

MEETING OF THE CITY COUNCIL

CITY HALL, Fifth Floor

6801 Delmar Blvd.

University City, Missouri 63130

Monday, May 23, 2022

6:30 p.m.

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on Monday, May 23, 2022, 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 Finance, Keith Cole; Supervisor of Code Enforcement Operations, Tim Scott; Director of Public Works, Sinan Alpaslan, and Commander of Bureau of Field Operations & Internal Affairs, Captain Fredrick Lemons and Linda Schaffer, as Acting City Clerk.

Mayor Crow thanked Ms. Schaeffer for serving as Acting City Clerk while Mr. Reese is away for a continuing education seminar.

C. APPROVAL OF AGENDA

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

D. PROCLAMATION

E. APPROVAL OF MINUTES

1. May 9, 2022, Regular Session Minutes was moved by Councilmember Klein, it was seconded by Councilmember Smotherson, and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Susan Murray is nominated for appointment to the Housing and Third Ward Revitalization Task Force by Councilmember Jeff Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously.
2. Craig Hughes is nominated for appointment to the Housing and Third Ward Revitalization Task Force by Councilmember Tim Cusick, it was seconded by Councilmember Smotherson, and the motion carried unanimously.

G. SWEARING IN TO BOARDS AND COMMISSIONS

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Request Forms to Address Council are located on the ledge just inside the entrance. Please complete and place the form in the basket at the front of the room.

*Citizens may also provide written comments ahead of the meeting, which must be received **no later than 12:00 p.m. on 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. **Please note that to be recorded in the official record, a name and address must be provided,** as well as whether your comment is related to an agenda or non-agenda items. Comments adhering to the aforementioned guidelines will be provided to City Council prior to the meeting and made a part of the official record. Public access will be made available online following the meeting.*

Steve Glickert, 7750 Blackberry, U City, MO

Mr. Glickert provided Ms. Schaeffer with a copy of Section 385.020 of the Code and noted that he still had not received an explanation from Mr. Rose as to why the City is not utilizing this section to address issues like the one depicted in the picture he forwarded to the City Manager this morning. The vehicle in that picture; which has been sitting on a public street since January, has a collapsed front suspension, two flat tires, and no license plates. So, the only rationale he can offer for why it has not been removed is because it's located on the north side of Olive; an area that Mr. Rose is obviously not familiar with. Three years ago, this Council came unglued when approximately 50 new Tesla's appeared on a parking lot in the 2nd Ward on the south side of Olive, and they were removed within a matter of weeks. But they would still be there today if Elon had just known to park them on the north side of Olive.

Mr. Glickert stated here are some of the pathetic responses he has received since he began pointing these violations out to Mr. Rose in June of 2018: Councilmember Clay responded that the department was stretched thin. Mr. Rose's responses ran the gamut from the department needs new software; each violation requires due process through the judicial system; he would be presenting a revised plan for code enforcement to Council, and finally, that COVID had impacted their ability to perform regular enforcement. He stated while he can appreciate the impact that COVID may have had on some of the City's departments, he is acutely aware that the Police Department, Fire Department, Sanitation Department, and of course, the Finance Department who issued everyone's checks, never stopped working.

I. PUBLIC HEARINGS

1. Liquor License – Costco Wholesale Corporation – 8695 Olive Blvd.

Mayor Crow opened the Public Hearing at 6:39 p.m. After acknowledging that no written comments had been received, he closed the hearing at 6:39 p.m.

J. CONSENT AGENDA

1. Liquor License – Costco Wholesale Corporation – 8695 Olive Blvd.
2. Supplemental Agreement – Community Development Block Grant (CDBG)
3. Ruth Park Golf Course Fees
4. Heman Park Swimming Pool Fees

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

K. CITY MANAGER'S REPORT

1. Third (3rd) Quarter Financial Report – March 2022

Mr. Rose stated Mr. Cole has been asked to make a presentation on the 3rd Quarter Financial Report.

Mr. Cole stated here is the report as of March 31, 2022.

General Fund - Revenues

Adjusted Budget	\$23,510,876
YTD Actual	\$16,023,969
Actual as % of Adjusted Budget	68.2%
Increase/ (Decrease) compared to the same quarter of FY2021	(\$1,643,727)

Key Points:

- Increase in Sales and Use Tax of roughly \$416,000, or 10.9%, due to an increase in the County-Wide 1% Pool Tax.
- Increase in Property Tax of roughly \$98,000, or 3.0%.
- Increase in Gross Receipts of roughly \$90,000, or 2.3%.
- Decrease in Other Revenue of roughly \$2,227,000, or (83.8%), due to receiving the full amount (\$2,432,000) of CARES Act funds in FY2021.

Overall, revenues as a percent of the budget show a decrease of (3.8%) when compared to the same quarter of FY21.

General Fund - Expenditures

Adjusted Budget	\$26,956,845
YTD Actual	\$17,231,935
Actual as % of Adjusted Budget	63.9%
Increase/ (Decrease) compared to the same quarter of FY2021	\$844,886

Key Points:

- Increased expenditures in the Police Department of roughly \$327,000, or 5.2% compared to the same quarter of FY21; mainly from salaries, full-time, and overtime.
- Increased expenditures in the Fire Department by roughly \$140,000, or 3.6% compared to the same quarter of FY21; mainly from salaries, full-time, and overtime.
- Increased expenditures in Facilities of roughly \$98,000, or 17.2% compared to the same quarter of FY21; due to Temporary Labor and Building Improvements related to the water restoration at 630 Trinity.
- Increased expenditures in Planning & Development of roughly \$84,000 compared to the same quarter of FY21; due to Maintenance Contracts; (SmartGov), and Demolition Board Ups.
- Increased expenditures in Centennial Commons of roughly \$177,000, or 76.3% compared to the same quarter of FY21, from part-time salaries, electricity, and the addition of security cameras.

Overall, the expenditures as a percent of the budget decreased slightly by (1.9%) when compared to the same quarter of FY2021.

Capital Improvement Sales Tax - Revenues

Adjusted Budget	\$2,102,000
YTD Actual	\$1,538,573
Actual as % of Adjusted Budget	73.2%
Increase/ (Decrease) compared to the same quarter of FY2021	\$161,014

Key Points:

- Sales Tax actual revenue increased roughly 11.7% during the 3rd Quarter of FY2022, compared to the same quarter of FY21.

Capital Improvement Sales Tax - Expenditures

Adjusted Budget	\$2,412,910
YTD Actual	\$563,530
Actual as % of Adjusted Budget	23.4%
Increase / (Decrease) compared to the same quarter of FY2021	\$256,835

Key Points:

- Increased expenditures from the asphalt overlay improvement project for various streets of \$160,000; tree removals of \$61,000 and Etzel Alley Cave-In repairs of \$56,000.

Park & Stormwater Sales Tax - Revenues

Adjusted Budget	\$861,000
YTD Actual	\$787,067
Actual as % of Adjusted Budget	91.4%
Increase / (Decrease) compared to the same quarter of FY2021	\$184,012

Key Points:

- Sales Tax revenue for the third quarter of FY2022 increased roughly 30.5% when compared to the same quarter of FY2021.

Park & Stormwater Sales Tax - Expenditures

Adjusted Budget	\$1,375,776
YTD Actual	\$505,786
Actual as % of Adjusted Budget	36.8%
Increase / (Decrease) compared to the same quarter of FY2021	\$290,361

Key Points:

- Increased expenditures due to the removal of hazardous Ash trees project, tree stump grinding, and painting of the Heman Park pool when compared to the same quarter of FY2021.

Public Safety Sales Tax - Revenues

Adjusted Budget	\$1,601,500
YTD Actual	\$1,249,211
Actual as % of Adjusted Budget	78.0%
Increase / (Decrease) compared to the same quarter of FY2021	\$141,283

Key Points:

- Sales Tax revenue for the third quarter of FY2022 increased roughly 12.8% when compared to the same quarter of FY2021.

Public Safety Sales Tax - Expenditures

Adjusted Budget	\$1,047,284
YTD Actual	\$723,253
Actual as % of Adjusted Budget	69.1%
Increase / (Decrease) compared to the same quarter of FY2021	\$181,484

Key Points:

- Increased expenditures due to the Annex/Trinity Building renovation design costs, when compared to the same quarter of FY2021.

Councilmember Clay stated from a comparative perspective, it seems as though these are not true apples-to-apples comparisons because of the dynamic swings experienced in 2020 and 2021. As a result, some organizations are using their 2019 numbers to provide a more accurate assessment. What are your thoughts on whether we're getting a true picture of where we are today, Mr. Cole? Mr. Cole stated while everyone hopes the City is going in the right direction, he thinks it will probably take another year or two before you can really compare the numbers to 2019.

Councilmember Cusick posed the following questions to Mr. Cole:

Q. Can you explain why the percent increases in Park & Stormwater, Capital Improvements, and Public Safety are different?

A. The Park & Stormwater Sales Tax is based on point of sale, but Capital Improvements and Public Safety are per capita.

Q. So overall, does this mean the City is experiencing an increase in sales tax revenue from its businesses?

A. Yes, it does represent an increase in sales throughout the City.

Q. Are the increased revenues for property taxes of roughly \$98,000 the result of St. Louis County's reassessment?

A. A portion of the increase is based on the reassessment, but the remainder is from the receipt of delinquent taxes.

Q. Does the Hancock Amendment have anything to do with the increased revenues from property taxes?

A. Actually, the Hancock Amendment limits the amount of tax revenue the City can receive.

Mr. Rose stated the Hancock Amendment has caused many municipalities to switch from their reliance on property taxes to a reliance on sales taxes. So, while staff is working to ensure compliance from a governance perspective, it is going to be extremely important for the City to continue diversifying its economy with businesses that generate this sales tax.

Mayor Crow thanked Mr. Cole for his presentation.

2. April 2022 Code Enforcement Performance Report

Mr. Rose stated the 2021 Community Survey confirmed that the City is continuing to make good progress in the area of code enforcement. According to this survey, residents' level of satisfaction with the City's code enforcement operations is significantly higher than at the regional or national levels. And a review of the April Report reveals that the department initiated 165 new cases and issued 310 Notices of Violations.

Mr. Rose stated while he understands that there will always be some people who believe the City should be more aggressive in the use of its governmental powers, his belief is that oftentimes such actions tend to penalize the more vulnerable residents. Therefore, Code Enforcement's approach has been to work with residents in an attempt to restore their properties and bring them back into compliance. For example; first, a Notice of Violation is issued to the homeowner making them aware of any issues that are not in compliance with the City's Code. And it is only after a reasonable time has passed where the resident fails or refuses to comply, that the department will use its governmental powers to tow a vehicle or issue a Citation that can result in a fine.

Mr. Rose stated that based on the use of this method, the survey revealed that 80% of the population was "very satisfied", "satisfied", or "neutral", and that only 20% were "dissatisfied". As a result, he would strongly recommend that the City continue this compassionate approach, which allows Code Enforcement Officers to recognize the economic and mental stresses of its residents and work with them to reach their goal of achieving compliance.

As a part of the 2023 Annual Operating Budget, Mr. Rose stated one of his recommendations will be to change the name of this Division from Code Enforcement to Code Compliance, which he believes accurately reflects the City's approach to resolving these issues. He then recognized the Supervisor of Code Enforcement Operations, Mr. Tim Scott, and thanked him for the leadership he has demonstrated in making some of these tremendous improvements. Mr. Rose acknowledged that there is always room for improvement but in his opinion, this division has made considerable progress when you look at where it used to be.

Councilmember Clay asked Mr. Rose if he could walk through the process from notification to court adjudication and include the number of days associated with each step? Mr. Rose stated although Mr. Scott could provide a more accurate outline, generally speaking, after the Notice of Violation is issued the owner has ten days to comply. If compliance is met, it renders the Notice null and void. Non-compliance leads to the issuance of a Citation and court date. However, it should be noted that the courts were significantly impacted by COVID which resulted in delays throughout the entire judicial process.

Mr. Scott provided the following outline:

- Building Violations have a 30 to 60-day cure date
- Grass and vegetation have a 10-day cure date
- Extensions can be granted in both instances for extenuating circumstances

Councilmember Clay posed the following questions to Mr. Scott:

Q. Most of the feedback he receives is about why the process takes so long. And while he understands the challenges associated with this work, it would be helpful to know how many appeals are afforded to a resident going through this process?

A. Typically, they are allowed two to three appeals. However, during that timeframe contractors employed to keep the grass cut can be assigned to that location. Properties are maintained on a rotating basis; which is always dependent on weather conditions.

Q. What is your department's approach for addressing properties that are known to have habitual grass and vegetation violations?

A. At this point, there are no provisions in place that would allow his department to maintain any property without the issuance of a proper notice. If a second violation occurs within that same fiscal year the cure date is reduced to five days. Supplemental notices receive one day to rectify the violations.

Councilmember Hales posed the following questions to Mr. Scott:

Q. It looks like the number of citations for derelict vehicles has doubled between July 2016 and July 2021. In your estimation has there been an increase in derelict vehicles or a backlog that resulted in these statistics?

A. On an annual basis there has been an increase in the number of derelict vehicles. However, there are also instances where the same car has been towed on numerous occasions. And sometimes they will move that same car from the driveway to the street, which then must be addressed by the Police.

Q. Does your department look at whether the infraction is from a rental versus an owner-occupied property?

A. All owners are granted the same due process.

Q. Are there any mechanisms in place to restrict absentee landlords who are repeat offenders from renting these properties until they have met all of the compliance regulations?

A. There is no mechanism in place that would restrict their ability to continue renting these problem properties unless there is an illegal occupancy of the property. Before an Occupancy Permit is issued each premise must have a new residential inspection. And if an illegal occupancy is detected his officers can withhold an inspection to ensure compliance.

Councilmember Hales stated the numbers speak for themselves and represent a great deal of improvement, which includes providing prompt responses to the questions he receives from his constituents.

Councilmember Smotherson stated he too understands what everyone is going through, especially in the 3rd Ward, and therefore, would like to thank Mr. Scott for his service.

He stated there are also problems with certain commercial properties on Olive. In one case, the City lost Firestone because their corporate office was unhappy with the lack of maintenance and landscaping performed by neighboring properties. And today, the grass is roughly 3-feet high in that area. So, how are commercial property owners addressed? Mr. Scott stated his officers have made numerous visits to these properties and issued Notices, however, the same process applies to both commercial and residential properties. So, he agrees that something should be established to bar frequent offenders from renting or utilizing these commercial and residential properties.

Councilmember Smotherson stated it falls upon Council to put the kind of legislation in place that would address these frequent offenders and assist its Code Enforcement Officers with the performance of their duties.

Councilmember Klein stated she is curious to know how the questions on the survey were worded and whether there was a distinction made between the community's satisfactions with code enforcement in general and the people who have actually gone through this process? Mr. Rose stated although the survey only asked about a resident's satisfaction with respect to the City's efforts, perhaps, the next survey could drill down on people that have gone through the process in order to understand their level of satisfaction. Councilmember Klein stated she thinks that would be useful data to have. She stated that she also likes the idea of changing the Division's name from Enforcement to Compliance because it sounds more resident-friendly.

Mayor Crow thanked Mr. Rose and Mr. Scott for the presentation of this valuable information.

3. Right-of-Way Acquisition Consulting Services (Temporary Construction Easements)

Mr. Rose asked Mr. Alpaslan to present this item.

Mr. Alpaslan stated this request asks Council to consider a contract for professional engineering and consulting services for the temporary construction of easements for the Westgate Avenue Service Transportation Improvement Project.

He stated Westgate Avenue is a narrow corridor that requires pedestrian access routes and driving/parking lanes. His department attempted to construct these easements, with limited success, due to staffing shortages, and the fact that these changes to the elevation resulted in the need for grading to eliminate abrupt drops in the altitude. And in many cases, this work encompasses private driveways that the federal government will not obligate construction funds for until the easements are in place. Today, there are twelve easements left to complete.

Mr. Alpaslan stated the proposed consultants are experts in ownership research, evaluation, and negotiation requirements to acquire easements under the Uniformed Act, so the goal is to utilize them as an extension to his staff. The deadline to apply for the grant is in mid-July, so this is a last-ditch effort to secure \$700,000 of funding. It is a not-to-exceed dollar amount, and the consultant has outlined in their proposal that there might be a tiered way of expanding these dollars. He stated his estimate is that the project will cost no more than \$25,000, but it's always a better plan to make sure you have the authority to expand these dollars to ensure that you can make consistent progress.

The Capital Improvement Sales Tax Fund reserve is also being proposed to fund this project.

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

4. Police Department purchase of (4) fleet vehicles

Mr. Rose stated staff is asking Council for authorization to purchase four vehicles for the Police Department and Captain Lemons is here to respond to any questions you might have.

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

Councilmember Smotherson posed the following questions to Captain Lemons:

Q. Are these vehicles being purchased to replace some of the department's existing fleet?

A. Yes, they are.

Q. Are the department's cars used 24-hours a day?

A. Yes, they are.

Q. Is that cost-efficient, or is there a need to purchase more vehicles to reduce the stress on your current fleet?

A. *The Police Department is a 24-hour operation which means that a certain number of officers are required on the streets to meet the City's needs. So, as the department grows, its fleet will also have to grow. But whether there is a need to purchase more vehicles to eliminate the stress on the current fleet would be a decision for Council and the City Manager to make.*

Councilmember Smotherson stated he would be in favor of adding additional cars if it would help extend the life of the department's fleet.

Councilmember Hales stated given the supply chain issues how confident are you about the ability to receive these vehicles? Captain Lemons stated part of the reasons why they are recommending these vehicles, is because of their accessibility. Three are currently in production and the Dodge Durango is available now.

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

L. UNFINISHED BUSINESS

1. **Bill 9464** – AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER PASSAGE, AND REPEALING ORDINANCE NO. 7170. Bill Number 9464 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

2. **Bill 9465** – AN ORDINANCE APPROVING A FINAL PLAT FOR A MAJOR SUBDIVISION OF A TRACT OF LAND TO BE KNOWN AS "711 KINGSLAND AVENUE". Bill Number 9465 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

M. NEW BUSINESS

Resolutions

1. Resolution 2022-5 FY22 Budget Amendment No. 3

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

Bills

Introduced by Councilmember McMahon

- 1. Bill 9466** – AN ORDINANCE AMENDING ORDINANCE NO. 7146, RELATING TO THE ZONING CLASSIFICATION OF MULTIPLE PROPERTIES IN REDEVELOPMENT PROJECT AREA 1 ASSOCIATED WITH THE COSTCO DEVELOPMENT AND PERMITTED LAND USES AND DEVELOPMENTS THEREIN, BY APPROVING A COMPREHENSIVE SIGN PLAN FOR THE COSTCO DEVELOPMENT. Bill Number 9466 was read for the first time.

N. COUNCIL REPORTS/BUSINESS

1. Boards and Commission appointments needed
2. Council liaison reports on Boards and Commissions
Councilmember Smotherson stated the Arts & Letters Commission's Starlight Concerts are scheduled for June 13th, June 20th, and June 27th at Heman Park, beginning at 6 p.m.
3. Boards, Commissions, and Task Force minutes
4. Other Discussions/Business

O. CITIZEN PARTICIPATION (continue if needed)

P. COUNCIL COMMENTS

Councilmember Hales stated he would like to thank employees of the Police, Fire, Forestry, and Public Works Departments for their quick response following last Thursday's storm; and the Police and Fire Departments for their attendance at the Annual Altadena Picnic held last weekend.

Lastly, he would like to recognize his neighbor and longtime City resident, George Damos, who passed away unexpectedly a few weeks ago. George had a long and distinguished career with the St. Louis County Police and was the perfect example of the kind of neighbor everyone would love to have. His untimely death has resulted in a major loss for the entire neighborhood.

Councilmember Cusick announced that the Memorial Day Run will be returning this year. All proceeds from this event will benefit U City in Bloom, the Green Center, and the Library, so he would encourage everyone to sign up.

Mayor Crow encouraged anyone interested in helping him with the opening events for the Memorial Day Run to please come out and join him. Also returning this year are Mannequins in The Loop and live music on Saturday.

Q. 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 McMahon.

Roll Call Vote Was:

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

Nays: None.

R. ADJOURNMENT

Mayor Crow thanked everyone for their participation and closed the Regular Session at 7:49 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:34 p.m.

LaRette Reese,
City Clerk