

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, October 28, 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, October 28, 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

Mayor Crow announced that during the Study Session Councilmember Carr requested that Item K (2); Economic Development Retail Sales Tax Board Recommendations, be reviewed on a line-by-line basis.

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

D. PROCLAMATIONS

E. APPROVAL OF MINUTES

1. August 17, 2019 Council Strategic Planning/Retreat Report Out were moved by Councilmember Carr, it was seconded by Councilmember Hales and the motion carried unanimously.
2. September 17, 2019, Joint Study Session Minutes - EDRST were moved by Councilmember Carr, it was seconded by Councilmember Hales and the motion carried unanimously, except for Councilmember Clay, who elected to abstain from voting due to his brief absence.
3. September 23, 2019, Regular Meeting Minutes were moved by Councilmember Cusick, it was seconded by Councilmember Carr and carried unanimously, except for Councilmember Smotherson, who elected to abstain from voting due to his absence.
4. October 14, 2019, Regular Meeting Minutes were moved by Councilmember Hales, it was seconded by Councilmember Clay and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

1. James Wilke is nominated to the Parks Commission as a fill-in replacing Jason Sparks' unexpired term (1/21/2020) by Councilmember Steve McMahon. It was seconded by Councilmember Carr and the motion carried unanimously.
2. Gloria Nickerson is nominated for re-appointment for a second term to the Commission on Senior Issues by Councilmember Stacy Clay. It was seconded by Councilmember Carr and the motion carried unanimously.
3. Karl Reid is nominated for re-appointment for a second term to the Commission on Senior Issues by Councilmember Stacy Clay. It was seconded by Councilmember Carr and the motion carried unanimously.

G. SWEARING IN TO BOARDS & COMMISSIONS

1. Dr. Jean Russell was sworn into the CALOP Commission on October 14th in the Clerk's office.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Kathy Straatmann, 6855 Plymouth Avenue, University City, MO

Ms. Straatman stated while she clearly understands she is in the minority, she would like Council to give some consideration to honoring the Loop Trolley's request for additional funding. Considering the huge investment and the alternatives associated with its failure, her belief is that the Trolley still has a purpose and the short period of time it has been in operation has not been long enough to fully see its value. So, her hope is that everyone pulls together to make this work.

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

Ms. Ginsberg stated tonight marks the one-year anniversary of kitty updates. This past week U City volunteers trapped, neutered, vaccinated, and returned two kittens in Ward 2, bringing their yearly total to forty-seven cats that have been vetted at no cost to taxpayers. Volunteers also partnered with local rescue groups and found fur-ever homes for twelve U City strays.

Ms. Ginsberg thanked Mr. Cross and Mr. Dunkle for making it possible to host OpSPOT Veterinary Van in U City which will offer low-cost services for the community. Residents will be notified once the dates and location for this service have been finalized.

I. PUBLIC HEARINGS

J. CONSENT AGENDA – Vote Required

1. Pool House Entry Door Project
2. Traffic Engineering – On-call Services Agreement Amendment
3. Economic Development Strategic Plan Consultant Contract

Councilmember Carr moved to approve all three items, seconded by Councilmember Cusick and the motion carried unanimously.

K. CITY MANAGER'S REPORT

1. Habitat for Humanity Lot Donation Contract

Mr. Rose stated at the conclusion of this presentation by Michael Powers of Habitat for Humanity, staff will be recommending that this item be removed from the agenda and resubmitted once the appropriate modifications have been made to the agreement.

Mr. Powers stated with the assistance of St. Louis County's Office of Community Development, Habitat for Humanity was awarded \$422,000 to construct seven new homes in the County; which equates to a \$1.45 million-dollar investment in affordable housing. The Company's first thought was to come back to U City where they have already established two successful phases of ten homes which began in 2005. Of those ten homes, all but one is still owned by the original buyers who are current on their mortgage, gainfully employed, and active within the community.

Habitat is looking to construct 4 bedrooms, 2 bath homes that will be sold for approximately \$150,000 to \$175,000. Predevelopment discussions have included an examination of vacant sites, City-own sites, privately-own sites, and sites owned by St. Louis County. And the hope is to gain Council's approval and guidance on the next steps leading up to full project development.

Councilmember Cusick asked for the approximate cost of building one of these homes? Mr. Powers stated while they have not done all of the environmental assessments, his belief is that the cost will be around \$190,000. However, this does not take into account the volunteer labor and materials that are a part of the model.

Councilmember Clay asked if he could be provided with details about the income requirements for potential homebuyers? Mr. Powers stated Habitat tries to target 50 to 60 percent of the area's median income, but as a result of the funding from St. Louis County, this project will be able to go up to 80 percent of the median income. Most buyers represent your average working-class family who has been unable to get a mortgage on their own. However, there are guidelines that dictate exactly how much income a bank is going to require. Successful buyers are locked into a 2.5 percent interest rate for a 30-year term, so typically they will go from paying unaffordable rents of \$1,100 to a mortgage that is oftentimes below \$700.00. That mortgage includes their taxes, insurance, and a home repair program.

Councilmember Clay stated while he would love to get some specific numbers, for now, he would just inquire whether there is a general income trajectory for Habitat buyers and if most tend to stay in their homes for the lifespan of their mortgage? Mr. Powers stated although Habitat does not track information after the sale, there is lots of anecdotal evidence which demonstrates that this is a life-changing program. The data is very clear about the trajectory of homeownership and children who grow up in stable housing. So, 400 homes later what he can say is that only 2 percent of the homes have gone through foreclosure and over 90 percent are still in their homes; which have been remarkably maintained, even when the surrounding neighborhoods have failed to stabilize. But in terms of the overall income, that only comes to Habitat's attention if they sell the property, and that's rare.

Councilmember Clay asked if there were any restrictions on selling a home? Mr. Powers stated since a portion of the loan is forgiven over a ten or fifteen-year period, the buyer is only paying about \$130,000 for a home that sold for \$180,000. As a result of that pardon, claw-back clauses have been established by Habitat and the funder to ensure that if an owner decides to sell their home early, both entities will receive shared equity in the increased value of the home. During the first ten years of ownership Habitat has first rights to the deed, but once an owner reaches that point, whether they can sell their home on the open market depends on who funded the project. So, while it's hard to make a blanket statement to this effect, typically, after ten years it becomes their home, and they can use the equity as they see fit.

Councilmember Smotherson stated his concern is about the depressed area Habitat has selected to build these homes, which seemingly has a higher rate of crime. Is there a component of your assessment that looks at these statistics prior to selecting a site? Mr. Powers stated most site selections are based on the data obtained from applications, which tells them about an applicant's preferences in terms of location, schools, recreation, and work. So, there is a high demand for affordable housing in U City because of its school district, access to the arts, recreation, libraries, and transportation. Every one of the ten homes previously built in U City was pre-sold, and today, they have more demand than they can even fill.

He stated their success in revitalizing these neighborhoods is the reason they are asking to build more homes here. Prior to building their first phase of homes, there was little to no new construction activity. However, since their completion, in that same four-block radius there have been at least eight new houses built; some selling for as much as \$160,000. And unlike some of their neighborhoods, homebuyers here in U City have had no complaints about safety or negative environmental impacts.

So, while they do look at crime statistics, taxes, and the potential for buyers to successfully increase their equity, it's more about serving their clients' needs. But to be honest, it's not a carte blanche situation where Habitat has access to vacant lots in upper-middle-class neighborhoods. Mainly because it would not be cost-prohibitive for this type of a program; there is a qualified census tract that HUD requires Habitat to build in, along with the fact that there can be an extreme amount of resistance from folks who are misinformed about this program; an issue Habitat has worked hard to build its narrative around.

Councilmember Hales asked Mr. Powers if he could provide the City Manager with addresses of the ten Habitat properties here in U City and their build completion dates? Mr. Powers stated that he would.

Citizen's Comments

Patricia McQueen, 1132 George Street, University City, MO

Ms. McQueen stated in 2015 the Bywater Development Group sought approval for a large affordable housing project called Northgate Village which was rejected because the proposed units were slated to be built in an already depressed area and there were no plans to renovate the excessive number of vacant properties in the area. So, while she admires the work of Habitat for Humanity and is sensitive to the need for more affordable housing, this project designated for the 3rd Ward; specifically the northeast quadrant, which has a high concentration of vacant residential properties where the value of the housing stock has not bounced back from its prerecession levels, conjures up the same deficiencies identified in the Bywater project; new construction with no renovation. Unless these homes were built in either the 1st or 2nd Wards where the housing values represent a middle-market neighborhood, her belief is that the City would be moving in the wrong direction.

Perhaps, Habitat for Humanity-St. Louis could look at the reconstruction model utilized by Habitat for Humanity-Chicago and DuPage, where along with the repair and renovation of the existing housing stock, they partnered with for-profit developers to incorporate affordable housing into the project, resulting in holistic neighborhood revitalization. Before jumping into this project, there needs to be a clear picture of the concentration. Ms. McQueen asked the City Manager if he would provide herself and Council with an updated list of vacant or investor properties in the 3rd Ward, as well as the area being impacted by the Olive and I-170 Redevelopment.

Her hope is that U City can partner with Habitat to revitalize the 3rd Ward, but in her opinion, moving ahead without sufficient knowledge and engagement regarding economic development in residential areas would not be prudent. Therefore, she would suggest that either these homes be built in the 1st or 2nd Wards, or that this item be postponed until a strategic neighborhood plan has been developed for the 3rd Ward. *(Ms. McQueen asked that a copy of an investment article be submitted to Council and that her written comments be attached to the minutes.)*

Kathy Straatman, 6855 Plymouth Avenue, University City, MO

Ms. Straatman stated it would be an injustice to put new families with a dream of achieving better living conditions in a depressed, oftentimes dangerous, and fragile neighborhood. She stated a large portion of this project is dependent on taxpayers' dollars from the County's Home Fund which can be used to rehab homes in high poverty areas. And since areas of concentrated poverty have decreasing housing values which impede the ability of existing residents to obtain loans for home improvements, she would also encourage Council to work with Habitat to rehab some of the existing homes in the 3rd Ward and assist its current residents in making the necessary improvements to increase their equity.

Ms. Straatman read the definition of disparate impact into the record, along with the following quote from the NAACP Defense Fund:

"Disparate impact occurs when the government or certain private actors unjustifiably pursue practices that have a disproportionately harmful effect on communities of color, poverty, and other protected groups. This standard is often used in challenging discrimination in mortgage lending, homeowner's insurance, exclusionary zoning, redevelopment, and demolition of public housing. Disparate impact helps to screen out covert racial discrimination as well as practices that may seem neutral on their face, but actually exacerbates segregation or the effects of prior racial discrimination."

Habitat for Humanity only sells their "affordable housing" to "low-income buyers;" two significantly interchangeable terms. But an over-concentration of affordable housing/low-income housing is a poor long-term strategy in neighborhoods with high concentrations of poverty. This dilutes the financial and social viability of a neighborhood, leading to economic decline or stagnation that traps children in dangerous places where public schools are failing. As Ms. McQueen mentioned, there are successful models being conducted by other Habitat affiliates that include safety, rehabilitation, reconstruction, job opportunities, and transportation, that should be reviewed prior to moving forward with this project.

Council's Comments

Councilmember Carr asked whether the current sites under consideration were vacant or had existing structures on them? Mr. Rose stated they were vacant lots.

Mayor Crow acknowledged staff's recommendation to remove this item from the agenda and present it to Council after revisions to the contract have been completed.

2. Economic Development Retail Sales Tax Board Recommendations

Mr. Rose stated staff is recommending that Council consider the allocation of EDRST funds for the following projects:

1) The LSB D Lighting Study from Kingsland to the City Limits, for \$19,000.

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

2) The LSB D brochure and illuminated directory signs, for \$14,000.

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

Councilmember Carr stated she provided Council with a packet addressing this item which contains an email from Mr. Cole, the Acting Director of Finance that reads as follows: *"My understanding is that the \$14,000 request includes brochures and directories. I have attached a copy of Ingraphic's invoice for \$6,520, and a copy of canceled check no. 2518. Together, the \$5,275 for the brochures and \$6,520 for the directories equals \$11,795."* She stated the issues associated with this item are twofold:

- a. A balance of \$8,102.50 from last year's request for a brochure and directory that was not utilized; and
- b. The need to invoice the East Loop CID for 50 percent or \$5,897.50, of the cost for this year's brochure and directory, since their businesses are also included.

So why is there a request for \$14,000? Councilmember Carr stated to date, the East Loop CID has not been invoiced nor have they paid their share from last year. So, while she doesn't know whether the City has been underwriting the East Loop; which is certainly not her intent since they receive roughly \$400,000 a year, as opposed to the LSB D's receipt of \$80,000, plus whatever the EDRST provides, there appears to be an over-ask. As such, she would like to amend Councilmember Cusick's motion to reduce the amount of funding from \$14,000 to \$6,000, to cover the LSB D's portion of the cost for these items. The motion to amend was seconded by Councilmember Cusick.

Mayor Crow stated perhaps, it would be wise to first ask the City Manager or the Acting Director of Finance whether there has been a request made for reimbursement, or if some other form of agreement has been exercised.

Citizen's Comments

Joe Edwards, 6504 Delmar, University City, MO

Mr. Edwards, Chairman of the LSB D stated this request has always been approved and paid for by both entities, and an invoice has been sent to the East Loop to pay their share of this year's request. Costs for both the brochure and directory have customarily been split 50/50, even though there are only three businesses featured in the illuminated directory versus four businesses from The Loop.

The new illuminated directories are distributed and have already demonstrated that it is a valuable tool that brings people to The Delmar Loop. However, in his opinion, the motion to amend this amount is a little shortsighted to the extent that it does not take into consideration the LSB D's goal of updating these documents twice a year. Last year, they were unable to achieve that goal, but this year they are on track to complete the revised versions in March or April. So, all the funding is needed in order to do that. Mr. Edwards stated any monies that were not spent last year can be transferred back into the EDRST fund.

Council's Comments

Mayor Crow stated no one is questioning the validity of these documents, merely whether the City is footing the entire bill. Because no one has been able to show any proof demonstrating that the East Loop has paid their share.

Mr. Edwards stated his understanding is that the LSBSD's Treasurer had invoiced the East Loop and received an acknowledgment of their willingness to pay.

Mr. Rose stated the confusion seems to be that Mr. Edwards is indicating that the East Loop has been invoiced, but Council is asking for evidence demonstrating that the invoice has been paid.

Mr. Edwards stated his belief is that it has been paid, but if not, he is willing to guarantee that it will be. On the other hand, the City has been invoiced for over \$20,000 that it owes to the LSBSD which has not been paid.

Mr. Rose stated his belief is that the City has not received any evidence that the payment has been received, and the Acting Director of Finance is now shaking his head in agreement.

As it relates to the City's unpaid invoices, Mr. Cole has been working very closely with the LSBSD's consultant to address some areas of concern and hopefully reconcile this account. And until they can do that, it would not be prudent to issue a check for the additional funding.

Mr. Edwards stated again, according to the Treasurer, every invoice has been supplied to Mr. Cole. So, at this point, his belief is that the LSBSD and the accounting firm have both completed their portions of the work needed to reconcile the account.

Mr. Rose informed Mr. Edwards that what the City had received were documents related to a specific invoice or a check that had been written, not the actual invoices.

Mr. Edwards stated he thinks this can easily be worked out because he had been assured by the Treasurer that everything requested had been provided.

Mayor Crow stated while both he and his colleagues understand what it's like when you have to depend on volunteers to do a lot of this work, it does seem like it has taken the City an awfully long time to complete something you consider to be such an easy fix. At this point in time, Council is being asked to fly blind. But his assumption is that once there is proof of reimbursement by the East Loop his colleagues will be amenable to revisiting this request.

Councilmember Hales stated he would like to circle back to the motion to make sure he understands exactly what is being requested. Is it correct, that this motion seeks to reduce the amount recommended by the EDRST from \$14,000 to \$6,000? Councilmember Carr stated it is correct. Councilmember Hales asked if there was also an issue surrounding the \$8,000 in surplus funds from last year's publication of these documents? Councilmember Carr stated the LSBSD wrote a check for the entire amount and once they have been reimbursed by the East Loop the question is whether this money will be returned to the EDRST or the LSBSD? Councilmember Hales stated given the fact that there is \$8,102.50 sitting in an account that should be earmarked for this project, the motion does not necessarily seem like a terrible proposal.

Councilmember Carr stated that she had previously misspoken; last year the LSBDD paid \$11,795 rather than \$14,000, so the reimbursement should be for half of that amount. Councilmember Hales stated the lingering question still seems to be the surplus. Why is there a need for \$14,000 if there is already a starting balance of \$8,000?

Councilmember Cusick stated his understanding is that the \$14,000 was for an original and one update. However, there is nothing in the EDRST application that talks about two distribution dates.

Mr. Edwards stated although it is not on the short form, he has in front of him, this has always been the goal. And any money that is not spent goes back to the EDRST fund.

Councilmember Carr stated she wants to honor the EDRST's recommendation to produce these documents, however, the facts surrounding this request which asks for more than twice the amount of what has traditionally been spent, seems unreasonable.

- The application does not mention the need to upgrade these publications;
- The EDRST was not advised about last year's expenditure; and
- Mr. Cole's communication, which indicates that he would provide Council with a copy of the invoice and check from the East Loop CID, took place a week ago, so this is not old information.

To address Councilmember Hales' question, Councilmember Carr stated the LSBDD's ledger seems to indicate that any reimbursements from the East Loop are deposited into their account rather than it being refunded back to the EDRST fund. And whether reimbursements should be put back into the reserve fund, is a decision that should be made by Council and the EDRST Board. But, quite frankly, until the City started looking at their ledgers no one knew that the only way the LSBDD could even come close to spending \$14,000 was if they paid for the entire cost of these publications. Certainly, this request should be funded at the amount required, but it should not be overfunded because those economic dollars can be invested in other areas.

Mr. Edwards stated the ability to produce these marketing materials twice a year is important, so no one is asking Council to overfund this project. But, if payment is needed tonight, he would be happy to satisfy that request.

Mayor Crow stated he believes what his colleagues are saying is that there is a need to get the LSBDD's financial house in order first. And once that is accomplished, it would be perfectly okay for them to come back before Council and make a request for the funds needed to produce the updated versions. So, he thinks the requests being made by the City Manager and Council regarding the reimbursement of funds by the East Loop and the LSBDD's system related to invoicing are extremely important, and that Councilmember Carr's proposed amendment is reasonable. But quite frankly, he is getting a little tired of hearing about the finances between the LSBDD and the City because this is something, they have been working to get cleaned up for the past three months. So, at some point in time, there has to be an accounting that allows both staff and Council to understand what was spent; what was reimbursed; where that reimbursement is, and if there is anything leftover before additional monies are disbursed.

Mr. Edwards stated he thinks all these issues could be resolved rather quickly if Mr. Cole and a representative from their accounting firm had the opportunity to conduct a face-to-face meeting.

Voice vote on Councilmember Carr's motion to amend the recommended amount for this project from \$14,000 to \$6,000, carried unanimously.

Mr. Mulligan stated based on the discussions regarding the \$8,000 surplus, is there a need for Council to address whether these funds should go back to the EDRST fund and be re-appropriated, in order to achieve the \$14,000 request?

Mayor Crow stated he would rather not cross that bridge tonight and would prefer to vote on the motion currently before Council.

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

3) The LSBDD St. Louis Visitor's Guide and Promotions for \$14,000.

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

Councilmember Carr stated while she is not passing judgment on whether Council should fund this project, the problem appears to be that staff has never received an appropriate invoice from Madden Media, the company that produced this Guide. Instead, what the LSBDD has provided, is an invoice on Blueberry Hill's stationery which lists the amount due, a partial payment of about \$7,000 from the East Loop CID, and an explanation regarding their payment. So, at this time, without the actual invoice from Madden, she is reluctant to hand over the money.

Councilmember Carr made an amended motion to withhold the approved funding for this payment until such time as last year's invoice from Madden has been produced. And going forward, she would recommend that Council be provided with an invoice on a yearly basis.

Mayor Crow stated with respect to the comments about going forward, he does not think this Council has the authority to bind future councils.

The amended motion was seconded by Councilmember Cusick and carried unanimously.

4) The LSBDD special events for \$85,000.

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

Councilmember Carr stated there are two issues regarding this request, and both are related to accountability. In her packet, she provided a list of events that were held in 2018 that includes the amounts associated with each event. However, this year, the actual events being held are unclear and there is no breakout detailing the amount needed for each of these events. She stated while she believes events are important and this request should be funded until there is a clear understanding of what each event will cost, she is not sure how Council can determine what the correct amount of that funding should be.

She stated the last page of this document, which reads, "*Marketing meeting from R. L'Ecuyer, 7-17-19,*" is a copy of what was provided to people who attended that meeting.

And what Ms. L'Ecuyer talks about is \$50,500 from each side and not \$85,000. Finally, since this document was produced in July, Council has now asked that additional events be added to the LSBSD's calendar.

Councilmember Carr amended the original motion and asked that the approved funds be withheld until the LSBSD provides a detailed budget for each event to the City Manager. The motion was seconded by Councilmember Cusick.

Mr. Edwards stated that he had a line-by-line breakdown of the \$85,000 for Council and the City Manager, which he would like to read into the record.

September - 2019

- Parking Day: \$1,500 for marketing, P.R. and advertising; \$750 for activities, i.e., face painting, and musicians; \$750 for printing; \$1,500 for U City permits and Public Works staff. Total = \$4,500.
- Chalk the Loop: \$1,500 for marketing, P.R. and advertising; \$250 for materials; \$750 for printing; \$1,500 for U City permits and Public Works staff. Total = \$4,000.

October - 2019

- Howl-A-Ween: \$1,7500 for marketing, P.R. and advertising; \$500 for activities.

Mayor Crow stated while Council appreciates the effort, at this point, he's not sure how beneficial it would be to go through this line-by-line.

Mr. Edwards stated he could simply name the events.

Previous Events:

- Get Looped First Friday; \$5,000
- Loop Ice Carnival; \$39,800
- Lease in The Loop Broker's Roundtable; \$475
- Lease in the Loop Real Estate Tour; \$725
- Delmar Loop Week; \$9,000
- Make Music Day
- Loop Art Festival
- Magazine and Map Dining Guide

Upcoming Events:

- Holiday Window Painting; \$85.00 per merchant
- Styling in the Loop
- Taste of the Loop
- Loop in Motion
- After-Glow; a party after the Annual Balloon Glow
- Back to School

Mr. Rose stated Council recently met with the LSBSD Board and identified three major events they would like to see occur in the Loop over the course of the next year:

- The Ice Carnival;
- Taste of the Loop; and
- Loop in Motion

He stated although the fourth event has not yet been identified, his intent is to work with Council and the LSBDB to reconcile the \$85,000 request.

Councilmember Carr stated there were a couple of things on Mr. Edwards' list she does not think they need to pay for. But first, she would ask if her understanding that the economic development function for The Loop was now being handled by the City, was correct? Mr. Rose stated the current intent with respect to economic development, is that the Director of Economic Development will provide the same level of service to The Loop that she provides for the rest of the City. Councilmember Carr stated she was interested in learning whether the Lease in The Loop events was things the LSBDB should be undertaking? Mr. Rose stated this is a topic he would have to discuss with the Director of Economic Development.

Councilmember Carr stated while this is more of a step in the right direction, she is going to maintain her amendment since the City Manager has acknowledged that he and the Director of Economic Development will work with the LSBDB to put together a list of events that reflect Council's goals. And at that point, the money can be released for each event as needed.

Councilmember Cusick posed the following questions to Mr. Edwards:

Q. Why is there a discrepancy in the total presented by Ms. L'Ecuyer at the July 17th Marketing meeting and the amount being requested today?

A. The \$85,000 is for this Fiscal Year; July 1st through June 30, 2020, and typically this would have been approved at Council's June meeting. So, all their current events have been executed without the confidence of knowing whether the money was even going to be there, which has made the planning of these events very difficult.

Q. What process does the City of St. Louis or the East Loop CID utilize to acknowledge an agreement and authorize their portion of the expenditure for joint events conducted with the LSBDB?

A. Usually, it's 50/50, but everything is approved because all three entities are bound and determined to keep their finances separate and transparent.

Q. When does the East Loop approve their half of the expenditure for joint events?

A. Anytime there is a Board meeting and these items come up. I can assure you that they follow a very strict policy when it comes to their accounts payables or receivables.

Q. Is the East Loop also being asked to contribute \$85,000?

A. No. The LSBDB's portion is more because these are not all joint events.

Q. Have all the joint events been approved and included on the East Loop's budget?

A. Well, in a general way. The major events, brochure, directory, and the Visitor's Guide are definite. But they are not involved in the electrical boxes.

Mayor Crow asked Mr. Edwards if the list of events provided to Council tonight, had already been approved by the LSBDB Board?

Mr. Edwards stated the Board voted on the \$85,000, but they have not seen this list, which is something Ms. Tucker had asked him to prepare and present at tonight's meeting.

He stated the reason behind the LSBSD's blanket request is that over the years the LSBSD has gained the trust of the EDRST Board based on its performance, and eventually stopped asking for a line-by-line list of expenses, which gave them the flexibility needed to implement changes or cancel an affair, in the event of weather or circumstances beyond their control. Mr. Edwards stated going forward, the LSBSD Board will provide greater detail.

Councilmember Carr amended her motion to approve the request for \$85,000 after receipt of the information requested by the City Manager or his designee regarding the type of events to be held. It was seconded by Councilmember Hales.

Point of Clarification: Councilmember Hales asked Councilmember Carr if her amendment was related to the line items or the previous motion? Councilmember Carr stated it was related to the previous motion, so it's an amendment to that motion.

Voice vote on the amended motion to withhold funds until the LSBSD has provided a detailed budget for each event, carried unanimously.

Voice vote on the amendment to the amended motion to approve the funds after receipt of the information requested by the City Manager or his designee on the type of events, carried unanimously.

5) Mannequins on The Loop; a public art project with recyclables for \$21,000.

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

6) Winco Windows' automation equipment upgrade for \$175,000 in the form of a no-interest loan for \$150,000, and a forgivable loan of \$25,000, if stated jobs are created.

Mr. Rose stated City staff intends to work with the representatives from Winco to put together an agreement that will ultimately, be brought before Council for approval.

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

Councilmember Cusick asked if the City had ever provided a no-interest/forgivable loan to businesses in the past? Mr. Rose stated he is not aware of the City providing such a loan, but it is permitted by legislation.

Councilmember Carr noted that forgivable loans had been provided to Loop business owners to help keep them afloat during the construction.

She stated the benefits of approving this recommendation are increased wages and maintaining the stability of a company that stays and grows here in U City. However, she would like to make sure that the terms of this loan are clear and ultimately brought before Council prior to its execution. Because when a manufacturer makes a sale to someone outside of the point of sale, U City might not get the benefit of that sales tax.

Councilmember Clay stated given that the City has never participated in this kind of an endeavor, he was interested in learning whether advice was being sought from an outside consultant on how to draft the terms of this contract?

Mr. Rose stated at this point, he is not convinced there is a reason to retain an outside consultant. But he and staff will certainly be working with the City Attorney to identify similar types of agreements they can draw from, and if putting the terms together becomes a struggle, he will return to Council for guidance. Councilmember Clay stated he had used the term consultant rather loosely, in that based on the clear-cut nature of this transaction, advice can be sought without the need for compensation because there are some things that staff must be mindful of.

Mayor Crow stated he thinks the EDRST respected the request made by Winco based on the long-term stability they have provided at Cunningham Industrial Park, and excellent track record within the community. So, based on the fact that the EDRST had a sizeable fund balance, they instructed the City Manager to work with the City Attorney to draw up the appropriate paperwork. Of course, everyone recognizes the potential for a downturn in the economy, and since this Council has been down that road before, he believes they are more than adequately prepared to implement a claw-back if one is needed.

Voice vote on the motion to approve carried unanimously.

L. UNFINISHED BUSINESS

- 1. BILL 9394 - AN ORDINANCE RELATING TO PIT BULLDOGS.** Bill Number 9394 was read for the second and third time.

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

Councilmember Carr stated although Council had received a few emails; some with graphic details, she is not sure where she stands on this issue. Having owned a Terrier who could at times, be a little vicious, she understands there can be issues with certain breeds. Unfortunately, the only real way to determine if a dog is aggressive is after something has already happened. For that reason, she plans to abstain from participating in this vote.

Roll Call Vote Was:

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

Nays: None.

**M. NEW BUSINESS
RESOLUTIONS**

BILLS

Introduced by Councilmember Smotherson

- 1. BILL 9395 - AN ORDINANCE AMENDING CHAPTER 400 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING, BY AMENDING SECTION 400.2130 THEREOF, RELATING TO OFF-STREET PARKING AND LOADING REGULATIONS; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.** Bill Number 9395 was read for the first time.

Mayor Crow announced that Bill Number 9395 would not have its second and third readings until November 25th, because the notice for a public hearing had not been posted.

N. COUNCIL REPORTS/BUSINESS

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

Councilmember Clay reported that the Senior Commission met on Monday, October 21st, where much of the discussion revolved around the Joint Study Session conducted with Council. He believes it is fair to say that the Commission appreciated the opportunity to present their work to Council and that they look forward to having these same conversations on an annual basis.

Marcia Mermelstein, the Senior Services Coordinator, advised the Commission of her departure, and the administration's reassurance that the community's seniors and members of the Senior Commission will continue to have the resources needed to remain active.

An ongoing problem is the ability to get the word out to U City seniors, not only about the Commission's work but the regional and national resources available to seniors. Councilmember Clay stated his belief is there has been some outreach to the City Manager and the Communication's Department to discuss this issue and hopeful come up with some measures to enhance these efforts.

Councilmember Smotherson reminded everyone that the Arts & Letters Commission's Annual Reception for Returning Artists will be held on Wednesday, November 17th at 7 p.m. at U City High School's Pruitt Library. This year's award recipient is Christopher J. Watkins, a St. Louis-based songwriter, producer, and Music Director.

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

O. CITIZEN PARTICIPATION (continued if needed)

Jerrold Tiers, 7345 Chamberlain, University City, MO

Mr. Tiers stated he made several comments at the last meeting regarding the Bill to eliminate the Human Rights Commission mainly based on the lack of explanation that had been provided for the initiation of this Bill. Since that time, several members of Council have been courteous enough to provide him with an explanation, for which he would like to express his appreciation. But here again; as in the case of Bill No. 9394 relating to Pit Bulldogs, no public discussion or debate on why this Bill was even being proposed was provided. And while he will readily admit, that Councilmember Carr's comments made things a little clearer, the Bill as published, said nothing about its intent; which is something people might want to know.

Residents deserve an open disclosure. And while he realizes that it is possible to navigate through the City's website, the ability to locate these items requires a lot of digging, which puts an undue burden on citizens; especially those who are not internet savvy or may not have access to a computer. And if you are lucky enough to find them, while there might be a set of "Whereas" statements providing a partial explanation, he has been unsuccessful in finding a detailed background. Mr. Tiers stated in general, this Council does seem to be going in the right direction to achieve an open government. So perhaps, it's the area of communications that could use a little more work. An explanation need not be lengthy, just a few sentences to give residents a sense of what is being voted on. Somewhat like the summary provided by the City Manager when he presents items under his report.

Next, there is his comment about block votes that seems to have touched a nerve. Mr. Tiers stated he is not suggesting that members should be voting against something every time, but when you look at the diversity in U City, the multiplicity of opinions he comes across when speaking to citizens, and the disputes that take place in municipalities with the same problems and circumstances, it is a little surprising to always have these unanimous agreements. It may simply be that the need for an Ordinance is always obvious, or that any perceived issues are ironed out in private sessions. Whatever the case, the fact remains that U City has three very different Wards, and his assumption is that at some point in this process those differences would conjure up some very diverse opinions.

P. COUNCIL COMMENTS

Councilmember Carr stated she would take the bait on that comment because she does believe Council has a responsibility to educate its citizens or at the very least, answer their questions.

A hard copy of Council's packet is freely available at City Hall, or if you would like to receive a copy, there is an easy way to sign up. And if anyone is having difficulty doing either of these two things, she is sure the City Clerk will be willing to help them. Inside each of these packets is where you will find a detailed explanation of practically every item on the agenda. So, Council comes to these meetings prepared and where there are differences of opinion, they are discussed openly. Councilmember Carr stated she views these discussions as an opportunity to convince her colleagues about her specific point of view; like what you witnessed tonight. On the other hand, she may not have strong feelings about a vote coming before Council, and therefore, have no input. Council is not keeping secrets, and actually appreciates their residents' involvement because they want them to understand exactly what is going on. Along that same vein, Councilmember Carr stated she used to send out a newsletter that people often complained about being too long and needless. So, while she appreciates the comment, the City does provide every resident with an opportunity to be informed about the things that are going on in these meetings by obtaining a copy of Council's packet. In the future, she might start to read some of that information into the record; of course, keeping in mind that some folks like to get in bed before eleven o'clock at night.

Councilmember Cusick stated another factor associated with Council's cohesiveness, is the benefit of having numerous Boards and Commissions that do a lot of the legwork. Prior to Council's receipt of these EDRST recommendations, the Board went through eighteen applications and vetted them out to determine what they believed would be the best fit for this City. So, there is no existing cabal which states we are going to have a 7 to 0 vote. And if you know the people who sit on this dais, then you should have a clear understanding that each one is opinionated and has no problem expressing exactly what's on their mind.

With respect to closed meetings and deciding things in advance, he would like to remind everyone of Agenda Item Q which states, "*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.*" So, by law, Council is prohibited from going into a closed meeting unless it falls under one of those categories. And he can assure everyone that the City Attorney keeps Council on the straight and narrow when it comes to these things.

Councilmember Cusick stated he would also like to address the comment made about the Trolley; an issue he raised at the October 14th meeting.

He stated while he too, would love to see the Trolley succeed, his intent was to put something on tonight's agenda seeking Council's approval to initiate an investigation over his concerns about the Company's fiscal management and accountability of the \$51.5 million dollars received to initiate this project. However, he had not followed through on that plan because last week, the St. Louis County Council passed a Resolution to initiate this same type of investigation.

- 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 McMahon moved to go into a Closed Session, it was seconded by Councilmember Hales.

Roll Call Vote Was:

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

Nays: Councilmember Smotherson

R. ADJOURNMENT

Mayor Crow thanked everyone for their attendance and closed the regular City Council meeting at 8:17 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 9:11 p.m.

LaRette Reese
City Clerk

Kathy Straatmann 6855 Plymouth Ave
Some points from presentation on Oct 28, 2019
For the record

1. Substantial portions of the monies for Habitat for Humanity are taxpayer dollars. The Plymouth Project is dependent upon the St Louis County Home Fund for a large portion of the money to complete this project. Home Funds can also be used to rehab homes in high poverty areas. This strategy helps current residents keep their homes and provides a means for them to get the monies necessary to make improvements to their home. Areas of concentrated poverty have decreasing housing values which impedes the ability of current residents of these areas to borrow from banks.
2. Cities and governments have been sued for disparate impact. The **Legal Definition** of disparate impact: an unnecessary discriminatory effect on a protected class caused by a practice or policy (as in employment or housing) that appears to be nondiscriminatory.
3. From the NAACP Legal Defense Fund: "Disparate impact occurs when government or certain private actors unjustifiably pursue practices that have a disproportionately harmful effect on communities of color and other groups protected by the FHA. This standard is often used in challenging discrimination in mortgage lending, homeowners' insurance, exclusionary zoning, redevelopment, and demolition of public housing. Disparate impact helps to screen out covert racial discrimination as well as practices that may seem neutral on their face, but actually exacerbate segregation or the effects of prior racial discrimination."
4. Overconcentration of affordable housing/low-income housing is a poor long-term strategy in neighborhoods of high concentration of poverty and predominately black that it dilutes the financial (and social) viability of a neighborhood, leading to economic decline or stagnation. "The concentration of affordable housing in distressed inner-city neighborhoods traps low-income children in dangerous places where public schools are failing." (The terms affordable housing and low income housing are interchangeable.)
5. Habitats for Humanity in other cities across the country are participating in projects that are concentrating on **revitalization** of neighborhoods. These neighborhoods have an established revitalization plan in place. These plans include safety, rehabilitation, reconstruction, job opportunities, transportation, etc. that are complimenting each other.
6. Habitat for Humanity sells only to low income buyers which diminishes the vitality of neighborhoods in high concentration of poverty

What you need to know about COMMUNITY CATS

Outdoor community cats and pet cats are the same species. The only difference is that community cats are not adoptable because they have not been socialized to humans.

Sometimes referred to as "feral" which describes their behavior — feral cats are wary of people and live independently outdoors.

Outdoor cats live in family groups called colonies. Cats are bonded to their environments and colonies. Many colonies have caretakers, or people who regularly provide them with food.

Relocating community cats is ineffective and dangerous. Trap-Neuter-Return (TNR) is the only humane and effective approach to care for community cats and prevent reproduction. Cats are spayed or neutered, vaccinated, and ear-tipped, and then returned to their outdoor home.

An ear-tip is the universal indicator that a cat has been vaccinated and neutered.



Studies show community cats are as healthy as pet cats and can have the same life span.



Have questions? Contact us at (314) 645-4610 or apacc.org

October 29, 2019

University City Council

Citizens Comments

Dear University City Council and City Manager,

My name is Patricia McQueen and I live in the Third Ward at 1132 George Street.

I am concern about the Council agenda item K.1. Habitat for Humanity Lot Donation Contract under the City Manger's Report. As you can see in your council packet, you are asked to evaluate a possible sale of three University City owned lots to Habitat for Humanity-Saint Louis so that 7 new single family homes can be constructed. The lots are in the 6500 block of Plymouth which is in the northeast section of the Third Ward.

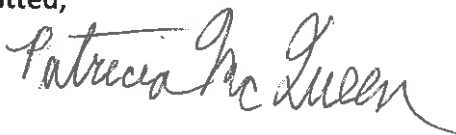
The Third Ward (especially in the northeast quadrant) has a high concentration of vacant residential properties and the value for the housing stock has not bounced back from the pre-Recession levels. Back in 2015, the Bywater Development Group tried to get approval for a similar but larger affordable housing project called "Northgate Village" and was turned down. It was argued that the proposed housing units would be built in an already depressed area and that no plans were in place to do reconstruction of the large amount of vacant properties in the Third Ward.

I admire the work of Habitat for Humanity and I am sensitive to need for more affordable housing, but new construction instead of reconstruction of the vacant housing in U. City already would be a move in the wrong strategic direction. I would feel more comfortable if one, the new housing construction could occur in either the 2nd or 1st Wards where the housing value has recovered from the Recession and is a middle-market neighborhood where decline is slow versus a distressed neighborhood and two, Habitat for Humanity-Saint Louis would use reconstruction models like Habitat for Humanity-Chicago South Suburbs and DuPage Habitat for Humanity. HFH- Chicago South Suburbs repairs and renovates existing housing and lead holistic neighborhood revitalization efforts. DuPage HFH are willing to partner with for-profit developers seeking to incorporate affordable housing into their development projects. In other words, the HFH organizations in Chicago area seek homes for rehabilitation.

Moving ahead with the sales contracts before engaged community discussion and community and economic development planning is too risky and not prudent. I would recommend tabling the agenda item until a strategic neighborhood plan(s) for the Third Ward has been developed or adequate lots are found in the 2nd and/or 1st Wards.

Respectfully submitted,

Patricia McQueen



3rd Ward Resident

