

THE CITY OF CLAYTON

Board of Aldermen Meeting
Council Chambers - 10 N. Bemiston Avenue
July 10, 2007
8:00 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Alex Berger, Steve Lichtenfeld, Judy R. Goodman, Michelle Harris, Andrea Maddox-Dallas

Mayor Goldstein
City Manager Michael A. Schoedel
City Attorney Kevin O'Keefe

Mayor Goldstein asked for any questions or comments relating to the June 26, 2007 minutes, which were previously provided to the Board.

Alderman Berger moved to approve the June 26, 2007 minutes. Alderman Lichtenfeld seconded the motion.

The motion passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Mr. Kurt Becker, Shop Steward for the Clayton Firefighters Association, addressed the Board. He came before the board this evening to broaden their attention and ask for their consideration regarding Proposition B. For the last three months they have been working diligently with staff to try to come to some sort of remedy to the problem that has developed when Missouri passed Proposition B last November. He feels that unfortunately they have not been able to come to what they feel as a suitable agreement and states that this is a problem that exists statewide. There have been a number of conversations taken place recently and he feels that it has placed a significant impact on the employees in the fire department in particular. It has become a cause for significant erosion in morale due to the fact that fire employees are unable to trade time and feels this is a significant hardship that is placed upon them in the policy that has been in place for several months. The schedule is set a year in advance, and they choose their vacation in November of the year preceding. They don't have the ability to plan for unexpected events. He feels that there are number legal opinions related to this issue across the state, and he feels that Clayton has taken the position that follows standard deviations up the middle as far as how we handle this issue. The biggest public safety employees in the state of the Missouri, City of St. Louis, City of Kansas City, Springfield, Columbia, St. Charles, and even St. Louis County Police Department have not enacted anywhere near the measures as the City of Clayton has and they clearly have a much greater liability. He comes before the Board this evening to ask them to consider the document that has been presented to them tonight. He also wanted the Board to note that he has worked very hard with the City Fire Chief and the City Manager to try to resolve this issue as well as the issue of compensation that always affects this department.

Mayor Goldstein stated that she really appreciates that he came before the Board this evening and is aware that this is a statewide problem. She also understands and appreciates that they are working closely with the City Manager and Fire Chief and thanked him for his time.

UNFINISHED BUSINESS

AN ORDINANCE TO APPROVE A REVISION TO THE MUNICIPAL CODE RELATED TO TREES IN PUBLIC RIGHTS-OF-WAY AND ON PUBLIC PROPERTY – 2nd Reading

City Manager Schoedel reported that over the past two years, staff has been working on updates to Chapter 20 regarding street trees, including appropriate species, spacing and placement with relationship to public utilities. The Board discussed the proposed revisions at its June 26 meeting when several questions arose about the definitions of certain trees as being native to Missouri and the proposed wording for utilization of best management practices for locating trees near power lines. As a result, staff has provided a revised version of the ordinance with the major changes which include the corrected list of tree species and alternate wording regarding use of the utility planting guidelines. Recommendation is to approve the revised text.

Alderman Berger moved to introduce Bill No. 6090 an ordinance to consider approving a revision to the Codes of Ordinance Chapter 20 to trees and public rights-of-way to be considered for the second time and read by title only. Alderman Lichtenfeld seconded.

Mayor Goldstein commented that this issue was discussed extensively at the last Board meeting at which they took into account citizen input and recommendations. The Board recommended that staff review and research the list of tree species provided in the ordinance before presenting this again at the next Board meeting.

Alderman Maddox-Dallas thanked the staff for getting the answers to the questions from the last board meeting.

City Attorney Kevin O'Keefe recommended that the Board make a motion to approve an amendment to the Bill. Staff has submitted to the Mayor and the Board a revised Bill, which for these purposes designated to Bill No. 6090.1 and it is with the City Managers and staff's recommendations that the Board consider amending Bill No. 6090 by the text, making it Bill No. 6090.1 before a second reading.

Alderman Berger moved to amend Bill No. 6090 and approve Bill No. 6090.1.

The motion passed unanimously on a voice vote.

City Attorney Kevin O'Keefe read the Bill No. 6090 as amended by title only for the second time in considered for adoption as an ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Berger – Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Mayor Goldstein- Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5978 of the City of Clayton.

Mayor Goldstein announced that Mr. Mark Mehlman of Mark Mehlman Realty Inc. will be giving a presentation to the Board on a new proposed development project, Carondelet Village. Mayor Goldstein advised the public that the Board will not be taking any formal action on tonight's presentation.

Mr. Mehlman, Mr. Tyler Stephens and Mr. Jim Mello addressed the Board stating that on December 12, 2006, his development team presented to the Board of Aldermen an initial proposal for the Carondelet Village. The project will consist of a mixed-use development and a supporting parking infrastructure. The projected costs will be approximately \$110 million; the developer originally anticipated the use of tax increment financing to address approximately \$15 million in extraordinary development costs. The initial proposal anticipated approximately \$5 million in public participation, including the creation of a special taxing district and the appropriation of municipal revenues.

Since last year, the developer and staff members of the City of Clayton have worked diligently to refine the project, by conducting a detailed cost verification and restructure of the public incentive program to eliminate redevelopment tools that require a blighting determination or otherwise impact the affected taxing districts.

Mr. Mehlman stated that the project will consist of two components: a mix of retail, entertainment, hospitality and office space that will be owned by the developer and a structured parking owned by the City to accommodate patrons and business users. The project will be located south of Forsyth Boulevard between Carondelet Place and Lyle Avenue. The developer anticipates that the project will enable the City to offer additional shopping, hotel and office alternatives to its residents into the greater St. Louis community, which will result in increased municipal revenues and other economic development opportunities within the Central Business District in the City as a whole.

Mr. Tyler Stephens stated that the Carondelet Village is expected to consist of two towers that will include a 150-room luxury hotel, (72,100 sq. ft.), approximately hundred and 10,000 sq. ft. of retail space, a 13,600 sq. ft. theater and approximately 109,000 sq. ft. of office space. The project will be constructed on property owned in fee by the developer and or leased to the developer from the City.

Adjacent to Carondelet Village will be two complementary mixed-use centers, The Crescent, which adds about 23,500 sq. ft. of retail space, and The Orchard, which is expected to generate approximately \$8 million in gross sales annually. In order to meet the increased demand from public parking that will result from the opening of these three retail developments, it is necessary that the parking garage be constructed within the project site. The developer will be unable to proceed with the Carondelet Village development without the parking garage. The parking garage will consist of approximately 663 parking spaces. Approximately 305 of which would be above grade spaces and approximately 358 of which would be below grade spaces. These 305 parking spaces are expected to be allocated to the retail tenants and will be made available to the general public on a full-time basis weekdays evenings and weekends. The 358 spaces are expected to be leased to the office tenants and hotel tenet on a restricted basis. The spaces dedicated to the office component will be available to the general public during non-business hours. The hotel parking spaces is subject to negotiation with the hotel tenant.

Mr. Jim Mello, whose law firm is representing Mehlman Realty, addressed the Board, by giving a summary of project costs and terms for financing the parking garage. Mr. Mello stated that the project is expected to be successful and will draw additional businesses and customers to the City. The development estimates, reviewed by an independent consultant, the City, and the developer, has been determined that some form of public assistance will be required to finance a garage. After consulting with the development team and the City staff the parties have mutually prepared a plan providing that the parking garage be financed with a combination of public incentives: (1) a Community Improvement District, (2) Transportation Development District, (3) one-half of the City's municipal sales tax and, (4) a portion of the annual revenues generated by the City's Special Business District. Based on adjusting for present value and amortized over 30 years are expected to generate approximately \$21 million in net project proceeds.

Mr. Mello went on to explain essential terms related to the construction financing of the parking garage that have been conceptually agreed to between the developer and City staff. These terms would include CID, TDD, and he also spoke about Municipal Obligation Bonds.

City Manager Michael Schoedel introduced Michelle Bock and Mr. Mark Grimm as part of the development team.

Mayor Goldstein commented that the project is very exciting in ways that it will add vibrancy to a virtually underutilized area within the City. Again, she stressed to the public that the board will be making no decisions and she asked the development team what the timeline is for the project.

In response to Mayor Goldstein's question, Mr. Mehlman stated that they are currently under contract with the sellers of the property, but it would be no sooner than mid August before they would start buying options. Approximately around mid-November, they would be close to a possible contract.

Mayor Goldstein asked if they would need the financing in place by November.

Mr. Mello responded by stating that no financing will be in place, but right now they have to go through the required steps to form a TID and a CID at which they would need government approval prior to closing.

Mr. Grimm stated that they do not envision financing as of yet, but they will need to draw up an outline of the agreement with the developer and the city.

Alderman Berger commented that this is a very exciting project. He stressed the importance of the Board having their due diligence in reviewing and considering this project. Alderman Berger stated also that the timeline is very important and that everyone will need to understand the Board's obligation when making decisions.

Alderman Lichtenfeld commented that this is a very exciting project, he referenced the term sheet and asked if the \$112 million would be the total cost.

Mr. Mello stated that the \$112 million would not include some certain fees.

In response to Alderman Lichtenfeld's question, Michelle Bock stated that the special obligation bond's intent is to be structured so that a "short" in TDD or CID revenues will not occur.

Alderman Goodman commented that this is a fabulous project and that she loves the vision, the concept, and the design and asked if the shops would be accessible from Forsyth.

Tyler Stephens stated that the retail would be accessible from the streets and from all sides.

Alderman Lichtenfeld asked if the office structure up to Forsyth would be taller than The Crescent.

Tyler Stephens responded stating that yes, the structure from the ground would be 10 stories high.

Alderman Maddox-Dallas commented that this was a fabulous project and appreciated Mr. Mehlman's development team's presentation in an effort to understand the risk. She asked again if Mr. Stevens could explain the garage financing and their relationship to the retail.

Tyler Stephens responded by giving an overall summary regarding the parking garage and retail.

City Manager Schoedel commented that the staff is supportive of the concept and the City will seek to hire a third-party consultant to review a sales-tax study. Clearly more due diligence is necessary.

The Board unanimously agreed that the study would be a very important piece in determining whether or not to move forward on approval of this proposed project.

Ms. Mary Burrows, 6633 San Bonita, addressed the Board and asked if the general public would be required to pay to park in the new parking structure for the proposed project. She also stated that listening to this project disturbs her because she feels it sets a precedent for Clayton, in reference to the City recently selling a garage to another development corporation. She commented that she feels the City has an issue with money.

Mr. Mehlman responded by commenting that it is not expected that there will be no charge for retail parking in the proposed new parking garage.

In response to Ms Burrows' questions, Mayor Goldstein stated that tonight's proposed project was strictly a presentation and the Board is not prepared to respond to specific questions. Again she stressed that no formal decisions are to be made tonight.

Mayor Goldstein also commented on the previous public request on the issue of the statewide decision for overtime provisions. She understands that this is an ongoing legal issue, and the City will take into consideration Mr. Becker' s comments.

A RESOLUTION TO APPROVE A CONTRACT WITH MISSOURI PETROLEUM PRODUCTS COMPANY, INC. FOR MICRO-SURFACING, FY 2007 PROJECT.

City Manager Schoedel reported that bids were opened on July 3, 2007, for the Microsurfacing – FY 2007 Project, which includes the following subdivisions: Old Town, Hanley Place, Skinker Heights and Hi-Pointe/DeMun. The scope of work includes pavement preparation, micro-surface application, traffic control, and other incidental items. Only one responsive bid, from Missouri Petroleum Products Company, Inc. in the amount of \$263,662 was received. The other major company in the area which performs microsurfacing indicated they chose not to bid as they have an abundance of other work this year.

The Revolving Public Improvement Fund (RPIF) includes \$251,375 for micro-surfacing in FY 2007. The increased cost of the project is mostly attributable to added responsibility on the contractor for traffic control during the project. Previously, City of Clayton staff performed much of the traffic control functions. However, we do not have excess staff capacity available this year. No contingency amount is proposed for this project.

It should also be noted that through this bid process, the Public Works Department also obtained bids for streets in Maplewood as part of our joint cooperative efforts. The bids received for Maplewood will be contracted separately.

Work on this project is scheduled to commence and be completed in August.

Alderman Berger moved to approve Resolution No. 07-26 to approve a contract with Missouri Petroleum Company, Inc. for micro-surfacing, FY 2007 project. Alderman Lichtenfeld seconded the motion.

City Manager Mike Schoedel noted that there is conversation on this particular project every year and there are two major contractors for this particular application. The other contractor has informed us that they have too much work for this year. The staff has looked at this project and we feel that the amount is very close to the budget. We will not be using staff as previously done in the past to help with traffic control and are asking that the contractors be responsible for this.

Mayor Goldstein commented that she was concerned about the few contractors for this work. She recalled that previously the City did comparisons with other communities and were able to come up with a budget amount.

In response to Alderman Lichtenfeld's question, Paul Wojciechowski stated that bids last year which resulted in a good price, but this year the traffic control responsibility was added. The company chosen is very reputable doing work for St. Louis County and MODOT. The cost difference between \$251,000 and \$263,000 is because of the inclusion of the traffic control and mobilization. The bid is close to last year's numbers.

In response to Alderman Goodman's question, Paul stated that the streets are inspected to address micro-surfacing issues approximately every 7 years.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO APPROVE A CONDOMINIUM PLAT FOR 715 WESTWOOD.

City Manager Mike Schoedel reported that on June 22, 2007, the City of Clayton received an application, plat and supporting documents from James Engineering & Surveying, Inc. on behalf of Queenan Development, LLC, owner of 715 Westwood Drive for the approval of a condominium plat at that address to be known as Westwood Place Condominium.

The subject 3-story building contains six (6) units. Building permits have been issued for interior renovation and the project is nearing completion.

Staff believes that the approval of this condominium plat will have a positive impact upon the neighborhood.

Alderman Berger moved to introduce Bill No. 6092 an ordinance to consider approval of a condominium plat for 715 Westwood to be considered for the first time and read by title only. Alderman Lichtenfeld seconded.

Alderman Lichtenfeld asked if the garage doors on the back side of the building and whether or not the building had a common stairway.

Mr. Philip Wurm, representative for James Engineering, stated that unfortunately he has not seen the building and could not answer the question.

Catherine Powers addressed the Board and stated that the condo plat was previously reviewed by the building official and therefore everything met requirements.

In response to Mayor Goldstein's question, Mr. Wurm responded saying that the units will be selling at \$370,000.

City Attorney O'Keefe read Bill No. 6092, to consider adopting an ordinance approving a condominium plat for 715 Westwood for the first time.

The motion passed unanimously on a voice vote.

Alderman Berger moved to introduce Bill No. 6092, an ordinance to consider approving a condominium plat for 715 Westwood to be considered for the second time and read by title only. Alderman Lichtenfeld seconded.

City Attorney O'Keefe read Bill No. 6092 by title only for the second time and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Mayor Goldstein - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5979 of the City of Clayton.

AN ORDINANCE TO APPROVE A CONDOMINIUM PLAT FOR 6412 ALAMO.

City Manager Schoedel reported that on June 22, 2007, the City of Clayton received an application, plat and supporting documents from James Engineering & Surveying, Inc. on behalf of DRS Company, LLC, owner of 6412 Alamo Avenue for the approval of a condominium plat at that address to be known as 6412 Alamo Condominium.

The subject 2-story building contains four (4) units. Building permits have been issued for interior renovation and the project is nearing completion.

Staff believes that the approval of this condominium plat will have a positive impact upon the neighborhood.

Alderman Berger moved to introduce Bill No. 6093 an ordinance to consider approval of a condominium plat for 6412 Alamo to be considered for the first time and read by title only. Alderman Lichtenfeld seconded.

In response to Alderman Goodman's question, Mr. Wurm stated that costs per unit will begin at \$190,000. There is off-street parking in the rear with one space per unit.

Mary Burrows addressed the Board inquiring as to one parking space per unit and asked if there is covered parking.

Catherine Powers clarified that existing buildings are not required to have more than one parking space per unit.

City Attorney O'Keefe read Bill No. 6093, to consider adopting an ordinance approving a condominium plat for 6412 Alamo for the first time.

The motion passed unanimously on a voice vote.

Alderman Berger moved to introduce Bill No. 6093, an ordinance to consider approving a condominium plat for 6412 Alamo to be considered for the second time and read by title only. Alderman Lichtenfeld seconded.

City Attorney O'Keefe read Bill No. 6093 by title only for the second time and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye;

Mayor Goldstein - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5980 of the City of Clayton.

AN ORDINANCE TO APPROVE A CONDOMINIUM PLAT FOR 7711 BONHOMME.

City Manager Schoedel reported that on June 18, 2007, the City of Clayton received an application, plat and supporting documents from Ramsey Maune, Maune Development Co. on behalf of MDC Bonhomme, LLC, owner of 7711 Bonhomme Avenue for the approval of a condominium plat at that address to be known as The Equity Building: A Condominium.

The subject 9 story office building contains nine (9) units. This represents the first commercial condominium plat in the City. The owner plans to make minor repairs to the building once the plat is approved.

Staff believes that the approval of this condominium plat will have a positive impact upon the area.

Alderman Berger moved to introduce Bill No. 6094 an ordinance to consider approval of a condominium plat for 7711 Bonhomme to be considered for the first time and read by title only. Alderman Lichtenfeld seconded.

Mayor Goldstein commented that the concept is fascinating, a condominium office building. This approach would cater to someone who would like to buy a building in Clayton, but would not necessarily require a lot of space nor make the financial commitment to purchase a building.

Mr. Ramsey Maune, Maune Development addressed the Board stating as everyone is aware there are some smaller companies that would like to own a building in Clayton, but it has become difficult to locate purchase a building for less than \$300-\$400 per square foot. This concept will offer the alternative.

In response to Alderman Lichtenfeld's question, Mr. Maune stated that there is approximate 8,950 square feet per floor in tower, three elevators and existing parking.

In response to Alderman Goodman's question, Mr. Maune stated that they are currently brainstorming the design of each unit. They would like the design creation to feel different than a typical office building.

In response to Alderman Lichtenfeld's question, Mr. Maune stated that CB Richard Ellis has been employed as the managing agent for the building.

In response to Alderman Maddox-Dallas' question, Mr. Maune stated that the owners will decide on condo association management.

City Attorney O'Keefe read Bill No. 6094, to consider adopting an ordinance approving a condominium plat for 7711 Bonhomme for the first time.

The motion passed unanimously on a voice vote.

Alderman Berger moved to introduce Bill No. 6094, an ordinance to consider approving a condominium plat for 7711 Bonhomme to be considered for the second time and read by title only. Alderman Lichtenfeld seconded.

City Attorney O'Keefe read Bill No. 6094 by title only for the second time and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Mayor Goldstein - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5981 of the City of Clayton.

AN ORDINANCE TO READOPT THE ANNUAL FINANCIAL DISCLOSURE REQUIREMENTS

City Manager Michael Schoedel reported that in 1991, the Missouri General Assembly adopted the ethics/personal financial disclosure law, which affects municipalities with an annual operating budget in excess of \$1 million. The ethics legislation allowed political subdivisions to select one of two methods of disclosing possible conflicts. The City of Clayton chose to establish its own method of disclosing potential conflicts of interest and substantial interests, and which would exclude the City from more extensive financial disclosure reports required by the ethics legislation.

Pursuant to Section 4 of Section 105.485 RSMo., on August 13, 1991, the City adopted by ordinance its own simplified personal financial disclosure requirements.

According to Senate Bill No. 650 passed into law in the 1994 session of the Missouri Legislature, the Missouri Ethics Commission requires each affected municipality to readopt the personal financial disclosure ordinance annually by September 15th.

Alderman Berger moved to introduce Bill No. 6095 an ordinance to consider readopting the annual financial disclosure requirements to be considered for the first time and read by title only. Alderman Lichtenfeld seconded.

Alderman Maddox-Dallas asked if annual Board approval was required by the State. City Attorney O'Keefe confirmed that is State required.

City Attorney O'Keefe read Bill No. 6095, an ordinance to consider readopting the annual financial disclosure requirements for the first time.

The motion passed unanimously on a voice vote.

Alderman Berger moved to introduce Bill No. 6095 an ordinance to consider readopting the annual financial disclosure requirements to be considered for the second time and read by title only. Alderman Lichtenfeld seconded.

City Attorney O'Keefe read Bill No. 6095 by title only for the second time and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Berger - Aye; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Mayor Goldstein - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5982 of the City of Clayton.

OTHER

Mayor Goldstein stated on behalf of a resident in Clayton Gardens, complimented the Public Works staff on working on the issue with the trees in the public rights-of-way.

On behalf of another resident who was moving, Mayor Goldstein thanked the Planning Department staff for providing friendly and helpful service.

There being no further business, Mayor Goldstein adjourned the meeting at 9:58 p.m.

Mayor

ATTEST:

City Clerk