

**MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE
Monday, June 8, 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 Monday, June 8, 2020, Mayor Terry Crow called the meeting to order at 6:30 p.m.

Mayor Crow asked his colleagues to join him in a moment of silence in the memory of George Floyd.

Mr. Floyd was born on October 14, 1973, in Fayetteville, North Carolina, and died on May 25, 2020, in Minneapolis, Minnesota, after a knee was applied to his neck for 8 minutes and 46 seconds. He is survived by two daughters, a granddaughter, and a legacy that all of us now own. We must do better to make this country just for all, and I believe that we will.

B. ROLL CALL

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

Councilmember Stacy Clay
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.; Police Chief Larry Hampton and Director of Public Works, Sinan Alpaslan

C. APPROVAL OF AGENDA

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

D. APPROVAL OF MINUTES

1. May 26, 2020 – Regular Meeting Minutes were moved by Councilmember Cusick, it was seconded by Councilmember Smotherson and the motion carried unanimously.

E. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Mark Holly is nominated to the Commission on Storm Water Issues by Councilmember McMahon, it was seconded by Councilmember Hales and the motion carried unanimously.
2. Eric Stein is nominated to the Commission on Storm Water Issues by Councilmember Hales, it was seconded by Councilmember Cusick and the motion carried unanimously.
3. John Tieman is nominated to the Commission on Storm Water Issues by Councilmember Smotherson, it was seconded by Councilmember McMahon and the motion carried unanimously.
4. Eric Karch is nominated to the Commission on Storm Water Issues by Councilmember Clay, it was seconded by Councilmember Smotherson and the motion carried unanimously.
5. Todd Thompson is nominated to the Commission on Storm Water Issues by Mayor Crow, it was seconded by Councilmember Smotherson and the motion carried unanimously.

F. CITIZEN PARTICIPATION

Procedures for submitting comments for Citizen Participation and Public Hearings:

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, 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.

Recognizing the challenges, the City's new meeting format poses for everyone, Mayor Crow thanked everyone for their written comments. Council has reviewed all of the comments submitted in accordance with these new procedures and they will be made a part of this record.

G. PUBLIC HEARINGS

1. FY21 Annual Operating Budget & CIP (posted on the City's website - <https://www.ucitymo.org/DocumentCenter/View/14838/Proposed-Budget---FY21---Website>)

Mayor Crow opened the Public Hearing at 6:35 p.m. and after verifying that there were no public comments submitted on this item the hearing was closed at 6:35 p.m.

H. CITY MANAGER'S REPORT

1. Purchase – Two 2020 Dodge Durango Police Vehicles

Mr. Rose stated staff is recommending that Council authorize the purchase of these two vehicles totaling \$65,710, from Behlmann Chrysler-Dodge. He stated the State of Missouri awarded a statewide contract that was competitively bid for police vehicles.

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

Councilmember Cusick posed the following questions:

Q. Are these being purchased to replace existing vehicles?

A. Chief Larry Hampton stated they would be replacing the 2013 and a 2015 Chevrolet Impalas that have mechanical problems and need to be rotated out of the system.

Q. Will this purchase satisfy all of the Department's vehicular needs or will more be needed in the future?

A. Mr. Rose stated to ensure that the operational status of the Department's fleet remains intact; an annual replacement program of approximately \$140,000 is included in the budget.

Councilmember Hales thanked the City Manager and Chief Hampton for answering all of his questions in advance of tonight's meeting.

Voice vote on Councilmember Hales' motion carried unanimously.

2. Law Enforcement Protocols (Discussion)

Mr. Rose stated Council has asked that a discussion on the current law enforcement policies and procedures be added to the Agenda to determine how they align with the 21st Century Policing Policies developed during the Obama Administration. He stated his belief, is that the goal of this Department has been to embrace a philosophy that ensures their practices are consistent with the values expressed by the Mayor, Council, and this community.

Chief Hampton stated the Obama Administration established eight pillars in its 21st Century Task Force Report which have all been addressed in the Department's policies.

He stated De-escalation Training is an ongoing practice. Officers are required by POST; (Police Officer's Standard Training sponsored by the State of Missouri), to participate in continuing education programs that must be documented and reported on an annual basis. Annual Firearms Training is conducted in-house and through St. Louis County.

Chief Hampton stated his Department has not received any formal complaints of officer misconduct within the last three years.

The Eight Pillars

1. Use of Force - Department policies 3-01, Use of Force and 3-15, Disciplinary Code of Conduct, prohibit the use of choke, sleeper, or strongholds.
2. Soft Empty-Handed Control - Officers are trained to utilize pressure points on an offender's arms and legs.
3. Department policies 3-09, Code of Conduct and 4-03, Compliance Reporting, require an officer to report or intervene when witnessing excessive force being utilized. Officers are duty-bound to make truthful reports regarding all use of force incidents, which must be documented and reported on an annual basis. False reports are a terminating offense and any infractions thereof are addressed immediately.
4. Officers are required to identify themselves and state their intent to shoot whenever possible. *(Also covered under the Department's Active Shooter Training Program.)*
5. Officers are prohibited from shooting at moving vehicles without significant probable cause.
6. Officers are required to report any incident where a firearm is pointed at a civilian or discharged.
7. The goal of U City's Police Department is to be a problem-solver. Officers are encouraged to pursue Crisis Intervention Training. The use of deadly force is a last resort that should only be exercised when all reasonable alternatives have been exhausted or appear to be impractical.
8. Department policy 3-01, The Use of Force Continuum, provides officers with guidelines on how much force may be used against a resisting subject in a given situation.

Councilmember Smotherson expressed his appreciation for the U City Police Department and the Chief's participation in this discussion. And with the hope of reassuring the public, he would ask that a comparison of the Department's policies versus the actions taken against Mr. Floyd, as well as an officer's duty to intervene, be expounded upon. Chief Hampton stated he and no one else coming out of the St. Louis County Police Academy has ever been trained to place their knee on someone's neck to restrain them. And frankly, the assistance of three additional officers should have made the containment of Mr. Floyd fairly easy to accomplish. He stated roll call briefings are very extensive and officers are duty-bound to report or intervene when witnessing excessive force. And because many of the Department's policies are closely aligned with the administrative regulations contained in 4-03, these actions would constitute a violation of an officer's code of conduct, as well as their failure to report.

Councilmember Clay thanked Councilmember Smotherson for suggesting that this topic be brought forward in tonight's meeting. He then asked Chief Hampton if he could give them more information on whether any use of force complaints has been filed here? Chief Hampton stated within the last three years no formal complaints have been filed regarding the use of force as it relates to empty-handed controls, take-downs, pepper spray, weapons being displayed, collapsible batons, or tasers. Councilmember Clay asked Chief Hampton if he could speak to some of the youth diversion programs the Department has been involved in? Chief Hampton stated the Department has experienced tremendous success with the Juvenile Committee Conference that provides clear alternatives to detention and incarceration and utilizes their Chaplain and school resource officers; the Juvenile Diversion Program for first offenders ages 9 through 16, and the Department of Justice initiatives in conjunction with the School District. He stated a focus of his leadership is to provide assistance that supports the rehabilitation of youth and helps remedy these criminal behaviors.

That's why U City was the first jurisdiction to participate in programs of this nature offered by the St. Louis County Juvenile Court.

Mayor Crow asked how often is diversity training provided to the City's officers? Chief Hampton stated diversity training is provided in-house on an annual basis and is structured to surpass the minimal requirements.

Mr. Rose questioned whether his understanding of the Department's policy on the use of lethal force is that it should only be executed when the protection of others is at stake, was correct? Chief Hampton stated that it was.

Councilmember Hales stated although it is incredibly sad that Council is even having this discussion, he sincerely appreciates the efforts put forth by the Chief, City Manager, and several of his colleagues, to make it happen.

As the Chief talked about the use of force continuum and the ability to de-escalate a situation, he was reminded of an incident he witnessed when members of the U City Police Department were in a confrontation with a very distressed and angry individual.

He stated the patience demonstrated by these officers clearly illustrated the positive outcomes when officers utilize skills that help people cope with their problems and is one reason why he found the actions taken against Mr. Floyd so appalling. Councilmember Hales asked the Chief if he could expound on the Department's De-escalation Training and explain why it is so important. Chief Hampton stated the Department's De-escalation Training teaches the following techniques; the initial encounter starts with the officer making a request. If that fails, they issue a command. If the command is ignored, they can then move to soft, empty-handed controls utilizing PPCT pressure and nerve motor points. Its main purpose is to strategically slow down an incident in a manner that allows officers more time to react during active situations on the street.

Crisis Intervention Training is taught in the Academy. However, officers are required to participate yearly, in a 40-hour course to solidify and reinforce those skills; which includes how to identify symptoms associated with mental health, stress, anxiety, and what techniques should be used to de-escalate the situation. There is even an advanced level of training for supervisors and instructors.

The Chief stated it is difficult to detain an individual that is having a mental episode unless they are making threats to the public or themselves. So, oftentimes that means officers must track down family members or find other available resources before driving away from the scene.

Councilmember Smotherson stated if no one else has questions, he would like to ask the Chief if there are any concerns that either he or his officers have raised related to the epidemic or the mounting number of protests? Chief Hampton stated he believes his Department understands this is a fluid situation that they have little or no control over. At this point, no one is clear about when schools or recreational facilities will reopen, which is unfortunate because typically the Department participates with several organizations to conduct classes and trips during the summer months designed to reach kids that have limited access to these kinds of activities. So while there are no real concerns, this current environment is testing the type of foundation parents have in place, and the hope is that they will be able to provide a healthy environment for their children.

Mr. Rose stated in response to Councilmember Smotherson's question, he thinks any actions that the Mayor and Council can take to encourage their County, State, and Federal representatives to provide more funding for social service programs, like domestic violence, mental health, or educational resources for kids severely impacted by this epidemic would be beneficial. He stated if you want to have a major impact on society as a whole, these are the kinds of investments he thinks would bode well.

Mayor Crow thanked the Chief and all of his officers for the good work they perform on a daily basis. And while he is pleased with the state of affairs in U City, he thinks this is a moment in time when no one should sit back and be content with how good their circumstances are because this country

shown us that there is always room for improvement.

He stated there is no doubt that the City Manager's suggestion to get involved by trying to secure funding will tax everyone's patience because it has always, and probably will continue to be, a recalcitrant legislature. But that shouldn't stop them from striving to make a difference whenever the opportunity presents itself.

I. UNFINISHED BUSINESS

- 1. 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 second and third time.

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

Councilmember Clay asked Mr. Rose if he could explain who would be responsible for performing this work and what policies the City has in place to monitor their performance? Mr. Rose stated he would ask the Director of Public Works to explain the process, as well as the role of the project manager, which is a newly created position.

Director of Public Works, Sinan Alpaslan stated this project is comprised of a \$72,000 engineering contract in which 80 percent of the costs will be reimbursed by the federal government. The City's Project Manager is primarily responsible for all aspects of this project, including contractual and design activities.

Once the design is completed, it is submitted to the Department of Transportation (DOT) for examination and implementation of the bidding process. After all of the bids have been received and evaluated, the DOT submits a recommendation to the Project Manager, who then makes a recommendation to the Director of Public Works and the City Manager that is ultimately presented to Council for approval.

The engineering firm is retained during the construction phase of the project to perform daily inspections and approve pay applications. All of these activities are coordinated through the Project Manager, who has the final authority to approve or disapprove the work based on the contractor's adherence to schedules and the quality of their work.

A semi-final inspection is conducted by both the engineering firm and Project Manager, and that report is submitted to DOT for approval and release of the reimbursement funds. The final step is the construction closeout phase which is executed by the Project Manager and engineers.

Mr. Alpaslan stated on projects where hard construction costs exceed the cost of an engineer, the Project Manager has the sole responsibility of coordinating the entire project.

Councilmember Clay stated the reason he raised this concern is that what he has witnessed in the past is little to no oversight, resulting in faulty construction that is not uncovered until after the project has been completed. But his understanding today is that the role of the City's Project Manager will be to oversee a project from beginning to end and ensure that the final project is acceptable.

Mr. Alpaslan stated it is extremely important to address construction issues at the time they occur, so most construction companies have someone in-house who is responsible for preparing daily records of the work being performed and submitting them to the City's Project Manager daily. The Project Manager is then responsible for maintaining and reviewing those records to make sure the project is completed according to the specifications outlined in the RFP.

Mr. Rose stated the lack of oversight identified by Councilmember Clay was recognized as a weakness in the City's structure. So, as a result, this new position; which has only been in effect for a short period of time, was approved by the Mayor and Council.

Mr. Alpaslan stated Gene Kuelker was hired as the City's Project Manager in January of this year. He is a professional engineer who has many years of experience working with the City of St. Louis, which 5

includes the expansion of Lambert Airport.

Mr. Alpaslan stated when Gene is not working on a specific project he supports other project managers in their activities by providing additional oversight and review.

Councilmember Cusick asked how frequently is the Project Manager expected to visit a construction site? Mr. Alpaslan stated he is expected to visit the site on a daily basis.

Roll Call Vote Was:

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

Nays: None.

J. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed

2. Council liaison reports on Boards and Commissions

Councilmember Hales stated there is an open position on the Traffic Commission which they would like to see filled with either a female or someone from the 3rd Ward. So, if any of his colleagues know of someone who might be interested their suggestions would be greatly appreciated.

3. Boards, Commissions, and Task Force minutes

4. Other Discussions/Business

K. COUNCIL COMMENTS

Councilmember McMahon stated even though there weren't many issues on the ballot, he would like to thank residents for coming out and participating in the Municipal Elections. Congratulations to Aleta Klein for her election to the 2nd Ward Council seat, Councilmembers Hales and Smotherson on their reelection, and Jerrold Tiers for his efforts, and willingness to get involved.

Councilmember McMahon stated it was also very moving to see so many residents volunteering their time to paint boarded storefronts and demonstrate what they believe in by making others aware of the changes that need to be made in this country. The ability to witness people becoming so engaged really makes him proud to be a part of this City.

Next Monday the class of 2020 will be holding a drive-by graduation ceremony that he will be participating in with his daughter. So, unless it rains, he will not be in attendance for Council's Study Session.

Councilmember Hales stated although he was unable to participate in the protests, he had an opportunity to witness this event and was thrilled to see so many of his friends and neighbors in attendance. As a compliment to Chief Hampton, members of Council received an email from a Pastor who participated in the protest which thanked the Department for their support and provided Council with an authentic testament of how officers are exercising many of the goals expressed by the Chief.

Councilmember Hales stated this was one of the strangest elections he has ever witnessed. And even though the virus limited his campaign efforts, it was incredibly heartening to see over 1,000 people from the 1st Ward come out and cast their votes. So, thank you very much.

Councilmember Clay stated there has been a lot of conversation about race and he wanted to take this opportunity to express his pride in U City. Not because it gets all of these issues right; after all, he and some of his colleagues have been known to speak out about ongoing issues of equity, but because numerous communities make no efforts to address diversity. He stated we all know that the stories of segregation in this region are legion and the reality of segregation is tangible, but at least here, this community keeps pushing towards that ideal of who we should be as a country.

So, while these saddening events have shined a spotlight on this issue, he is proud to be a resident of U City, which in a number of ways is an example for this region, this State, and this country.

Mayor Crow stated even though Councilmember McMahon expressed many of the things on his mind, he would like to thank Mr. Tiers for his continual efforts to make U City a better place, and Aleta Klein, who he looks forward to working with.

He stated he had the pleasure of walking through The Loop over the weekend and was gratified to see people dropping off supplies and kids being supervised by their parents as they utilized their talents to enhance the appearance of the City's businesses. To watch his neighbors and friends participate in such grand form was truly rewarding but the level of interaction between officers and protestors made him even prouder. Mayor Crow stated he thinks the past couple of weeks have clearly demonstrated that this is a community of folks who are willing to listen, protest, disagree, and ultimately, talk things through. So his message; and the hallmark of this community, is that peaceful and respectful protestors are welcome.

He stated while he understands this is a time of struggle for everyone, he would encourage residents to patronize the City's restaurants and businesses because, in the long run, it will benefit this entire community.

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

Roll Call Vote Was:

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

Nays: None.

M. ADJOURNMENT

Mayor Crow thanked everyone for their participation and adjourned the Regular Session of the City Council meeting at 7:42 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:32 p.m.

LaRette Reese
City Clerk

LaRette Reese

10/1

From: Rafia Zafar <pahymq0034@sbcglobal.net>
Sent: Saturday, June 6, 2020 1:34 PM
To: Council Comments Shared
Cc: Gregory Rose; Rafia Zafar
Subject: 8 Can't Wait--for the Mayor and Council's June 8 meeting

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

Dear Mayor Crow and U City council:

In the wake of the murder of George Floyd, and the rising-up of tens of thousands of Americans here in the United States—and outraged human beings across our planet—I ask you, our elected representatives of University City to commit to the tenets of Campaign Zero's Eight Can't Wait.

Eight Can't Wait's main points:

- Ban chokeholds and strangleholds
- Require de-escalation
- Require warning before shooting
- Exhaust all other means before shooting
- Duty to intervene
- Ban shooting at moving vehicles
- Require use of force continuum
- Require comprehensive reporting

Research has shown that the steps outlined above (the link below takes you to the site with more information), if taken, will dramatically reduce violence and save lives. Please commit to instituting all of these guidelines for University City.

<https://8cantwait.org/>

If you go to the site you can see via a pull-down menu what cities and towns have already made pledges to increase the peace. St. Louis city has already signed up but has yet to firmly commit to all eight. Let's join U City and start a wave of peace and security in our corner of the state.

Thank you. Sincerely and with respect,

Rafia Zafar
Ames Place (1st Ward)