

MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE – ZOOM MEETING
Monday, March 22, 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, March 22, 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 McMahan
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 and Zoning, Clifford Cross; Director of Parks, Recreation & Forestry, Darren Dunkle; Director of Finance, Keith Cole, and Chief of Police, Larry Hampton.

Mayor Crow stated last Tuesday this country experienced another cruel and vicious attack on some of its most vulnerable citizens. Eight people were gunned down in Atlanta, six of whom were women of Asian descent. Parents have lost daughters, children have lost mothers, siblings have lost sisters, and families are left with broken hearts and unanswered questions.

Public officials with access to bully pulpits have spread this kind of hate, and in the past year, this country has experienced 3,795 acts of violence against people of Asian descent. As President Biden stated, *"It's been a year of living in fear for their lives"*. Mayor Crow stated as Americans we must take responsibility for failing to express outrage when these classes of individuals were targeted. Silence is complicity; we have to speak out; we have to act.

In San Francisco, after World War II a soldier with one arm walked into a barbershop and was told by the owner of that shop, *"We don't serve Jap's here"*. That soldier was Daniel Inouye, who lost his arm while taking out a German gun nest. In 1963 he was elected to the Senate. At the time of his death in 2012, he was the third in line for the Presidency of the United States.

Mayor Crow stated U City is a diverse and welcoming community that has the privilege of being the home to a large International District filled with Asian-owned businesses, restaurants, and citizens. So tonight, on behalf of his colleagues, he is asking the City Manager to draft a Resolution that encompasses what President Biden has asked us all to do; speak out about these senseless murders and continuous racism in our country. Mayor Crow stated he is also encouraging anyone with ideas about how this City can help address the fears, concerns, and needs of those who are experiencing any type of racism or hatred to contact this Council or the City Manager. We as a country must do better.

C. APPROVAL OF AGENDA

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

D. APPROVAL OF MINUTES

1. March 8, 2021, Regular Minutes, was moved by Councilmember Klein, it was seconded by Councilmember Clay and the motion carried unanimously.

E. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Kathleen Sorkin is nominated for reappointment to EDRST Board by Mayor Terry Crow, it was seconded by Councilmember Smotherson and the motion carried unanimously.
2. Edward Nickels is nominated as a fill-in to the Historic Preservation Commission replacing Donna Marin by Councilmember Stay Clay, it was seconded by Councilmember Smotherson and the motion carried unanimously.

F. SWEARING IN TO BOARDS & COMMISSION

1. Cynthia Martin was sworn into the Economic Development Retail Sales Tax Board on March 18, 2021 via Zoom.

G. 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 City Hall at 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.** Also, note whether your comment is on an agenda or non-agenda item. If a name and address are not provided, the comment will not be recorded in the official record.*

Mayor Crow thanked citizens for taking the time to submit their written comments, which have been made a part of this record.

H. CONSENT AGENDA

1. Consulting and Accounting Assistance Services
2. Canton Avenue Improvements Phase I – Engineering Services Contract
3. Project #1268 – Kennedy Street Rehabilitation
4. Release and Termination of Easements (Redevelopment Project Area 1)

Councilmember McMahon moved to approve Items 1 through 4 of the Consent Agenda, it was seconded by Councilmember Clay and the motion carried unanimously.

I. CITY MANAGER'S REPORT

1. Three Traffic/Speed Trailers Purchase

Mr. Rose stated staff is recommending that Council consider the purchase of three Traffic/Speed Trailers for \$41,970.

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

Councilmember Smotherson asked if staff could explain how these trailers are going to be utilized? Chief Hampton stated this is a Capital Improvement Project that was allocated in last year's budget, and the purpose is to enhance road safety. He stated his Department receives traffic complaints on a regular basis and these trailers will gather the data needed to provide accurate information that will assist in deterring speeding or hazardous road activities.

Councilmember Smotherson asked if the equipment recorded actions related to speeding or other traffic violations for the purpose of issuing tickets? Chief Hampton stated that they would not be used to record traffic offenses.

Councilmember Hales stated as a member of the Traffic Commission, he recalls this being one of the most frequent requests from citizens. So, with the addition of the trailer from Public Works, will this give the Department access to four trailers that can be located throughout the City? Chief Hampton stated while technically that would be correct, the software has to be updated every few years, and the software for the Public Works trailer is over five-years-old.

Voice vote on Councilmember Smotherson's motion to approve carried unanimously.

2. Contract with Gilmore Bell for Bond and Disclosure Counsel Legal Services RE: Renovation of Annex for the Police Station and other improvements

Mr. Rose stated staff is recommending that Council authorize the execution of a contract with Gilmore Bell for Bond and Disclosure legal services for the renovation of the Annex.

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

Councilmember Clay asked if there was a requirement to utilize the bidding process for professional services? Mr. Rose stated there is no requirement to bid professional services out for proposals. However, based on the fact that there is a requirement to provide counsel with all of the documentation related to the bond project by May 25th, and that the City is very familiar with the quality of work performed by Gilmore Bell, staff felt confident that the quote they provided was well within industry standards.

Mayor Crow asked Mr. Mulligan if he would provide his legal opinion about this process and the selection of Gilmore Bell? Mr. Mulligan stated he conducted discussions with Gilmore Bell about this proposal both before and after it was submitted, and in his opinion, the fees quoted are consistent with the market rate. He stated Gilmore Bell has a longstanding relationship with the City for providing bond and economic development services, either formally or informally. Currently, they are providing legal services in conjunction with the Olive/1-170 Project and have agreed to significant discounts in their letter of engagement. And in this particular case, the General Obligation Bond was discounted approximately 10 to 15 percent, and the Certificates of Participation were discounted approximately 30 percent.

Voice vote on Councilmember Cusick's motion to approve carried unanimously, with the exception of Councilmember Smotherson.

J. UNFINISHED BUSINESS

1. BILL 9427 – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS “MARKET AT OLIVE”. Bill 9427 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

2. BILL 9429 - AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE PROPOSED COSTCO DEVELOPMENT LOCATED ON A TRACT OF LAND WITHIN REDEVELOPMENT PROJECT AREA, NO #1 KNOWN AS THE COSTCO DEVELOPMENT SITE. Bill Number 9429 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

K. NEW BUSINESS

RESOLUTIONS

1. **Resolution 2021-4** – A Resolution Extending the Date for the Developer to Acquire Property within the North Phase Anchor Site Portion of Olive Boulevard Commercial Corridor and Residential Conservation Redevelopment Project Area 1.

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

L. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed

2. Council liaison reports on Boards and Commissions

Councilmember Clay reported that although specific protocols, like wearing a mask, et cetera, will remain in place, the Library is scheduled to reopen tomorrow.

He stated the Green Practices Commission has been focused on the trails in Ruth Park Woods which have become infested with several invasive species. The Commission is working with the City to secure several grants, as well as soliciting volunteers to help clean-up the area.

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

M. COUNCIL COMMENTS

Councilmember Clay stated he received the Johnson & Johnson vaccine last week and while there was a little bit of soreness and fatigue the next day, by Sunday he was feeling like his old self again. So, while he understands that the after-effects will be different for each individual, he would encourage everyone to get their vaccine whenever the opportunity prevails itself. The more people that get vaccinated means the sooner they will be able to enjoy this community's amenities.

Councilmember Smotherson stated the City Manager has made Centennial Commons available for use as a mass vaccination site and he hopes that the vaccine will be accessible here in U City.

Councilmember Cusick reminded everyone of the upcoming School Board elections on Tuesday, April 6.

Councilmember Hales stated he recently learned that the Walgreens on Delmar will soon be equipped to provide vaccines and that there is a privately-owned pharmacy in U City that has already started offering vaccinations. He stated there are tons of resources on Facebook and as a result, he drove over two hours to get his first shot.

Mayor Crow stated if anyone gets a chance to visit The Loop after dark, they might enjoy seeing the new lights on the old Cicero's building located at the northeast corner of Delmar and Kingsland. Mayor Crow stated the display is pretty impressive, so he would like to thank the owner for his investment in the community.

N. 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 adjourn the Regular Session and go into a Closed Session, it was seconded by Councilmember Clay.

Roll Call Vote Was:

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

Nays: None.

O. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Regular Session of Council at 6:59 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 7:43 p.m.

LaRette Reese
City Clerk

From: Andrew M <andrewmossman@gmail.com>
Sent: Thursday, March 18, 2021 8:00 AM
To: Council Comments Shared
Subject: Comment for March 22, 2021 Meeting

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

From: Andrew Mossman, 6722 Bartmer Ave.

Recently, I received a Virtual Court Notice from the University City Municipal Court. The Notice states that I am scheduled to appear on 3/18/2021, and that "court proceedings will be via Webex video conferencing."

The Notice also states that to receive the link for my court appearance, I must complete a Consent to Video Conference Form.

The Consent Form states that "I have been advised that I may be entitled to be personally present in connection" with the case.

I believe that both of these statements are incorrect. At the very least, both of these statements are misleading.

Section 18(a) of the Constitution of Missouri provides that "in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel," and "to meet the witnesses against [them] face to face."

There are big differences in language between the statements of the Notice (MUST complete a Consent to Video Conference Form), the waiver (MAY be entitled to be personally present), and the actual rights (SHALL have the right to appear and defend in person).

Therefore, I respectfully request that the parties responsible for the Virtual Court Notice and the Consent Video Conference Form review and revise the language of each document.

Anyone with a matter before the municipal court should know that it is their right to appear in person, and that their consent to attend virtual proceedings is optional.

Thank you,

Andrew Mossman