

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
April 14, 2020
7:07 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

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 March 24, 2020 minutes. Alderman Boulton seconded.

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

PUBLIC REQUESTS AND PETITIONS

None

PRESENTATION OF THE ANNUAL AUDIT FY2019 REPORT

Ted Williamson, Partner, RubinBrown, addressed the Board providing a summary report of the FY2019 audit. *(copy of the presentation is available in the City Clerk's office)*

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH XL CONTRACTING, INC. FOR THE ALLEY REPAIRS FY2020 PROJECT

City Manager Gipson reported that the Public Works Department is requesting approval of a construction contract for the Alley Repairs FY2020 Project. The bid scope included the full or partial reconstruction of various alleys in the Central Business District, as well as alternate bids for spot repairs in residential areas (Hi-Pointe/DeMun and West Bemiston neighborhoods).

The City received seven bids, Build Pro Concrete, Inc. submitted the lowest bid, but withdrew their bid because of an error. XL Contracting, Inc. was the next lowest bid in the amount of \$388,756.70. With the inclusions of an alternate bid in the amount of \$83,975.14 the base bid plus alternate totals to \$472,731.84, which is 1.2% less than the next lowest bid.

This project is funded by bond proceeds that have been transferred into the Capital Improvement Fund, there are adequate funds in the FY2020 budget for this activity.

In response to Alderman McAndrew's question, Matt Malick, Interim Director of Public Works explained that they have checked the contractor's references and that the contractor has done work for utilities, City of Chesterfield, as well as private work.

In response to Alderman Winings question, City Manager Gipson stated that staff is in the process of reviewing the current operating and capital projects and the team is identifying (listing) projects that could possibly be deferred.

Alderman Winings introduced Bill No. 6788, an Ordinance to approve a contract with XL Contracting, Inc. for the Alley Repairs FY2020 Project to be read for the first time by title only.

City Attorney O'Keefe reads Bill No. 6788, first reading, an Ordinance Approving a Contract with XL Contracting, Inc. for the Alley Repairs FY2020 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. 6788 on the day of its introduction.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6788, an Ordinance to approve a contract with XL Contracting, Inc. for the Alley Repairs FY2020 Project to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6788, first reading, an Ordinance Approving a Contract with XL Contracting, Inc. for the Alley Repairs FY2020 by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – 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. 6649 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH MISSOURI PETROLEUM PRODUCTS COMPANY, LLC FOR THE FY2020 MICROSURFACING PROJECT

City Manager Gipson reported that the Public Works Department is requesting approval of a construction contract for the FY2020 Microsurfacing Project with Missouri Petroleum Products Company, LLC. This bid scope included the replacement non-ADA compliant curb ramps along the route and application of microsurfacing on Forsyth Blvd (from the north city limits near Lafon to just east of Jackson Ave. and from Big Bend Blvd. to the eastern city limits) and on N. Meramec Ave. (from Maryland Ave. to the northern city limits).

The bid also included an add alternate for the curb ramps on the north side of Forsyth at Washington University. These ramps are maintained by Washington University and city staff has shared the bid results with Washington University. This add alternate was included for the

purpose of establishing this cost for the university, who could then enter into an agreement with the contractor directly.

The City received two bids with Missouri Petroleum submitting the lowest, base bid in the amount of \$748,512.17. The final engineer's estimate for this work was \$765,669.00.

Missouri Petroleum also submitted the lowest, responsive, responsible add alternate bid (A) in the amount of \$19,973.50.

This project is funded by bond proceeds that have been transferred into the Capital Improvement Fund, there are adequate funds in the FY2020 budget for this activity.

In response to Alderman McAndrew's question from resident, Tony Cuneo, representing St. Joseph's Church, regarding the Church facility driveway, Matt Malick stated that the project would not affect current driveways therefore there will not be a need to repair or replace a driveway.

Alderman Winings introduced Bill No. 6789, an ordinance to approve a contract with Missouri Petroleum Products Company, LLC for the FY2020 Microsurfacing project to be read by title for the first time. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6789, first reading, an Ordinance Approving a Contract with Missouri Petroleum Products Company, LLC for the FY2020 Microsurfacing 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. 6789 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6789, an ordinance to approve a contract with Missouri Petroleum Products Company, LLC for the FY2020 Microsurfacing project to be read by title for the second time. Alderman Boulton seconded.

City Attorney O'Keefe reads Bill No. 6789, first reading, an Ordinance Approving a Contract with Missouri Petroleum Products Company, LLC for the FY2020 Microsurfacing Project by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – 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. 6650 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AMENDING THE CLAYTON CITY CODE RELATING TO PARKING METER REGULATIONS

City Manager Gipson reported that this amendment to the Clayton city code is proposed to clean up existing language pertaining to parking meter rental. The current code references "a

rate proportionate to the rates charged for parking within the particular parking meter zone” and does not account for administrative costs. The amended code is an effort to identify not only the associated hourly meter fees, but additional impacts that could be considered by the Director of Public Works in establishing a daily meter rental fee for a rental request such as the time and length of rental, the parking demand at the location, the inconvenience caused to the public and businesses, and administrative costs.

Alderman Winings introduced Bill No. 6790, an ordinance to approve an amendment to the Clayton City Code relating to parking meter regulations to be read by title for the first time. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6790, first reading, an Ordinance Amending the Clayton City Code Relating to Parking Meter Regulations 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. 6790 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6790, an ordinance to approve an amendment to the Clayton City Code relating to parking meter regulations to be read by title for the second time. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6790, second reading, an Ordinance Amending the Clayton City Code Relating to Parking Meter Regulations by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – 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. 6651 of the City of Clayton.

Alderman Winings recused himself from the meeting (7:56 p.m.).

AN ORDINANCE TO CONSIDER APPROVING AN EASEMENT AGREEMENT TO FACILITATE CONSTRUCTION OF CERTAIN IMPROVEMENTS RELATED TO THE US CAPITAL REDEVELOPMENT PROJECT

City Manager Gipson reported that Brentwood-Forsyth Partners 1, LLC, and Commerce Bank have requested both aerial and subsurface easements to facilitate construction of US Capital’s new development adjacent to City rights-of-way. The easements are: (a) temporary aerial easements for construction cranes within the site with an operational radius that extends into air space above our rights-of-way, and (b) permanent subsurface easements for the placement of tieback and shoring walls. These easements are illustrated in the attached exhibits in the Easement Agreement.

Both Public Works and the City Attorney have reviewed and approved the attached easement titled Tieback and Crane Easement Agreement.

Alderman Boulton introduced Bill No. 6791, an ordinance to approve an easement agreement to facilitate construction of certain improvements related to the U.S. Capital Redevelopment Project to be read by title for the first time. Alderman Lintz seconded.

City Attorney O’Keefe reads Bill No. 6791, first reading, an Ordinance Approving an Easement Agreement to Facilitate Construction of Certain Improvements Related to the US Capital Redevelopment Project by title only.

The motion passed on a roll call vote: Alderman Boulton – Aye; Alderman Lintz – 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. 6652 of the City of Clayton.

Alderman Winings rejoined the meeting (8:01 p.m.)

AN ORDINANCE TO CONSIDER APPROVING A PERMANENT AMEREN EASEMENT FOR ELECTRICAL SERVICE RELATED TO THE SHAW PARK ALL-SEASON RECREATION PROJECT

City Manager Gipson reported that the proposed ordinance would approve an easement to be granted to the Union Electric Company d/b/a Ameren Missouri (“Ameren”) for the purpose of allowing Ameren to maintain electrical improvements and other related appurtenances and improvements, within Shaw Park. The improvements are part of the Shaw Park All-Season Recreation Complex and will serve the electric needs of the entire park. Currently, all electric service for the park is in the rink building itself. This will move that service to a separate substation. Ameren requires that they have access to these improvements for future maintenance purposes.

The easement covers a portion of the eastern edge of Shaw Park, near fields 1 and 2, where the new electrical services are being located.

The Parks & Recreation Department and the City Attorney have reviewed and approved the easement and agreement documents.

Patty DeForrest, Director of Parks and Recreation, addressed the Board to answer questions.

Alderman Winings introduced Bill No. 6792, an ordinance to approve an easement agreement with Ameren for electrical service related to the Shaw Park All-Season Recreation project to be read for the first time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6792, first reading, an Ordinance Approving a Permanent Ameren Electric Easement for Electrical Service Related to Shaw Park 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. 6792 on the day of its introduction. Alderman Boulton seconded.

The motion passed unanimously on a voice vote.

Alderman Winings introduced Bill No. 6792, an ordinance to approve an easement agreement with Ameren for electrical service related to the Shaw Park All-Season Recreation project to be read for the second time by title only. Alderman Boulton seconded.

City Attorney O’Keefe reads Bill No. 6792, second reading, an Ordinance Approving a Permanent Ameren Electric Easement for Electrical Service Related to Shaw Park by title only.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – 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. 6653 of the City of Clayton.

Alderman Winings recused himself from the meeting (8:08 p.m.).

AN ORDINANCE TO CONSIDER APPROVING A PLEDGE AGREEMENT BETWEEN THE CENTENE CHARITABLE FOUNDATION, THE CLAYTON COMMUNITY FOUNDATION AND THE CITY OF CLAYTON FOR CONTRIBUTIONS TO FUND IMPROVEMENTS TO THE RECREATION COMPLEX THAT INCLUDES AN ICE RINK IN SHAW PARK, A PRIORITY PROJECT IDENTIFIED IN THE SHAW PARK MASTER PLAN

City Manager Gipson reported that this is a pledge agreement intended to provide the City with the funds to make improvements to the Recreation Complex that will serve as an Ice Rink in the winter and athletic and event venue the remainder of the year in Shaw Park. This project has been identified as a priority project by both the Board of Aldermen and Clayton Community Foundation and has been on the approved project list since 2010. The parties to the agreement include the Centene Charitable Foundation (“Centene”), the Clayton Community Foundation (the “Foundation”), and the City of Clayton (the “City”).

Alderman Berkowitz expressed concern regarding the naming of the facility and the possibility of the Centene name no longer being used within the 25 years. He suggested that additional language should be included in the agreement that would reflect that possibility.

Gary Feder, Clayton Community Foundation, addressed the Board stating that the naming opportunity is up to 25 years which will begin when the facility opens, but there is no obligation after the annual monetary gifts are made. He said that he would meet with Centene’s counsel to discuss specific language to address the Board’s concern.

City Attorney Kevin O’Keefe stated that the City would be receiving funds up front and that Centene would be giving recognition for the gift.

Mayor Harris referenced, for example, that the Monsanto name is on several buildings although it is now Bayer and that she did not want to leave \$2 million “out there.”

Alderman Buse commented that this is a generous gift to the City in a difficult time and that if something should happen to Centene in the future then both the City and Centene can decide what to do at that time.

Motion made by Alderman Boulton to table Bill No. 6793. Alderman Lintz seconded.

The motion passed unanimously on a voice vote.

Alderman Winings rejoined the meeting (8:45 p.m.)

Other

Mayor Harris reported:

- Mayor's Youth Advisory Committee (MYAC) continues to work on their project and getting sponsorships; Straub's has committed to a gold level sponsorship.
- Promoting the small businesses.
- Staying in touch with the region's mayors during this time.

City Manager Gipson announced that the regularly scheduled Friday, April 17, session will be held via Zoom meeting; discussion to include: 1. Downtown Design Guidelines; Scooters; and Clayton Equity Commission terms.

Motion made by Alderman Buse that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Boulton seconded the motion.

The motion passed on a roll call vote: Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman McAndrew – Aye; Alderman Buse – Aye; and Mayor Harris – Aye.

There being no further regular business the meeting adjourned at 8:48 p.m.

Mayor

ATTEST:

City Clerk