

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
June 25, 2019
7:05 p.m.

Minutes

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

Aldermen: Mark Winings, Joanne Boulton, Ira Berkowitz.

Mayor Harris
Interim City Manager Watson
City Attorney Karr

Absent: Rich Lintz and Bridget McAndrew

Alderman Lintz noted a correction to the minutes, he was not in attendance to vote to go into Executive Session as it states in the draft.

Motion made by Alderman Lintz to approve the June 11, 2019 minutes as corrected. Alderman Boulton seconded.

Motion to approve the minutes passed on a voice vote; Alderman Lintz abstained.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING (FOR DISCUSSION ONLY) – AN ORDINANCE TO CONSIDER AMENDING TITLE IV “LAND USE”, CHAPTER 405 (ZONING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF CLAYTON, MISSOURI, ARTICLE X “PLANNED UNIT DEVELOPMENT DISTRICT”

Susan Istenes, Director, Planning Department, provided the Board with a review of the proposed changes that were enclosed in the Board’s packet. She stated that the draft will go before the Planning Commission at its July 1 meeting and proposes that it go back before the Board on July 9.

Motion made by Alderman Winings to table Bill No. 6734, an ordinance to consider amending Title IV “Land Use”, Chapter 405 (Zoning Regulations) of the Municipal Code of the City of Clayton, Missouri, Article X “Planned Unit Development District” until the July 9 meeting. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING THE 2ND QUARTER BUDGET AMENDMENT

Interim City Manager Watson reported that as part of the quarterly budget review, staff is presenting for consideration the second amendment to the Fiscal Year 2019 (FY19) budget. The amendment consists of two projects which have been moved to next fiscal year and one revenue area which has seen a change as shown in the memo to the Board and provided in the meeting packet.

Alderman Winings introduced Bill No. 6737, to approve the FY2019 2nd Quarter Budget amendment to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6737, first reading, an Ordinance Amending the Fiscal Year 2019 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6737 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6737, to approve the FY2019 2nd Quarter Budget amendment to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6737, second reading, an Ordinance Amending the Fiscal Year 2019 Budget and Appropriating Funds Pursuant Thereto by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6599 of the City of Clayton.

FY2019 2ND QUARTER FINANCIAL REPORT

Interim City Manager Watson provided a summary of the 2nd Quarter Financial Report for Fiscal Year 2019.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH STANLEY SECURITY FOR THE 10 N. BEMISTON ACCESS CONTROLS PROJECT

Interim City Manager Watson reported that the Public Works Department is requesting approval of the purchase from Stanley Convergent Security Solutions, Inc. for the 10 N Bemiston Access Controls Project. The scope of work consists of installing a complete Avigilon wired door access system at the City Hall – Fire Station facility. The work includes the supply and installation of all components for a complete and working door access control system for 28 doors.

John Wulf, Assistant Director, Public Works, addressed the Board providing an brief explanation of the project and to answer questions.

Alderman Winings introduced Bill No. 6738, to approve a contract with Stanley Convergent Security Solutions, Inc. for the 10 N. Bemiston Access Controls Project to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6738, first reading, an Ordinance Approving a Contract with Stanley Security for the 10 N. Bemiston Access Controls Project by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6738 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6738, to approve a contract with Stanley Convergent Security Solutions, Inc. for the 10 N. Bemiston Access Controls Project to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6738, second reading, an Ordinance Approving a Contract with Stanley Security for the 10 N. Bemiston Access Controls Project by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6600 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE APPOINTMENTS OF CERTAIN SUCCESSOR AND INTERIM DIRECTORS TO THE BOARD OF DIRECTORS OF THE DANIELLE COMMUNITY IMPROVEMENT DISTRICT (CID)

Interim City Manager Watson reported that on February 12, 2013 the City of Clayton created the Daniele Community Improvement District (CID) for the property located at 216 N. Meramec Avenue, now operating as a Hampton Inn & Suites. As required, the CID is governed by a five-member board of directors appointed by the Mayor with the consent of the Board of Aldermen. Due to term expirations the CID is requesting new appointments.

Alderman Winings introduced Bill No. 6739, to approve Board of Directors appointments for the Danielle Community Improvement District (CID) to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6739, first reading, an Ordinance of the City of Clayton, Missouri, Approving the Appointment of Members to the Board of Directors for the Daniele Community Improvement District by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6739 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6739, to approve Board of Directors appointments for the Danielle Community Improvement District (CID) to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6739, second reading, an Ordinance of the City of Clayton, Missouri, Approving the Appointment of Members to the Board of Directors for the Daniele Community Improvement District by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6601 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN ASSIGNMENT AND ASSUMPTION OF AGREEMENT OF PURCHASE AND SALE AND REAL ESTATE TRANSACTION RIGHTS, AND APPROVING CONSENT RELATING TO THE REDEVELOPMENT OF 227 S. CENTRAL

Interim City Manager Watson reported that the City and HB Clayton LLC (the “Developer”) entered into a Purchase and Sale Agreement dated October 5, 2017, relating to the redevelopment of the former Clayton Police Headquarters, located at 227 S. Central Avenue, into a hotel. The Purchase and Sale Agreement was first amended on October 11, 2018 and again amended on May 14, 2019.

The Developer desires to convey its rights under the Purchase Agreement to Concord HB K Clayton LLC pursuant to an Assignment and Assumption of Agreement of Purchase and Sale and Real Estate Transaction Rights and has requested that the City consent to the Assignment by execution of the consent document.

Alderman Winings introduced Bill No. 6740, to approve an Assignment and Assumption Agreement Related to the Purchase, Sale, and Real Estate Transaction Rights Related to 227 S. Central Avenue Agreement of to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6740, first reading, an Ordinance of the City of Clayton, Missouri, Approving an Assignment and Assumption of Agreement of Purchase and Sale and Real Estate Transaction Rights Between HB Clayton, LLC, as Assignor, and Concord HB K Clayton, LLC, as Assignee, and Approving the Consent Attached Thereto for Execution by the City; and Authorizing Certain Actions in Connection Therewith by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6740 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6740, second reading, to approve an Assignment and Assumption Agreement Related to the Purchase, Sale, and Real Estate Transaction Rights Related to 227 S. Central Avenue Agreement of to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6740, an Ordinance of the City of Clayton, Missouri, Approving an Assignment and Assumption of Agreement of Purchase and Sale and Real Estate Transaction Rights Between HB Clayton, LLC, as Assignor, and Concord HB K Clayton, LLC, as Assignee, and Approving the Consent Attached Thereto for Execution by the City; and Authorizing Certain Actions in Connection Therewith by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6602 of the City of Clayton.

AN ORDINANCE TO CONSIDER AUTHORIZING ACQUISITION OF A PARKING LOT AND APPROVING A PARKING LICENSE AGREEMENT WITH 25 NORTH CENTRAL RESIDENCES, LLC IN COMPLIANCE WITH 2015 DEVELOPMENT AGREEMENT

Interim City Manager Watson reported that in 2015, the Board approved a Development Agreement with the 25 North Central Community Improvement District and Opus Development Company LLC relative to the development of a six-story, mixed use project.

Section 6.5 of the Development Agreement provides that the City will acquire the Parking Lot Site at 111 North Central from Developer for an amount “equal to the sum of (i) the Developer’s actual cost of acquisition of the Parking Lot Site in accordance with Section 4.1(a) of this Agreement, not to exceed \$513,000 and (ii) the Developer’s actual cost of construction of the Parking Lot, not to exceed \$387,000.”

Section 6.5 further provides that:

“In connection with the City’s acquisition of the Parking Lot Site, the City will grant to the Developer the Parking Lot License. The Parking Lot License shall provide the Developer with exclusive use of up to 30 parking stalls at the prevailing market rate for monthly users, which parking stalls will initially be located on the Parking Lot. The initial term of the Parking Lot License shall be 50 years with one 49-year renewal at the option of the Developer or the then-current owner of the Developer Project.”

City staff has been in discussions with the Developer in order to complete the acquisition described in the Development Agreement and grant the Parking Lot License required by the Development Agreement.

Gary Carter, Economic Developer, addressed the Board to answer questions.

Alderman Winings introduced Bill No. 6741, to approve a parking lease agreement related to the 25 N. Central Avenue Development Project to be read for the first time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6741, first reading, an Ordinance Authorizing the acquisition of Certain Property, approving a Parking License Agreement and authorizing the City Manager to Execute the Agreement and All Other Documents Necessary to Carry Out the Purposes of This Ordinance by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Winings that the Board give unanimous consent to consideration for adoption of Bill No. 6741 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6741, to approve a parking lease agreement related to the 25 N. Central Avenue Development Project to be read for the second time by title only. Alderman Boulton seconded.

City Attorney Karr reads Bill No. 6741, second reading, an Ordinance Authorizing the acquisition of Certain Property, approving a Parking License Agreement and authorizing the City Manager to Execute the Agreement and All Other Documents Necessary to Carry Out the Purposes of This Ordinance by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6603 of the City of Clayton.

A RESOLUTION TO CONSIDER READOPTING PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST

Interim City Manager Watson 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 establish their own method of disclosing potential conflicts of interest and substantial interests. Accordingly, pursuant to Section 105.485 of the Missouri Revised Statutes, on August 13, 1991, the City adopted by ordinance its own simplified personal financial disclosure requirements.

According to Section 105.485.4, RSMo., the Missouri Ethics Commission requires each affected municipality to readopt the personal financial disclosure ordinance in an open meeting biennially by September 15th.

Motion made by Alderman Winings to approve Resolution No. 19-09, to readopt procedure to disclose potential conflicts of interest. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER APPROVING THE ALDERMANIC COMMITTEE ASSIGNMENTS

Interim City Manager Watson reported that the City *Charter* requires all appointments/assignments to the Boards and Commissions requires approval by the Board of Aldermen. The following assignments are proposed by Mayor Harris:

Clayton Century Foundation

Alderman Joanne Boulton
Alderman Bridget McAndrew

CRSWC

Alderman Ira Berkowitz
Alderman Mark Winings

Plan Commission/ARB

Alderman Rich Lintz

Economic Development Advisory Committee

Alderman Bridget McAndrew

Parks & Recreation Commission

Alderman Mark Winings
Alderman Ira Berkowitz

Non-Uniformed Employees Retirement Fund Board

Alderman Joanne Boulton
Alderman Rich Lintz

Uniformed Employees Retirement Fund Board

Alderman Joanne Boulton
Alderman Rich Lintz

Sustainability Committee

Alderman Bridget McAndrew

Other

Alderman Michelle Harris- Municipal League of St. Louis County

Alderman Boulton noted that the representative for the Plan Commission, Alderman Lintz, should also be the representative assigned to the Public Art Advisory Committee.

Motion made by Alderman Winings to approve the aldermanic appointments as amended to include Alderman Lintz as representative to the Public Art Advisory Committee. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Winings commented that the construction is underway at the Center of Clayton.

Alderman Boulton stated that she attended Musical Nights and Oak Knoll, commended the staff for great job.

Alderman Lintz reported that the Plan Commission met and discussed the proposed revisions to the Planned Unit Development. They also reviewed plans for the Bank of America project.

Mayor Harris reported on the following:

- Attended the Clarendale project groundbreaking ceremony;
- Municipal League of St. Louis County – discussion on “What’s Right with the Region”
- Attended the annual Davis Place neighborhood meeting;
- The Economic Development Advisory Committee – approved the FY2929 Budget.
- Mayor’s Youth Advisory Council – discussed 2019-2010 calendar and project options (arts and cultural, sustainability, etc.)

There being no further business the meeting adjourned at 7:49 p.m.

Mayor

ATTEST:

City Clerk