And with their history of flooding, this makes absolutely no sense. So he would like to thank each and every one of his colleagues for the interest shown with respect to this issue.

He stated he also appreciates Councilmember Clay and the City Manager's attention to the long-standing maintenance issues at 1456 Laughlin. This is not a problem he would like to see passed on to the next members of Council representing this Ward, so his hope is that they can continue to work together to resolve this issue as well.

Councilmember Smotherson thanked Mr. Tiers for his comments this evening, as well as the previous comments made by Ms. Rosalind Williams, which referenced the housing situation in the 3rd Ward. This is an issue he would like this entire Council to have a better understanding about, so he will be working with the City Manager to arrange a Study Session with the WITH Group sometime in October, with the hope of having a more in-depth discussion.

Councilmember Cusick stated he vividly remembers the flood of 2008 flood where his house and his neighbor's house had a foot and a half of water in it and two people died. And even though he did not experience any flooding on July 22nd of this year, the entire neighborhood was flooded. This is the sixth or seventh major flood U City has experienced and while these disasters continue to take place year after year, the only answer FEMA or the Army Corps of Engineers will supply is *"Make sure you have good flood insurance"*. But that's not a realistic solution because renter's insurance does not cover flooding and flood insurance; that in reality, may only be accessible to property owners, is very expensive. So he is appreciative of the Fire Department for their conscientious endeavors to respond as quickly as possible, and even more excited to hear about the City Manager's efforts to move forward with these joint meetings.

Councilmember Hales stated while he has no idea where or how this notion was conceived, he certainly has not heard anyone say that no planning is necessary at this stage of the Olive/I 1-70 Development. In fact, it's been quite the opposite. So he hopes that his remarks will nullify any misunderstandings about Council or this administration's tardiness or lack of preparation as it relates to this project. He stated at the ceremony for the return of EMS, Councilmember McMahon thanked everyone for their patience during the months of planning it took to get everything back in place. And patience is going to be an essential element as this community moves through each phase of the development. Tonight, Council approved expenditures to purchase vehicles for inspectors, and Mr. Cross has been compiling data to identify property owners and absentee landlords. Councilmember Hales stated this is no small task, yet, he has confidence in the direction Mr. Rose and his staff are taking the City.

Mayor Crow stated mutual aid has been extremely active over the past week. So he is glad to see the City moving forward on the restoration of in-house EMS and would like to thank Mr. Rose, his staff, and especially Chief Hinson, for its successful implementation. But more importantly, he would like to thank the residents in the audience and those watching at home, for their diligence in making sure that a wrong was righted.

- Q.** Motion to go into a Closed Session according to Missouri Revised Statutes 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 or attorneys.

Councilmember Carr moved to go into a Closed Session; it was seconded by Councilmember McMahan.

Roll Call Vote Was:

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

Nays: None.

R. ADJOURNMENT

Mayor Crow closed the regular City Council meeting at 8:05 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 9:38 p.m.

LaRette Reese
City Clerk

Jerrold Tiers

7345 Chamberlain

As you are aware, I am completely in agreement with you on the desirability of the Olive-170 development. It is intended to generate funds for work to reverse the new threats to, and historical neglect of, Ward 3, a fact that all of you have pointed out, and which I entirely agree with and support. I am a bit concerned, however. I assumed action would start relatively soon after the Council passed the enabling ordinances. However, as of a couple days ago, County records showed that only 4 residences and 3 business parcels were actually owned by the developer.

The records may simply not be up to date, of course. But this points out an important fact: Work in Ward 3 should not be dependent on this development. The new issues facing Ward 3 will not go away, and, they also will not stay inside Ward 3, they will be coming to your Ward if not taken seriously now. This is not an isolated problem, it affects all of our city, not just Ward 3. It would have to be addressed even if there were no development. University City cannot succeed unless Ward 3 is thriving.

The new factors in Ward 3 include bulk rental landlords owning many properties. Some are absentee landlords asking top dollar and caring nothing for maintenance. There is new crime of various sorts, and trash dumping, property neglect, etc. Property values in some areas are now too low for bank loans, leaving lowball rental investors as the only buyers when residents need to sell. There is a risk of some areas becoming true slums. These are the same problems that many other cities are facing.

I have been studying what other cities have done to reverse these trends, and that has been a real eye-opener. I recommend you look into it. These problems have many interlinking parts. Every action that may be taken by the city to correct some issue, no matter how good it seems to be by itself, has the risk of unforeseen consequences that undo all the good that was intended, and may even do more harm.

The common thread among cities that have succeeded is strong planning by the city, done by qualified city personnel who understand the local conditions, with the full support of the entire City government. The successful plans co-ordinate all the corrective actions, so that the real local problems are effectively addressed without surprises that are counterproductive. "One size" definitely does not fit all.

This requires qualified people with experience and understanding of the issues and solutions. Fortunately, qualified people are on U City staff now. It also requires time to study the true local conditions and develop the plans. It cannot be done "on the fly". My engineering background shows me that in-depth identification and analysis of the problem is needed, taking all the factors into account, before an effective plan can be developed. The "obvious solution" is very often completely wrong.

We are, I think, all agreed on the results that are wanted. But I am hearing that planning is considered to be "not needed yet". I am very concerned that leaving planning "until later" is a recipe for failure. I suggest that for the Ward 3 work to give the results the entire city needs, planning by the city needs to start now. It needs the full support of the City Council and administration, as well as the involvement of residents and other stakeholders. I urge you to have city staff start the planning process now.

Michael L. Parson
Governor

Sandra K. Karsten
Acting Director of Public Safety



STATE OF MISSOURI

Ernie Rhodes
Director

STATE EMERGENCY MANAGEMENT AGENCY

DEPARTMENT OF PUBLIC SAFETY
PO Box 116, Jefferson City, Missouri 65102
Phone: (573) 526-9100 Fax: (573) 634-7966
E-mail: moseana@sema.dps.mo.gov



September 7, 2018

Sinan Alpaslan
Director of Public Works and Parks
City of University City
6801 Delmar Blvd.
University City, MO 63130

RE: Acquisition project for commercial structures located at 8-33-8056, 8011-8024, and 8061-8082 Hafner Court, University City FMA-PJ-07-MO-2016-008

Dear Mr. Alpaslan:

The purpose of this letter is to inform you that the buyout grant referenced above is being terminated due to non-compliance with the terms of the grant agreement. The State Emergency Management Agency (SEMA) has worked with the City to the greatest extent possible to allow a revised work schedule to ensure the work could be achieved within the grant's period of performance. It has been determined this is now not feasible since the City is not on track with the revised work schedule.

If there are any eligible expenses incurred by the City, please forward a Request for Funds (RFF) so these expenses can be reimbursed. The RFF must be received by SEMA no later than September 21, 2018 in order to be considered for reimbursement.

It is with great disappointment that this action must be taken. We look forward to working with University City, however, on future projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Weyrauch".

Elizabeth Weyrauch, CFM
State Hazard Mitigation Officer



A Nationally
Accredited
Agency