

MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE – ZOOM MEETINGS
Monday, January 11, 2021
6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held via videoconference, on Monday, January 11, 2021, 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 Aleta Klein
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.; Director of Planning & Zoning, Clifford Cross; Director of Public Works, Sinan Alpaslan, and Director of Parks and Recreation, Darren Dunkle.

Mayor Crow reminded everyone that January 6th, our Capitol, the seat of our democracy of our Country was breached by an angry mob of rioters who had been egged on by the sitting President of the United States. A horrific act of violence and sedition. As President Obama said, “history will rightly remember today’s violence at the Capitol insighted by a sitting President, who had continued to basely lie about the outcome of a lawful election as a moment of great dishonor and shame for our nation.” That was followed by comments made by President George Bush saying, “the mayhem in our Nation’s Capital is sickening and a heartbreaking sight.” To those who are disappointed in the results of the election; our Country is more important than the politics of the moment. The Mayor stated there were a lot of heroes that day; in particular to the Capitol Police who did their best to save as many as they could, particularly the one police officers who drew the agitates away from the Senate Chambers and to the staffers who secured the Electoral College Votes and made sure they were safe among so many other heroes of that day. Ninety arrest have been made as of earlier this afternoon. President Jimmy Carter stated, “this is a national tragedy and it is not who we are as a nation.” Mayor Crow said as a citizen of a wonderfully diverse city, it sickens him to his core to think that we had anti-Semitic t-shirts in our Capitol. And for the first time, that anyone can remember, a confederate flag being brought into our Capitol. It was a truly tragic and sad day for our Country; brought on by our own elected officials. I know all take great pain in what has occurred, we must look into ourselves and to those who sit to our left and to our right and do the best that we can to move forward as a Country. We look forward to healing the wounds that have been created as of last week. Thank you

C. APPROVAL OF AGENDA

Mayor Crow noted that no changes were made to the Agenda during the Study Session.

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

D. APPROVAL OF MINUTES

1. November 9, 2020, Study Session Minutes were moved by Councilmember Smotherson, it was seconded by Councilmember McMahon and the motion carried unanimously.
2. November 23, 2020, Study Session Minutes were moved by Councilmember Klein, it was seconded by Councilmember Cusick and the motion carried unanimously.

3. November 23, 2020 Regular Minutes were moved by Councilmember Clay, it was seconded by Councilmember Cusick and the motion carried unanimously.
4. December 14, 2020 Regular Minutes were moved by Councilmember Smotherson, it was seconded by Councilmember Cusick and the motion carried unanimously.

E. 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. 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 the 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.***

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 noted that all written comments were provided for Council's review and will be made a part of this record.

He stated there were two public hearings scheduled for tonight's meetings.

F. PUBLIC HEARINGS

1. Map Amendment – Rezone 8400 Delmar Boulevard (Delcrest Plaza).

Mayor Crow opened the Public Hearing at 6:37 p.m. After confirming that no comments had been filed, the hearing was closed at 6:37 p.m.

2. Map Amendment – Rezone Proposed Costco Site

Mayor Crow opened the Public Hearing at 6:37 p.m. Mayor stated one comment had been filed regarding this hearing which had been provided to all members of Council and will also be made part of the permanent record. The hearing was closed at 6:37 p.m.

G. CONSENT AGENDA

1. Fuel Pump Emergency Repairs - Ratification
2. Toro Groundsmaster 4000-D Wide Area Mower
3. National League of Cities (NLC) Service Line Warranties of America (SLWA) Program – First Amendment
4. Funding Allocation – Parking Study (6600 Block of Washington Ave.)
5. Materials Recovery Facility (MRF) Feasibility Study Grant Time Extension
6. Fire Department Vehicle - One 2021 Chevrolet Suburban 4WD
7. EMT Funding Earmark

Councilmember Cusick moved to approve Items 1-7 of the Consent Agenda, it was seconded by Councilmember Klein, and the motion carried unanimously.

H. CITY MANAGER'S REPORT

1. Determination of a Member's Eligibility to Serve on the Park Commission

Mr. Rose stated that Council at the October 26th meeting approved an Ordinance that established greater limitations on residents serving on committees that had some level of oversight of a particular department. Base upon approval of that Ordinance, staff conducted a review of all boards, commissions, and committees to determine if there were any serving members that would now be deemed ineligible due to the new requirements. Based upon that review, one member on the Parks Commission was identified, whom we believe is ineligible.

Mr. Rose stated that his recommendation would be for Council to determine ineligibility of the member and invite him to apply for commission, board or committee where conflict does not exist.

Mayor Crow asked for a motion to move forward with the City Manager's report.

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

Councilmember Smotherson asked why it was presented this way in the packet? He stated even though this is a new process, others that apply to a commission; their application is not part of the packet. Those applications go to the Council only; if we proceed this way, he is uncomfortable that the information was included in the packet. He doesn't necessarily see the need that it was presented that way. The information could be given to Council separately. He also finds it interesting that this was presented this way, the new Ordinance affected two other Commission members; not on Parks but who were affected. Councilmember Smotherson asked to be corrected if his understanding was wrong; he just didn't see why they weren't presented since we're doing it this way.

Mr. Rose stated that a review was done of each of the boards and commissions to determine if the Ordinance impacted the members serving on the BCC's. The City Attorney was engaged and based upon the review; there was one that we initially thought might be impacted. We learned after reviewing the Ordinance and the role of the individual, we determined the person was not disqualified from continuing to participate. Mr. Rose stated that he would need more specifics as which individual is believed to be impacted by the Ordinance. We didn't identify any other person.

Mr. Rose it is certainly a new process and it can be structured in a way that works for the Mayor and Council. It was structured this way matter so that we could clearly distinguish the member that we believe was ineligible and the reason why.

Councilmember Smotherson stated that he didn't see the need to have the job description presented in the packet. It could have been presented separately to Council just like the application are given to us separately and not included in the packet.

Mr. Rose stated he would confer with the City Attorney as this is a public proceeding, if this issue arises in the future, we will review the limits on what information we can present during these types of discussions. We need to ensure that Council as well as the public had all of the information that led to this recommendation. He would be happy to speak with Mr. Mulligan about the issues.

Mr. Mulligan stated under the Sunshine Law, a personnel matter may be closed or done in a closed session and records may be closed. However, this is not a personnel matter in that the Park Commission member is not an employee. The personnel exception under the Sunshine Law only applies to employees. The Ordinance requires that the Council make a determination, as it may be advised by the City Manager, as whether or not the person is ineligible. The only way the Council can act is as a body and would have to vote as body; and that vote would be an open record. It would have to be in an open meeting. To support the Council determination, there should be evidence or information in the record. In this particular packet; you have the job description, as well as information regarding on what the Park Commission does, which is an Ordinance and is also included in the packet. Thus, you can look at what the employee's duties are and what the Park Commission's responsibilities are to then make a determination and vote if you so choose.

Councilmember Smotherson stated that was true; we need the information to vote, so why aren't the applications made part of the packet?

Mayor Crow stated that we could easily make the application part of the packet if the City Manager chooses to. We just have never had the applications be part of the packet in the past. He said he would yield to the City Manager, but he did not think that would be a problem at all.

Councilmember Smotherson stated he wanted to know why the applications weren't included in the public record when they apply.

Mr. Rose stated that the applications can certainly be included. He stated when he first started with the City as City Manager; some norms were already in place; this is one of them. But he's happy to include them.

Councilmember Hales stated that maybe something should be added to the application that residents fill out about this conflict matter. He thinks that would be a wise thing to add.

Councilmember Smotherson stated he didn't have a problem with adding that to the application. But, he is saying if we're looking at the members on the Commission, and making sure there's no conflict, if we're publicly putting them in the packet, like we did in this packet and we're voting to remove that member; why are we doing that because we do the same process with nominating and voting to add them to the Commission. Then their application should be public.

Mayor Crow said the applications have always been public, we just have not made it apart of the City Council packet.

Mr. Rose said he was happy to do it.

Voice vote Councilmember Cusick's motion carried unanimously, with the exception of Councilmember Clay.

I. UNFINISHED BUSINESS

1. BILL 9416 – AN ORDINANCE AMENDING SECTION 400.070 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF PROPERTY AT 8400 DELMAR BOULEVARD FROM GENERAL COMMERCIAL (“GC”) TO PLANNED DEVELOPMENT—MIXED USE DISTRICT (“PD-M”); AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

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

Roll Call Vote Was:

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

Nays: None.

2. BILL 9418 – AN ORDINANCE AMENDING SCHEDULE III OF THE TRAFFIC CODE, TO REVISE TRAFFIC REGULATION AS PROVIDED HEREIN

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

Roll Call Vote Was:

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

Nays: None.

J. NEW BUSINESS

RESOLUTIONS

1. **Resolution 2021-1** - Delcrest Plaza Preliminary Plan Approval.

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

BILLS

Introduced by Councilmember Cusick

1. **BILL 9419** – AN ORDINANCE AMENDING CHAPTER 500 “BUILDING AND CONSTRUCTION” ARTICLES I, II, III, IV, V, VI, VII, VIII & VIIIA OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI.

Introduced by Councilmember Hales

2. **BILL 9420** – AN ORDINANCE REPEALING CHAPTER 205 “FIRE CODE” OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI AND ENACTING IN LIEU THEREOF A NEW CHAPTER 205 TO BE KNOWN AS “CHAPTER 205 FIRE CODE”.

Introduced by Councilmember Clay

3. **BILL 9421** – AN ORDINANCE AMENDING SECTION 400.070 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO THE OFFICIAL ZONING MAP, BY AMENDING SAID MAP SO AS TO CHANGE THE CLASSIFICATION OF MULTIPLE PROPERTIES IN REDEVELOPMENT PROJECT AREA 1 FROM PUBLIC ACTIVITY (“PA”), INDUSTRIAL COMMERCIAL (“IC”), GENERAL COMMERCIAL (“GC”), HIGH DENSITY RESIDENTIAL (“HR”) AND SINGLE-FAMILY RESIDENTIAL (“SR”) DISTRICTS TO PLANNED DEVELOPMENT – MIXED USE (“PD-M”) DISTRICT AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

Introduced by Councilmember Klein

4. **BILL 9422** – AN ORDINANCE VACATING AND SURRENDERING PORTION OF A PUBLIC EASEMENT LOCATED WITHIN THE CITY LIMITS OF UNIVERSITY CITY, WEST OF DELCREST DRIVE, EAST OF A PRIVATE ROAD PLATTED AS ST. LOUIS BELT & TERMINAL RAILROAD RIGHT OF WAY, AND EXTENDING NORTHEASTWARD 123.22 FEET FROM SAID PRIVATE ROAD, BUT RESERVING ANY OTHER PUBLIC EASEMENTS, AND DIRECTING THAT THIS ORDINANCE BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF ST. LOUIS COUNTY, MISSOURI.

K. COUNCIL REPORTS/BUSINESS

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

Councilmember Cusick stated that the Commission on Storm Water Issues has been working diligently on setting up a reference library for possible use with the University City Library. At this point, they are asking citizen to think about sending in information on any flood events that have happened in the past fifty to seventy years. They're looking for photographs or videos; more information will be in the next ROARS. Not looking for events that happened inside the home, but more the outside neighborhood events.

Councilmember Clay asked Councilmember Cusick if the Commission already had documentation on the floods that happened in the past couple of years? He stated that maybe the City had the more recent pictures and he wondered if there was a documentary process that takes place with the City. He knows the first responders are about the business of rescuing folks and property and not necessarily taking pictures.

Councilmember Cusick said they are looking for information from the last two years as well. There is a lack of a good solid library and reference indicators for the floods. They have asked the Fire and Police departments for any information they may have. Once a method to house the information is in place, they will make a more concerted effort to get information from the Fire, Police, and other City departments.

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

L. COUNCIL COMMENTS

Councilmember Smotherson stated the he wanted to make a correction to change his aye vote to nay on item H1; if that's possible. He said Happy New Year; with emphasis on new because he is hoping that things change in the world, that COVID will improve but also there are a lot things going on in this City. Especially in the third Ward, which have not happened in decades. He is looking forward to the next couple of years and hoping the Council is ready to get going and change the things that we can. Happy New Year!

M. EXECUTIVE SESSION

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 close the Regular City Council meeting and go into a Closed Session, it was seconded by Councilmember Cusick.

Roll Call Vote Was:

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

Nays: None.

N. ADJOURNMENT

Mayor Crow thanked everyone for attending and adjourned the Regular City Council meeting at 7:01 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 7:40 p.m.

LaRette Reese
City Clerk



LaRette Reese

From: Max Sassouni <maxsassouni@gmail.com>
Sent: Monday, January 11, 2021 9:38 AM
To: Council Comments Shared
Subject: Parking Study (6600 Block of Washington Ave.)

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

UCity Community Members,

As a property manager for apartment buildings on the 6600 block of both Kingsbury and Washington Avenue, I am writing this email to share a perspective on the proposed metered parking in our small neighborhood. I will preface my comments by saying that I do not oppose funding a study of the parking situation in our neighborhood--it will only leave us more informed about an important issue. **I am, however, very concerned about the far-reaching and unintended negative consequences that may arise from policy that does not consult with the residents and property owners within this community.**

After speaking with a few community members in favor of the metered parking, I understand that the main concern is that our neighborhood effectively serves as free parking for WashU faculty and staff commuters. As a UCity community member and tax payer, I share the frustration surrounding our uneven relationship with WashU--however, I do not want to see our frustration manifest in poor policy that does not properly address the issue. I welcome a well-thought out solution, but simply metering parking will hurt the residents and property owners (and ultimately our city) far more than you might imagine if you are not intimately familiar with the neighborhood.

Almost every building in this neighborhood was built c. 1925, before we had any modern parking requirements. As a result, the majority of the buildings do not have adequate parking or any parking at all. It's not because the property owners don't want to create parking spots. Many of the lots just have no space to create any or enough parking spaces. I've even tried leasing parking spots in adjacent buildings with no luck. **The residents of the neighborhood rely very heavily on street parking--far more than any WashU commuters do.** It's as simple as counting the number of residents and the number of private parking (non-WashU) spaces--the numbers do not match up. Our Department of Planning and Development is familiar with this issue.

Two of the most glaring unintended consequences of metered parking would be:

1. Residents in buildings without enough parking will just park in other building's lots. This is already an issue in the neighborhood and would become a nightmare for residents and property managers alike (although tow companies will surely benefit). Even our properties that do satisfy today's parking requirements will become seriously burdened.
2. The neighborhood will become far less desirable as residents with cars would not be able to live in the majority of the buildings. This will ultimately push property values down. Tax revenue for the city will drop far more than any metered parking revenue can make up for. All property owners will ultimately do whatever they can to protect their livelihoods. If the property owners can't keep their long-standing parking rights on the street, it would result in property tax appeals from every building that relied on street parking.

When managing property in this neighborhood becomes too difficult, tax-paying small private owners have little choice but to sell their properties to WashU--who already has too much influence while paying no property taxes.

②
There are solutions that can address our commuter parking problem while also leaving our tax-paying residents and property owners unharmed. If we decide to regulate parking on these streets, the residents must be eligible for parking permits that do not require them to fill a meter every few hours.

As I'm sure most are aware, this is a very special neighborhood tucked below the Loop. The residents of the neighborhood are the strongest supporters of the small businesses that help to define our community.

I understand some of these comments may appear premature for the stage we are in now, but I wanted to make myself available to anyone who would like to discuss this very important issue. I'm more than willing to hear any different perspective from the stakeholders involved in our neighborhood so we can arrive at a proper solution--please feel free to contact me anytime at 314.202.4035.

Thanks for reading,
Max Sassouni

6675 Washington Avenue
MaxSassouni@gmail.com
314.202.4035

LaRette Reese

From: Bart Beyers <bart@beyerslumber.com>
Sent: Friday, January 8, 2021 4:33 PM
To: Council Comments Shared
Subject: Costco Public Hearing Question

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

Dear Council,

Under the current Redevelopment Agreement, how long can Novus and U City continue to suppress real estate values, property enhancements, and impede potential (long-term) commercial leases, before another strategy is considered, or other developer(s), under similar subsidized financing, are allowed to ride the proverbial "coattails" of a Costco anchor? Novus has contacted us offering a significantly less amount than our initial agreement (as Costco appears to have committed). From the time U City/Novus efforts began (over 2yrs ago) things seem to be going backwards, not forward.. At least for current business and property owners.

As 2020 has proven, a lot can change in a relatively short period of time. How does the city, and its sole strategy and partnership, aim to keep up with those changes? Businesses (along with their clientele) are struggling as it seems Council makes every effort to determine a "Free Market". The "Task Force" and i5Group remain a little abstract IMHO.

Respectfully, but somewhat disappointedly, Bart Beyers

Beyers Lumber & Hardware
8680-8684 Olive Blvd, U City, Mo. 63132

