

THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
March 10, 2020  
7:00 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, Rich Lintz, Ira Berkowitz, Bridget McAndrew, and Susan Buse.

Mayor Harris  
City Manager Gipson  
City Attorney O’Keefe

**Motion made by Alderman Lintz to approve the February 25, 2020 minutes. Alderman Boulton seconded.**

**Motion to approve the minutes passed unanimously on a voice vote.**

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING THE ESTABLISHMENT OF THE 7730 BONHOMME COMMUNITY IMPROVEMENT DISTRICT

**Mayor Harris opened the public hearing and requested proof of publication.**

City Manager Gipson reported that Silverwest-I Clayton LLC (the “Developer”), which is an affiliate of Denver-based Silverwest Hotels, intends to redevelop the property located at 7730 Bonhomme into first-class hotel consisting of approximately 268 rooms, and featuring a new rooftop pool, restaurant and bar, fitness center with panoramic views, and approximately 17,000 square feet of event space. As part of this project, the Developer anticipates potential significant improvements or additions to the infrastructure and public spaces associated with the hotel, including, but not limited to, the parking garage, streetscape improvements, porte cochere, sidewalks and landscaping. To assist in financing this redevelopment, the Developer has petitioned the City to create a Community Improvement District (the “CID”) on the hotel pursuant to the Community Improvement District Act, Sections 67.1401 to 67.1571, RSMo. (the “CID Act”). The CID will impose an additional 1% sales tax on hotel and other retail sales for up to 30 years. The CID will use the sales tax revenues to pay for certain eligible project costs, \$2,900,000. The proposed ordinance approves the petition to establish the CID; appoints a Board of Directors for the CID; and directs the City Clerk to notify the Department of Economic Development that the CID has been established (as required by the CID Act).

The petition to establish the CID defines the basic scope of the CID, including its boundaries and its ability to seek voter approval of the aforementioned CID sales tax (in this case, the CID Act

provides that the only qualified voter to vote on these matters is the sole property owner within the CID, which is currently the Developer). If the attached ordinance is passed, the CID will be established as a separate political subdivision and will be a separate legal entity from the City.

The CID will be governed by a six-member board of directors appointed by the Mayor with the consent of the Board of Aldermen. Under state law, only registered voters residing within the CID and the authorized representatives of property owners within the CID may be appointed to the Board of Directors. In this case, the Developer is the sole property owner within the CID and has designated the five voting persons named in the attached ordinance to be considered for appointment to the board of directors. In addition, the City of Clayton City Manager or the manager's designee will be a non-voting board member.

John Jokus, Attorney, Husch Blackwell, representative for the developer and Patrick Maze, Partner, Silverwest-I, Clayton LLC, addressed the Board to answer questions.

In response to the Board's questions, Mr. Jokis provided a summary of the project, explaining the five-year plan (required by Statute) and tax revenues as detailed in the Petition.

**Mayor Harris closed the public hearing.**

**Alderman Winings introduced Bill No. 6782, an ordinance to approve a petition requesting the formation of the 7730 Bonhomme Community Improvement District to be read by title for the first time. Alderman Boulton seconded.**

**City Attorney O'Keefe reads Bill No. 6782, first reading, an Ordinance of the City of Clayton, Missouri, Approving a Petition Requesting the Creation of the 7730 Bonhomme Community Improvement District; Establishing the District as a Political Subdivision of the State of Missouri; Directing the City Clerk to Notify the Missouri Department of Economic Development of the Creation of the District; Authorizing Certain Actions in Connection Therewith; and Containing a Severability Clause 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. 6782 on the day of its introduction. Alderman Boulton seconded.**

**The motion passed unanimously on a voice vote.**

Mr. Jokis addressed the Board requesting that the Board hold the 2<sup>nd</sup> reading at the next (March 24, 2020) Board meeting.

**Motion made by Alderman Winings to withdraw the motion. Alderman Boulton seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Winings recused himself from the meeting.**

**A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING A REZONING AND A PLANNED UNIT DEVELOPMENT FOR FORSYTH POINTE DEVELOPMENT AT 8001-8049 FORSYTH BOULEVARD**

**Mayor Harris opened the public hearing and requested proof of publication.**

City Manager Gipson reported that this is a public hearing to solicit input regarding a proposed rezoning and related Planned Unit Development (PUD) to be granted to Forsyth Acquisitions, LLC & Commerce Bank for a mixed-use development to be known as Forsyth Pointe. The properties are currently addressed 8001-8049 Forsyth Boulevard.

The subject site is 90,904 square feet and is located on the north side of Forsyth Boulevard between North Brentwood Boulevard and North Meramec Avenue. The eastern two-thirds of the site (8001-8027 Forsyth) has a zoning designation of High Density Commercial (HDC) and the property addressed 8049 Forsyth has a zoning designation of Planned Unit Development (PUD). The properties with a zoning designation of HDC are also located in the Downtown Core Overlay District. The site is currently developed as a surface parking lot and two-story office buildings and a former restaurant and is surrounded by office and retail uses.

Scott Haley, U.S. Capital Development, addressed the Board introducing members of the team: Jim Koman, 8027 Forsyth Acquisitions, LLC, Chuck Kim, CFO, Commerce Bank, Tom Novak, General Counsel, Commerce Bank, and Denny Holzer, Design & Facilities, Commerce Bank. Architectural team is Chris Cedargreen, Cedar Green Architects, Jeff Ryan, Christner, and George Stock, Stock & Associates.

Mr. Haley addressed the Board stating that they, U.S. Capital Development, Commerce Bank, and Mr. Chapman (Barry-Wehmiller) have all been actively working together along with the City staff to do this project and to satisfy the master plan.

Chris Cedargreen addressed the Board pointing out some of the plans for “pulling” green (landscape) plans from Shaw Park and integrate it into the building project by having “planters” on all levels, widening sidewalks, adding an “arcade”; adding a texture quality at the base of the building, a green roof, and to bring socialization on the street. He added that the building will be LEED Silver standard.

In response to the Board’s questions, Mr. Cedargreen stated that the terrace will be located on the 7<sup>th</sup> level; they will select indigenous cold weather plants; charging stations will be accessible to the public; as part of the PUD they are meeting the LEED Silver requirements.

Alderman Buse recommended that they consider obtaining the LEED certification and possibly looking at benchmarking as they move forward.

Alderman Buse commented that in reference to the wider sidewalks the garage has various areas of access that will discourage pedestrian traffic and asked that they are cognizant as they figure the (sidewalk) placements and the street parking, otherwise it could defeat what they are trying to accomplish.

In response to Alderman Boulton’s question regarding the parking study, City Manager Gipson explained that the parking study was performed July 2019 and only deals with Phase 1 of the project, however it does set out through the shared parking manual the ratios that are used for this type of project.

Alderman Berkowitz inquired as to getting a better visual of the terrace.

Jeff Leonard addressed the Board inquiring as to the 40 public parking spaces and the 1,000 tenant parking spaces in the garage. He asked if the 1,000 spaces would also be open to the public in the evenings after the tenants have left for the day.

Mr. Cedargreen stated that the 40 spaces are dedicated for public use during the day at market rate; and the 1,000 tenant spaces would be available for public use at market rate in the evenings and weekends.

Aldermen Berkowitz and Boulton inquired as to the City requirement of free parking at night and on the weekends and if it was included in the contract. Gary Carter, Director of Economic Development will research.

Alderman Boulton recommends that the points for the open space for the public use is reduced to three points and not remain at four points. She is also concerned that there is not enough information about public art.

Mr. Cedargreen stated that both Commerce Bank and Jim Koman are committed to working with the Public Art Advisory Committee (PAAC) to commission and obtain art to satisfy the City's requirements. As of today, they have not chosen an artist or any pieces of art.

Alderman Boulton expressed concern for the points for the below ground parking and recommend a reduction in those points.

Alderman Berkowitz commented that he is glad that the project is going forward, and that tonight is all about discussion and raising all these points and wanting to make them meaningful while trying to get through the process. He also inquired about the entertainment venue but is not sure what it is they are doing and asked for more clarity.

Mr. Cedargreen stated that Arts and Entertainment agreement defines what they are required to do, they will be very diligent on doing that to make sure its attractive for the City. Working with several groups on various concepts and they are committed to make the 4,000 square feet exactly what is defined in the agreement.

Alderman Lintz provided a brief summary of the Plan Commission discussions.

**Mayor Harris closed the public hearing.**

**Alderman Boulton introduced Bill No. 6783, an ordinance to approve rezoning from HDC High Density Commercial District to a Planned Unit Development for 8049 Forsyth Blvd. to be read by title for the first time. Alderman Lintz seconded.**

**City Attorney O'Keefe reads Bill No. 6783, first reading, an Ordinance Providing for the Rezoning of Certain Property Located at 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue From High Density Commercial Located in the Downtown Core Overlay District and Planned Unit Development District to a Planned Unit Development District to be Known as the Forsyth Pointe PUD; Providing for the change in the Zoning Map of the City of Clayton, Missouri; Approving a Planned Unit Development for the Property at 8049 Forsyth Boulevard, 8015, 8019, 8023, 8025, 8027 Forsyth Boulevard and 8001 Forsyth Boulevard and 15 North Meramec Avenue; and Other Actions Related Thereto by title only.**

Alderman Berkowitz commented that four points on the public open space is high and that it would be approximately 15 hours out of the year that the public can use the space. He recommends assigning a lower point value for that benefit.

**Motion made by Alderman Boulton to amend Bill No. 6783 to reduce the points awarded for open space for public use from four to three. Alderman Lintz seconded.**

**The motion passed 6-Ayes – 1-Nay (Mayor Harris) on a voice vote.**

**Motion made by Alderman Boulton to amend Bill No. 6783 reducing the points awarded for the underground parking from five to three points. Alderman Lintz seconded.**

**The motion passed unanimously on a voice vote.**

**Motion made by Alderman Lintz to amend Bill No. 6783 to keep the points at five but require the additional input of the PAAC in the selection and working with a consultant in an administrative role in selecting the artist and siting. Alderman Boulton seconded.**

**The motion passed 6-Ayes to 1-Nay (Alderman Berkowitz) on a voice vote.**

**The motion to approve the first reading of Bill No. 6783 as amended passed 6 – Ayes to 1 - Nay (Alderman Berkowitz) on a voice vote.**

**AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO THE CONTRACT WITH CHIODINI ARCHITECTS FOR ROOF DESIGN SERVICES FOR THE SHAW PARK ALL-SEASON RECREATION COMPLEX PROJECT**

**Alderman Winings rejoined the meeting.**

City Manager Gipson reported that the original contract for the Shaw Park All-Season Recreation Complex entered into by the City of Clayton with Chiodini Architects did not anticipate the inclusion of a roof. As a result, we are proposing an amendment to the contract for fees associated with Design and Construction of the cover for the facility. Chiodini proposes a percentage fee for the total construction cost of the roof. The architect's fee is 8.5% of the construction cost of the additional features. The current estimated cost is approximately \$4 million the actual dollar amount of the fee will vary depending on what the final contract cost turns out to be.

On Monday, March 16, 2020 is returning to the Architectural Review Board with a modified design for approval. Once that approval is received, we will be prepared to issue Demolition and Site Work Bid Packages within two weeks of that approval. Construction could begin as early as April.

**Alderman Winings introduced Bill No. 6784, an ordinance to approve an amendment to the contract with Chiodini Architects to be read by title for the first time. Alderman Boulton seconded.**

**City Attorney O'Keefe reads Bill No. 6784, first reading, an Ordinance Approving an Amendment to the Contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex 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. 6784 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6784, an ordinance to approve an amendment to the contract with Chiodini Architects to be read by title for the second time. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6784, second reading, an Ordinance Approving an Amendment to the Contract with Chiodini Architects for the Shaw Park All-Season Recreation Complex Project by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6643 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A 1ST QUARTER AMENDMENT TO THE FISCAL YEAR 2020 BUDGET

Janet Watson, Finance Director reported that as part of the quarterly budget review, staff is presenting for the Board’s consideration the first amendment to the Fiscal Year 2020 (FY20) budget. Most of this amendment consists of projects or equipment that was budgeted last year but will now occur or be completed in FY20, and for the issuance of the 2019 Special Obligation Refunding (Refinancing) and Center of Clayton Improvement Bonds. The proposed amendment is summarized in the table below:

<u>ALL FUNDS</u>	FY 2020	1st Quarter	FY 2020	
	Original	Amendment	Budget	%
	Budget	Requested	After	Change
			Amendment	
Beginning Fund				
Balance	\$35,290,180		\$35,290,180	
Revenues	\$55,642,711	\$10,929,388	\$66,572,099	19.6%
Expenditures	\$59,567,850	\$13,871,077	\$73,438,927	23.3%
Net Change		(\$2,941,689)		
Ending Fund Balance	\$31,365,041		\$28,423,352	

Alderman Winings introduced Bill No. 6785, an ordinance to approve FY2020 1<sup>st</sup> Quarter Budget amendment to be read by title for the first time. Alderman Boulton seconded.

**City Attorney O’Keefe reads Bill No. 6785, first reading, an Ordinance Amending the Fiscal Year 2020 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. 6785 on the day of its introduction. Alderman Boulton seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Winings introduced Bill No. 6785, an ordinance to approve FY2020 1<sup>st</sup> Quarter Budget amendment to be read by title for the second time. Alderman Boulton seconded.**

**City Attorney O’Keefe reads Bill No. 6785, second reading, an Ordinance Amending the Fiscal Year 2020 Budget and Appropriating Funds Pursuant Thereto by title only.**

**The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6644 of the City of Clayton.**

**MOTION – TO APPROVE THE DESTRUCTION OF RECORDS IN ACCORDANCE WITH THE MISSOURI SECRETARY OF STATE RECORDS RETENTION SCHEDULE**

City Manager Gipson reported that As the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Alderman level, and to include a list which describes the record series including quantity to be disposed, the manner of destruction and destruction date; the list is as follows:

**Fire Department – 2011-2017**

- ambulance narcotic logs
- narcotic safe logs
- received narcotic forms from pharmacy narcotic purchases

*\* NOTE: the last two years of records will be retained which has been approved by the Drug Enforcement Agency and the Missouri Bureau of Narcotics and Dangerous Drugs.*

Based on the Board’s past discussions, staff has reviewed the records to assure that the retention schedules set forth by the Secretary of State have been satisfied, and that these records are no longer needed by staff.

In following the Board’s request that a method of disposal be procured that assures maximum security/confidentiality of the records, the City has arranged for a company to come to City Hall and shred the records on-site. This will occur in a timely manner upon approval of the motion by the Board of Aldermen.

**Motion made by Alderman Winings to approve the disposal of records as listed in the Board report. Alderman Boulton seconded.**

**The motion passed unanimously on a voice vote.**

Other

Chief Jones provided a brief report on the COVID-19 pandemic and how they are working closely with St. Louis County and the State of Missouri. He noted that the City is in very good shape on supplies and preparedness.

City Manager Gipson reported on the following:

1. The City has an updated Infection Control Policy currently in place (just updated a couple of months ago); the County and other areas are looking at as a model – KUDOS to the Fire Department.
2. The City's Critical Incident Response Team is active.
3. The Communications Team is ready to make sure any messaging that goes out is coordinated and vetted; been meeting on a regular basis on these topics to make sure we are ready to communicate to the public if needed.
4. Met today with Janet Watson and the HR staff to talk about operational issues; information will go out tomorrow to the employees.

With regard to the possibility of an infected person who may have come to The Center, that information would come from the County because a positive test would end up being sent to the Center for Disease Control (CDC), the State, and the County. From his understanding the County, would be the entity to put together the trail or movements of the infected individual. If the City is notified that an individual is presumptive positive and has been to any of our facilities than we will go with the Internal Operations Plan. We are actively making sure we have contingency plans in place so that we can continue to operate.

Alderman Boulton reported on the following:

- Community Equity Commission (CEC) – held its first meeting; free publicity resulted in a nice audience participation; group is amazing.

City Manager Gipson reported on the following:

- Ice Arena project going back to Plan Commission on March 16.
- Forsyth Project received architectural approval.
- Two houses – Stratford (tabled) and Kingsbury (approved).
- Friday BOA Session scheduled for March 20<sup>th</sup> – looking to find an alternative date; Discussions: H3, retreat, and Alderman Lintz added the shared scooters on the streets.

Alderman Berkowitz reported on the following:

- All That Glitters – great success.

Alderman Buse added that the CEC was very effective, comfortable and understood their role.

Mayor Harris reported on the following:

- CEC

There being no further business the meeting adjourned at 9:30 p.m.

Mayor

ATTEST:

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City Clerk