

MEETING OF THE CITY COUNCIL  
**VIA VIDEOCONFERENCE**  
Monday, April 12, 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, April 12, 2021, Mayor Terry Crow called the meeting to order at 6:31 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; Director of Parks, Recreation & Forestry, Darren Dunkle; Director of Public Works, Sinan Alpaslan; Amy Gilbertson and Amanda Truemper of Trivers, and Bob Schwartz of HOK.

**C. APPROVAL OF AGENDA**

Mayor Crow noted the City Manager's request to move Item H-3; (Conditional Use Permit (PC-21-05), Convenience Store at 8326-8328 Olive Blvd.), to the April 26th meeting.

Councilmember Smotherson moved to approve, seconded by Councilmember Clay, and the motion carried unanimously.

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

**D. APPROVAL OF MINUTES**

1. March 8, 2021, Study Session – River Des Peres & Visioning and Comprehensive Plan Update was moved by Councilmember Klein, seconded by Councilmember Hales, and the motion carried unanimously.
2. March 15, 2021, Special Meeting was moved by Councilmember Clay, seconded by Councilmember Hales, and the motion carried unanimously.
3. March 22, 2021, Regular Meeting, was moved by Councilmember Cusick, seconded by Councilmember McMahon, and the motion carried unanimously.
4. March 30, 2021, Special Meeting was moved by Councilmember McMahon, seconded by Councilmember Klein, and the motion carried unanimously.

**E. APPOINTMENTS TO BOARDS & COMMISSIONS**

1. John Roman is nominated to the Urban Forestry Commission as fill in replacing Julie Brill Teixeira's unexpired term by Councilmember Aleta Klein, seconded by Councilmember Cusick, 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. 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.** Also, note if your comment is on an agenda or non-agenda item. If a name and address are not provided, the submitted 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.

## G. CONSENT AGENDA

1. Economic Development Strategic Plan Acceptance
2. Heman Park – Sealing and Striping Project
3. ABI Force Z23 Ball Field Groomer
4. Canton Fence Project
5. Economic Development Retail Sales Tax – Relocation Assistance

Councilmember Clay moved to approve Items 1 through 5 of the Consent Agenda, seconded by Councilmember Klein, and the motion carried unanimously.

## H. CITY MANAGER'S REPORT

1. Police Station Design Concept – Video Presentation

Mr. Rose stated as requested by Council, Ms. Truemper and her team are here tonight to present a video of the proposed design concepts for the Police Station.

Ms. Truemper stated although this current vision provides an idea of the potential opportunities with the Annex, there will be additional design changes based on feedback from departments as they move forward. She stated a lot of the credit for putting this together goes to Bob and his team at HOK.

Mr. Schwartz stated what they discovered is that there are a lot of opportunities that have yet to be investigated and flexibility in determining where departments can be located.

*(Viewing of Video Presentation)*

Mayor Crow stated he was unable to determine where some of the workspaces and intake areas would be located.

Mr. Schwartz stated the video concentrates on the spaces that generate a lot of natural light, rather than locker rooms, evidence storage, or the intake areas. He stated the photo of the two garage doors make up the vehicle sally port where prisoners will be brought into the facility outside of plain view. So, the entire northwest corner of the building will represent the intake area, which includes several holding cells.

Councilmember Clay questioned what space if any has been devoted to community rooms that could potentially house activities like the Citizen's Police Academy or programs that entail community interaction with the police?

Ms. Truemper stated the building between the Annex and City Hall; which they have identified as the connector affords them the opportunity to create shared community/conference rooms or break rooms.

Mr. Schwartz stated there is one large and one small conference room behind the windows and two conference rooms located off the hallway that leads to the entrance off of the west parking lot.

There is also a large briefing room on the southeast corner of the second floor equipped with video technology and whiteboards that would be an ideal spot for the Citizen's Police Academy.

Councilmember Hales asked whether the staircase portrayed at the beginning of the video was the original staircase? Ms. Truemper stated that it was. Councilmember Hales questioned whether any other features of the building would remain? Ms. Truemper stated for the most part, outside of the staircase, which is considered a historic core of the building, will be retained. The elevator core will require a new elevator, the clear story will be reopened and covered, and new stairs will be added to meet the current egress requirements.

Councilmember Hales stated this building was a hodgepodge of renovations that resulted in a pretty dismal environment, so the open concept and use of glass in the interior resulting in a radiant space is what he was hoping to see.

Mr. Schwartz stated the main spaces pictured in the lobby will have a counter for the police with a glass partition separating it from the lobby that can only be accessed with a security card. Police enter from behind the stairs off the west parking lot which has been cut off from the public.

Councilmember Hales questioned whether the exterior walls would be insulated and dry-walled or if the exposed brick would remain? Mr. Schwartz stated they had not begun the design phase, so the video does not include the more detailed work and types of materials that will be used. He stated this is merely a glimpse at some of the opportunities.

Ms. Truemper stated they have the opportunity to do either a finished space or retain the exposed brick.

Mayor Crow thanked Ms. Truemper and her team for joining Council this evening. He stated all of their efforts are appreciated and they look forward to the next phase of this project.

## 2. Allocation of Funding to Hire Assistant City Manager - Housing

Mr. Rose stated staff is requesting that Council consider allocating \$13,000 from the General Fund reserves and \$12,000 from the RPA 2 Fund to hire an Assistant City Manager to assist in the development and administration of a housing program, as well as oversight of various construction projects and the courts.

Councilmember Clay moved to approve, seconded by Councilmember McMahan.

Councilmember Smotherson stated he does not have a clear understanding of why this position could not be incorporated into the Planning and Zoning Department? Mr. Rose stated except for the Courts, this individual will act as a liaison to some of the City's departments rather than a direct report. Mr. Cross's role involves planning and code enforcement associated with development, so, while this position could be incorporated into his department, his belief is there needs to be a greater degree of autonomy.

Mr. Rose stated the intent is for this individual to work with the Task Force appointed by Council to develop and administer a housing program for the entire City, as well as the 3rd Ward, which has roughly 3 million dollars allocated for improvements. Along with those housing improvements the Assistant City Manager will be tasked with working with other departments to identify how to address other deficiencies in the 3rd Ward, as well as assisting NOVUS in the development of all 50 acres, and other proposed projects. So, it will be important to have the infrastructure in place to accommodate all these needs.

As a final point, with the reintroduction of earmarks, this position will provide him with an opportunity to focus on building a strong relationship with the City's federal and state delegations that have influence over the allocation of dollars to the State, and regional organizations like East/West Gateway, where the City has yet another potential to derive resources.

So, while at some point he may recommend that this position be assigned to a specific department, he does not think that would be a wise move during the design and implementation stage of a City-wide program.

Councilmember Klein asked Mr. Rose if he envisioned this to be a temporary or permanent position? Mr. Rose stated based on the number of projects staff has been unable to pursue because of staff reductions; the availability of federal resources, and improvements in the economy, he envisions this to be a position that will be needed indefinitely. One example of a project that will be coming before Council shortly is the expansion of Cunningham Industrial Park to recruit more businesses and strengthen the City's economic development strategy.

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

3. Conditional Use Permit (PC-21-05) – Convenience Store – 8326-8328 Olive Blvd.  
*(Removed)*
4. Redbird Rookies Program

Mr. Rose stated a proposal for volunteers to handle the majority of the functions associated with the Redbird Rookies Program, with minimal direct support by City personnel was submitted to the Parks Commission, and he would ask Mr. Dunkle to present the details and recommended outcomes.

Mr. Dunkle stated the City has supported the Redbird Rookies Program, which is sponsored through Cardinal's Care, for four years, handling the assignment of fields, scheduling, and the recruitment of volunteer coaches. This year the City received a request to restart the program after it was placed on hold due to COVID. However, since the City was not in a position to maintain this program due to staffing shortages, some volunteers drafted a proposal to handle a majority of the City's functions, with minimal support by staff. That proposal was submitted to the Parks Commission who voted unanimously to recommend approval.

Mr. Rose stated staff is recommending that Council approve the proposal for the City to resume its support of this program, which includes providing insurance under the City's umbrella.

Councilmember Smotherson moved to approve, seconded by Councilmember McMahon.

Councilmember Clay thanked the volunteers who stepped up to administer this program which he believes will be a great benefit for the City's youth.

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

## I. NEW BUSINESS

### RESOLUTIONS

1. **Resolution 2021-5** – A Resolution Condemning Racism, Discrimination, and Hate Crimes against Asian-Americans in Our Society.

Councilmember Smotherson moved to approve, seconded by Councilmember Klein.

*(Mayor Crow read the Resolution into the record.)*

Voice vote on the motion to approve carried unanimously.

### BILLS

*Introduced by Councilmember Hales*

2. **BILL 9430** -AN ORDINANCE CALLING A BOND ELECTION IN THE CITY OF UNIVERSITY CITY, MISSOURI. Bill Number 9430 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 Clay reported that the bulk of the Green Practices Commission meeting consisted of a presentation by Renew STL; an organization that has established a buying cooperative for reduced costs on the purchase and installation of solar panels. He stated his understanding is that the City is currently in discussions with Renew STL to determine whether it would be feasible to install this type of solar technology in some of its buildings.

Councilmember Hales stated the Civil Service Board has several members whose terms will expire this year. And since, at this point, there does not appear to be enough candidates to fill this void, he would suggest that someone discuss this situation with the retiring members and encourage them to remain on the Board until sufficient replacements have been recruited.

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

**K. COUNCIL COMMENTS**

Councilmember Smotherson thanked Council for approving Resolution 2021-5 and asked that it be submitted to the Asian Chamber of Commerce and U City's Chinese newspaper.

Councilmember Hales stated it has been almost a year since Council conducted its first Zoom meeting, and while staff has done an exemplary job in organizing these meetings for Council and all its Boards and Commissions, he looks forward to seeing everyone in person again; hopefully in the very near future.

**L. 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, seconded by Councilmember Smotherson.

Roll Call Vote Was:

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

**Nays:** None.

**M. ADJOURNMENT**

Mayor Crow thanked everyone for their participation and closed the Regular Session of Council at 7:11 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 7:49 p.m.

LaRette Reese  
City Clerk



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**LaRette Reese**

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**From:** David Harris <djharris11@sbcglobal.net>  
**Sent:** Sunday, April 11, 2021 8:36 PM  
**To:** Council Comments Shared  
**Subject:** Olive-170 Project - All Properties Acquired for Costco? - Funds for Third Ward - Comments for April 12, 2021 Council Meeting

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

I am sharing with City Council my email correspondence with City Manager Rose and Mayor Crow from March 30 to today, April 11, about the March 29 City announcement that Novus had acquired all the property and the financing for the Costco site.

I want to highlight two items from the email correspondence.

First, from my April 3 message, I hope that you create a diverse and representative task force or citizens' committee to advise about spending the \$3 million and other funds earmarked for the Third Ward.

Second, I know that you want to trust the Developer. I encourage you not to rely only on trust but also to verify.

David J. Harris  
8039 Gannon Avenue  
University City, MO 63130  
314-795-3465  
djharris11@sbcglobal.net

**From:** David Harris <djharris11@sbcglobal.net>  
**To:** Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>  
**Sent:** Sunday, April 11, 2021, 08:12:25 PM CDT  
**Subject:** Re: Olive-170 Project - All Properties Acquired for Costco? - Supplement - Follow-Up

Mr. Rose and Mayor Crow:

Supplementing our email correspondence between March 30 and April 3 on the above-referenced subject, a few days ago I learned the following information about the eminent domain (condemnation) action because the publicly available docket entries were updated.

The City voluntarily dismissed the condemnation action as to Parcels 1 and 2 (Public Storage) and Parcels 5, 6, and 7 (McNeill). The dismissal was "with prejudice," meaning the City cannot sue again. The dismissals were filed on March 29, 2021. An order granting the dismissal as to Parcels 1 and 2 was entered on April 6. I have not yet seen an order on Parcels 5, 6, and 7.

It would have been nice and helpful as part of our email correspondence if you had mentioned the voluntary dismissals, and the sequence of events that led to the dismissals, as another reason you believed the sale of the properties closed. The court filings are public information so there was no reason not to disclose the dismissals. I am assuming you were aware of the dismissals.

David

**From:** David Harris <djharris11@sbcglobal.net>  
**To:** Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>  
**Sent:** Saturday, April 3, 2021, 09:02:18 AM CDT  
**Subject:** Re: Olive-170 Project - All Properties Acquired for Costco? - Supplement to my 4-2-21 Email

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Mr. Rose: Supplementing the email I sent yesterday, although I remain skeptical about the property acquisition claim, I am pleased to read in the City's April 1 news release that you are "recommending that the Mayor and Council consider creating a Task Force to work with staff in identifying the components and priorities of a housing program." I hope that you and the Mayor and Council go further, and actually create a diverse and representative task force or citizens' committee to advise not just about a housing program but also about spending the \$3 million and other funds earmarked for the Third Ward. I also look forward to seeing the "calendar of events that [you] intend to make public" as mentioned in the April 2 Community Report. David

**From:** David Harris <djharris11@sbcglobal.net>  
**To:** Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>  
**Sent:** Friday, April 2, 2021, 09:59:58 PM CDT  
**Subject:** Re: Olive-170 Project - All Properties Acquired for Costco?

Mr. Rose: Thank you again for your prompt reply.

I saw the news about the City receiving the \$3 million payment in your Community Report emailed this morning as the weekly "The latest news for you."

I understand how you could think receipt of the \$3 million means the properties were acquired and then sold or leased to Costco per Section 2.3(a) of the Redevelopment Agreement.

Are you sure, however, that the Developer did not pay the \$3 million in order to be released from the letter(s) of credit obligations, as provided in Section 3.1(e)(1)(1) of the Redevelopment Agreement?

The Developer could make the \$3 million payment, thus freeing the Developer from the letter(s) of credit obligations, even before acquiring all the properties.

Until I see evidence that the Developer acquired all the properties, I remain skeptical that all the properties have been acquired, for the reasons I described, and I think it more likely the payment was made to release the letter(s) of credit obligations.

David

On Friday, April 2, 2021, 04:38:01 PM CDT, Gregory Rose <grose@ucitymo.org> wrote:

Mr. Harris,

Yesterday I notified the public the City of University City received \$3 million as a result of the sale of the "anchor site" parcels to Costco. You may be aware under the Redevelopment Agreement Section 2.3(a) the terms stipulate the City of University City will receive the payment when the Developer sales or leases the parcels to the end-user or tenant of the North Phase Anchor site. I received the payment and believe the terms of the Redevelopment Agreement have been followed; and the sale of the property has closed.

Sincerest regards,

Gregory

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**From:** David Harris <djharris11@sbcglobal.net>  
**Sent:** Thursday, April 1, 2021 11:38 PM  
**To:** Gregory Rose <grose@ucitymo.org>; Terry Crow <mayor@ucitymo.org>  
**Subject:** Re: Olive-170 Project - All Properties Acquired for Costco?

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Mr. Rose: Thank you for your prompt response.

I appreciate that you are "confident in the accuracy of the press release."

For the reasons in my email message, I do not share that confidence.

I respectfully request that you tell me the reason(s) for your confidence.

Have you seen the signed transfer deeds for the properties?

Have you seen signed closing statements?

Has the City paid funds for the Public Storage and the McNeill parcels that are not in the court registry?

Or are there other reason(s)?

Thank you.

David

On Wednesday, March 31, 2021, 08:50:18 AM CDT, Gregory Rose <[grose@ucitymo.org](mailto:grose@ucitymo.org)> wrote:

Mr. Harris,

I am confident in the accuracy of the press release we distributed informing the public of the acquisition of the properties needed for the Costco phase of the Markets at Olive Development.

With regards to the sale of McNair, the City has not been involved with this transaction; with the exception of members on the Council expressing their support for the sale.

Sincerest regards,

Gregory

**From:** David Harris <[djharris11@sbcglobal.net](mailto:djharris11@sbcglobal.net)>  
**Sent:** Tuesday, March 30, 2021 12:46 PM  
**To:** Gregory Rose <[grose@ucitymo.org](mailto:grose@ucitymo.org)>; Terry Crow <[mayor@ucitymo.org](mailto:mayor@ucitymo.org)>  
**Subject:** Olive-170 Project - All Properties Acquired for Costco?

City Manager Rose and Mayor Crow:

According to a Post-Dispatch news article on [stltoday.com](http://stltoday.com) last night, printed in today's edition, and according to a news release yesterday from U. City referred to in the article, citing both of you, Novus has acquired all the property and the financing for the Costco site. See the attached article and news release.

I am writing to clarify whether all the property has been acquired or whether "all acquired" could be premature for the reasons below (and maybe other reasons).

The latest update in the eminent domain (condemnation) case shows a March 26 order and a receipt from yesterday, March 29, in which \$6,368,711 was paid into the court registry by the City for Parcels 3 and 4. Parcels 3 and 4 are ~~0-2-9~~ <sup>0-2-9</sup>

owned by Tsai's Investment, Inc. The payment amount was from arbitration instead of a commissioner's award. The order and receipt are attached. 4065

Parcels 1 and 2 are the parcels owned by SSC Acquisitions, Inc. n/k/a Shurgard Storage Centers, LLC (what we see as "Public Storage").

Parcels 5, 6 and 7 are Wallace McNeill's properties.

It appears that no funds have yet been paid by the City for the Public Storage or McNeill parcels.

Additionally, there is a hearing scheduled for April 7 on McNeill's objections to City Lights Church, Inc.'s Motion to Intervene. The notice of hearing is attached. Therefore, it appears the McNeill parcels are not yet resolved.

Moreover, the funds for Parcels 3 and 4 have not yet been paid out to purchase those parcels.

Furthermore, there are at least two other properties that need to be acquired for the Costco site, the Archdiocese property (owned by St. Louis County Catholic Church Real Estate Corporation) and the Torah Prep School for Girls property (owned by Torah Center/Midwest, Inc.).

According to the St. Louis County Real Estate Information, which takes several weeks to update, the Archdiocese and Torah Prep properties are not yet owned by U City LLC or Novus.

I assume Torah Center/Midwest, Inc. will not sell until Novus closes on the purchase of the McNair Administration Building from the University City School District so that Torah Prep School for Girls will have a place to move.

I confirmed that the sale of McNair is still pending and has not closed.

Therefore, as requested at the beginning of this email message, I would appreciate clarification whether or not all the property has been acquired for the Costco site as stated in the City's news release.

Thank you.

David