

MEETING OF THE CITY COUNCIL  
VIA VIDEOCONFERENCE  
Tuesday, May 26, 2020  
6:30 p.m.

**AGENDA**

**A. MEETING CALLED TO ORDER**

At the Regular Session of the City Council of University City held via videoconference, on Tuesday, May 26, 2020, 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; City Attorney, John F. Mulligan, Jr., and Mike Grimm.

**C. APPROVAL OF AGENDA**

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

**D. APPROVAL OF MINUTES**

1. May 11, 2020 – Regular Meeting Minutes were moved by Councilmember Carr, it was seconded by Councilmember Clay and the motion carried unanimously.

**E. APPOINTMENTS TO BOARDS & COMMISSIONS**

1. Garry Aronberg is nominated to the Commission on Storm Water Issues by Councilmember Carr, it was seconded by Councilmember Cusick and the motion carried unanimously.
2. Bob Criss is nominated to the Commission on Storm Water Issues by Councilmember Cusick, it was seconded by Councilmember Hales and the motion carried unanimously.

**F. SWEARING IN TO BOARDS & COMMISSION**

1. Patricia McQueen was sworn into the Plan Commission on May 20<sup>th</sup> in the Clerk's office.

**G. CITIZEN PARTICIPATION**

*ALL written comments must be received **no later than 12:00 p.m. on the day of the meeting.** Comments may be sent via email to: [councilcomments@ucitymo.org](mailto:councilcomments@ucitymo.org) or mailed to the City Hall – 6801 Delmar Blvd. – Attention City Clerk. Such comments will be provided to City Council prior to the meeting. Comments will be made a part of the official record and made accessible to the public online following the meeting.*

*Please note, when submitting your comments, a **name and address must be provided.** Please also note if your comment is on an agenda or non-agenda item. If a name and address are not provided, the provided comment will not be recorded in the official record.*

Mayor Crow stated he recognizes that the new technology being utilized to conduct these meetings can be challenging for all involved. So, he appreciates those citizens who have joined in these meetings, as well as those who took the time to provide their written comments. Council has reviewed all of the comments submitted prior to the deadline and they will be made a part of this record.

## H. UNFINISHED BUSINESS

1. **BILL 9404** – AN ORDINANCE AMENDING CHAPTER 215, ARTICLE V OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO OFFENSES CONCERNING PUBLIC PEACE, BY ENACTING THEREIN A NEW SECTION TO BE KNOWN AS “SECTION 215.685. PICKETING BEFORE OR ABOUT RESIDENCE OR DWELLING OF ANY INDIVIDUAL.” Bill Number 9404 was read for the second and third time.

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

Mayor Crow stated the history behind this rather significant piece of legislation concerns a citizen whose family and home were picketed regularly because of her active participation in the pro-choice movement. And while Council took it upon themselves to draft this Ordinance, it was erroneously omitted from the recodification designed to protect families from this type of behavior.

Roll Call Vote Was:

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

**Nays:** None.

2. **BILL 9405** - AN ORDINANCE APPROVING A FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT IN CONNECTION WITH THE OLIVE BOULEVARD COMMERCIAL CORRIDOR AND RESIDENTIAL CONSERVATION DEVELOPMENT PLAN. Bill Number 9405 was read for the second and third time.

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

Roll Call Vote Was:

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

**Nays:** None.

## I. NEW BUSINESS RESOLUTIONS

1. **RESOLUTION 2020-3** – A RESOLUTION REQUESTING THAT MUNICIPALITIES WITHIN ST. LOUIS COUNTY RECEIVE AN EQUITABLE DISTRIBUTION OF THE \$175 MILLION IN FUNDING RECEIVED BY ST LOUIS COUNTY FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT TO REIMBURSE MUNICIPALITIES FOR ACTUAL PUBLIC SAFETY COSTS INCURRED RELATED TO COVID-19.

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

Mr. Rose stated his understanding is that the County Executive has set aside 47 million dollars from the CARES Act Grant for public safety and that he is currently seeking advice and approval from the Treasurer on how it should be allocated. Therefore, this Resolution is intended to encourage the County Executive to disburse this funding to various St. Louis municipalities on a pro-rata basis.

Councilmember Cusick asked Mr. Rose if he had an estimate of what U City's proportion would be? Mr. Rose stated if the funds are disbursed on a pro-rata basis approximately 1.4 million dollars would go into public safety.

Councilmember Clay questioned whether the guidance limiting these funds for public safety was a mandate from the CARES Act or the County Executive? Mr. Rose stated it is a directive from the CARES Act. However, the City is also seeking reimbursement for some of its directly related costs through FEMA/SEMA. Councilmember Clay asked if there were any other funds available to help the City defray some of its losses? Mr. Rose stated although there are no other buckets at this point, conversations are taking place at the federal level about whether additional funds should be allocated to address the revenue shortfalls cities have incurred.

Voice vote on Councilmember Smotherson's motion carried unanimously.

## *BILLS*

*Introduced by Councilmember Clay*

2. **BILL 9406** – AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF UNIVERSITY CITY AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE CANTON AVE IMPROVEMENT PROJECT. Bill Number 9406 was read for the first time.

## **J. COUNCIL REPORTS/BUSINESS**

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

Councilmember Cusick announced that beginning Wednesday, June 3rd, the Library will be offering curbside service to its patrons. The hours are from 11 a.m. to 7 p.m., Monday through Friday and 1 to 5 p.m. on Saturdays. Additional information can be found on the Library's website.

Councilmember McMahon noted that members of Council had received an email from the Chair of the Parks Commission regarding their recommendations for capital improvements.

He stated his goal as it relates to the Storm Water Issues Commission, is to have the nomination of Mark Holly confirmed by the next meeting.

Councilmember Carr stated that Councilmember Cusick has the names of several members from the Storm Water Taskforce who have expressed an interest in serving on the Storm Water Issues Commission. And based on their previous experience she believes they would be worthy of consideration.

Councilmember Hales asked Councilmember Cusick if he would share those names with his colleagues? Councilmember Cusick stated he would provide them by email.

### 3. Boards, Commission, and Task Force minutes

#### 4. Other Discussions/Business

##### a) Councilmember Paulette Carr, Ward 2– Resignation

Councilmember Carr stated last fall she began to initiate steps leading up to her retirement from City Council, and until the onset of COVID-19, it appeared as though everything would go as planned. She stated her intent was to submit her resignation effective April 27th, which would allow ample time for her to carry out all of her plans before leaving. Unfortunately, that strategy had to be modified once the election was postponed and thereafter, she agreed to remain on Council to ensure its continuity until a new member could be elected.

Councilmember Carr stated her home sold much faster than anticipated and she will be closing on that sale in a couple of days. As a result, her last day of service to this community will be on the 28th of May. She stated her last eight years of service on this Council has been a truly rewarding experience, so she would like to take this opportunity to thank everyone for their support and the friendships that have been established throughout this time. Councilmember Carr stated it has been her honor and privilege to serve the residents of U City and has no doubt that good things will continue to happen here.

Councilmember Hales stated his contiguous relationship with Councilmember Carr; which is unequivocally the reason why he not only started paying attention but ultimately got involved, began about eight and a half years ago. Because up until that point, he had no desire, nor had he ever imagined running for any elected office. So today, he is grateful for her words of encouragement and the opportunity to be in the position of serving his community.

Councilmember Hales stated many of their conversations revolved around her growing up in Florida, whose open government allowed citizens to have effective public oversight. And during countless meetings as a member of this audience, he began to see the impact of that knowledge, and what he believes will be Councilmember Carr's legacy for years to come. For example; the importance of live streaming meetings to expand participation and the dissemination of information. Or improvements to Council's minutes; which were often vague and inept. Councilmember Carr was a staunch supporter of making sure Council's minutes reflected their conversations so that future generations would be able to look back and understand how decisions were made. But most importantly, she gave a voice to the people who were not being heard. That's why in his opinion, Councilmember Carr is the epitome of what it should look like to be a representative that is responsive to his or her constituents.

Councilmember Hales stated his comments would not be complete without acknowledging her husband Jim, and son Payton, for the huge amount of sacrifices they made to support Councilmember Carr in her efforts as a member of this Council. Consequently, he hopes that her contributions will continue to be endorsed and remembered long after both he and his colleagues are gone.

Councilmember Clay stated even though he knew it was coming, there was still a moment of reflection when he received Councilmember Carr's letter of resignation. Having had the privilege of serving on the School Board and now Council, he thoroughly understands that the work of an elected official is not about making speeches, presiding over grand openings, or the pontification of any rostrum. It's keeping your nose to the grindstone; reviewing information; being versed in multiple areas; understanding the governing laws, and responding to citizens. Be that as it may, Councilmember Carr brought a level of professionalism to every aspect of these technical and communal responsibilities.

Councilmember Clay stated he believes she has set an example for those who desire to serve at any level by demonstrating how to leverage the tools of government to best support its citizens; which was exemplified two weeks ago by her newsletter. This is what she's done for eight years; oftentimes under extraordinarily difficult circumstances.

He stated Councilmember Carr's service to this Council and her community is genuinely appreciated, and her examples represent the type of qualities he will always take with him.

Councilmember McMahon stated while Councilmember Carr certainly was not obligated to remain on Council after the election was postponed, going above and beyond is her nature; which speaks volumes about her character.

He stated the word on the street when Paulette first ran for election was that the only way she could win was to work twice as hard as her opponent. So, that's what she did then, and that's what she's been doing for the past eight years. After she was sworn into office, Councilmember Carr started shining a light on the way this government was being run; which did not necessarily lead to the warmest of welcomes. But she weathered the storms and in 2016, instead of throwing in the towel, said there is more work to do and I'm ready to do it. She garnered almost 70 percent of the votes in that election, and he believes it was because of her commitment to openly and honestly represent the citizens she served.

Councilmember McMahon stated like Jeff, he too was awakened to the practices of City government by Councilmember Carr and owes her a great deal of gratitude for urging him to get involved. He stated it has been an honor to have been seated next to Paulette, and it's going to be rather odd; if and when Council goes back to having live meetings again, to be sitting there without her. So, although she will be missed, working with Councilmember Carr has been a wonderful experience and he wishes her and her family all the best.

Councilmember McMahon stated he would also like to thank her husband Jim for his dedication to this community through the countless hours he spent on the Pension Board.

Councilmember Smotherson stated he wished he had a big sign that said thank you from himself, residents of the 2nd and 3rd Wards, and this entire community because that's how much he appreciates all of her support. Instead, he'll try to express all of this gratitude by highlighting three critical accomplishments he believes had a significant impact on the community and the legacy of Councilmember Paulette Carr.

- The Stormwater Task Force - A long-term endeavor that has given residents impacted by flooding something they never had before; a voice.
- The MSD Storage Tanks - A substantial attack on the well-being of the 2nd and 3rd Wards.
- The Olive/I-170 Development - A project with the potential to bring life back to the entire City.

From the bottom of my heart, I thank you for your contributions, friendship, and gracious hospitality. You will truly be missed.

Councilmember Cusick stated there are numerous attributes that come to mind when he thinks about Councilmember Carr and the labor she's put into this community; compassion, commitment, integrity, selflessness, inspiration, and dignity. That said, you can leave this Council with your head held high, my friend because you will be a tough act to follow.

Mayor Crow stated while this is certainly not the type of grandiose farewell he and his colleagues would have liked to provide; everyone has had to accept the realities of these uncharted waters we now face.

Nevertheless, in preparation, he decided to take a trip down memory lane and in doing so discovered a flyer Councilmember Carr distributed during her 2011 campaign for City Council. Her top priorities were economic development, open government, and retaining/attracting residents to U City. Looking back, it's obvious to see that her eight years of service have followed these same tenants upon which she ran. Even more intriguing was her list of strengths; the ability to be independent, analytical, and tenacious.

And he doesn't think anybody participating in this teleconference would disagree with any of those strong points. However, from his perspective, a couple of very important assets were left off of that list; passionate, compassionate, and the most rigorous worker he has ever had the opportunity to partner with. Mayor Crow stated what this Council got eight years ago was a chemistry teacher, a research scientist, an artist, a cancer survivor, a mother, and a wife. And all of these characteristics gave this Council an incredibly special colleague and friend. No one comes more prepared to these meetings than she does, and no one has been a better mentor to the newer members of this Council than she has. That's why he would have to agree, that her legacy really is amazing.

Mayor Crow stated Councilmember Carr put her heart and soul into the work she did for this community, and some of that work; as identified by Councilmember Smotherson, wasn't necessarily fun or the most popular thing to do. But she was willing to take them on and by doing so, made U City a much better place. And at the end of the day, he thinks the ultimate goal of anyone who serves, is to leave their community in a better place than they found it.

As Councilmember Hales mentioned our appreciation must also go out to Councilmember Carr's family for the sacrifices they've had to make. And even though all he and his colleagues can give in return is their respect, admiration, and a plaque in appreciation of the services Paulette has performed, he hopes that her retirement will provide an abundance of time to make up for all the sacrifices her family has had to endure.

In closing, Mayor Crow thanked Councilmember Carr for allowing him to be her friend throughout all of the good and really tough times they've experienced together.

Councilmember Carr thanked everyone for their kind, and deeply touching words. But just know, that no matter where she sets her feet, she will always be a U Citian.

#### **K. COUNCIL COMMENTS**

Councilmember Hales stated almost two weeks ago, he noticed an elderly gentleman place a laminated flag, picture, and a bronze plaque on a bench outside his home at Warren and Kingsbury. Curiosity set in and he ventured out to get a better look. It turned out that the plaque was in memory of a man named Matthew Clark who had been killed in Iraq in 2006. And his assumption is that Matthew must have been a resident of U City because on the plaque it states that at ten-years-old Matthew raised enough money to have this bench installed at that exact spot. So, in light of Memorial Day, he wanted to take a moment to recognize Lance Corporal Matthew Clark for his contributions to the U.S. Marines, U City, and this country.

Mayor Crow stated as the son of a World War II veteran, he is very grateful for those comments.

Mayor Crow noted that perhaps Mr. Rose's parting gift is no Closed Session. So, he would welcome a motion by Councilmember Carr to adjourn tonight's meeting.

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

**L. ADJOURNMENT**

Mayor Crow stated it's time for Councilmember Carr to enjoy a walk on the beach and adjourned the Regular Council meeting at 7:13 p.m.

LaRette Reese  
City Clerk

**From:** Aren Ginsberg <arenginsberg@gmail.com>  
**Sent:** Friday, May 22, 2020 11:21 PM  
**To:** Council Comments Shared  
**Subject:** UCity TNR

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Honorable mayor and city council,

In the past two weeks UCity TNR volunteers trapped, neutered, and vaccinated SIX cats and kittens from Ward 3... AT NO COST to University City taxpayers.

UCity's kitty volunteers look forward to the day when UCity adopts a TNR ordinance to protect our community cats and their colony caretakers.

Thank you,  
Aren Ginsberg  
430 W Point Ct  
UCity, MO 63130



**LaRette Reese**

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**From:** Aren Ginsberg <arenginsberg@gmail.com>  
**Sent:** Saturday, May 23, 2020 12:39 AM  
**To:** Council Comments Shared  
**Subject:** Olive & 170 Redevelopment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Honorable Mayor and City Council,

I appreciate your commitment to economic development at Olive & 170.

Previous city leadership as far back as the 1960's discussed doing something, but never took action.

Previous city leadership also talked about addressing the economic inequality damaging our community and harming our neighbors. Unfortunately the wealth gap between UCity's three wards has only worsened. An incremental approach has not, and will not stop the decline in 3rd ward home values or the deterioration of infrastructure along our International Business district. Meaningful change requires a large development and substantial re-investment.

CostCo is the economic engine UCity needs.

As councilmen Smotherson and Clay said in their June 5, 2018 statement to the Post Dispatch, UCity's proposed redevelopment at Olive & 170 offers "a once-in-a-generation opportunity to provide a catalytic economic stimulus and long-term tangible benefit to the 3rd Ward."

I look forward to helping reinvest in the well-being of our community by spending even more of my "daily dollars" in UCity.

Aren Ginsberg  
430 W Point Ct  
UCity, MO 63130

**From:** David Harris <djharris11@sbcglobal.net>  
**Sent:** Monday, May 25, 2020 6:26 PM  
**To:** Council Comments Shared  
**Cc:** Terry Crow; Jeff Hales; Jeff Hales; Steve McMahon; Paulette Carr SBC; Paulette Carr; Tim Cusick; Stacy Clay; Bwayne Smotherson; Gregory Rose; John F Mulligan  
**Subject:** Bill 9405 on May 26, 2020 City Council Meeting Agenda

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.**

Citizen Comment on Bill 9405 for May 26, 2020 City Council Meeting

As you know, I am a real estate attorney. I am familiar with projects like the Olive-170 Project and agreements like the Redevelopment Agreement. The proposed First Amendment to Redevelopment Agreement that is Bill 9405 has implications that I think you may not understand or appreciate based on your statements and your lack of public discussion about the Amendment. Therefore, I again offer you my experienced perspective.

(1) Transparency and Responsiveness. At the May 11 Council meeting, Paulette Carr admonished listeners that “up until now these legal and contractual issues have been confidential, but now that a proposal was assembled and placed on the agenda by the City Manager we can first discuss this publicly; up until now we have not been able to . . . we are being clearly transparent; strangely no questions were asked of my colleagues or me, or any requests for explanations . . . I would hope that citizens would seek their clarifications and answers directly from the source . . . this Council has in no way acted in any manner other than that which is completely and totally transparent . . . we have been open to suggestions, to questions.” All of you appear to agree with Councilmember Carr. However, none of you, or City Manager Rose, or City Attorney Mulligan, has ever (or only rarely) responded, replied, or explained anything about the specifics of the negotiations of the Redevelopment Agreement, or more recently the Amendment, and why you and the City agreed on the various provisions of either document, what the Developer wanted, what the City countered, etc. Instead, you just announce or pronounce what the documents say, or what you think the documents mean, or say nothing at all, and then criticize residents for “not having the information.” You did this again on May 11, when you had an opportunity to discuss the Amendment but only made announcements or pronouncements and criticized residents. That is not engagement. That is not dialogue. Contrary to your often-repeated claims about transparency and responsiveness, you have been neither transparent nor responsive with the Redevelopment Agreement or the Amendment.

(2) Additional concerns about the reduction of Initial Work.

(2.1) Reduction Not Good for U. City. The Amendment reduces the required Initial Work from work to complete construction of at least 200,000 square feet (sf) in the North Phase and at least 100,000 sf in the South Phase to just selling or leasing 140,000 sf to one end-user or tenant (presumably Costco, but see Comment 5). It appears the reduction is only to enable the Developer to obtain financing. Therefore, the reduction is good for the Developer (but see next comment). However, the reduction is not good for U. City and the residents and businesses in the affected areas because the reduction creates more uncertainty whether and how much of the project will be built.

(2.2) Financing. I reiterate my May 9 comment that it is extremely troubling that the Developer is still unable to finance this project, after more than three years. As another question, what became of the loan commitment from NorthMarq Capital, LLC, that was part of the Redevelopment Plan? The commitment letter, dated May 7, 2018, stated the Developer “has the financial ability to proceed with the development.” For your reference, the full text from the letter is at the end of this email.\*

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(2.3) Another tax revenue shortfall? The “North Phase Anchor site” (presumably for Costco, but see Comment 5) was 156,856 sf. See Anchor Building A in Exhibit B of the Redevelopment Agreement signed on June 13, 2019. Novus’ Proposal and the RPA 1 Cost-Benefit Analysis (CBA) had 158,000 sf for Costco. If the Costco site ends up being 140,000 sf, 140,000 is 10.75% less than 156,856 (and 11.39% less than 158,000). The projected sales revenue from Costco was based on a certain amount per sf. See the CBA. Therefore, the sales revenue, and the resulting tax revenue, might need to be lowered by about 10%.

(2.4) Deadline Extensions Unconscionable. I reiterate my May 9 comment that the deadline extensions in the Amendment, which are due to the reduction in the required Initial Work, are unconscionable because homeowners and business owners will face uncertainty for two and a half more years, until at least December 31, 2022.

(3) Amendment change to 140,000 sf, and Council’s insulting May 11 response. Between the agenda packet posted on Friday, May 8, and the agenda presented at the May 11 Council meeting, a critical piece of the Amendment was changed, namely “100,000 square feet” was changed to “140,000 square feet.” It appears the change was made on May 11 at 5:39:58 pm, less than an hour before the start of the May 11 Council meeting.

On the one hand, somebody heard our concerns about the implications of 100,000 sf and made a change, and for that I am inclined to say, “thank you for listening.” On the other hand, no mention or acknowledgment of the change was made.

Instead of acknowledging the change at the May 11 Council meeting, several Council members – particularly Terry Crow, Paulette Carr, and, to a lesser extent, Jeff Hales - insulted and dismissed everyone who raised concerns about the 100,000 sf. See the quotes at the end of this email.\*\* And by silence the rest of Council acquiesced to the insults and dismissiveness.

In other words, you provided incorrect information, we responded to that information, you changed the information without telling us, and then you criticized us for our responses. That is just plain wrong.

To borrow Mayor Crow’s lament that he “hopes that people will deal with a little bit of grace towards each other,” it would be nice if you were to show a little bit of grace when we express our concerns, even if you may not like to hear from people who disagree with you, and particularly when it turns out you end up agreeing with the concerns.

(4) Inaccurate Statements - 100,000 sf was in the Agreement, but not for the Initial Work. City Manager Rose was correct that page 12 of the Redevelopment Agreement refers to 100,000 sf and Jeff Hales was correct that Section 2.3(a) of the Redevelopment Agreement (which is the section on page 12) refers to 100,000 sf. However, that reference to 100,000 sf is irrelevant to the concerns about the change to the Initial Work definition. Section 2.3(a) pertains to when the Developer is to pay the “RPA 2/3 Advance Amount” of \$3 million. It does not pertain to the Initial Work or when the Developer is entitled to access TIF funding.

In other words, 100,000 sf was the amount of work to be done before the first \$3 million was released for Ward 3. That is a different subject than the Initial Work. Contrary to what City Manager Rose said (“this amendment increases that footage to a minimum of 140,000 sf”), what Jeff Hales said (“this amendment increases that number, a minimum for 100,000 sf to a minimum of 140,000”), and what others are now saying, nothing has been increased by the Amendment; instead, the required Initial Work has been substantially decreased.

(5) Costco is still not committed. At the May 11 Council meeting, City Manager Rose said, “there is no guarantee we can provide to you about the building size until Costco concludes its due diligence and determines if the site meets their specifications.” City Council meeting video at 1:21:15. Skeptics and opponents of the project hear or see “if” and remain concerned. Supporters don’t hear or see “if” or shrug it off.

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Note the word "if" is not in the City Manager's printed comments in Paulette Carr's May 12 newsletter. Nor is "if" in the draft minutes of the meeting, which report the City Manager's comments as "they are unable to guarantee compliance with this prerequisite until Costco has concluded their due diligence to determine whether the site meets their specifications." Even without the word "if," the words "there is no [unable to] guarantee" and "until Costco ... determine[s]" mean "if."

(6) Eminent Domain. Regarding the City initiating eminent domain on May 14 against three sets of commercial properties, it is unconscionable to start taking existing businesses and commercial properties before the Developer has financing for the project.

(7) Amendment Section 3.1(g). Because eminent domain is now an active topic, and 8612 and 8630 Olive are two properties identified to be taken, I looked again at new Section 3.1(g) because that section addressed the taking of 8612 and 8630 Olive. In my May 9 Citizen Comment email, an email that was circulated to others, I wrote, "The new Section 3.1(g) reduces the Developer's letter of credit obligations with eminent domain from \$3 million to \$1 million. That may help the Developer with financing but does not help the City. Council needs to discuss publicly and hear explicitly from the City's paid staff and advisors why this reduction is in any way beneficial to the City and why the Tsai Family properties (8612 and 8630 Olive) are being singled out in this provision."

Re-analyzing that section, I realized I was wrong about the provision (although not about the suggestion that Council needs to discuss it). Section 3.1(g) does not have the problem that I initially thought it had. Instead of limiting the letter of credit obligation to \$1 million, it keeps \$1 million in place until something is built on 8612 or 8630 Olive. That is some, although minor, security for the City.

I remain concerned that the letters of credit as "Security for the Developer's Condemnation Obligations" in Section 3.1(e) are inadequate, and I remain concerned that the RPA 2/3 Advance Payment can be used to pay any condemnation liabilities of the City. The City Manager and Council never addressed these concerns except by keeping the sections as they were from the initial draft to the present.

(8) Jobs. City Manager Rose, Councilmembers, and other supporters continue touting, "an estimated 400 temporary construction jobs" and "300 living wage jobs." Recall, however, that Costco is specifically exempt from the already weak "U. City First Hiring Initiative." That exemption is likely the reason Mr. Rose identifies job benefits "for the community" and "for the region" instead of job benefits "for U. City." Moreover, these rosy job estimates have never taken into account the number of jobs lost from the destruction of existing businesses.

(9) Bond Issue Alternative (a good government and historical perspective). To justify this amendment, the Olive-170 Project continues to be presented as the only way to provide funding for improvements in Ward 3. That is not so. One alternative is a bond issue for streets and other infrastructure improvements. Such a bond issue was proposed in 2015 - total \$25 million, about half of which would have directly benefitted Ward 3 or nearby. The bond issue was vociferously opposed by Councilmembers Carr and Crow, and Councilmember McMahan before he was on Council (I don't know the positions of Councilmembers Clay, Cusick, Hales, and Smotherson), and was therefore defeated.

After opposing and defeating the bond issue, Councilmembers Carr, Crow, and McMahan proposed no other positive or productive alternatives.

Bond issues are the way responsible governments pay for long-term improvements, spreading the costs over all residents and over time, and in the case of Ward 3 improvements, having the parts of U. City with higher property values rightly pay the larger share.

Tax giveaways, sales tax fantasies, and the destruction of neighborhoods, residents, and businesses – hallmarks of the Olive-170 Project - are not the ways responsible governments pay for long-term improvements.

David J. Harris

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8039 Gannon Avenue  
University City, MO 63130

\* For Comment 2.2, the full text from the NorthMarq letter.

If the City of University City, Missouri provides tax increment financing and authorizes utilization of such special districts as a Community Improvement District and/or Transportation Develop District, and all other development issues are satisfactorily addressed, U. City, LLC has the financial ability to proceed with the development. Given these governmental approvals, we are committed to participating in the financing of this redevelopment project, provided that such loan commitment for financing is contingent upon final loan committee approval and would be supported by loan documentation typical of a transaction of this size and nature.

\*\*Quotes for Comment 3.

{Crow} “unnecessarily concerned . . . folks who don’t necessarily always have all the information . . . opined about this situation incorrectly . . . not sure that has helped with the discussion.”

{Carr} “get the accurate information . . . come to the source directly rather than relying upon misinformation and innuendo . . . I think that was a great disservice to the community . . . misleading information provided in an email chain . . . rather than assuming the information provided by people who don’t have access to all the information is the correct information.” And in her May 12 newsletter, “incomplete and otherwise misleading.”

{Hales} “having all the information . . . flurry of emails and social media posts . . . it is tedious sometimes to fact check information that is out there . . . let’s fact check the information please.”

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**From:** David Harris <djharris11@sbcglobal.net>  
**Sent:** Tuesday, May 26, 2020 11:46 AM  
**To:** Council Comments Shared  
**Subject:** Bill 9405 on May 26, 2020 City Council Meeting Agenda - Supplement to Citizen Comment

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Please consider this supplement to the Citizen Comment I emailed yesterday. I forgot to include this comment under Comment (2) Additional concerns about the reduction of Initial Work.

(2.5) Restaurant Tenants in Jeffrey Plaza. The reduction of Initial Work and the resulting extended deadlines make it even less likely that the current restaurant tenants in Jeffrey Plaza will remain in the RPA 1 area. Section 3.2(c) of the Redevelopment Agreement provides, "The Developer shall make commercially reasonable efforts to restaurant tenants currently located in Jeffrey Plaza to relocate to locations in the South Phase." However, unless the City or the Developer can explain otherwise, the extended deadlines signal there will be no South Phase into which to relocate when Jeffrey Plaza or part of Jeffrey Plaza is demolished to accommodate construction of the North Phase Anchor site.

David J. Harris  
8039 Gannon Avenue  
University City, MO 63130

1061

**From:** Nancy Saccone <nlsaccone@gmail.com>  
**Sent:** Tuesday, May 26, 2020 1:49 AM  
**To:** Council Comments Shared  
**Subject:** Attn: City Clerk: Against eminent domain plan (this is an agenda item for 05/26/20\$)

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Dear University City Council,

I oppose the plan to use eminent domain to condemn the properties and businesses along Olive Boulevard, including many restaurants that I support and patronize. This area and its businesses are important to me as a St Louis County citizen, resident, voter, and area employee. I hope the council will decide to preserve and nurture the current businesses rather than replace them. Thank you for the opportunity to comment on this agenda item.

Sincerely,

— Nancy Saccone  
207 Brooktrail Court  
Creve Coeur, MO 63141  
314-455-2778



192

**From:** Tom Sullivan <tsullivan@sullivanadv.net>  
**Sent:** Tuesday, May 26, 2020 11:46 AM  
**To:** Council Comments Shared  
**Subject:** Council Comments, May 26, 2020

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**Council Comments: Bill 9405**  
**Tom Sullivan, 751 Syracuse, U.City, MO 63130**  
**University City Council Meeting, May 26, 2020**

The proposed Costco development at Olive & 170 is the worst thing the City of University City has ever attempted. It has been a fiasco from the beginning and City government will only make it worse by approving Bill 9405. The City Council should be representing what is best for the citizens of University City; instead you are representing the best interests of the developer.

Citizens have continually been deceived about the project from the beginning -- maybe "outright lied to" would be a more accurate description. I can remember when Councilwoman Carr would say over and over that eminent domain would *only* be used for Public Storage. Clearly, she was lying and knew it -- and didn't care. The same can pretty much be said about Mayor Crow.

And whenever questions were raised they were quickly brushed off. City officials deluded themselves into thinking it was a terrific project and could not understand why citizens were not likewise deluded.

As has become obvious, financial institutions don't think much of the Costco development either -- same as many citizens.

What is so puzzling is the City wanting to tear down a large part of the city that is so diverse and thriving while ignoring the other end of the city, including the Loop, that continues to decline.

Just recently, it was announced the Melting Pot was closing. This is the third Loop restaurant to close in recent months -- two in University City and one in St. Louis. The closings will add to the many vacancies in the Loop and the east end of the city.

The Cicero's space is still empty after two and a half years and there are empty spaces across the street. The old Bread Company/ MacArthur's Bakery space has been vacant for two years.



City Gear just closed in the Schnucks plaza, leaving four vacancies in the shopping center. Some spaces have been vacant for more than two years. There are also several vacant retail spaces across the street.

The physical condition of the city is not maintained as well as it should be and the system for cleaning streets in the North Loop just about guarantees the streets will not be well swept. The Mayor and City Council Members seem oblivious to the problems.

With a serious crime problem and a school district that is one of the worst in the area -- it loses 100 students every year as fewer people want to live in the city -- University City continues to decline while the Loop Trolley failure has made the City a laughing stock.

Councilwoman Carr says she will leave the Council knowing the City is in good hands. This seems to be more self-delusion on the part of the Councilwoman. I would rate the current City government as the worst in the history of University City. It is certainly the most dishonest. Councilwoman Carr can certainly say she helped to make it that way. \*\*\*

LaRette Reese

196

**From:** Bwayne Smotherson <bsmotherson@gmail.com>  
**Sent:** Tuesday, May 26, 2020 11:25 AM  
**To:** Council Comments Shared  
**Subject:** Fwd: TREE REMOVAL-7584 Melrose Ave.  
**Attachments:** image5.jpeg; image6.jpeg; image7.jpeg; image8.jpeg; image9.jpeg

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----- Forwarded message -----

**From:** Donna McGhee <donnarmcghee@gmail.com>  
**Date:** Mon, May 25, 2020 at 1:39 PM  
**Subject:** TREE REMOVAL-7584 Melrose Ave.  
**To:** <bsmotherson@gmail.com>

Greetings Councilman Smotherson,

I am submitting this correspondence regarding the city tree in front of my home (@7584 Melrose Avenue). I am requesting your assistance. I am unable to attend the next city council meeting on Tuesday, May 26, 2020. Please read my letter during the citizens' participation portion of the meeting agenda.

Good evening Honorable Mayor and City Council Members,

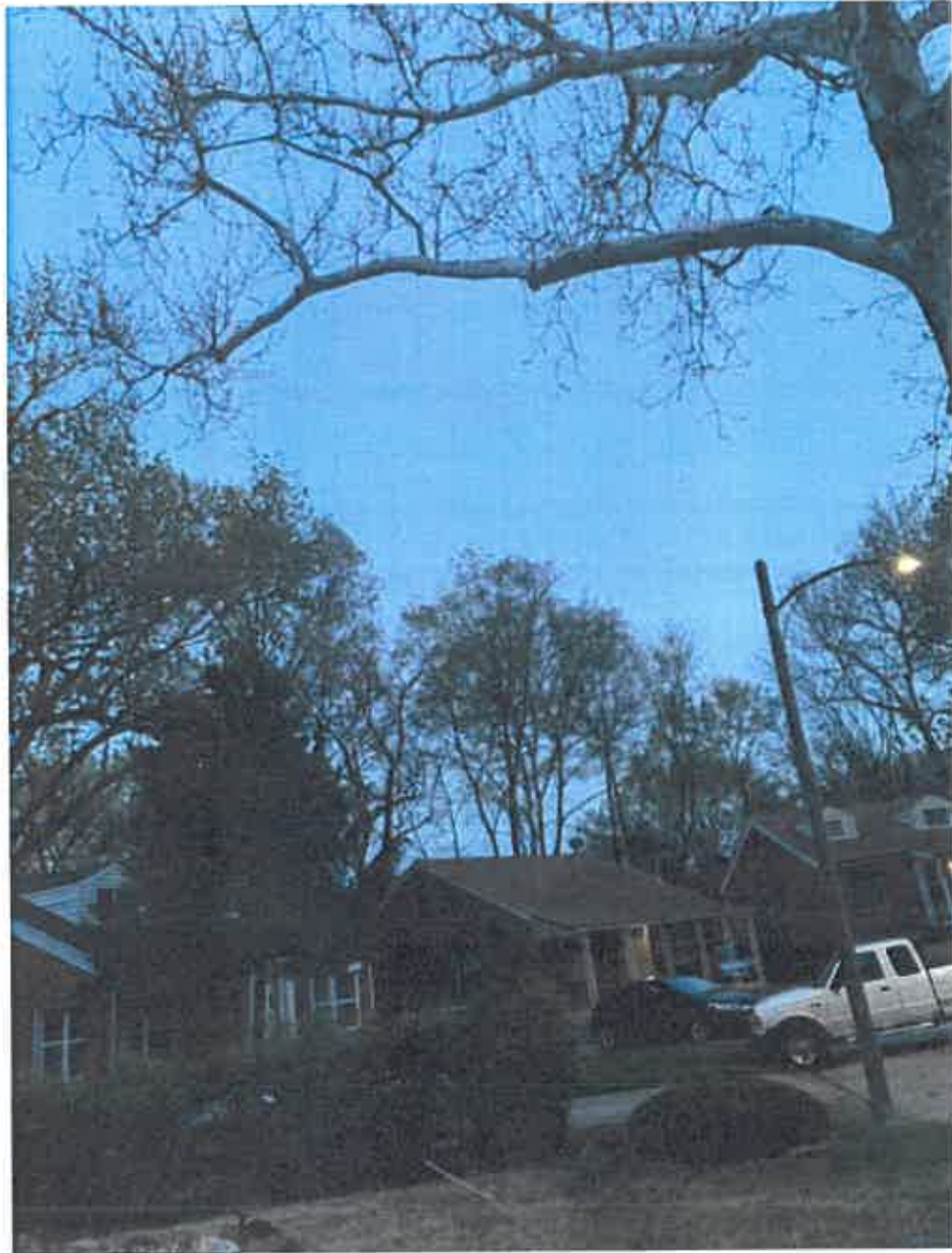
I am submitting this letter to request the removal of the large city tree at the base of my driveway at 7584 Melrose Avenue. The limbs of the tree extend well beyond my property line into my yard. The residual effects are large sycamore leaves in my gutters, branches on my roof, and dry branches in my yard. Branches fall during all of the seasons. My neighbor witnessed one of the large 'widow maker' branches falling on a sunny day. I have witnessed a city tree falling before my eyes on Melrose and have had the unfortunate experience of having a city tree fall on my car years ago. Please collaborate with other city officials, including forestry. I have made my requests known regarding the tree removal during previous city council meetings ( to our mayor, city council members, director of public works, and forestry director, and other citizens). I am appealing to everyone-please remove the tree. The tree appears diseased. There are thin dry leaves on the tree at this time. Dry 'widow maker' branches continue to fall. These hazardous conditions are a threat to people, property, and pets. I thank you for your attention to this matter.

Please stay safe and prayerful as we adhere to recommendations from the CDC during the COVID-19 pandemic.

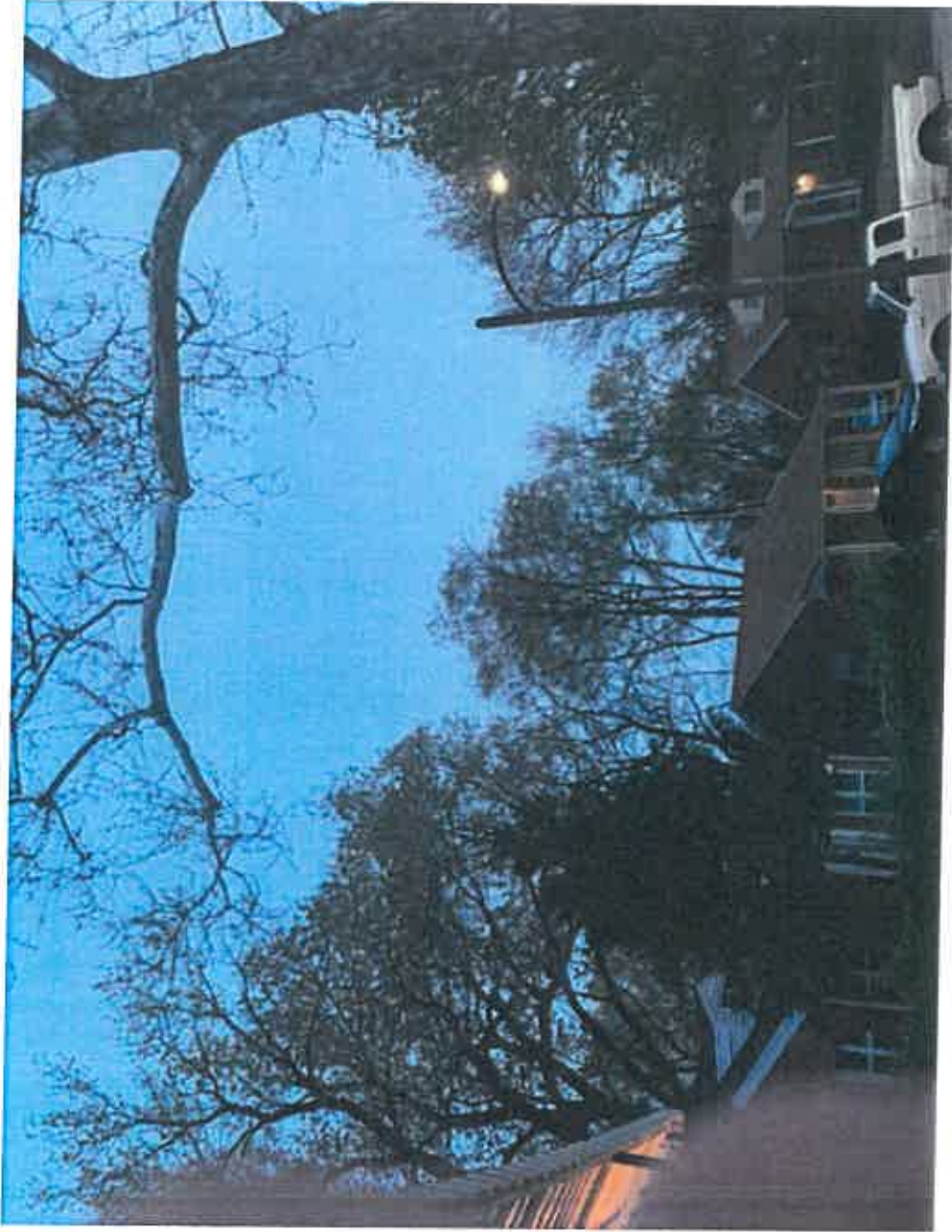
Respectfully submitted,  
Donna R. McGhee  
7584 Melrose Avenue  
University City, Missouri

\*pictures attached

2906



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496



586





696



