

MEETING OF THE CITY COUNCIL
CITY OF UNIVERSITY CITY
CITY HALL, Fifth Floor
6801 Delmar Blvd., University City, Missouri 63130
Monday, May 8, 2023
6:30 p.m.

AGENDA

A. MEETING CALLED TO ORDER

At the Regular Session of the City Council of University City held on Monday, May 8, 2023, 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 Bwayne Smotherson
Councilmember Dennis Fuller

Also in attendance were City Manager, Gregory Rose; City Attorney, John F. Mulligan, Jr.; Director of HR, Amy Williams; Deputy City Manager, Brooke Smith; Auditor, Mike Williams of Sikich, LLP, and Ed Sharrer of Yard & Company (via Zoom).

C. APPROVAL OF AGENDA

Mayor Crow stated that during the Study Session, Mr. Rose requested that Item K (1); Façade Program Approval, be moved to the City Manager's Report.

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

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

D. PROCLAMATIONS (Acknowledgement)

None

E. APPROVAL OF MINUTES

1. April 24, 2023, Regular Meeting Minutes were moved by Councilmember Hales, it was seconded by Councilmember McMahon, and the motion carried unanimously, with the exception of Mayor Crow.

F. APPOINTMENTS TO BOARDS AND COMMISSIONS

1. Tim Schroeder is nominated for appointment to the Urban Forestry Commission as a fill -n by Councilmember Steve McMahon, it was seconded by Councilmember Hales, and the motion carried unanimously.

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:

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.

I. COUNCIL COMMENTS

None

J. PUBLIC HEARINGS

1. TXT 22-03 - AMENDING SECTIONS 400.690 AND 400.700 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, RELATING TO THE MINIMUM LOT SIZE FOR PRIVATE SCHOOLS IN THE PUBLIC ACTIVITY ZONING DISTRICT IN THE UNIVERSITY CITY CIVIC COMPLEX HISTORIC DISTRICT.

Mayor Crow opened the Public Hearing at 6:36 p.m.

Citizen's Comments

Brad Goss, the law firm of Amundsen Davis

Mr. Goss stated he is the Attorney for a group of homeowners in the University Heights #2 Subdivision regarding this Text Amendment to allow Washington University to undertake redevelopment at 6900 Washington and 6901 Delmar.

Staff's Report of December 14, 2022, indicates that Council delayed consideration of this amendment based on their need to review all of the additional details concerning Wash U's Site Plan and Conditional Use Permit (CUP). However, as of today, Council, staff, nor the Planning and Zoning Commission have received the lighting, stormwater, signage, and landscaping plans as required by Section 400.2600 of the City's Code.

In addition, Section 400.700(a) (1) as amended, states that lots may be as small as .45 acres in the Public Activity District. But Section 400.690; which has not been amended, specifically states that *"Educational and institutional uses must have lots of 3 acres or greater in size"*. Therefore, his client's position is that Wash U's lots must be 3 acres or more.

Mr. Goss stated a review of the 1985 Comprehensive Plans reveals that:

- Future parking requirements be viewed in the district-wide context with a liberal interpretation of the existing zoning parking regulations where purposed uses can share existing parking facilities with district institutions to avoid impacting local neighborhoods, and
- The open space on Trinity that Wash U says will become a parking lot, *"Is an important community resource and should be preserved"*.

Wash U's plan does not adhere to future parking requirements and the *"open space"* language in the 1985 plan was approved in two subsequent master plans. So, they believe this plan is still in effect. And there is also a detailed landscaping plan in the 1985 master plan that is not being followed by Wash U's plan.

A review of the 1999 Comprehensive Plan reveals that;

- Residential neighborhoods are a precious resource to be preserved, maintained, and should be conserved by the City to produce high-quality long-lasting neighborhoods and developments, and preserve property values. It also reiterated those goals and endorsed everything in the 1995 master plan;
- Council went back roughly 14 years later and said "*Yeah, the Comprehensive Plan from 1985 makes sense and should be followed*";
- A strategy within the plan indicates the development proposals in existing residential neighborhoods; which includes Wash U's plan, require the submission of a three-dimensional massing model that shall be comprised of the buildings and proposed development, as well as all adjacent contiguous buildings within 185 feet of the proposed development boundary that indicates the exact geographical relationship among all buildings.

Mr. Goss stated this model has not been followed in Wash U's proposal. The Comprehensive Plan Update of 2005 looked back to the prior plans and noted that the goals of the 1985 and 1999 Plans were valid and endorsed them again. So, he would respectfully ask this Council to table this Text Amendment, as there are a lot of issues his clients would like the opportunity of having a further dialogue on.

David Sandel, 6910 Washington Avenue, U City, MO

Mr. Sandel stated over the past few months there have been individual, group, and various U City commission conversations about the proposed use for 6900 Delmar and 6901 Washington that have consumed a lot of time and energy for all. However, his subdivision has failed to organize an inclusive community conversation and action plan for everyone to review.

He stated the subdivision's Parking Solution Committee was created to work outside of local neighborhood politics to identify the best parking solutions, rank them by simple, yet appropriate criteria, and then present its recommendations to the Trustees to arrange a time and location where residents could carry out a final vote. The committee is comprised of residents and might also propose that a particular parking solution be staged as a simple pilot to help them achieve more realistic operating data and information. Mr. Sandel stated that this is not meant to be a lengthy process, and to that end, he has taken the liberty to socialize this approach with four subdivision residents on Kingsbury, Washington Avenue, and Delmar, whose responses have been very positive; and he would welcome other residents to join.

Mr. Sandel thanked Council for their time and noted that he would be providing a copy of his verbal comments along with several examples he believes, if thoughtfully integrated into the CUP could be quite effective.

Ben Ellermann, 6911 Washington Avenue, U City, MO

Mr. Ellermann stated he is speaking on behalf of several residents interested in expressing their concerns about this Text Amendment related to its density, the loss of green space, and unprotected private street parking. Hopefully, a solution will come forward that will be good for the residents and all parties involved.

Ruth Decker, 6900 Washington Avenue, U City, MO

Ms. Decker stated she stands in opposition to this Text Amendment that aims to amend zoning requirements in the Public Activity District. This action is taken solely to facilitate Wash U's current and future acquisitions of yet more properties in U City. And passage of this Bill will allow a very dense use in an extremely small area with little regard for the concerns of surrounding homeowners; especially residents like her whose home is directly across from the church property at 6901 Washington. She stated the transfer of this property will cause more chaos in an already saturated intersection, undesirable traffic, and parking loads in what is now a private street. Ultimately, it will change the character and charm of the entire district.

Mayor Crow closed the Public Hearing at 6:47 p.m.

K. CONSENT AGENDA - (1 voice vote required)

1. Façade Program Approval; *(Removed)*
2. Navigate Building Solutions Agreement
3. Cintas Uniform Contract Extension
4. Flynn Park Tennis Court Painting Contract
5. Pool Lighting Repairs
6. Fencing Contract
7. PayTrac Credit Card Services Addendum
8. 2023 Asphalt Overlay Program
9. CDBG 2020-2022 Street Improvements
10. Fund Transfer - Central Garage (Fleet)

Councilmember McMahon moved to approve Items 2 through 10 of the Consent Agenda, it was seconded by Councilmember Fuller, and the motion carried unanimously.

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

1. FY2022 Annual Comprehensive Financial Report (ACFR) and Report on Federal Awards Audit Reporting

Mr. Rose stated this is a report from the City's auditors on the FY2022 Annual Comprehensive Financial Report. Staff is recommending that Council accept this report and provide any guidance it deems necessary.

Mr. Cole stated the Charter requires the City to conduct an annual audit, and staff has been engaged with Mike Williams of Sikich, LLP, who will present the results of their audit.

Mr. Williams provided highlights from the Annual Comprehensive Financial Report.

Transmittal Letter - March 24, 2023

- Economic Conditions & Outlook
- Management Controls
- Budgetary Controls
- Audit Information
- List of Principal City Officials
- Organizational Chart
- Certificate of Achievement for Excellence in Financial Reporting
 - Fiscal year ended June 30, 2021: The City is providing a high level of accountability and transparency for its financial information.

Independent Auditor's Report

- New audit standards
- Auditor's Opinion
 - In our opinion, the financial statements referred to above present fairly in all material respects.

Management's Discussion & Analysis

- Financial Highlights
- General Information
- Big Picture Financial Summary
 - Governmental Funds
 - ✓ General Fund
 - Business Activities
 - ✓ Charges for Services

- ❖ On a government-wide basis, the City's total assets and deferred outflows of resources exceeded its liabilities and deferred inflows of resources at the close of fiscal year 2022 by \$6.5 million. Of this amount, negative \$55.0 million is unrestricted.
- ❖ As of June 30, 2022, governmental activities and business-type activities had net positions of \$5.4 million and \$1.2 million, respectively.
- ❖ The City's net position decreased by \$14.3 million from fiscal year 2021. For governmental activities, expenses exceeded revenues by \$13.4 million. For the business-type activities, expenses exceeded revenues by \$865 thousand.
- ❖ General revenues and transfers for governmental activities were \$27.9 million which included \$14.2 million in sales and local use and \$5.8 million in gross receipts taxes. Property taxes accounted for \$3.9 million of general revenues.
- ❖ Expenses from various functions of the City's governmental and business-type activities totaled \$54.4 million in fiscal year 2022, a decrease of \$23.4 million from fiscal year 2021.
- ❖ The City's total long-term debt obligations increased by \$24.1 million as compared to fiscal year 2021.
- ❖ As of June 30, 2022, the City's governmental funds reported combined ending fund balances of \$35.2 million, an increase of \$4.3 million from \$30.9 million reported in fiscal year 2021. Of this amount, \$14.3 million is an unassigned fund balance and available for spending at the City's discretion.
- ❖ The unassigned fund balance for the General Fund was \$14.3 million or 54.4% of total General Fund expenditures.


Summary of Revenue and Expenses

Total Revenue	2021	2022
	41,655,000	40,153,000 <i>(related to varying grant amounts)</i>
Total Expenses	2021	2022
	77,000,000	53,000,000

Net Position

Summary of all funds blended together on a full accrual basis including all debt and capital assets for the year.

	2021	2022
	20,105,000	6,533,000

 ***The City had a decrease in net position of \$14.3 million based on current year activity. Reasons for the decline are discussed further in the Governmental Activities and Business-type Activities sections of the MD&A.***

Balance Sheet - Governmental Activities

- General Fund Total Assets 24,503,000
- Liabilities 2,132,000

Fund Balance

Difference between assets, liabilities, and deferred amounts

- General Fund Balance 21,311,000 *(part is non-spendable; part is committed; part is assigned)*
- Unassigned Fund Balance 14,310,000
- Public Safety Sales Tax Fund
- Olive I-170 TIF Fund
- Other Governmental Funds

Summary of Revenue & Expenditures

- General Fund Revenues \$24,075,000
- Expenses \$26,303,000

- Other Financing Sources \$5,000,000

Enterprise Fund Activities

- Parking Garage
- Golf Course
- Solid Waste

Change in Net Position

- Solid Waste -993,000
This changed the net position from -1,042,000 to -2,036,000

Cash Investment Note

Note B (1) emphasizes that bank deposits must be secured either by FDIC or other pledged collateral.

- The City's bank balances are entirely insured or collateralized.

Employee Benefit Retirement Plans

- Summary of non-uniform employees' fund & police retirement fund
- Certain amounts are not a use of financial resources and, therefore, are not reported in the governmental funds. These items consist of:

Net pension liability	(14,678,596)
Deferred outflows related to pensions	4,186,013
Deferred inflows related to pensions	(3,005,949)

✚ The total plan liability is similar to the actuarial calculation of the future viability of these plans. The plan fiduciary net position is the net assets currently available to pay future liabilities. In both cases there is more liability than there are current assets; (16,000,000)

Post-Employment Benefits

- Change in Other Post-Employment Benefits
 - 1,000,000 liability

Leases

Accounting standards now require that the lease liabilities and receivables be recorded on the financial report.

- Real estate leases the City has with several retail establishments

Required Supplemental Information

- Total Revenues Under budget by \$711,000
- Total Expenses Under budget by 1,163,000

Report on Federal Awards

- No findings related to federal programs
- Total Awards \$3,087,000

Report on Audit of Financial Statements

- Report on Compliance for Each Major Federal Program
- Report on Internal Control over Compliance
- Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

Communication of Deficiencies & Internal Control

1. Tracking of grants
2. Outstanding receivables
3. Second review for department

4. Credit card transactions
5. Personnel Documentation of Overtime
6. Additional documentation in accounting policies and procedures manual
7. Reconciliation to receivables
8. Liability account reconciliation
9. Allocation of fleet maintenance internal service fund
10. Solid Waste

Councilmember Clay asked Mr. Williams if he could shed a little light on the difference between a material weakness and a significant deficiency? Mr. Williams stated this comment is similar to last year's comment, so it is not uncommon for most cities to have a report like this if the auditor has adjustments. He stated the purpose of this Report on Internal Control over Compliance is solely to describe the scope of their testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. So, while a report on federal awards is required, it is not an audit of the actual federal program. Mr. Williams then provided the following definitions:

- A *deficiency* in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis.
- A *material weakness* in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.
- A *significant deficiency* in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

The definition further states:

Our consideration of internal control over compliance was for the limited purpose described in Auditor's Responsibilities for the Audit of Compliance and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit, we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Councilmember Clay noted that a corrective action plan was provided by the auditor and included in the report.

Mayor Crow thanked Mr. Williams for his presentation.

2. City Holiday Closures (Juneteenth)

Mr. Rose stated staff is recommending that Council consider approving Juneteenth as a U City holiday. He stated a brief discussion was held on this topic last year, and he would ask Ms. Williams to provide the rationale behind this request.

Ms. Williams provided the following overview:

Background

Juneteenth is a Federal and Missouri State holiday commemorating the emancipation of enslaved African Americans. The name is derived from combining June and nineteenth, the date in 1865 the last slaves in Texas were declared free.

- Made a Federal Holiday in 2021
- Made a Missouri State holiday in 2022

Regional Celebrations

Celebrates

Brentwood
 Chesterfield
 Clayton
 Kirkwood
 Maplewood
 Olivette
 Richmond Heights
 Wentzville
 St. Louis County
 St. Louis County

Does Not Celebrate

Ballwin
 Creve Coeur
 Des Peres
 Ellisville
 Frontenac
 Ladue
 Lake St. Louis
 Maryland Heights
 O'Fallon
 St. Charles City
 St. Charles County
 Town and Country

Total Holidays: Regionally

City	Number of 8-hour Holidays	Number of Hours
Wentzville	13	104
St. Charles County	12	96
Chesterfield	11.5	92
Brentwood	11	88
Clayton	11	88
Frontenac	11	88
Kirkwood	11	88
Lake St. Louis	11	88
Maplewood	11	88
O'Fallon	11	88
Olivette	11	88
Richmond Heights	11	88
St. Charles City	11	88
Ballwin, Des Peres, Ladue, Maryland Heights, Town & Country	10	80
University City	9	72

University City Holidays

- New Year’s Day (January 1st)
- Martin Luther King, Jr. Day (Third Monday in January)
- Presidents’ Day (Third Monday in February)
- Memorial Day (Last Monday in May)
- Juneteenth (June 19th)
- Independence Day (July 4th)
- Labor Day (First Monday in September)
- Thanksgiving Day and the day after (fourth Thursday and Friday in November)
- Christmas Day (December 25th)

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

3. Housing Consultant Recommendation

Mr. Rose stated staff is recommending that Council consider approving the Housing Consultant being recommended by staff and the 3rd Ward Revitalization Task Force.

Ms. Smith stated during the joint session both candidates presented their proposals to assist the 3rd Ward Task Force in implementing their revitalization strategy.

Following the meeting references and sample work products were requested. Both documents were received from Yard & Co. and Beyond Housing responded by stating that the documents submitted during their presentation were a sample of their work product. Thereafter, the Task Force Voted 8 to 1, to recommend Yard & Co, and stipulated that only 60% of the funding come from the funds intended for the 3rd Ward. However, after contacting Yard & Co, the Task Force was informed that their proposal was only for the 3rd Ward and did not include a city-wide housing strategy. As a result, staff and the Task Force are now recommending that the entire amount listed in Council's packet be covered by 100% of the funds intended for the 3rd Ward.

Mr. Rose stated the intent is to initiate a separate agreement with Yard & Co for the city-wide housing project.

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

Citizen's Comments

Patrick Fox, 1309 Purdue, U City, MO

Mr. Fox stated he has attended many of the Task Force meetings and would like to reiterate what he has told them on several occasions; that he does not believe any of the initial 3 million dollars, should be used to hire a consultant, which based on this proposal, represents .5% of the total amount available to spend in the 3rd Ward.

Additionally, the attachment included with Yard & Co's proposal has a miscalculation of the profit. Line 3 says the profit would be 20%, but when you multiply the figure it is 25%, or roughly \$6,000 over what the proposal says it should be.

Mr. Fox stated while he understands that a large portion of the funds being used from the TIF represents a once-in-a-lifetime opportunity that needs to be spent appropriately, the City received 2.8 million dollars of ARPA funding that was presented on the audited financial statements as an overall increase to the City's fund balance of 2.8 million dollars. Therefore, in his opinion, the City has the financial resources. By using the revenue replacement method, the City could use the ARPA funds to hire the consultant; which is an acceptable use and allocate the entire 3 million dollars to the 3rd Ward.

Mr. Rose stated that the funding received from ARPA has already been fully exhausted. The remaining portion was allocated for the Home Buy-Out Program that Dr. Wagner is working on with SEMA/FEMA.

Councilmember Clay stated he recalls that there were conversations about both candidates paring down their proposals to focus on community engagement. So, can someone speak to those deliberations, as well as how the Task Force landed on embracing the full amount of Yard's proposal? Ms. Smith stated her understanding is that there will be lots of community engagement, some of which will be comprised of residents hired by Yard to support their efforts. That said, Ed Sharrer, a representative of Yard & Co is attending virtually, and he can certainly expound on this topic.

Mr. Sharrer stated they anticipate doing a tremendous amount of outreach in the community. He stated they just finished a plan in a neighboring community where they ran a very successful Ambassador Program, which will also be implemented in U City. Residents are hired to serve as leaders of Yard's community engagement effort that helps achieve robust engagement. Mr. Sharrer stated what they have discovered is that this program empowers communities in ways that consultants could never accomplish. And once the plan is developed and ready to present to the community, Yard's role is simply to visit with the Ambassadors while they present the plan to their neighbors, which is extremely powerful. He stated Yard's community outreach strategies are something they really hang their hat on and look forward to putting them to work for U City.

Councilmember Clay posed the following questions to Mr. Sharrer:

Q. Is it correct that your proposal does not have a date of engagement?

A. We don't have any dates yet, because it's contingent upon when approval to start the project is

received. But one of the first steps will be to sit down with staff and map out a schedule. Typically, we go through a three-step process called, "Explore, Test, and Build". And in this case, we've allocated a couple of months to Explore and Test, which entails conducting community outreach to solicit ideas and feedback. The Test phase is where we come back to the community with ideas and concepts, oftentimes by utilizing tactical urbanism pop-up installations to test those ideas and get feedback on what is really going to work on the ground.

Q. Can you provide an estimated timeframe for how long this process will take?

A. Based on the scope of work outlined in the RFP, we have estimated that it will take six months from the date the contract is signed.

Q. Should there be a discrepancy in the profit as pointed out by Mr. Fox, will that have an impact on the bottom line related to costs?

A. We stand behind the math as it was originally intended. So, if there is an error, it will be corrected without any impact on the City's bottom line.

Voice vote on Councilmember Clay's motion carried unanimously.

4. FY2023-2026 Strategic Work Plan

Mr. Rose stated staff is recommending that Council consider the FY2023-2026 Strategic Work Plan initially presented to Council during a work session on February 25, 2023, and modified based on the comments received during that session.

The Report of Architectural Board found on page 7 has been highlighted to reflect a consensus reached after further discussions with Dr. Wagner. He stated they both believe the City will have the resources needed for this project if it is married to the project updating the Zoning Codes, which will occur after the updated Comprehensive Plan has been completed.

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

5. Façade Program Approval

Mr. Rose stated staff is recommending that Council consider approving the Facade Program. He stated he had asked that this item be moved to the City Manager's Report in the event there was a need to provide additional information on some of the questions he had received.

Councilmember Smotherson made a motion to have 8327 Olive and 7301 Tulane removed from the list until further discussions can be conducted with the EDRST Board on his proposal to establish a vacant building policy. 8327 Olive has been vacant for several years. And since no plans were submitted regarding the owner's intent once these renovations have been made, it raises a question in his mind as to why the City should supplement this building.

Councilmember Klein seconded Councilmember Smotherson's motion.

Mayor Crow suggested that a discussion on the guidelines first be conducted with staff because he thinks that would be more appropriate. And while he is amenable to the motion to remove these buildings, he thinks that if the purpose of the renovation is to sell the building, then there should be a requirement to recoup the City's funds before any transfer.

Mr. Rose stated if Council agrees to the removal of these buildings, he intends to present the current guidelines for Council's consideration during a Study Session.

Councilmember Hales questioned whether there were any restrictions or limitations on vacant properties under the current guidelines? Mayor Crow stated that based on Ms. Smith's nonverbal response there is not.

Voice vote on Councilmember Smotherson's motion to remove 8327 Olive and 7301 Tulane, carried unanimously, with the exception of Councilmember Hales.

Citizen's Comments

Patrick Fox, 1309 Purdue, U City, MO

Mr. Fox stated the City has limited resources, and as it stands, this program is \$38,000 over budget, so for Council to be more intentional in its decision-making makes sense. And in that regard, he is still not sure why 6185 Olive should remain on the list since the owner has already received EDRST funds from a previous program. So perhaps another amendment should place a limit on the number of times an applicant can be awarded these funds.

6307 to 6309 Delmar falls under the same mixed-use category as the Tulane property he previously discussed. 69.5 % of this property is zoned commercial, so a pro-rated portion of the \$16,000 maximum would seem to be appropriate. He stated this building also has a very wide budget ranging between \$28,500 and \$53,500, and since the Three King's Public House is located within these structures, he can only imagine what that range has increased to. Therefore, another suggestion is that any insurance proceeds be excluded from the matching funds.

Councilmember Klein stated her understanding is that Council will be having discussions about making revisions to this policy in the future.

Councilmember Hales stated 6307 to 6309 Delmar is the one that gave him the most concerns because it is apparent that there will be a need to see what transpires with the cleanup and rebuild. And given the applicant's extensive request for tuckpointing, he thinks, could be impacted by whatever reconstruction may or may not be taking place. Therefore, he would make a motion to delay consideration of these buildings until further conversations are conducted as they go through the process post-fire.

Mr. Rose informed Council that this is only the first step in the process and the next step is to reach a contractual agreement with each applicant. So, if there are issues of concern regarding an application it might be appropriate to bring that agreement before Council for consideration to ensure that everything is addressed under the conditions of that agreement. Council has the option of removing a property from the list or leaving it on and conducting a review of the contract.

Councilmember Fuller seconded Councilmember Hales' motion to remove 6307 to 6309 Delmar and the motion carried unanimously.

Councilmember Smotherson moved to approve the remaining properties on the list, it was seconded by Councilmember Clay, and the motion carried unanimously.

Mayor Crow stated Council will be going into a Closed Session for approximately 15 minutes before proceeding into Unfinished Business. And for anyone in attendance with a particular interest in the Bills under New Business, he would like to note that there will be no discussions or votes taken at tonight's Regular Session.

M. EXECUTIVE SESSION (7:47 p.m.)

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 McMahan moved to close the Regular Session to go into a Closed Session, it was seconded by Councilmember Klein.

Roll Call Vote Was:

Ayes: Councilmember Klein, Councilmember McMahan, Councilmember Hales, Councilmember Fuller, Councilmember Smotherson, Councilmember Clay, and Mayor Crow.

Nays: None.

Mayor Crow apologized for any inconvenience and closed the Regular City Council meeting at 7:47 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:10 p.m.

N. UNFINISHED BUSINESS - (roll call required for 2nd and 3rd readings)

1. **Bill 9509** - AN ORDINANCE APPROVING A PARCEL DEVELOPMENT AGREEMENT IN CONNECTION WITH THE OLIVE BOULEVARD COMMERCIAL CORRIDOR AND RESIDENTIAL CONSERVATION REDEVELOPMENT PLAN. Bill Number 9509 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

2. **Bill 9511** – AN ORDINANCE AUTHORIZING THE CITY OF UNIVERSITY CITY, MISSOURI, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (DIERBERG'S UNIVERSITY CITY, LLC PROJECT), SERIES 2023, IN A PRINCIPAL AMOUNT OF NOT TO EXCEED \$34,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ACQUIRING AND CONSTRUCTING AN INDUSTRIAL DEVELOPMENT PROJECT IN THE CITY AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS AND TAKE CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS. Bill Number 9511 was read for the second and third time.

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

Roll Call Vote Was:

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

Nays: None.

O. NEW BUSINESS

Resolutions - (voice vote required)

1. **Resolution 2023-08** - Acquisition and Construction of a Facility for an Industrial Development Project.

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

2. **Resolution 2023-09** - Authorizing the execution of a contract with St. Louis County to house City Municipal Court prisoners.

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

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

Introduced by Councilmember Klein

1. **Bill 9512** – AN ORDINANCE FIXING THE COMPENSATION TO BE PAID TO CITY OFFICIALS AND EMPLOYEES AS ENUMERATED HEREIN FROM AND AFTER PASSAGE, AND REPEALING ORDINANCE NO. 7186. Bill Number 9512 was read for the first time.

Introduced by Councilmember McMahon

- 2. Bill 9513** - AN ORDINANCE AMENDING SECTIONS 400.690 AND 400.700 OF THE MUNICIPAL CODE OF THE CITY OF UNIVERSITY CITY, MISSOURI, RELATING TO CONDITIONAL USES, AND DENSITY AND DIMENSIONAL REGULATIONS, RESPECTIVELY, IN THE PUBLIC ACTIVITY DISTRICT, BY AMENDING SECTION 400.690.A.12, RELATING TO SCHOOLS, PRIVATE, AND SECTION 400.700.A.1, RELATING TO MINIMUM LOT SIZE. Bill Number 9513 was read for the first time.

Introduced by Councilmember Hales

- 3. Bill 9514** –AN ORDINANCE AMENDING SCHEDULE III, TABLE III-D OF THE TRAFFIC CODE OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO RESIDENTIAL PERMIT PARKING AREAS, BY ADDING THEREIN THE SOUTH SIDE OF THE 7000 AND 7100 BLOCKS OF FORSYTH BOULEVARD AND CLARIFYING THE SCOPE WITH RESPECT TO THE 7000-7200 BLOCKS OF FORSYTH BOULEVARD. Bill Number 9514 was read for the first time.

Councilmember Hales stated during his years of service the number one thing the Traffic Commission spent most of their time on was residential permit parking. And while he believes there is a need for a residential parking plan at the aforementioned locations, the concern he has is that the current residential parking plan was developed many years ago, to address single-family homes around Wash U's campus. But the south side of the street is primarily multi-family. He stated once a homeowner is approved, they receive a sticker and a hangtag for each car. However, neither has an expiration date, which is the impetus behind his concern about the net effect this method will have if it is utilized on the south side.

Councilmember Hales then read an excerpt from the Traffic Commission's minutes of April 2022, into the record: *"A resident on the north side; Tom Jennings, 755 Forsyth, indicates he has two residential parking permits and two guest passes; this has not been working and the system has to be adjusted." "Commissioner Moran indicated that the residential parking permit system needs to be revamped."*

He stated many of the people who live in these apartments are Wash U students, so if this Bill is approved as the program stands today, with no policy on how many permits an apartment can receive, he and Commissioner Moran both believe there could be a market for these hangtags and stickers where they can be passed on from one student to another. It would also open up the ability for anyone with a sticker to park on every street within the City. So, the consequence of approving this Bill without any revisions will essentially undo the progress that has been made over the last 30 years.

Councilmember Hales made a motion to send this Bill back to the Traffic Commission to discuss the deficiencies in the system and any revisions that could be made to implement more controls that limit or differentiate between the various parking zones.

Councilmember McMahon seconded Councilmember Hales' motion.

Mayor Crow stated here again, he would suggest that the program be reviewed by staff before being sent to the Traffic Commission.

Councilmember Fuller stated he was on the Traffic Commission when this Bill was presented and he thinks that Lieutenant Shawn Whitley, the Police Department's representative, should also be included as a part of these discussions. Lieutenant Whitley talked about making adjustments to this program and addressed the color code that other communities are utilizing, so there may not be a need to reinvent the wheel.

Voice vote on Councilmember Hales' motion carried unanimously.

Introduced by Councilmember McMahon

4. **Bill 9515** – AN ORDINANCE AMENDING SCHEDULE III, TABLE III-A OF THE TRAFFIC CODE OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO PARKING PROHIBITED ON CERTAIN STREETS DURING DESIGNATED HOURS, BY ADDING THEREIN THE NORTH SIDE OF PERSHING AVENUE FROM ROSSI AVENUE TO A POINT 325 FEET TO THE WEST. Bill Number 9515 was read for the first time.

P. 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

a) Council Rule 38-F (Requested by Mayor Crow)

University City citizens may serve on only one University City Board or Commission at a time. Anyone who already serves on one Board or Commission may not be appointed or re-appointed to a second Board or Commission. This rule does not apply to the Mayor or Councilmembers.

DISCUSSION AND VOTE

Mayor Crow stated the City has citizens serving on its Boards/Commissions that rarely meet, but as a result of this Rule, they are disqualified from serving on any other Boards/Commissions. He stated in his opinion, the Rule should simply be eliminated. So, unless someone has a strong position in opposition to his suggestion, he would be willing to accept a motion to eliminate Council Rule 38-F. That said, he is in no rush to take a vote, and if necessary, would be willing to provide his colleagues with an opportunity to think about it and contact him during the week with their thoughts.

Councilmember Smotherson asked if it would be more appropriate to simply add the active Boards/Commissions just mentioned to the language? For example, "*Anyone who serves on the Planning Commission, etc. may not be appointed or re-appointed to a second Board or Commission*". Mayor Crow stated while he is happy to do it that way, there is always a possibility that someone serving on one of those Boards/Commissions would want to serve on another one, and he does not want to exclude them from doing so.

Councilmember Hales made a motion to eliminate Council Rule 38-F, it was seconded by Councilmember Klein, and the motion carried unanimously.

Q. CITIZEN PARTICIPATION - (continued if needed)

R. COUNCIL COMMENTS

S. 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.

At 8:30 p.m. Councilmember Hales moved to close the Regular Session to go into a Closed Session, it was seconded by Councilmember Fuller.

Roll Call Vote Was:

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

Nays: None.

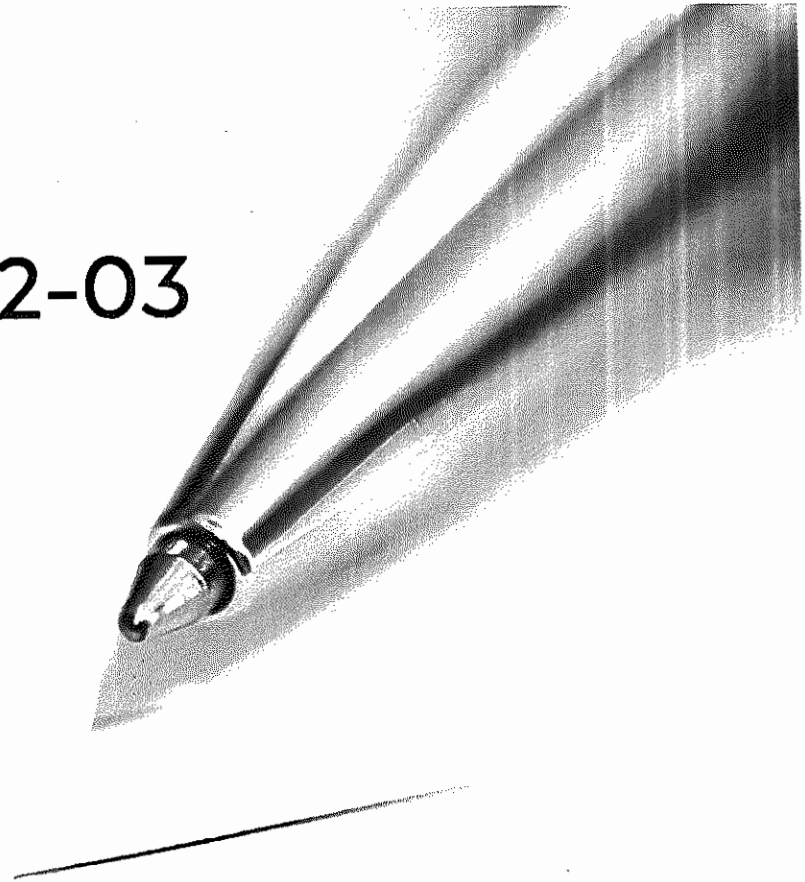
T. ADJOURNMENT

Mayor Crow thanked everyone for their attendance and closed the Regular City Council meeting at 8:30 p.m. to go into a Closed Session on the second floor. The Closed Session reconvened in an open session at 8:39 p.m.

LaRette Reese,
City Clerk, MRCC

TEXT AMENDMENT – TXT 22-03

Amending Sections
400.690 and 400.700
of
University City's Zoning Code



STAFF REPORT DATED 12/14/2022 CUP 22-13

Washington University – St. Louis is interested in purchasing the buildings at 6900 Washington Avenue and 6901 Delmar Boulevard. To accommodate the request, a Text Amendment to the Zoning Ordinance “PA” District was approved by the Plan Commission on September 28, 2022; it has yet to be discussed at the City Council, pending additional details concerning the Conditional Use Permit application. See details below.

REQUIREMENTS FOR CONDITIONAL USE PERMIT CUP 22-13

- ❖ The Site Plan Submitted with the Application for Conditional Use Permit Did Not Comply with Section 400.2600
 - ❖ Grading, storm drainage and erosion control plans (unless waived) were not included;
 - ❖ Landscape plans - including the name and size of plant material were not included;
 - ❖ Detailed signage plan was not included; and
 - ❖ Exterior lighting plan for all parking and common pedestrian areas was not included.

Without a Complete Site Plan neither Staff nor the Planning Commission had a complete and accurate application for Conditional Use Permit to consider, and therefore could not assess whether the proposed use complies with the City Code.

Section 400.690.A.8

Hospitals, residential and outpatient substance abuse treatment centers, and **other institutions of a religious, educational, charitable or philanthropic nature, provided that such buildings shall be located upon sites containing three (3) or more acres.**

Proposed Section 400.700.A.1

Lot area and lot dimensions shall be adequate to provide the minimum setbacks required by this Section and required parking...but in no instance shall a lot be less than two (2) acres in area, except as provided for in paragraph (2) below **provided that in the University City Complex Historic District, in no instance shall a lot be less than 0.45-acres in area.**

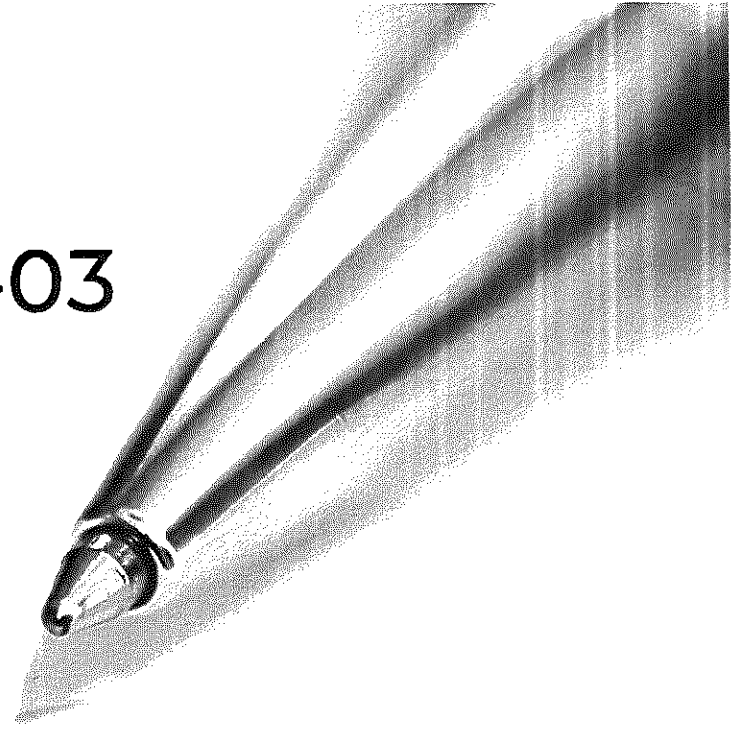
CREATES INCONSISTENCY IN ZONING CODE

TEXT AMENDMENT – TXT 22-03

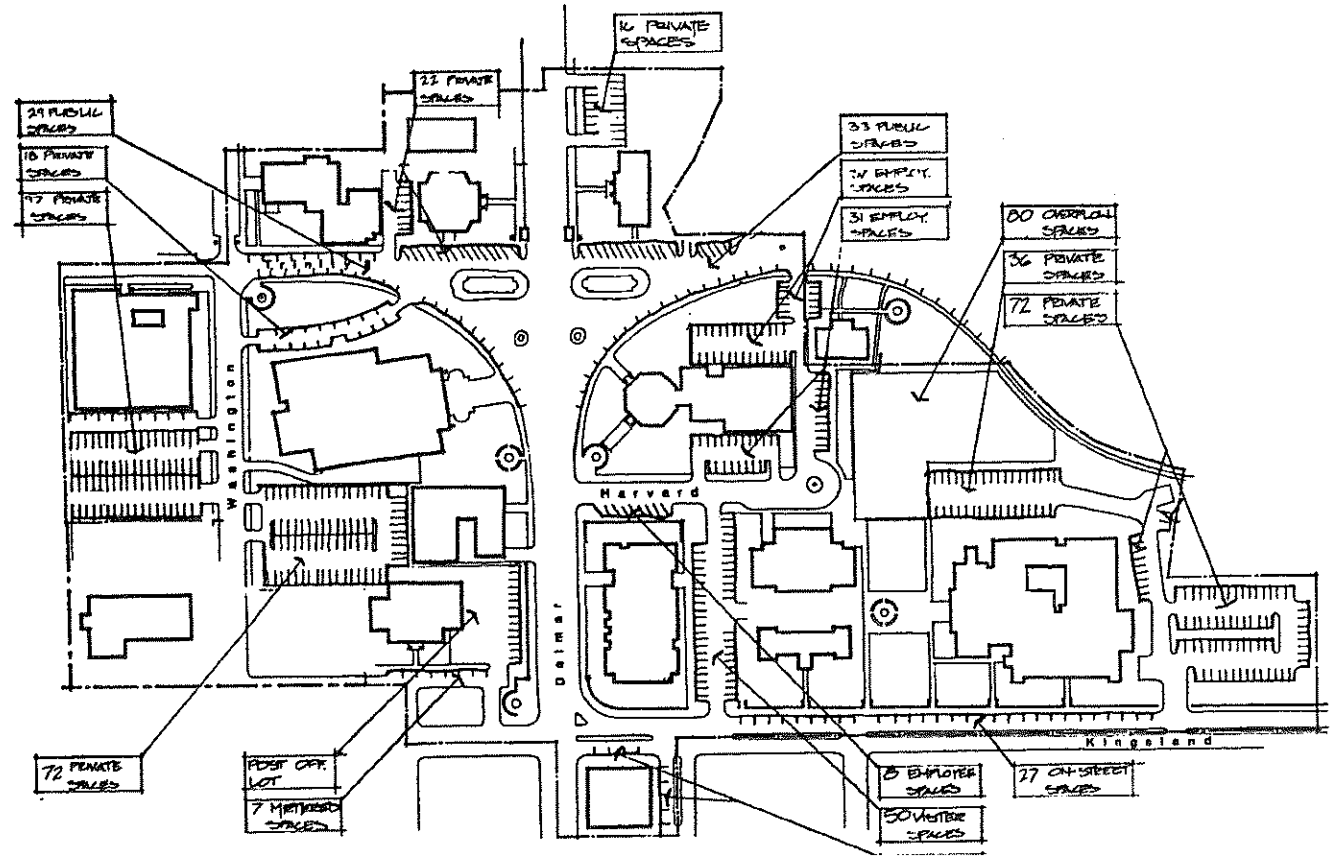
Inconsistent with City's Civic Master
Plan of 1985

And

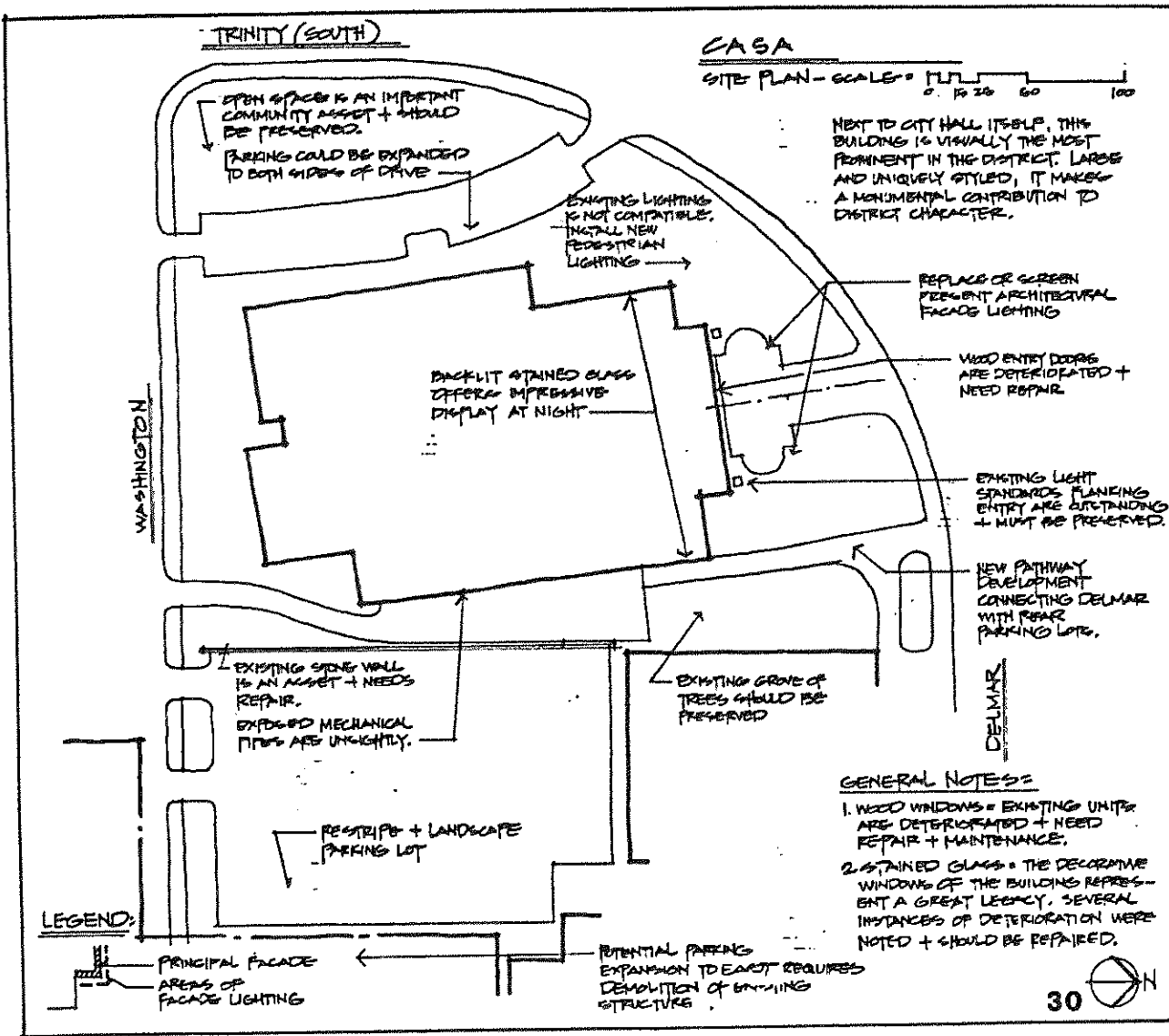
City's Comprehensive Master Plan
Adopted in 1999 and Updated in
2005



1985 Plan:
Christner Partnership
Austin Tao and
Associates



It is recommended that future parking requirements be viewed in a district-wide context, with the liberal interpretation of existing zoning parking regulations where proposed uses can share existing parking facilities with the district institutions without impacting local neighborhoods.



The Christner Partnership
20 South Henry Road, Clayton, Missouri 63105
Austin Tao & Associates
1000 Ruffalo Street, St. Louis, Missouri 63104

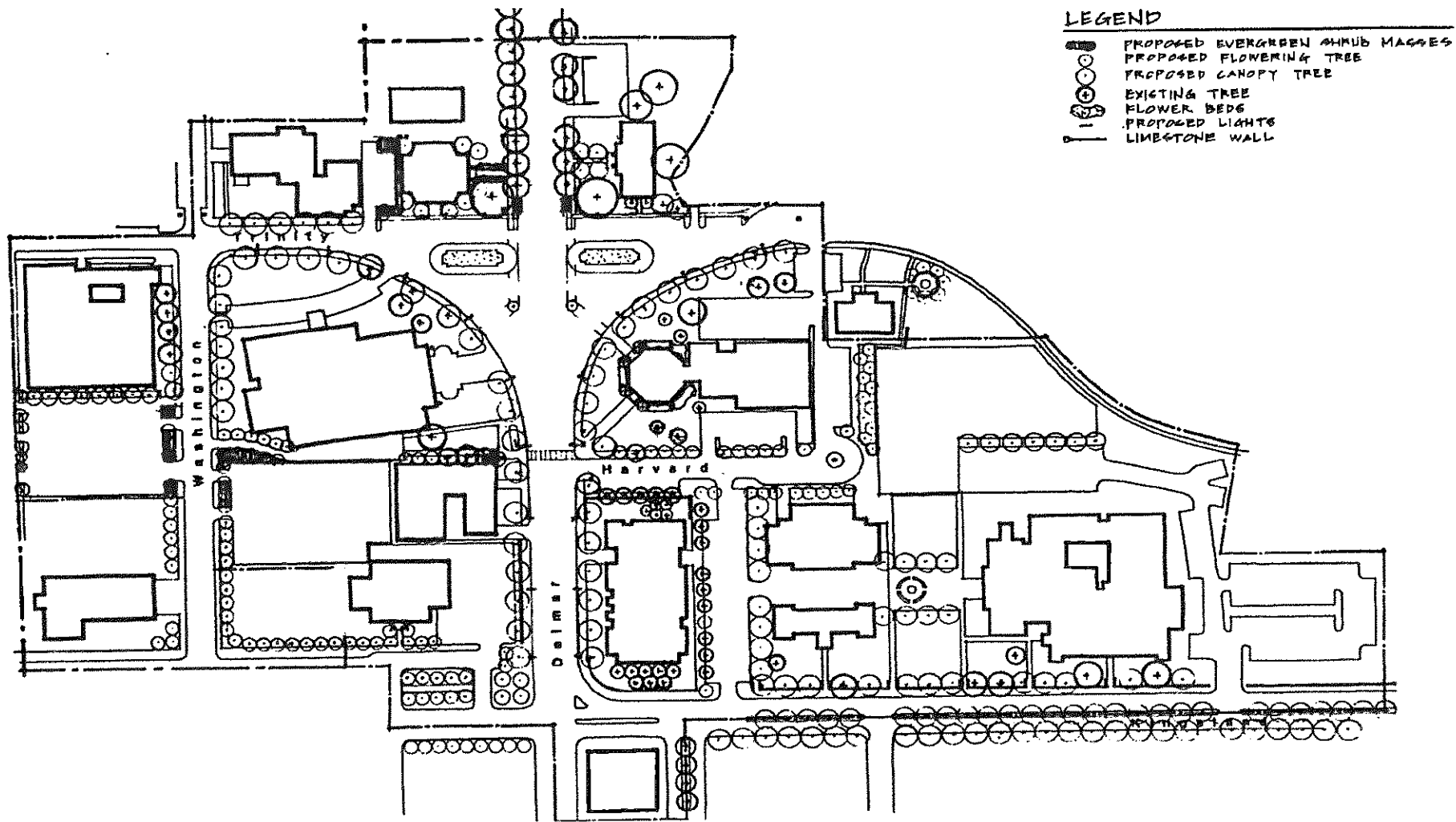
University City Civic Plaza Historic District
Historic Preservation Commission
University City, Missouri

1985 Civic Plaza Master Plan

Open space on Trinity that will become a parking lot under proposed plan:

“Is an important Community Resource and should be preserved”

1985 Landscape Plan



1999 Plan

RESIDENTIAL NEIGHBORHOODS - PRESERVATION AND MAINTENANCE

Goal: The preservation, maintenance, and improvement of residential neighborhoods.

Policies

Encourage development activities in the locations identified in this plan, but approve only those projects, which have the potential for:

1. producing high-quality, long-lasting development that projects a positive community image, increases the value of surrounding property, adds to the public convenience, enlarges opportunity for pursuing an urban life-style and enhances community resources; and
2. protecting the essentially residential nature of the community; that recognizes the importance of designated landmarks and historic areas, minimizes the consumption of energy from non-renewable sources, and reduces the potential for damage resulting from flash floods, earthquakes and other natural disasters.

RECOMMENDATIONS

Policies

1. Residential neighborhoods are a precious resource and are to be preserved, maintained, and where appropriate, improved. Areas designated for re-use are to be maintained until re-use is completed. In no case is an area to be willfully neglected by the City in order to encourage redevelopment.

DEVELOPMENT

Goals: The management of physical development in a manner that produces high-quality, long-lasting development, that projects a positive community image, increases the value of surrounding property, adds to the public convenience, enlarges opportunities for pursuing an urban life-style, and enhances community resources.

The management of physical development in a manner that projects the essentially residential nature of the community, recognizes the importance of designated landmarks and historic areas, minimizes the consumption of energy from non-renewable sources, and reduces the potential for damage resulting from flash floods, earthquakes and other natural disasters.

1999 Plan

Strategies:

5. Development proposals in existing residential neighborhoods will require the submission of a three dimensional massing model [1" to 16' ≤ ratio ≤ 1" to 20']. The three dimensional model will include the buildings in the proposed development as well as all adjacent and contiguous buildings within 185 feet of the proposed development boundary. The model will indicate the exact geographical relationship (e.g. height, setbacks, etc.) among all the buildings.

Trees and Open Space



streets are lined with mature trees. Boulevard strips, in some cases former streetcar tracks, form the center divider in streets such as Midland and Pershing Boulevards, providing open space as well as tree cover.

Despite University City's urban scale and orientation, it has maintained a comfortable relationship with nature due in a large measure to its permanent open spaces and dense tree cover. Much of the early development in University City occurred during the "City Beautiful" era of urban design, which emphasized landscaping, architectural monuments, and formal tree-lined boulevard. Many of the features that were a part of early University City development have been retained. Most of University City's

2005 Plan

The Comprehensive Plan Update of 2005 outlines the City's strategy to preserve and enhance the University City character. It is an official public document adopted by City Council for use as a policy guide in making land use and economic decisions. The Plan is a result of cooperative efforts of the citizens of University City, business and property owners, the Plan Commission, City Council and City staff.

Policies

- Residential neighborhoods should be preserved, maintained, and where appropriate, improved.
- New residential infill construction should be harmonious with the existing neighborhood.

Goals

Goals are organized around three key areas originally identified in the Comprehensive Plan Update of 1999: Growth Management, Community Quality and City Government. These goals were reviewed during the planning process for the Comprehensive Plan Update of 2005 and found valid.

Growth Management

1. The management and improvement of commercial areas.
2. The management and improvement of industrial areas.
3. The preservation, maintenance, and improvement of residential neighborhoods.
4. The preservation, maintenance, and renewal of the housing stock.
5. The management of physical development in a manner that produces high-quality, long-lasting development, that projects a positive community image, increases the value of surrounding property, adds to the public convenience, enlarges opportunities for pursuing an urban life style, and enhances community resources.
6. The management of physical development in a manner that protects the essentially residential nature of the community, recognizes the importance of designated landmarks and historic areas, minimizes the consumption of energy from non-renewable sources, harmonizes infill development with surrounding areas, and reduces the potential for damage resulting from flash floods, and other natural disasters.