

MEETING OF THE CITY COUNCIL
CITY HALL, Fifth Floor
6801 Delmar Blvd.
University City, Missouri 63130
Monday, November 11, 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, November 11, 2019, Mayor Terry Crow called the meeting to order at 6:35 p.m.

Mayor Crow announced that Deanna Burress would be filling in for City Clerk, LaRette Reese.

B. ROLL CALL

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

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

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

C. APPROVAL OF AGENDA

Mayor Crow stated during the Study Session Mr. Rose requested that Item K (3) under the City Manager's Report be removed from tonight's agenda.

Councilmember Hales moved to amend the agenda, it was seconded by Councilmember Clay and the motion carried unanimously.

Mayor Crow stated he would like to acknowledge that tonight's meeting is being held on a very important Federal Holiday known as Veteran's Day. It is a day where everyone should take a little time to pay homage to the folks who have sacrificed their time, and oftentimes their lives, to defend and protect our freedom, so to all of our veterans, thank you very much for your service to our country.

D. PROCLAMATIONS

1. Honoring Arts and Letters Returning Artist – A signed Proclamation recognizing the accomplishments of Christopher J. Watkins.
2. Celebrating Small Business Saturday - A signed Proclamation commemorating the 10th year of supporting small businesses.

E. APPROVAL OF MINUTES

1. October 14, 2019, Joint Study Session Meeting Minutes; Senior Commission, were moved by Councilmember Smotherson, it was seconded by Councilmember Carr and the motion carried unanimously.

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2. October 28, 2019, Regular Meeting Minutes were moved by Councilmember Carr, it was seconded by Councilmember McMahon and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS & COMMISSIONS

G. SWEARING IN TO BOARDS & COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Mayor Kate Hatfield, 10555 Clayton Road, Frontenac, MO

Mayor Hatfield stated the City of Frontenac, its elected officials, and residents, believe that libraries are an essential part of the fabric of our communities and typically, would welcome the new library being proposed by the St. Louis County Library Board of Directors. However, the \$32 million dollar project for a warehouse/office complex, and \$18 million dollars to expand their Headquarters in Frontenac by using a third straw party to purchase land using \$6.1 million dollars of County taxpayer's money for a property with a value of less than a \$2 million dollars, just does not make any sense. This not only contradicts the Library's Master Plan associated with its Headquarters, but it utilizes 36 percent of the entire Prop L budget on 1.2 percent of the County's population. And only 3 percent of the proposed 80,000 square foot buildings will have any public use. The Library's current site sits adjacent to a four-lane Missouri highway and consists of 9,800 square feet on 8 acres of land. However, the 54,000 square foot addition, where they plan to house 170 employees, 50-foot bookmobiles and service trucks, will be located on a two-lane residential street.

Frontenac has met with the Library's Director and Board President on several occasions and those meetings established that;

- The Library's Board is not elected, reports to no one, has no oversight, has an ongoing flow of Prop L funds, and thus, maintains that they can do whatever they want pursuant to provisions of the Missouri Statutes.
- They have no requirements to be responsive to local ordinances, building codes, tree preservation plans, or even common sense building practices.
- That flash flooding related to overbuilding and the size of the proposed structure is not their concern.
- That the removal of 113 trees, clear-cutting 5 acres of property that will take at least 40 years to restore, is not their concern.
- That the addition of a significant impact on what has been described in the *Post Dispatch* and *Business Journal* as the State's fourth most dangerous intersection by volume of accidents is not their concern.

Mayor Hatfield stated the one person who can change this dynamic is the County Executive, by replacing the current Board of Trustees whose terms have been expired for more than five years. And Frontenac is asking for U City's support of its Resolution seeking the replacement of these Board Members. The hope is that another Board would review this project and see that this is a waste of taxpayer money, and perhaps, see the need for oversight on all projects going forward that seek to utilize Prop L funds. *(Mayor Hatfield provided Council with a copy of Frontenac's Position Statement and Resolution.)*

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

Ms. Ginsberg stated in the past two weeks U City TNR volunteers trapped, neutered, vaccinated, and returned two adult cats from the 3rd Ward at no cost to taxpayers.

In two weeks, the Executive Director of OpSpot will meet with Mr. Dunkle at the Heman Park Community Center to answer any questions staff may have, with the ultimate goal of bringing OpSpot's low-cost veterinary services to U City in the spring.

TNR volunteers look forward to the day when U City adopts a TNR Ordinance to protect community cats and their colony caretakers.

Jerrold Tiers, 7345 Chamberlain, University City, MO

Mr. Tiers stated at a previous meeting, Council suggested that any party interested in developing a proposal to replace the Human Relations Commission; which has now been eliminated, was welcome to do so. As a result, the hope is that his proposal for a replacement entitled *The Civil Rights Commission of U City* will meet Council's approval. The language for this Commission should be similar to the language used to establish other commissions and presented in the general form that appears in the Code. That language specifically states that the non-voting members; which include the Council liaison, are to be allowed to speak on the same basis as voting members. *(Mr. Tiers asked that a copy of his written comments be made a part of the record.)*

I. PUBLIC HEARINGS

J. CONSENT AGENDA – Vote Required

1. Purchase (2) Zoll Cardiac Monitors
2. Lease Listing Agreement with CBRE for City-Owned Property at 6321-6325 Delmar Blvd.

Councilmember Smotherson moved to approve Items 1 and 2, it was seconded by Councilmember Hales and the motion carried unanimously.

K. CITYMANAGER'S REPORT

1. Presentation - i5Group RE: Economic Development Strategic Plan

Mr. Rose introduced Stephen Ibendahl, Principal of The i5Group, who was awarded the contract to implement the City's Economic Development Strategic Plan.

Mr. Ibendahl stated tonight's presentation is designed to kick-start the development process. The visible work involving the Steering Committee and stakeholder meetings will commence in January, and it is recommended that the Committee; which is anticipated to meet once every other month, for a total of five meetings, should consist of between twelve to fifteen people. The EDRST Board has been identified as the core faction of the Committee and tonight he would like to provide several options in order to get Council's feedback on how to go about selecting the remaining members.

Formation of the Steering Committee

- An ad hoc committee and sounding board to help guide the process
- Final adoption of the committee's recommendation to be made by the EDRST Board and Council
- Option 1 - Members of Council to recruit one or two representatives from each Ward
- Option 2 - Staff & Mayor to recruit six representatives from the community, with final approval by Council

Councilmember Carr asked how long it would take to complete the entire process? Mr. Ibendahl stated they have outlined a nine-month process.

Their first deliverable; The Market Assessment, is scheduled to be released sometime in March, with the Draft Plan to follow in mid-summer. Councilmember Carr stated since the nine members of the EDRST Board are citizen representatives appointed by the Mayor, she would like to get a clear understanding of the type of stakeholders The I5Group believes would be suitable to fill the remaining seats on the committee. Mr. Ibendahl stated the ideal committee would be more reflective of the City's business population, i.e., a mix of business owners, property owners, local developers, et cetera.

Councilmember Clay stated in his mind, it would be great to have a document that articulates exactly what Council should be looking for in these stakeholders, as well as talking points that could be used when trying to recruit individuals, i.e., the duration, expectations, et cetera. Mr. Ibendahl stated while some of these themes are mentioned in their scope of work, there is no formal document. However, he would be willing to work with staff and provide a one-page overview of the roles, responsibilities, and expectations. He stated in terms of this process, it's also important to remember that the forthcoming upgrades to the Comprehensive Plan will provide a wider spectrum of community input.

Mayor Crow stated in the past, Council has not always been in sync with a Board whose members are appointed solely by the Mayor. And while he thinks the EDRST Board is a pretty diverse group, he would urge his colleagues to consider Option 1. From his perspective, this option allows everyone an opportunity to work together and ensure that the Steering Committee consists of an appropriate mix of diversification that will represent the entire community.

2. Conditional Use Permit (CUP) – 7547 Olive - PC 19-08 – Upgrading of equipment at their existing telecommunications monopole facility

Mr. Rose stated staff is recommending that Council approve a Conditional Use Permit to upgrade the existing equipment at this telecommunications monopole facility.

Clifford Cross, the Director of Planning & Development, stated the addition of new equipment to an existing monopole tower is kind of a unique request. This is a rather large flagpole that already has some existing co-locates that are camouflaged within the pole. However, new regulations now require Sprint to put the antennas on the exterior of the pole; which under Section 400-1395 of the City's Ordinance compels the party to obtain a CUP prior to the issuance of a Building Permit because that addition represents a nonconforming use.

A Public Hearing was conducted by the Planning Commission on October 23rd, and thereafter, the Commission recommended that the request be approved with the following conditions:

1. That there shall be no advertising on the site
2. That any paint used on the new equipment must be the same color as all existing equipment

Councilmember Smotherson asked if the existing flag would be impacted by this upgrade? Mr. Cross stated the Commission also made it very clear that the flag should remain intact, and that the triangular antennas should be limited to a certain height to ensure they did not distract from the flag. Of course, Council can certainly add this to the conditions, but he thinks Sprint has done the best they can to comply with the Commission's request.

Councilmember Carr moved to approve, seconded by Councilmember Smotherson and the motion carried unanimously. E - 2 - 4

3. Conditional Use Permit (CUP) – 8550 Olive - PC 19-06 – Establishment and operation of a Vehicle Service Facility with Used Vehicle Sales; (Removed)
4. Olive/170 Project Update

Mr. Rose stated staff met with the attorneys for NOVUS today who informed them that they are continuing to seek financing for land acquisitions and construction. NOVUS has also mailed letters out to residents in RPA-1 indicating that they are looking at relocation assistance and residents should contact the City's office for additional information. Mr. Rose stated while his intent is to have the Director of Economic Development inform residents in RPA-1 about the City's objective to ask for authorization to establish such an office, he will not be seeking authorization from Council until all of the issues associated with financing have been resolved.

L. UNFINISHED BUSINESS

M. NEW BUSINESS
RESOLUTIONS
BILLS

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
 Councilmember Carr stated that the Stormwater Task Force voted to accept the report, which she is feeling really positive about. The report will be bound and presented to Council for review and a formal presentation will be made during a Study Session sometime after the first of the year.

Councilmember Smotherson reminded everyone that the Arts & Letters Commission's Annual Reception for Returning Artists will be held on Wednesday, November 13th 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)

P. COUNCIL COMMENTS

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

Q. ADJOURNMENT

Mayor Crow encouraged everyone to drive home safely and adjourned the meeting at 7:04 p.m.

Deanna Burress, Acting City Clerk
 LaRette Reese, City Clerk

Jerrold Tiers 7345 Chamberlain

At a previous Council meeting, Council requested proposals to replace the "Human relations Commission" which was eliminated at that meeting.

I am here to present to you a proposal for a new commission to replace that disbanded commission. I have titled it the "Civil Rights Commission of University City", and the proposal is presented in the general form that it might appear in the code, similar to the language establishing other commissions.

You will note that the language specifically states that the non-voting members, which would include the Council member acting as liaison to the commission, are to be allowed to speak on the same basis as voting members.

I hope that this meets with your approval, and I would like to have it put into the record.

Civil Rights Commission of University City

Proposed general form of City Code Section (proposal from Jerrold Tiers)

(There is established) the Civil Rights Commission of University City which shall consist of 10 persons, seven of whom shall be citizens of the City not otherwise associated with City government, one a member of the City Council, one the City Attorney, and one a City official or employee designated by the City Manager and approved by the City Council.

Powers and Duties:

The Civil Rights Commission shall act in an advisory capacity to the City Council and City manager. It shall make a continuing study of civil rights issues in the City and shall have the following powers and duties, which enumeration shall not be deemed to be exclusive:

1. From time to time, as requested or as deemed by the Commission to be needed, to advise the City Council and City Manager on issues regarding civil rights particularly with respect to City government. Said civil rights issues or alleged issues may be brought to the commission for investigation by:
 - a. the City Council
 - b. the City Manager
 - c. a member or members of the commission
 - d. members of the general public.
2. To carry on educational activities with regard to civil rights issues.
3. To receive and investigate complaints having to do with civil rights, particularly with regard to City ordinances, lack of ordinances, policies, practices, actions or lack of actions by the City Council, city administration, or city workers, which do, are alleged to, or may appear to, result in discriminatory or inequitable treatment of individuals, groups, or areas of the City, due to location, race, religion, skin color, disability, gender, gender identification, sexual orientation, economic status, or other such basis established by Missouri and Federal constitutions, legislation, or court decisions.
4. To recommend to the City Council and City manager ways and means of remedying problems concerning civil rights issues.
5. To perform other duties consistent with the City Charter, with respect to civil rights, as requested by the City Council.
6. The Commission shall have the power to request, with reasonable notice, the presence and co-operation of any City Official at commission meetings as may be considered necessary to its investigative duties, but any such request shall not be considered as having the power to compel appearance.

Qualifications, appointments, terms of members - Filling vacancies - officers and procedure:

On the first (1st) day of the month following the adoption of an ordinance according to this proposal, the Council shall appoint seven (7) members of the Civil Rights Commission. Such members shall be residents of the City and shall hold no other office in the City Government. Two voting members shall be appointed from each Ward, and the remaining seventh voting member shall be appointed from each Ward in turn on a rotating basis as that member's term expires.

Of those first (1st) appointed, three (3), one (1) from each Ward, shall be appointed for a term of one (1) year, three (3), one (1) from each Ward, for a term of two (2) years, and the rotating member shall be appointed from the third Ward for a term of one (1) year. Thereafter, appointments of the six shall be for terms of two (2) years, and the rotating member for a term of one (1) year, with the next rotating appointment being from the Second Ward. Vacancies on the Commission shall be filled by the Council by appointment for the unexpired portion of a term or a full term, and members may not serve more than two and a half full terms successively, except that the rotating member may serve two terms as a non-rotating member from his or her Ward immediately following a full or partial term as rotating member.

At the same time, the Council shall appoint as non-voting members of the Commission one (1) from the city administration recommended by the City Manager, and the city attorney or an assistant to the attorney. The Council shall also appoint one (1) of its own members as a non-voting member of the Commission.

The commission shall nominally meet once per month, and in any event not less than once per quarter on a regular published meeting date. Additional meetings if needed may be requested by commission members with commission approval, or by the City Council.

The City Council shall have the power to replace at will any appointed voting commissioners who have not participated in at least one (1) regularly scheduled meeting in each of two successive quarters.

One (1) of the citizen members shall be appointed Chairperson of the Commission by the Council for the first (1st) year, and thereafter the Commission shall elect one (1) of its members Chairperson and one (1) shall be elected Secretary.

The Commission shall establish its own rules of procedure, save that the non voting members of the commission shall be allowed to speak on the same basis as voting members, that the city representatives may present other city personnel as needed who shall likewise be allowed to speak, and that members of the public shall be allowed to speak at meetings upon proper application to the chairperson to do so. Furthermore, four (4) voting members including at least one (1) member from each Ward shall be required to be present to constitute a quorum.

Reports and recommendations shall be furnished in written form to the City Council as needed or requested by the Council, however at least one (1) such report shall be furnished per year concerning commission activities. All reports shall be furnished to the Council at regularly scheduled Council meetings as part of the public record unless prohibited by law.

- The City of Frontenac elected officials & residents, like most Americans, believe that libraries are an essential part of the fabric of our community. A Library and its services in the community are not what the issue in Frontenac is about. We would welcome a typical library branch on the residential property the library purchased. But this is not what the library is proposing.
- Frontenac has met with the Library in regard to their proposed development. Once, more than 6 months after the purchase of the property and many, many emails, letters and phone call requests and a 2nd time, only after the urging of members of the County Council, including Tim Fitch and Sam Page's Chief of Staff, Winston Calvert.
- **Why should you care about this? In both meetings the Library Director & Board President maintained that the library is going to do what they believe the MO Statutes allow them to do anywhere they want in St. Louis County using County Tax-payer dollars.** This Library Board is not elected and they are answering to *no one*. They have an ongoing flow of Prop L county taxpayer funds to spend with no oversight, no requirement for transparency and therefore no need to respond to local ordinances, building codes, tree preservation plans or even common-sense business practices.
 - The \$32 million dollar project planned in Frontenac is counter to the Library's Master's Plan, which does not call for the purchase of any land related to HQ, much less a land purchase done using a third straw party to pay \$6.1MM without an appraisal to build an 82,000 sq ft warehouse and office complex, a History and Genealogy or a banquet and gathering center
 - **The library appears to not be required to follow any municipality's ordinances or building codes. As they have informed Frontenac and the press, Public safety is not the concern of this library Board.**
 - -Flash flooding related to overbuilding relative to the size of the property - not their concern;
 - an inability to meet set-back requirements, # of parking spaces or even the minimum size of a single parking space for any one car, not their concern; -the consequences of taking down over 113 trees, clear-cutting 5+acres which will take at least 40 years of growth to repair, not their concern.
 - -Adding a significant negative impact to what has been described in the Post and Business Journal as the State's 4th most dangerous intersections by volume of accidents (Douglas, Haun, Heidman) and by CBB and Lochmueller with a "service level F" is not the library's concern.
- **This Library Board of Trustees has trivialized essential health and safety considerations. They have treated their fiduciary duty, as well as City ordinances and building codes with disdain.** For example;
 - The current HQ branch, less than a mile away ~9,830sq. ft as compared to the proposed unbudgeted warehouse office complex at 82,000 sq ft, plus a plan for an additional 54,000 sq ft at the current HQ site – the Frontenac site alone is 8x's larger than current operations and twice the 37,000 sq ft. the Master plan called for.
 - Current site is 8.0 acres on a 4-lane Mo DOT highway (US 61), much like most library branches vs the Frontenac proposal, 5.9 acres on a 2-lane residential street – 25% smaller site for a building that is 8Xs larger
 - The library Board is proposing to spend \$32 million for a warehouse office complex w/ only 3% for public
 - 23% of the total Proposition L budget is going to Administration vs public use.
 - where the mean or ave. spent on each of 18 other branches is \$4.8million, this Board of Trustees is proposing to spend \$32 million in Frontenac and another \$18 million on HQ. That's 36% of all County Tax payer Prop L dollars being spent where 1.2% of the county population live.
- **All Library Board of Trustees terms are expired- some, for longer than 5 years. While the legal argument is about the powers bestowed on the library by MO Statutes, the real question is about what is needed for the Library Board of Trustees to do what is right to assure collaboration with local municipalities on all library projects, so that municipalities, can assure public safety, fiscal accountability and transparency for the benefit of all residents.** While clearly not the concerns of this library Board, these are concerns for all municipalities and their elected officials.

I hope we can count on your support of Frontenac's resolution to Sam Page and the County Council, seeking improved oversight of county taxpayer Prop L funds through the appointment of new Library Board Trustees who will work to achieve a collaborative and predictable outcome to this project and a more transparent and accountable future for all Prop L funded projects throughout St. Louis County.