

SPECIAL MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE – ZOOM MEETINGS
Monday, March 15, 2021
6:01 p.m.

A. MEETING CALLED TO ORDER

At the Special Session of the City Council of University City held via videoconference, on Monday, March 15, 2021, Mayor Terry Crow called the meeting to order at 6:01 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 and Zoning, Clifford Cross.

C. APPROVAL OF AGENDA

Mayor Crow asked if Mr. Rose had changes to tonight's agenda? Mr. Rose asked that Bill 9427 (item No. E2) be amended and continued to the March 22, 2021 meeting.

Councilmember Clay moved to approve the amended agenda. It was seconded by Councilmember Cusick.

Councilmember Smotherson asked why the item was being moved out to March 22, 2021? Mayor Crow stated that it was a subject matter for later discussion in the executive session. The motion carried unanimously.

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

D. 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 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 that 3 comments were received for tonight's meeting and thanked citizens for taking the time to submit their written comments.

E. UNFINISHED BUSINESS

- 1. Bill 9417** - 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”) AND INDUSTRIAL COMMERCIAL (“IC”) DISTRICTS TO PLANNED DEVELOPMENT-COMMERCIAL (“PD-C”) DISTRICT; AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY. Bill Number 9417 was read for the second and third time.

Councilmember Klein moved to approve, and 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 9427** – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS “MARKET AT OLIVE”

City Attorney John F. Mulligan Jr. recommended that a motion be made to substitute as Exhibit A to Bill Number 9427, the subdivision Plat filed with the City Clerk today, March 15, 2021. The substituted Plat identifies Easements that will be vacated by a separate document and the easements that will be vacated by a particular Subdivision Plat attached to Bill Number 9427. It also adds language on certain easement vacations and an easement being dedicated. These changes were requested by Costco over the past weekend, therefore it is recommended that the motion be made accordingly.

Councilmember Clay moved to amend Bill 9427 to substitute as Exhibit A to Bill Number 9427, the Subdivision Plat that was filed with the City Clerk today, March 15, 2021. The motion was seconded by Councilmember Cusick.

Roll Call Vote Was:

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

Nays: None.

Councilmember Clay moved to continue Bill 9427 until the March 22, 2021 meeting. It was seconded by Councilmember Hales.

Voice vote on the motion to continue carried unanimously.

- 3. BILL 9428** – AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX INCREMENT REVENUE NOTES (OLIVE BOULEVARD COMMERCIAL CORRIDOR AND RESIDENTIAL CONSERVATION REDEVELOPMENT PROJECT AREA 1), SERIES A AND B, OF THE CITY OF UNIVERSITY CITY, MISSOURI, TO PROVIDE FUNDS TO FINANCE CERTAIN REDEVELOPMENT PROJECT COSTS; AND APPROVING CERTAIN ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE NOTES. Bill Number 9428 was read for the second and third time.

Councilmember Cusick moved to approve, and it was seconded by Councilmember Clay.

Roll Call Vote Was:

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

Nays: None.

**F. NEW BUSINESS
RESOLUTIONS**

- 1. Resolution 2021-3** – Preliminary Plan Approval – Adoption of a Resolution to approve the Preliminary Plan Concept for the proposed Costco Development.

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

Voice vote on the motion to approve carried unanimously.

BILLS

Introduced by Councilmember Smotherson

- 1. 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 first time.

G. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

H. COUNCIL COMMENTS

Hearing no comments, Mayor Crow moved to the next item.

I. 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 Session and go into Executive Session, seconded by Councilmember McMahon.

Roll Call Vote Was:

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

Nays: None.

J. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Regular Session of Council at 6:13 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 6:51 p.m.

LaRette Reese
City Clerk

LaRette Reese

From: Howard Granok <howard@crossroadscollegeprep.org>
Sent: Saturday, March 13, 2021 7:41 PM
To: Bwayne Smotherson; Stacy Clay; Council Comments Shared
Subject: Olive Street Development

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

Dear Councilman Smotherson,
I have been corresponding with Councilman Clay and I want to include you in this conversation as well.

My wife and I live on Richard Court, within RPA 1 of the proposed Olive development. We have recently learned that Novus has put four houses at the end of the street under contract, with the expectation of closing at the end of the month. These houses are immediately adjacent to ours. Our understanding is that these houses will be demolished to make room for construction access for the Costco project.

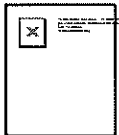
Novus has not corresponded with us for over a year. Given the proposed phasing of this project, we are now increasingly alarmed that several months or even years could elapse before development proceeds to include the rest of Elmore, Richard, and Orchard Courts. We know that houses in this neighborhood contain asbestos tiling and probably lead paint as well. These will be disturbed by the demolition process and we are stuck here while it happens.

Novus has not been up front with anyone in our neighborhood except for the 12 houses at the end of the cul-de-sac they are purchasing. I have heard many times that the City does not want to be a participant in negotiations between Novus and the residents of RPA 1. The city has considered these negotiations as between willing sellers and a buyer, but Novus has stopped this process with the rest of the neighborhood. Proceeding with demolition and construction will harm everyone who remains on Elmore, Richard, and Orchard Courts. We urge you to protect the health and interests of U City residents and vote NO on this zoning reclassification bill until Council and the City Manager have independent confirmation (i.e., not from Novus) that they are closing on the remaining houses in this neighborhood so that the other residents may move before construction proceeds. If Novus does not have the funds to buy out the rest of the neighborhood now, this deal should not go through.

Sincerely,

Howard Granok
8645 Richard Court
University City, MO 63132

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Howard Granok, PhD
Science Department, Chair
Chess Coach
314-367-8085
crossroadscollegeprep.org

From: David Harris <djharris11@sbcglobal.net>
Sent: Monday, March 15, 2021 9:35 AM
To: Council Comments Shared
Subject: Agenda Item E-3, March 15, 2021

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

Comments to Ordinance Authorizing the Issuance of TIF Notes, Bill 9428, Agenda Item E-3, March 15, 2021.

Three comments.

(1) The City is pledging tax revenue to pay the TIF Notes, as explained in this comment. Please confirm if my comment is accurate, or please correct and clarify if I am wrong.

It appears the City will help pay the TIF Notes with, and is pledging as security for payment of the TIF Notes, most of the tax revenue the City would otherwise be receiving from the 1.0% countywide sales tax and the 0.5% capital improvements sales tax generated within RPA 1.

See the definition of City Revenue in the Trust Indenture, Article I, on pages E-3-13 and 14 of the Agenda Packet. This definition is the same as the definition in the Redevelopment Agreement.

The "incremental revenues" referred to in the definition of City Revenue are the increase over current tax revenue for those two taxes and were projected to be more than \$100,000 per year. See Table 8 from the RPA 1 Cost-Benefit Analysis dated February 11, 2019 (the "CBA").

City Revenue is part of Net Proceeds (page E-3-16).

Net Proceeds are part of Pledged Revenues (page E-3-17).

Pledged Revenues pay the TIF Notes. Trust Indenture Section 202(a) on Page E-3-20.

Additionally, the Trustee is granted a security interest in All Net Proceeds. Granting Clause (a) on Page E-3-11.

The proposed Ordinance recognizes the City Revenue obligations. Section 2 on Page E-3-3 states, "The Notes and the interest thereon shall constitute special, limited obligations of the City payable as to principal, premium, if any, and interest solely from Pledged Revenues (as defined in the Indenture) and other moneys pledged thereto and held by the Trustee (as herein defined) pursuant to the Indenture. The Notes shall not constitute debts or liabilities of the City (except as provided in the foregoing sentence)."

Section 2 of the Ordinance mirrors Sections 202(a) and (b) of the Trust Indenture.

The exception parenthetical refers to Pledged Revenues. As explained above, Pledged Revenues include City Revenue.

(2) Are there any other "exceptions" for City tax revenue to be used or for City debts or liabilities included in the Ordinance, the Trust Indenture, or the Redevelopment Agreement?

(3) Recent Financial Analysis? Before approving issuance of the TIF Notes, has the City produced or been supplied, and is the City Council reviewing and considering, any updated financial projections for the Olive-170 Project? The most recent financial analyses appear to be the CBA and the TIF Revenue and Bond Model from Stifel dated January 25, 2019, both more than two years ago. With the new Trustee BOKF, N.A. and the new Lender Cedar Rapids Bank & Trust Co. (see definition in Trust Indenture, Page E-3-16) there could be more recent financial analyses available.

David J. Harris
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University City, MO 63130
314-795-3465

