

**MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE
Monday, April 26, 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 26, 2021, Mayor Terry Crow called the meeting to order at 6:36 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 Public Works, Sinan Alpaslan, and Director of Finance, Keith Cole.

C. APPROVAL OF AGENDA

Councilmember Smotherson moved that the Agenda be approved as presented, it was seconded by Councilmember Hales and the motion carried unanimously.

D. APPROVAL OF MINUTES

1. April 12, 2021, Study Session – Flood Warning System and Minority Participation Policy were moved by Councilmember Cusick, it was seconded by Councilmember Clay and the motion carried unanimously.
2. April 12, 2021, Regular Meeting were moved by Councilmember Smotherson, it was seconded by Councilmember Clay and the motion carried unanimously.

E. APPOINTMENTS TO BOARDS & COMMISSIONS

1. Sylvia Morris is nominated to the Civil Service Board replacing James Stephenson's expired term by Councilmember Stacy Clay, it was seconded by Councilmember Hales and the motion carried unanimously.
2. James Nowogrocki is nominated for reappointment to the Civil Service Board by Councilmember Jeff Hales, it was seconded by Councilmember Klein and the motion carried unanimously.
3. Bobette Patton is nominated to the Economic Development Retail Sales Tax Board replacing Robert Kuhlman's expired term by Mayor Terry Crow, it was seconded by Councilmember Hales and the motion carried unanimously.

F. SWEARING IN TO BOARDS & COMMISSIONS

1. Edward Nickels was sworn into the Historic Preservation Commission at City Hall on April 12, 2021.

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 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. All comments meeting the aforementioned guidelines have been made a part of this record.

H. PUBLIC HEARINGS

1. Reallocation of Funds – 2019 and 2020 Community Development Block Grant (CDBG)

Mayor Crow opened the Public Hearing at 6:40 p.m., and after acknowledging that no comments had been received the hearing was closed at 6:40 p.m.

I. CONSENT AGENDA

1. Project 1481 – Sidewalk and Curb Replacement Project

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

Mr. Rose stated the Proposed Budget for FY2022, and Capital Improvement Program was filed with the City Clerk and distributed to Council on Friday of last week. A Study Session on these topics has been scheduled for June 21st.

J. CITY MANAGER'S REPORT

1. Third Quarter Financial Report

Mr. Cole provided the following presentation:

General Fund Revenues

Adjusted Budget	\$24,904,250
YTD Actual	\$17,288,257
% of Adjusted Budget	69.4 %
Increase (Decrease) compared To FY2020	\$1,130.882

Key Points:

- Received remaining half of CARES Act Funds in February; 1.2 million dollars. Total received YTD, \$2,432,499. \$300,000 was allocated to the Public Safety Sales Tax Fund.
- Increase in collections of ambulance service charges. Up \$329,000 compared to March 2020.
- Increase in Use Tax of approximately \$137,000. Decrease in Sales Tax by \$109,000 or 3%.
- Decrease of \$444,000 in Parks & Recreation due to closures.
- Decrease of \$551,000 or 63.5% in Courts & Parking due to closures

Overall, revenues show a slight increase of 3.9% when compared to the same quarter in FY20.

General Fund - Expenditures

Adjusted Budget	\$24,825,859
YTD Actual	\$16,387,393
% of Actual Budget	66.0%
Increase (Decrease) compared To FY2020	(\$649,358)

Key Points:

- Prolonged closures of recreational facilities during the 3rd Quarter resulted in a reduction in expenses of approximately \$494,000 or 59% compared to the same quarter in FY20.
- Decrease in expenditures for street maintenance of approximately \$197,000 or 19% when compared to the same quarter in FY20. *(Staff reductions and the decision to postpone some projects until the 4th quarter.)*

Overall, expenditures show a slight decrease of 3.2% when compared to the same quarter of FY20.

Capital Improvement Sales Tax - Revenues

Adjusted Budget	\$2,050,000
YTD Actual	\$1,377,559
% of Actual Budget	67.2%
Increase (Decrease) compared To FY2020	(\$20,399)

Key Points:

- Sales Tax revenue declined marginally during the 3rd Quarter. The first six months showed signs of an increase when compared to the same quarter in FY20.
- Revenue is on a per capita basis.

Capital Improvement Sales Tax - Expenditures

Adjusted Budget	\$1,635,467
YTD Actual	\$306,695
% of Actual Budget	18.8%
Increase (Decrease) compared To FY2020	(\$1,139,334)

Key Points:

- Construction projects were delayed during the first six months.
- The final payment of \$726,000 was made in March of FY20 for the COPS Series 2012 debt.
- As of the 3rd Quarter, expenditures are well within the budget for FY21.

Park & Stormwater Sales Tax - Revenue

Adjusted Budget	\$845,000
YTD Actual	\$603,056
% of Actual Budget	71.49%
Increase (Decrease) compared To FY2020	(\$197,264)

Key Points:

- Sales Tax revenue was consistent for the first six months. The 3rd Quarter shows a slight decrease when compared to the same quarter in FY 20.
- Revenue is on a point-of-sale basis.

Park & Stormwater Sales Tax - Expenditures

Adjusted Budget	\$672,262
YTD Actual	\$215,425
% of Actual Budget	32.0%
Increase (Decrease) compared To FY2020	(\$679.977)

Key Points:

- Decrease due to \$325,000 design agreement with Army Corps of Engineers to complete the General Reevaluation Report for the Flood Risk Reduction, and final payment to the COPS Series 12 debt of \$383,000.
- 3rd Quarter expenditures are well within the budget.

Public Safety Sales Tax - Revenues

Adjusted Budget	\$1,759.700
YTD Actual	\$1,443.732
% of Actual Budget	82.0%
Increase (Decrease) compared To FY2020	\$271,587

Key Points:

- Allocation of \$300,000 from Cares Act Fund
- Received \$24,598 insurance reimbursement for police car
- Revenue is on a per capita basis
- 3rd Quarter revenue is within the budget

Public Safety Sales Tax - Expenditures

Adjusted Budget	\$1,035,453
YTD Actual	\$442,207
% of Actual Budget	42.7%
Increase (Decrease) compared To FY2020	(\$218,950)

Key Points:

- FY20 purchases of laptops for police vehicles, laptop docs, and an ambulance.
- 3rd Quarter FY21 purchases of supporting equipment for body cameras and a police vehicle.
- 3rd Quarter expenditures are under budget and appear reasonable.

Mayor Crow asked for an explanation of the debt associated with COPS Series 12? Mr. Cole stated while he could provide a list of the specifics, in general, this is a Certification of Participation for Capital Improvement projects. The debt was broken down into 65% for the Capital Improvement Sales Tax Fund and 35% for the Parks & Stormwater Sales Tax Fund.

Councilmember Hales asked Mr. Cole if he could explain the City's fiscal year as it relates to the 3rd Quarter? Mr. Cole stated the City's fiscal year starts July 1st and ends July 30th. So, the 3rd Quarter represents the months of January, February, and March.

Councilmember Clay asked whether there were any reporting requirements associated with the City's receipt of the CARES Act funding, and if so, what that consisted of? Mr. Cole stated monies received from the CARES Act were a reimbursement for the City's public safety expenditures related to COVID. The supporting documentation needed to validate these expenses included payroll records, registers, and timesheets, which were submitted to St. Louis County. Upon receipt of these documents, the County issued the first half of the funds and once they were approved, they released the second half.

Councilmember Smotherson asked Mr. Cole if he could explain the rationale behind the \$329,000 increase in ambulance service charges? Mr. Cole stated as of March 2020 the City received \$334,000 in fees for this service, and as of March 2021, the City has received \$663,000. So, when you compare this amount to the same quarter in FY20, there is an increase of \$329,000.

Mr. Rose stated this service was not restored at the beginning of FY2020. As a result, the fees collected do not represent a full calendar year, and that is why there is a significant increase.

Councilmember Cusick asked if the \$325,000 the City paid to the Army Corps would be reimbursed by MSD once the General Reevaluation Report has been completed? Mr. Rose stated that is correct. And staff will be requesting Council's approval of this \$325,000 expenditure at the May 10th meeting, which MSD has agreed to reimburse back to the City once the Corps has concluded their report.

2. Facility Use Agreement – Farmers Market

Mr. Rose stated the Farmers' Market is proposing to expand their services to include Wednesdays. Staff has reached out to several businesses in the Loop Special Business District and determined that they have no issues with this proposal. Therefore, it is being recommended for Council's approval.

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

3. Conditional Use Permit (PC-21-05) – Convenience Store – 8326-8328 Olive Blvd.

Mr. Rose stated staff is recommending that Council consider a Conditional Use Permit for a convenience store located on Olive.

Mr. Cross stated Section 400.510 of the Ordinance requires the issuance of a CUP in this District, so the Applicant was required to apply for this permit. Thereafter, the application was presented to the Plan Commission who conducted a Public Hearing on March 24th. Also as required, staff notified all impacted property owners within 185 and 500 feet of the business' location. Although no public concerns were noted, the Commission raised a potential issue related to parking. Staff determined that the location met the required parking requirements and the Commission recommended that the permit be approved and submitted to Council.

Councilmember Smotherson moved to approve, seconded by Councilmember Cusick.

Councilmember Clay stated he and Councilmember Smotherson had an opportunity to speak with the owners of this store, which should be characterized more as a cultural marketplace rather than your typical convenience store. So, based on that knowledge, they are both excited about the addition of this store to the Olive landscape.

Councilmember Smotherson stated another reason for his excitement is he thinks they may have some attire that will fit him.

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

K. UNFINISHED BUSINESS

1. BILL 9430 - AN ORDINANCE CALLING FOR A BOND ELECTION IN THE CITY OF UNIVERSITY CITY, MISSOURI. Bill Number 9430 was read for the second and third time.

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

Councilmember Smotherson stated he does not think this Ordinance represents the proper way to handle this issue. First, it includes putting the Police back in the Annex, and second, it is somewhat misleading. He stated the study conducted by Trivers suggested that 30 million dollars would be needed to make the necessary improvements for all of the City's buildings, yet this Bond is limited to 20 million dollars. So, while he agrees with the need for all of these improvements, he thinks it would have been much more beneficial to citizens if the entire amount had been included.

Councilmember Clay stated he thinks it is critically important to engage citizens in actions such as this. And while he recognizes the challenges related to COVID, he thinks the City and its citizens now have enough knowledge to leverage the use of technology. Therefore, going forward, he would ask that some type of robust mechanism be developed to ensure that all sectors of the community are included in these conversations.

Councilmember Hales stated he is a little unclear about Councilmember Smotherson's comments regarding the Police Department but is in total agreement with Councilmember Clay's sentiments regarding the need for public engagement. He stated given the unprecedented circumstances everyone has had to live through, he thinks this issue has been thoughtfully fleshed out; especially as it relates to contemplating the needs of citizens. Councilmember Hales stated it would have been ideal to have a Bond issue that encompassed the entire 30 million dollars suggested by Trivers, but at the end of the day, the City has to prioritize its needs based on what is reasonable.

Mayor Crow stated he would like to compliment the consultants, Mr. Rose, and his staff, for presenting a proposal that not only addresses the Police Station but all of the City's departments. So, while he understands that there may be some disagreements about the final product, he thinks the majority of Council has been on the same page for quite some time, and that this entire process has been accomplished in a pretty comprehensive manner. He stated at this point, the City virtually has negligible debt, and that is what has provided this opportunity to take care of the City's space needs and the Police Department while preserving a building that is extremely important to a vast majority of this City's population.

Mayor Crow stated unfortunately, outreach programs have always been a struggle. But he certainly agrees they are a critical component of this process and that there is a need to be as creative as possible in the future to make sure that messages about the need for engagement are reaching the City's residents.

Roll Call Vote Was:

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

Nays: Councilmember Smotherson.

L. NEW BUSINESS

RESOLUTIONS

- 1. Resolution 2021-6** – A Resolution Seeking Approval of the First Amendment to the Rights-of-Way Use Agreement.

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

M. COUNCIL REPORTS/BUSINESS

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

Councilmember Cusick reported that as a result of several reports involving pedestrians, the Traffic Commission is currently reviewing the circle west of the Delmar Loop. He stated he would like to remind everyone that pedestrians have the right-of-way in this area.

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

N. COUNCIL COMMENTS

Councilmember Cusick announced that U City in Bloom's annual plant sale will be conducted this Saturday from 9 to 3 and Sunday from 11 to 2, at the U City in Bloom Pavilion, located east of the Dog Park. Only a specific number of participants will be allowed in at one time. Anyone wanting to schedule an appointment can do so by going to the U City in Bloom's event portal on their website.

The U City Memorial Day Run will be held on May 31st, along with a 5K virtual option. The run is limited to 360 participants.

Councilmember Klein stated she would like to express condolences to Judy Prange, for the loss of her dog and constant companion, Cuddles. Ms. Prange is a faithful servant of this community and Cuddles was at her side during every event she participated in.

Mayor Crow stated he volunteered to work at the vaccination site organized by the City's Fire Department at the Heman Park Community Center. He stated it was a very impressive event and everyone should take great pride in the superb work performed by the Chief, Deputy Chief, and their staff.

O. 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 a Closed Session, it was seconded by Councilmember Cusick.

Roll Call Vote Was:

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

Nays: None.

P. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Regular Session of Council at 7:22 p.m. to go into a Closed Session. The Closed Session reconvened in an open session at 7:54 p.m.

LaRette Reese
City Clerk

