



MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, January 9, 2023
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. PROCLAMATIONS

1. Celebration 100th Anniversary of University City Parks

E. APPROVAL OF MINUTES

1. December 12, 2022 – Regular Meeting Minutes
2. December 19, 2022 – Special Meeting Minutes

F. APPOINTMENTS to BOARDS AND COMMISSIONS

1. Byron Price is nominated for re-appointment to the EDRST board by Mayor Crow.
2. Derek Deaver is nominated for re-appointment to the LSBSD board by Mayor Crow.
3. Mary Gorman is nominated for re-appointment to the LSBSD board by Mayor Crow.

G. SWEARING IN TO BOARDS AND COMMISSIONS

none

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

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

*The public may also submit 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 not 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.*

I. PUBLIC HEARINGS

none

J. CONSENT AGENDA (1 voice vote required)

none

K. CITY MANAGER'S REPORT (voice vote on each item as needed)

none

L. UNFINISHED BUSINESS (2nd and 3rd readings – roll call vote required)

1. **Bill 9495** – AN ORDINANCE IMPOSING AN ADDITIONAL SALES TAX IN THE AMOUNT OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD IN THE CITY OF UNIVERSITY CITY, MISSOURI, AND PROVIDING FOR THE SUBMISSION OF A PROPOSITION AUTHORIZING SUCH TAX TO THE QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION ON APRIL 4, 2023.

M. NEW BUSINESS

Resolutions (voice vote required)

2. **Resolution 2023-01** – Flood Mitigation Assistance (FMA) Grant Program for buyouts

Bills (Introduction and 1st reading - no vote required)
none

N. 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

O. CITIZEN PARTICIPATION (continued if needed)

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION (roll call vote required)

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.

R. ADJOURNMENT

The public may also observe via:

Live Stream via YouTube:

https://www.youtube.com/channel/UCyN1EJ_-Q22918E9EZimWoQ

Posted 6th day of January 2023

LaRette Reese

City Clerk, MRCC



PROCLAMATION OF THE CITY OF UNIVERSITY CITY

WHEREAS; in 1923 the City of University City opened its first parks; Eastgate Park, Flynn Park, Heman Park, Lewis Park and Mooney Park; and

WHEREAS; physical recreation and meaningful leisure experiences contribute to physical and mental well-being as well as the overall quality of life; and

WHEREAS; community recreation and leisure opportunities create socially beneficial connections between and among individuals, groups, and communities; and

WHEREAS; over the past 100 years, the number has grown to include more than 15 including several walking trails, a dog park, Ruth Park Woods and the Ruth Park Golf Course; and

WHEREAS; University City recognizes the benefits derived from parks and recreation resources; and

WHEREAS; as we look to the next century, let us embrace the notion that preserving these public spaces in ways that engage, reflect, and honor our residents is of great value.

NOW, THEREFORE, the City Council of University City in the State of Missouri, do hereby recognize the 100th Anniversary of our amazing parks and urge the residents of our community to visit and enjoy the parks and to watch for activities throughout 2023 that highlight and celebrate the beautiful parks in our community.

WHEREOF, we have hereunto set our hands and caused the Seal of the City of University City to be affixed this 9th day of January in the year Two Thousand and Twenty-three.

SEAL

Councilmember Aleta Klein

Councilmember Steve McMahon

Councilmember Jeff Hales

Councilmember Bwayne Smotherson

Councilmember Tim Cusick

Mayor Terry Crow

Councilmember Stacy Clay

ATTEST

City Clerk, LaRette Reese

MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, December 12, 2022
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on Monday, December 12, 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.; and Director of Parks, Recreation and Forestry/Interim Director of Public Works, Darren Dunkle.

C. APPROVAL OF AGENDA

Hearing no revisions, Councilmember Hales moved to approve the Agenda as presented, it was seconded by Councilmember McMahon, and the motion carried unanimously.

D. PROCLAMATIONS

1. None

E. APPROVAL OF MINUTES

1. November 14, 2022 – Study Session (Comprehensive Plan Update), was moved by Councilmember McMahon, it was seconded by Councilmember Cusick, and the motion carried unanimously with the exception of Councilmember Clay, who abstained due to an excused absence.
2. November 14, 2022 – Regular Meeting Minutes, was moved by Councilmember Klein, it was seconded by Councilmember Smotherson, and the motion carried unanimously with the exception of Councilmember Clay, who abstained due to an excused absence.
3. November 28, 2022 – Study Session (Proposed changes to Pension Plans), was moved by Councilmember Cusick, it was seconded by Councilmember McMahon, and the motion carried unanimously.
4. November 28, 2022 – Regular Meeting Minutes, was moved by Councilmember Smotherson, it was seconded by Councilmember Hales, and the motion carried unanimously.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Ellen Hartz is nominated for reappointment (special third term) to the Plan Commission by Councilmember Jeff Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously.

2. Mark Harvey is nominated for reappointment to Plan Commission by Councilmember Jeff Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously.
3. Patricia McQueen is nominated for reappointment to the Plan Commission by Councilmember Jeff Hales, it was seconded by Councilmember Cusick, and the motion carried unanimously.

G. SWEARING IN TO BOARDS AND COMMISSIONS

1. Connie Mueller was sworn into the Green Practices Commission at tonight's meeting.

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

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

Written comments 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 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 whether your comment is on an agenda or a non-agenda item. If a name and address are not provided, the comment will not be recorded in the official record.

Diane Bonds, 8665 Spoon Drive, U City, MO

Ms. Bonds stated as there seems to be a problem with one of her neighbor's family members using their street to park two motorcycles, two large trucks, and two, 8 x 12 trailers, she would like information about whether there is a difference between public and residential parking? She stated although the police ticketed one of the trailers because it was not registered, and the motorcycles have been moved off the sidewalk, her main concern is the lack of visibility for traffic turning onto the street whose visibility is blocked by these vehicles. They also prohibit emergency vehicles from accessing the street. Ms. Bonds stated while she does not wish to cause any problems for her neighbor, this individual does not live on their street, so she would just like to talk to someone who could hopefully help her resolve this issue before it escalates into something more serious.

Mayor Crow informed Ms. Bonds that since this is not a question-and-answer format; the City Manager would have a member of his staff to contact her.

Chris Chesley, 1519 Tower Grove Avenue, St. Louis, MO

Mr. Chesley stated as one of the owners of Starbud's Marijuana Dispensary on Olive, and a member of the Trade Association, he would like to make Council aware of a few things he learned at the last Trade Association meeting. Members were informed by private counsel and the State Attorney representing their Medical Marijuana Department that;

- Municipalities will likely need to amend their ordinances to allow for the operation of dispensaries offering recreational sales of marijuana, and that
- The tax ordinance on tonight's agenda would have to be amended to include the sale of recreational and medical marijuana sales

He stated the new legislation also allows for cannabis lounges, which have been built into his facility. So, an ordinance and licensing process for the temporary and long-term use of these lounges may be needed. Mr. Chesley stated their goal is to open around February of 2023, and while the vast majority of municipalities plan to initiate a 3% sales tax he believes that a 2% tax would generate more business for U City.

Tom Sullivan, 751 Syracuse, U City, MO

Mr. Sullivan stated he recently provided a list of community issues to the City Manager, some of which have been resolved and others that have not.

Today, he would like the City to focus on the ongoing issue of vacancies for which he is providing a to-do list for the upcoming year.

The Loop:

- Cicero's Restaurant; vacant for over five years; the hair salon, and U City Grill
- The Melting Pot Restaurant; vacant for years, as well as the adjoining unit
- The St. Louis Bread Company; vacant for over five years,
- Commerce Bank; now located in a smaller space across the street with limited services
- The Craft Alliance building owned by Washington University

Further East:

- Retail spaces at Midland and Delmar
- A vacant corner at Midland and Olive
- The historic Hamburger Heaven Building that was torn down at Pennsylvania and Olive
- The old gas station at Olive and Ferguson
- Even further east are several vacant and dilapidated buildings located amid automobile parts and junkyard facilities

Mr. Sullivan stated green space is continually being eliminated and it's hard to understand why these buildings have remained vacant for so long. But perhaps, these areas have been neglected because the City has been so obsessed with Costco.

I. PUBLIC HEARINGS

1. None

J. CONSENT AGENDA

1. Ratification – Phone Services Renewal Contract
2. Pershing Avenue Supplement Agreement
3. Kempland Bridge Supplement Agreement
4. Westgate Change Order
5. Cochran Engineering Supplement Agreement #7A - 2023 Asphalt Overlay

Councilmember McMahon moved to approve Items 1 through 5 of the Consent Agenda, it was seconded by Councilmember Hales, and the motion carried unanimously.

K. CITY MANAGER'S REPORT

1. Centennial Commons

Mr. Rose read the following information pertaining to Centennial Commons into the record: *"The historic flooding that occurred on July 26, 2022, resulted in more than 14 million dollars in damages to City property, which includes numerous public safety and non-safety vehicles and equipment, a fire station, the Public Works yard, the community center, Centennial Commons, and the pool. Today, the City has spent approximately 3.3 million dollars in recovery efforts, while only receiving \$739,000 in reimbursements from insurance. This has resulted in a net of approximately 2.6 million dollars in out-of-pocket expenses.*

Because President Biden declared portions of U City as disaster areas, staff is applying for federal funding from the Federal Emergency Management Agency (FEMA), with the hope of recovering a significant portion of these expenses; although it is unlikely that the City will be made whole.

The damage caused by this historic flood resulted in the closure of many areas within Centennial Commons, which will remain closed until further notice, and has been posted on the City's website. However, the business office is being used and staff is exploring options to reopen the cardio area. Interim Public Works Director, Darren Dunkle, is working with building officials to determine if the Condemned Order can be lifted for the cardio, track, and remaining business areas.

The estimated cost of fully restoring Centennial Commons and the pool is approximately 1 million dollars. I was also told by FEMA representatives that if the City restores facilities without their approval, those expenses will not be reimbursed.

As you give some thought to restoring non-emergency City facilities, I would ask that you keep in mind that the City has other major costs on the horizon.

- *The match for the Federal Buy-Out Program is estimated at 1.6 million dollars;*
- *The match for the detention basin is estimated at 3.5 million dollars;*
- *The deficit for the Public Safety Pension Fund remains at 7.6 million dollars, and*
- *24 million dollars in debt service is needed for the Police Annex and Trinity Building renovations*

Because Centennial Commons is a non-emergency facility; there are other major costs on the horizon, and the City will be reimbursed for some of these restoration costs if it receives approval from FEMA, he would recommend that Centennial Commons not be restored at this time."

Mr. Rose then asked Mr. Dunkle if he would provide Council with the information he had obtained regarding restoration costs for several City facilities.

Mr. Dunkle stated the scope of work for these restorations have already been submitted to FEMA, and it will probably take several months before the City receives approval and reimbursement.

Building Restoration Costs

| | |
|--------------------------|---|
| Centennial Commons | \$656,000 for electricity, walls, and flooring |
| Swimming Pool | \$350,000 for electricity, walls, concession, lobby, storage, locker room, fencing, water heater, etc. |
| Jack Buck Baseball Field | \$136,000 for field, fencing, and warning track |
| Dog Park | \$70,000 for fencing |

Councilmember Smotherson posed the following questions to Mr. Rose:

Q. Is there a breakdown of the \$739,000 received from insurance?

A. *While I can provide Council with the breakdown, I do not have the information with me tonight.*

Q. Was the payment for the facilities mentioned by Mr. Dunkle?

A. *It also covered police/fire equipment, and the fire station.*

Q. Do you have an understanding of why their payment was a lesser amount than the actual replacement costs?

A. *We were fully aware that the City would not be made whole by this reimbursement and can provide Council with a list of items that were covered and the percentages that were paid.*

Mr. Rose stated Mr. Dunkle is also working with Cardinals Care which supports the Redbird Rookies Program and has provided funding in the past for maintaining the Jack Buck Field. They are looking at the cost estimates and the hope is that they will help with some of the restorations.

Councilmember Clay posed the following questions to Mr. Rose:

Q. When does the City anticipate receiving a response from FEMA?

A. *FEMA has not provided the City with a timeframe.*

Q. *Centennial Commons is a meaningful asset that I have received numerous calls about. So, if this process extends into months, my thinking is that there may come a point when Council will have to make a decision about the next steps that should be taken.*

A. *I intend to work with the City's federal delegation to hopefully expedite the process. But absorbing these costs on our own is not something I would recommend since the goal is to come out of this in a strong financial position. Disasters can occur at any moment, and if there is a next time, the City needs to be prepared to handle it in the event the government does not step in.*

L. UNFINISHED BUSINESS

- 1. BILL 9421 – (to be withdrawn)** 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”), INDUSTRIAL COMMERCIAL (“IC”), GENERAL COMMERCIAL (“GC”), HIGH-DENSITY RESIDENTIAL (“HR”) AND SINGLE-FAMILY RESIDENTIAL (“SR”) DISTRICTS TO PLANNED DEVELOPMENT – MIXED USE (“PD-M”) DISTRICT AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

Councilmember Clay withdrew his previous motion to introduce Bill Number 9421, it was seconded by Councilmember Klein, and the motion to withdraw carried unanimously.

- 2. Bill 9440 – (to be withdrawn)** 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 PROPERTY AT 1309 PARTRIDGE AVENUE FROM PUBLIC ACTIVITY (“PA”) TO PLANNED DEVELOPMENT—RESIDENTIAL USE DISTRICT (“PD-R”), AND ESTABLISHING PERMITTED LAND USES AND DEVELOPMENTS THEREIN; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

Councilmember Smotherson withdrew his previous motion to introduce Bill 9494, it was seconded by Councilmember Hales, and the motion carried unanimously.

- 3. Bill 9494 –** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF UNIVERSITY CITY AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE KEMPLAND PLACE ROAD BRIDGE RECONSTRUCTION OVER BRANCH OF RIVER DES PERES. Bill Number 9494 was read for the second and third time.

Councilmember McMahon moved to approve, 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.

M. NEW BUSINESS

Resolutions (vote required)–

- 1. Resolution 2022-17:** Encouraging Great Rivers Greenway (Bike Path)

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

Councilmember Klein stated in her opinion, this will be a tremendous asset to the City. Therefore, she would like to thank Mr. Mark Weiner, who worked with Great Rivers Greenway and brought this issue before Council.

Voice vote on Councilmember Klein's motion carried unanimously.

Bills (Introduction and 1st reading - no vote required)

Introduced by Councilmember Cusick

1. **Bill 9495** – AN ORDINANCE IMPOSING AN ADDITIONAL SALES TAX IN THE AMOUNT OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD IN THE CITY OF UNIVERSITY CITY, MISSOURI, AND PROVIDING FOR THE SUBMISSION OF A PROPOSITION AUTHORIZING SUCH TAX TO THE QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION ON APRIL 4, 2023. Bill Number 9495 was read for the first time.

Introduced by Councilmember Smotherson

2. **Bill 9496** – AN ORDINANCE AMENDING SECTION 100.180 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO WARD BOUNDARIES, BY REPEALING SECTION 100.180 AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS “SECTION 100.180 WARDS”, THEREBY AMENDING SAID SECTION SO AS TO CHANGE THE BOUNDARIES OF THE CITY’S THREE WARDS. Bill Number 9496 was read for the first time.

N. 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

O. CITIZEN PARTICIPATION (continued if needed)

Aren Ginsberg, 430 West Point Court, U City, MO

Ms. Ginsberg reported that his past weekend the U City TNR volunteers vetted three community cats and placed one kitten up for adoption. In total, since 2018 these volunteers have vetted 350 cats and placed more than 70 into rescue facilities at no cost to taxpayers. Unfortunately, since the use of cat food, water, and shelter, is not explicitly listed as permitted acts, it continues to spark misunderstandings between the volunteers and code enforcement, which could potentially result in the assessment of a \$500 fine. Therefore, on behalf of these volunteers, she would respectfully request that Section 210.13 of the Municipal Code be amended to add, “*Providing food, water, and shelter*” to the list of permitted acts. Thank you for your service to our community.

P. COUNCIL COMMENTS

Q. ADJOURNMENT

Councilmember Hales moved to adjourn the meeting, it was seconded by Councilmember Cusick, and the motion carried unanimously

Mayor Crow thanked everyone for their attendance and adjourned the Regular Council Session at 7:05 p.m.

LaRette Reese
City Clerk, MRCC

**SPECIAL MEETING OF THE CITY COUNCIL
VIA VIDEOCONFERENCE
Monday, December 19, 2022
6:30 p.m.**

A. MEETING CALLED TO ORDER

At the Special Session of the City Council of University City held on Monday, December 19, 2022, Mayor Terry Crow called the meeting to order at 6:35 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.; Jim Fredericks of Armstrong Teasdale, and Tahany Jabbar, Chief Operating Officer for J & I, Inc.

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. PROCLAMATIONS

None

E. APPROVAL OF MINUTES

None

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

None

G. SWEARING IN TO BOARDS AND COMMISSIONS

None

H. CITIZEN PARTICIPATION (Total of 15 minutes allowed)

Procedures for submitting comments for Citizen Participation and Public Hearings:

Written comments 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 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 whether your comment is on an agenda or a non-agenda item. If a name and address are not provided, the comment will not be recorded in the official record.

Mayor Crow noted that the City Clerk had advised Council that there were requests to address Council or written comments for this meeting.

I. PUBLIC HEARINGS

None

J. CONSENT AGENDA

None

K. CITY MANAGER'S REPORT

1. Liquor License – Gas Mart (6700 Olive)

Mr. Rose stated staff is recommending that Council consider a Liquor License for Gas Mart, located at 6700 Olive Blvd. This recommendation is contingent upon the Applicant providing a surety bond for the required improvements.

Councilmember Smotherson stated he was confused as to why this item was placed back on the Agenda since there were several questions raised by Council that have still not been answered. Mr. Rose stated Council requested that the owner be in attendance for any future discussions, and both she and her attorney are on this call. The second issue pertained to the need to bring the building up to compliance with the Conditional Use Permit (CUP). And what staff is proposing is that security in the form of a cash deposit or surety bond be added as a condition of approval. He stated the Applicant also understands that if they fail to rectify this issue within 30 days, Council can take actions to either close the facility or revoke their Liquor License.

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

Jim Fredericks, of Armstrong Teasdale, attorney for J & I, Inc., d/b/a Gas Mart, announced that he and his client, Tahany Jabbar, Chief Operating Officer, were available to answer Council's questions.

Mr. Fredericks stated J & I, Inc. has been in business since 1997 and he has been representing them throughout the majority of that time. He stated the application has been amended from "*all liquor*" to the "*22% retail package*," which consists of beer and wine. Mr. Fredericks stated it should be noted that the word "*wine*" is not mentioned in the application or the City's ordinances. He then posed the following questions to Ms. Jabbar:

Q. Does J & I currently have stores that sell beer and wine?

A. Yes and I have brought several photographs depicting these items.

Q. What types of wines are typically sold?

A. Seltzer and Monaco wines.

Q. What is the alcohol content of these wines?

A. Fourteen percent.

Q. Do most of the wines sold at your facilities consist of that same 14% content level?

A. Yes.

Q. Is the alcohol content level for your traditional beers 4.5 or 5%?

A. Yes, that's right.

Q. What is the level for Mike's Hard Cider?

A. It has an 8% alcohol content level.

Q. Do you sell anything else that comes close to the 14% alcohol content level of wine?

A. No.

Mr. Fredericks stated his client's business was in full operation when they learned that the pervious pavers had not been installed, so the issue of non-compliance came as quite a surprise. However, at this point, they have hired a contractor, submitted plans to the City, and applied for a Building Permit to get the work done. These actions demonstrate that their intent is to be in full compliance, and therefore, he would ask that their Liquor License be approved.

Councilmember Smotherson posed the following questions to Ms. Jabbar:

Q. Does your company own the store located at Delmar & Goodfellow?

A. Yes.

Q. Is there a reason why that store does not sell alcohol?

A. *We never applied for a license. Company rules dictate that alcohol not be sold in areas where alcohol has the tendency to perpetuate violence.*

Mr. Fredericks asked Ms. Jabbar whether this was a rehabbed site? Ms. Jabbar stated that it was. Mr. Fredericks asked if she was still affiliated with her original partner for this site? Ms. Jabbar stated she was not.

Councilmember Smotherson thanked Ms. Jabbar for her explanation about why no alcohol is sold at their Delmar site because it addressed all of his concerns.

Councilmember Clay posed the following questions to Ms. Jabbar:

Q. Will you be selling fortified wines?

A. *I don't know what that is.*

Q. Wines like Night Train or MD2020, that generally have a higher alcoholic content?

A. *The only wines we plan to sell are the ones depicted in the photographs.*

Mr. Fredericks stated the types of wines mentioned by Councilmember Clay are not sold at any of his client's stores and they would be happy to add that as a condition for approval.

Councilmember Clay stated he would appreciate the addition of that condition.

Mayor Crow questioned whether "tall boys" or 40-ounce bottles of beer would be sold? Ms. Jabbar stated another company rule is not to sell single cans or bottles of beer. So, they are packaged in two, three, or four packs.

Councilmember Clay stated that's a rule he believes residents living close to this establishment will appreciate. So, is this another condition that should be added to the application?

Mr. Mulligan stated the Code prohibits single beer sales; it requires a minimum of three in a package.

Mayor Crow asked Ms. Jabbar if she would provide her address for the record.

Tahany Jabbar, 1173 South Kingshighway, St. Louis, MO 63110.

Voice vote on Councilmember Clay's motion to approve the Liquor License carried unanimously.

L. UNFINISHED BUSINESS
none

M. NEW BUSINESS

Resolutions

1. **Resolution 2022-18** - SEMA HMGP Grant Application for the buy-out of flooded properties.

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

Mr. Rose stated staff made an application to SEMA for FEMA funding to execute a Buy-Out Program, and thereafter, received notification that 12 homes and the Hafner Court Apartments had been approved for the program. The remaining homes in the City's application have been placed on SEMA's waitlist. As a result, this Resolution is being presented to include funding for all of the homes; the first-round approval, and those on the waitlist. However, in the event SEMA does not approve homes on the waitlist, no funds will be expended.

Mr. Rose stated the recommended funding sources are, OMCI from the Metropolitan Sewer District, totaling \$749,000; the American Rescue Plan Act, totaling \$607,000, and the Park and Stormwater Tax, totaling \$324,738. All three funds total \$1,680,738.

Voice vote on Councilmember Cusick's motion carried unanimously.

Bills

Introduced by Councilmember Hales

2. **Bill 9497** – AN ORDINANCE AMENDING SECTION 400.030 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO ZONING CODE DEFINITIONS, BY AMENDING THE DEFINITION OF DORMITORY. Bill Number 9497 was read for the first time.

N. 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

O. CITIZEN PARTICIPATION (continue if needed)

P. COUNCIL COMMENTS

Q. ADJOURNMENT

Councilmember Hales moved to adjourn the Special Council Session, it was seconded by Councilmember Klein, and the motion carried unanimously.

Mayor Crow thanked everyone for their participation and expressed his desire for them to have a wonderful holiday season. The meeting was adjourned at 7:01 p.m.

LaRette Reese,
City Clerk, MRCC

CITY OF UNIVERSITY CITY COUNCIL MEETING

AGENDA ITEM



NUMBER:

For City Clerk Use

UB2023-01-09-01

SUBJECT/TITLE:

An Ordinance Imposing An Additional Sales Tax in the Amount of Three Percent on All Tangible Personal Property Retail Sales of Adult Use Marijuana Sold in the City of University City, Missouri, and Providing for the Submission of a Proposition Authorizing Such Tax to the Qualified Voters at the General Municipal Election on April 4, 2023.

REQUESTED BY:

Gregory Rose, City Manager

DEPARTMENT / WARD

Administration / All

AGENDA SECTION:

New Business - Bill 9495

CAN ITEM BE RESCHEDULED?

yes

CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION:

City Manager recommends approval. Further, that if approved and enacted financing received from the tax would be used for public safety, including educating children on the hazards of marijuana use.

FISCAL IMPACT:

AMOUNT:

ACCOUNT No.:

FROM FUND:

TO FUND:

EXPLANATION:

On November 8, 2022, the voters of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022. Section 2.6(5) of Article XIV authorizes University City to impose, by ordinance, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in University City, subject to approval by voters.

STAFF COMMENTS AND BACKGROUND INFORMATION:

This Bill imposes such an additional sales tax in the amount of three percent and provides for the submission of a proposition authorizing the tax to the qualified voters of University City at the General Municipal Election on April 4, 2023. The tax will take effect if a majority of the votes cast thereon are in favor of the proposition.

CIP No.

RELATED ITEMS / ATTACHMENTS:

Bill 9495

LIST CITY COUNCIL GOALS (S):

Public Safety

RESPECTFULLY SUBMITTED:

City Manager, Gregorory Rose

MEETING DATE:

January 9, 2023

INTRODUCED BY:

DATE:

BILL NO.: 9495

ORDINANCE NO.:

AN ORDINANCE IMPOSING AN ADDITIONAL SALES TAX IN THE AMOUNT OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD IN THE CITY OF UNIVERSITY CITY, MISSOURI, AND PROVIDING FOR THE SUBMISSION OF A PROPOSITION AUTHORIZING SUCH TAX TO THE QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION ON APRIL 4, 2023.

WHEREAS, on November 8, 2022, the voters of the State of Missouri approved Amendment 3 to the Missouri Constitution enacting Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022; and

WHEREAS, Section 2.6(5) of Article XIV of the Missouri Constitution authorizes the City of University City, Missouri (City) to impose, by ordinance, an additional sales tax in an amount not to exceed three percent on all tangible personal property retail sales of adult use marijuana sold in the City, subject to approval by voters of the City; and

WHEREAS, the City desires to impose an additional sales tax in the amount of three percent on all tangible personal property retail sales of adult use marijuana sold in the City and to submit a proposition authorizing such tax to the qualified voters of the City at the General Municipal Election on April 4, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI AS FOLLOWS:

Section 1. An additional sales tax in the amount of three percent on all tangible personal property retail sales of adult use marijuana sold in the City of University City, Missouri (City), as authorized by Article XIV, Section 2.6(5) of the Missouri Constitution, is hereby imposed. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

Section 2. An election is hereby called and ordered to be held on the General Municipal Election day in the City on April 4, 2023, for the purpose of submitting to the qualified voters of the City the following proposition:

PROPOSITION P

Shall the City of University City, Missouri impose an additional sales tax in the amount of three percent on all tangible personal property retail sales of adult use marijuana sold in University City?

☐ Yes

☐ No

If you are in favor of the proposition, place an “X” in the box opposite “Yes.” If you are opposed to the proposition, place an “X” in the box opposite “No.”

Section 3. If a majority of the votes cast on Proposition P by the qualified voters voting thereon are in favor of the proposition, then said additional sales tax in the amount of three percent on all tangible personal property sales of marijuana sold in the City shall be in effect. If a majority of the votes cast on Proposition P by the qualified voters voting thereon are opposed to the proposition, then said additional sales tax in the amount of three percent on all tangible personal property sales of marijuana sold in the City shall not be in effect.

Section 4. Said election shall be held in compliance with all laws.

Section 5. The City Clerk is directed to notify the Board of Election Commissioners of St. Louis County, Missouri of the election and Proposition P prior to 5:00 p.m. on January 24, 2023, as required by law.

Section 6. This ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED and ADOPTED this 9th day of January, 2023.

Mayor

ATTEST:

City Clerk

CERTIFIED TO BE CORRECT AS TO FORM:

City Attorney



CITY OF UNIVERSITY CITY COUNCIL MEETING
AGENDA ITEM

| | |
|-------------------------------|---------------|
| NUMBER: For City Clerk Use | NB20230109-01 |
|-------------------------------|---------------|

| | | | |
|--|-----------------------------------|--|-----|
| SUBJECT/TITLE: Resolution for SEMA Flood Mitigation Assistance (FMA) Grant Application for buy-out of flooded properties. | | | |
| REQUESTED BY: John L. Wagner | | DEPARTMENT / WARD Community Development | |
| AGENDA SECTION: | New Business - Resolution 2023-01 | CAN ITEM BE RESCHEDULED? | Yes |
| CITY MANAGER'S RECOMMENDATION OR RECOMMENDED MOTION: City Manager recommends approval. | | | |
| FISCAL IMPACT: None | | | |
| AMOUNT: | \$0 | ACCOUNT No.: | |
| FROM FUND: | | TO FUND: | |
| EXPLANATION: N/A | | | |

| |
|---|
| STAFF COMMENTS AND BACKGROUND INFORMATION: This resolution commits the City to support the FMA Grant to buy-out three of the four buildings of the Hafner Court Apartments. The eastern-most three (3) buildings, including the building on Westover Court, would be bought-out with 100% federal funds, with no local match required. |
|---|

| | |
|--|--|
| CIP No. | |
| RELATED ITEMS / ATTACHMENTS: Draft resolution 2023-01 | |

| | | | |
|--|------------------------------|---------------|-----------------|
| LIST CITY COUNCIL GOALS (S): Public Safety, Improved Infrastructure | | | |
| RESPECTFULLY SUBMITTED: | City Manager, Gregorory Rose | MEETING DATE: | January 9, 2023 |

RESOLUTION 2023-01

WHEREAS, the City of University City (hereinafter called "the Subgrantee"), County of St. Louis, has made application through the Missouri State Emergency Management Agency (SEMA) to the Federal Emergency Management Agency (FEMA) for funding from the Flood Mitigation Assistance (FMA) Program; and

WHEREAS, the Subgrantee recognizes that no non-federal funds will be used for this mitigation grant application, and that the estimated cost of the project is \$3,224,190.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY CITY, MO AS FOLLOWS:

The City of University City agrees to participate in this Flood Mitigation Assistance (FMA) Grant Program for the buyout and removal of three (3) of the four (4) buildings that comprise the Hafner Court Apartments, and that there is zero (0) local match needed for implementation of this grant estimated to be funded at \$3,224,190.

PASSED and RESOLVED this 9th day of January, 2023

Mayor

ATTEST

City Clerk