

Approved: 8/25/09

FERGUSON CITY COUNCIL MEETING MINUTES
CITY HALL, 110 CHURCH STREET
July 28, 2009, 7:00 P.M.

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on July 28, 2009 by Mayor Pro-Tem Peggy Faul, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri.

Mayor Pro-Tem Faul requested that everyone stand for a moment of silent prayer, after which the Pledge of Allegiance was recited. On roll call, the following Council Members were present:

*Mayor Brian P. Fletcher
Kynan S. Crecelius
*Michael Salant
James W. Knowles, III
Dwayne James
Peggy Faul
Fran Grecco

Ms. Matthies declared a quorum was present.

*Mayor Fletcher and Council Member Salant are excused absences.

Also present were City Manager, John Shaw, City Attorney, Stephanie Karr and City Clerk, Deborah Matthies.

Mayor Pro-Tem Faul welcomed all present and explained the Council meeting would have a Public Portion at which time you are invited to speak on matters of general concern; and the Business portion in which you are welcome to listen but not participate.

SPECIAL PRESENTATIONS

Pride of the City Winners – Month of August

Public Works Director, Terry O'Neil explained the Pride of the City Program. Mr. O'Neil and Mayor Pro-Tem Faul introduced and congratulated the August Pride of the City winners. The winners are Ward 1, Mr. & Mrs. Dwight Boelhauf, 235 Robert Ave., Ward 2, Mr. & Mrs. Kenneth Walker, 325 Frost Ave., and Ward 3, Mr. & Mrs. Joseph Tucker, 400 Harrison Ave. Each of the winners will receive a Certificate and City Flag. Pride of the City signs will be placed in their yards. Council congratulated the winners.

501 S. Florissant Road Project

City Manager, John Shaw commented that everyone is familiar with the 501 S. Florissant Road Project, and have been eagerly awaiting the start of construction. Staff received bids from contractors and sent an email to Council outlining some of the details about the project.

Mr. Paul Hubbann from the Lawrence Group and Scott Beckett from BBi Construction, the lowest bid provided, discussed the project as well as some of the cost-cutting strategies developed by staff and contractors to help meet the established budget constraints.

Mr. Hubbann explained that some of the bids were high most notably because of some new MSD guidelines that came into effect since the feasibility study was done and the budget was set. In addition, there was a new City Ordinance for building green that added some scope to the project, which drove some costs up and higher cost in materials, i.e. concrete, etc. Cost savings were discussed without eroding the quality of the project and a series of line items were identified. Effectively \$43,000.00 out of the project is still high.

Mr. Shaw referred to the numbers in his memo and explained that there was about a total of \$683,500 for both Phases of the project. Council budgeted \$456,000, which included Phase I and the bathrooms and storage room from Phase II. Great Rivers Greenway (GRG) agreed to help fund Phase II as well as some of the environmental additions in the total amount of \$200,000. In terms of the City's budgeted amounts, the City had \$683,500 minus the \$200,000 from GRG leaving \$483,500 or \$27,000 over budget. The City is going to get around \$50,000 from Emerson Electric. Staff is working with other companies in order to get that number even higher. Mr. Shaw feels it is important to keep in mind that with this opportunity, these new monies are dependent upon completing Phase II. At this point in time, the City will get both phases of the project done for far less than what the total amount was.

Mr. Shaw also discussed some of the changes that staff worked with the construction company and landscape engineer to make sure that Council is comfortable.

Mr. Hubbann explained some of the identified line items. By not reducing the number of plantings, trees, etc. but reducing the size of the trees that are initially planted, from 2 ½ inch down to a 2 inch diameter of the trunk.

There was a stained concrete pattern in the plaza and BBi identified a savings for both phases that effectively took \$11,000 out of the job. If regular concrete is used for the entire plaza with a saw cut pattern but at the same time, treat the surface of the concrete a little differently will achieve the same pattern using texture instead of color.

The roof shingles are a high quality 30-year substitute that took \$11,000 out of the job.

By substituting light fixtures and the potential of taking \$4,000 out by substituting crushed compacted rock for the walkways with a steel ribbon edge in lieu of paved concrete, just for the walkways.

The building has a true radius curve to it now, if it is made of a basic series of straight lines that have incremental joints at the columns, there is a potential savings of about \$2,000.

The post bases as drawn were masonry like the rest of the building matching the enclosed spaces on either side of the structure by substituting that with a built up wood base will achieve some savings.

The parking lot in Phase II in the back portion of the site, originally called out as gravel. It became porous concrete for a couple of reasons and changing that from porous concrete to porous asphalt takes about \$12,000 out of the job.

A number of other potential savings were identified but was decided that they were not going to benefit the job. They effectively took away the green qualities of the

project and if that is done the Great Rivers Greenway (GRG), money goes away. Mr. Hubbann concluded that is how they arrived at the current number and the board rendering on the site will not change.

Council Member Grecco discussed the Phase II parking lot going from pervious concrete to porous asphalt and the warranties. She feels that with porous asphalt, which has not been compacted as much, freezing winters would break up the asphalt. Ms. Grecco question that in spending extra money would the City be better off going with pervious concrete.

Mr. Beckett from BBi explained that any time concrete can be used in place of asphalt the longevity and maintenance is much less, that is the \$12,000 cost difference. If the money would be available, Mr. Beckett would recommend concrete over asphalt.

Ms. Grecco questioned what warranties are given with pervious concrete regarding the freeze/thaw winter issue.

Mr. Beckett explained that overall most building projects they deal with are a one-year warranty but he would check into it.

Mr. Hubbann explained that the real money involved with pervious paving whether concrete or asphalt is not in the surface but in the sub strength preparation. Geo-tech fabric is put down, then clean rock base that water will drain through. Once the water gets onto the concrete it goes through it. The design intent is that water is never on the surface to freeze. Pervious concrete is a relatively new product but has been used in the region, St. Louis City has used it, and it is holding up fine.

Council Member Crecelius questioned what kind of longevity is expected between the asphalt and the concrete before a replacement. What can the City expect for a lifetime on the products before the City has to invest again to resurface the lot. Mr. Crecelius feels that eventually there will be a return on the investment where if the City spends the \$12,000 now the City might see a higher return within the next 10 years.

Representatives commented that there is no doubt that the concrete will hold up better than asphalt. It is in a back parking lot area not like a roadway and will not get a lot of traffic.

Mr. Shaw commented that all of the original concept or preferred method by both engineering groups that worked together on planning this project, these are the attempts made to try to get the project under budget while at the same time not jeopardizing the integrity of the project. Mr. Shaw feels that everyone agrees if the City had the money concrete would be preferred.

Council Member James agrees in that he would rather spend the money now instead of in 2 years when the City might have to repave. Mr. James is not looking for a warranty; he is just looking for a percentage. Asphalt vs. concrete. Walkway with crushed limestone he feels is not the best walking path over a long period of time with only about a \$2,000 - \$4,000 savings.

Mr. Shaw wanted to make sure that everyone understands that any of these changes, provided the City finds additional monies, is not set in stone. If Council feels more comfortable with the pervious concrete on the parking lots, another surface on the walkways, and the actual facility structure not being a true curb, with

all of these changes going back in the project and assuming the additional \$40,000 staff will continue to get as much as they can from neighboring businesses, but there might be other costs the City is going to have to assume.

Council Member Crecelius feels regarding the walkway and the lot itself the City would be better served to pay now rather than pay twice as much later.

Ms. Grecco questioned if the incremental angles savings are just in labor and materials because it is easier to do straight cuts.

The representatives responded that most of it is in cutting all of the different angles.

Ms. Grecco questioned that there will not be much visual change seen off the original design.

Mr. James commented that this is a curve instead of a curve going from point to point; you will not see a difference.

Ms. Grecco questioned the cost savings from the post bases changing from masonry to wood base and what kind of change in longevity.

Representatives responded \$5,000. Options were wood and doing something decorative with a steel post. Either way a steel post down to the ground to support the structure, then build some type of wood box or an ornamental post bottom to blend in and hold up to weather better.

Ms. Grecco questioned the stained concrete in the plaza instead of saw cutting a design, would create breakages in the concrete.

Mr. Beckett responded that they saw cut joints in the concrete slabs all of the time and will provide pictures for Council to view.

Mr. James commented that he liked the saw cut idea, feels it would be unique and different, and will last over time.

Mr. Hubbann and Mr. Beckett explained that going with the stained concrete which was essentially checkerboard, was going to have expansion joints everywhere a line is cut in the pattern. Most of the money savings is in the color and not having to form every single panel. Gray concrete will be used with different broom finishes to get the shading effect.

Mr. James questioned being in the floodplain and going from stone to wood would it last the elements. He would like to see some options available and see what could be done in matching the different architectural design.

Mr. Shaw commented that if the posts were changed from the original concept, they could be made to match the bases with the traffic signal posts on Florissant Road.

Council thanked the representatives for bringing the options and looking into savings for the City.

PUBLIC COMMENTS

Gerry Noll - Chair Person for Sunday Parkways gave an update and handed out literature on the Sunday Parkways event which is a free community event that will be hosted in the Forestwood Neighborhood August 23, September 27 and October 18

from 1-4 p.m. The main focus of the event is to promote active living. Council thanked Mr. Noll and Live Well Ferguson.

Antoinette Brown - on behalf of Northview-Holiness Temple Family Complex gave an update of festivities for their 2nd Annual event, Saturday, August 29, 2009, 9:00 a.m.– 1:00 p.m. at 1442 Hudson Road. Council thanked Ms. Brown.

There being no further public comments, Mayor Pro-Tem closed the Public Comments portion at 7:35 p.m.

BUSINESS PORTION
MINUTES

Council Meeting Minutes, June 23, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Meeting Minutes of June 23, 2009 and file as appropriate. Motion carried.

Council Budget Work Session Minutes, June 8, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and receive, the Council Budget Work Session Minutes of June 8, 2009 and file as appropriate. Motion carried.

CONSENT AGENDA
MINUTES

Housing Board of Appeals Minutes – April 30, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Housing Board of Appeals Minutes as presented and file as appropriate. Motion carried.

Ferguson Neighborhood Improvement Program (FNIP) Minutes – May 18, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the FNIP Minutes as presented and file as appropriate. Motion carried.

Park Board Minutes – May 19, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Park Board Minutes as presented and file as appropriate. Motion carried.

Ferguson Special Business District (FSBD) Minutes – June 18, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the FSBD Minutes as presented and file as appropriate. Motion carried.

Personnel Board (draft) Minutes – June 17, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Personnel Board (draft) Minutes as presented and file as appropriate. Motion carried.

Park Board Minutes – June 16, 2009. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Park Board Minutes as presented and file as appropriate. Motion carried.

Senior Citizens Commission Minutes – June 11, 2009 *w/recommendations*. Council Member Grecco explained the Senior Citizens recommendations of changing the meeting date from the second Thursday to the third Thursday of each month and changing the time from 10:00 a.m. to 9:30 a.m. The meeting place will remain the same.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive the Senior Citizens Commission Minutes with recommendations as presented and file as appropriate. Motion carried.

APPOINTMENTS

A motion was made by Council Member Grecco, seconded by Council Member Knowles and carried to approve the following appointments. Motion carried.

Council re-appointed Theresa Smythe to the Library Board.
Council appointed Marni Sorrick of UMB Bank to the FNIP Board.
Council appointed Carlos Trejo to the Board of Adjustment.

REQUESTS

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve a Temporary Liquor License for Our Lady of Guadalupe Hispanic Festival, September 20, 2009, at January Wabash Memorial Park. Applicant: Rev. John-Paul Hopping. Motion carried.

RESOLUTIONS

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve Resolution No. 2009-12. Motion carried.

2009-12 A RESOLUTION APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY MANAGER AND THE CITY OF FERGUSON, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 5 - Crecelius, Knowles, James, Faul, Grecco
NOES: 0

ABSENT: 2 – Mayor Fletcher, Salant
Resolution passes.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to approve Resolution No. 2009-13. Motion carried.

2009-13 A RESOLUTION SELECTING A BIDDER FOR THE 501 S. FLORISSANT ROAD PAVILION AND PLAZA PROJECT AWARDING THE CONTRACT TO SAID BIDDER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

Mr. Shaw clarified that this should be looked at by adding back in pervious concrete for the parking lot and the permanent surface for the pathways from the parking lot into the main area. Council consensus was for surfaces to be returned to pervious concrete.

Mr. Shaw explained that an itemized list would be included in the contract to show which elements are being taken out and the reduced cost. Mr. Shaw commented that the rough estimate is \$483,500 base for the City of Ferguson for both Phases I and II and adding to this is that the City is getting Phase II that was not planned on being built. For the two Phases, the City is looking at a number of \$483,500 but adding those two features back in.

Council discussed \$683,500 as the base number then taking out the \$200,000 Great Rivers Greenway (GRG) Grant.

Mr. Shaw explained that if GRG would not enter into the agreement then Phase II would not be done unless another authorization would occur.

Council questioned if staff has heard back from GRG.

Mr. Shaw commented the only thing staff has heard from GRG is from their staffing level that they have achieved a consensus with their Board of Directors but the vote itself is not until the end of August.

Council also questioned if all of the parties to this contract agree that this contract will not be signed until the City has heard from GRG.

Mr. Shaw commented that the agreement is to move forward on this immediately so construction could complete before the first of the year.

Council discussed the additional \$200,000, which the City does not have a guarantee it has.

Mr. Shaw explained Phase II was bid as an alternate so it would not necessarily be put in.

Council discussed that if the GRG arrangement does not happen then the Phase II components of this will not happen and it will go back to Phase I.

Mr. Shaw commented that construction would begin on Phase I and then Phase II would not even begin until the City gets to that point.

Council does not want the \$200,000 from GRG to disappear and then the City on the line for a \$683,500 contract with BBi and now the City does not have the other \$200,000 to complete the contract within the fiscal year.

Mr. Shaw commented that the City would have the agreement in place for those two alternates pending upon approval of the Council or an opt-in once the GRG money is received.

Council discussed the figure of reverting back to the concrete and the more permanent walkway of \$16,000.00 bringing it from about \$483,000 to about \$499,000.

Council Member Knowles renewed his motion, seconded by Council Member James and carried to approve Resolution No. 2009-13. Motion carried.

On roll call vote, the motion carried as follows:

AYES: 5 – Knowles, James, Faul, Grecco, Crecelius

NOES: 0

ABSENT: 2 – Mayor Fletcher, Salant

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6891 - AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT
WITH AT&T/SBC LANDLINE AND AUTHORIZING THE CITY MANAGER TO FILE
THE APPROPRIATE CLAIM DOCUMENTS AND EXECUTE ANY OTHER

DOCUMENTS TO EFFECTUATE THE SETTLEMENT, was introduced by Council Members present and read the first time.

City Manager, John Shaw explained this is a result of an older class action lawsuit in 2004 and as such this Ordinance accepts the settlement offer of \$317,578.24, for the

City of Ferguson and via Council email offers 1% of that amount to be voluntarily assigned to the St. Louis County Municipal League for lobbying efforts "to protect the revenue base of municipalities."

BILL NO. 6892 - AN ORDINANCE FIXING THE RATE OF AD VALOREM TAXATION FOR THE CALENDAR YEAR 2009 BY LEVYING A TAX FOR GENERAL AND OTHER PURPOSES ON ALL PROPERTY MADE TAXABLE BY LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF FERGUSON, MISSOURI; AND LEVYING A TAX FOR FREE PUBLIC PARKS IN THE CITY OF FERGUSON, MISSOURI, was introduced by Council Members present and read the first time.

Mr. Shaw explained there are no changes at the present time, but will be changes by the second reading and Public Hearing on August 25, 2009.

City Attorney Karr explained the sequence of events regarding the tax rate changes.

BILLS REQUIRING SECOND READINGS

BILL NO. 6889 - AN ORDINANCE REPEALING ORDINANCE NO. 2008-3358, AND ADOPTING AN ORDINANCE FIXING THE SALARIES AND OTHER COMPENSATION OF ALL OFFICERS AND EMPLOYEES OF THE CITY AS PROVIDED IN SECTION 2-47. COMPENSATION, OF CHAPTER 2. ADMINISTRATION, OF THE CODE OF THE CITY OF FERGUSON, FOR THE FISCAL YEAR 2009-2010, was introduced by Council Members present and read the first time.

A motion was made by Council Member Knowles, seconded by Council Member James and carried to read Bill No. 6889 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

AYES: 5 – James, Faul, Grecco, Crecelius, Knowles

NOES: 0

ABSENT: 2 – Mayor Fletcher, Salant

Bill No. 6889 was declared passed and sent to the Mayor Pro-Tem for signature. Bill No. 6889 thus became Ordinance No. 2009-3402 and is permanently recorded in Book 31 page 16.

BILL NO. 6890 - AN ORDINANCE REPEALING ORDINANCE NO. 2008-3359, AND ADOPTING AN ORDINANCE FIXING THE SALARIES OF PART-TIME EMPLOYEES OF THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF FERGUSON; FOR THE FISCAL YEAR 2009-2010, was introduced by Council Members present and read the first time.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read Bill No. 6890 a second time and place it upon its passage.

On roll call vote, the motion carried as follows:

AYES: 5 – Faul, Grecco, Crecelius, Knowles, James
NOES: 0
ABSENT: 2 – Mayor Fletcher, Salant

Bill No. 6890 was declared passed and sent to the Mayor Pro-Tem for signature. Bill No. 6890 thus became Ordinance No. 2009-3403 and is permanently recorded in Book 31 page 17.

OLD BUSINESS

Ms. Grecco questioned FSBD concerns regarding a problem with an electrical panel box at Victorian Plaza – staff will look into the problem. Questioned the status of the Fire House study - staff is currently reviewing and will be discussed at the August 11 Work Session with possibly a presentation from the proposed representative. Questioned Ferguson signage along Highway 70 – staff is in contact with MoDOT but no word yet.

Mr. James – commented that the dog park opened on July 5, 2009 and thanked staff for all of their work with the park. Thanked John and City Staff for their work in producing the Environmental Report, part of the environmental Ordinance was looking at the City's current status and figuring out exactly what the City can do to improve City overall consumption. Mr. James feels this is a great first step. The Report will be placed on the City website.

Ms. Faul – commented that the City Manager wanted to make sure to recognize and thank Assistant to the City Manager, Sam Anselm and Public Works Director, Terry O'Neil for their help with the Environmental Report.

MISCELLANEOUS

Mr. James said PROUD evening in the garden was a success and thanked the Dyson's for opening up their home for a great evening, and great food from the Thyme Table.

FSBD last concert was a success and featured Jeanne Trevor and the community gardeners provided great food. Pesto Festo Earth Dance at the Savoy, 6:30–10:00 p.m., November 7, 2009 and congratulations to Molly Rockamann on winning 40 farmers under 40.

Ms. Grecco – PROUD evening in the garden was a success, thanked the Dyson Family and encouraged anyone who is interested in becoming a member to join PROUD, it is a great organization. Thanked the Police Department for working with the citizens on Thatcher.

Ms. Grecco commented on the 4th of July celebration cancelled due to the rain and explained that the floats had paper and electric and combined with rain was just not doable along with people trying to get to vendor tents on the grounds of January Wabash throughout the day would have turned the park grounds into a big swamp. Ms. Grecco feels that there was no option but to cancel the festivities. This was the first time the event cancelled in almost forty years.

Mr. Shaw – announced the August 11, 2009 Work Session to discuss the CDBG options, Fire House Plan and the Personnel Manual. The home at 800 Suburban, donated to the City, was demolished so another dangerous structure has been removed from City streets. Announced that National Night Out has been moved to October 6, 2009 due to the extreme heat in August, which has prevented some residents in enjoying this event.

Ms. Faul announced that she and Assistant to the City Manager, Sam Anselm enjoyed attending the Grand Opening of Emerson's new Global Data Center and found it to be very impressive and thrilled Emerson invested their facility in the City of Ferguson. Ms. Faul thanked Gerry Noll for updating the Live Well Ferguson events and for everyone to just come out and play, volunteers needed please see Gerry, Council Member James and Faul. Ms. Faul commented Council has been getting a lot of information on neighborhood gatherings, Council appreciates the invitations, and members will try to attend most of them.

Mayor Pro-Tem Faul announced a closed session.

At 8:10 p.m., a motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to enter into closed session in accordance with RSMo 610.021/610.022 to discuss matters relating to matters as provided under Section(s) 610.021(1) RSMo. Motion carried.

Having concluded the closed session at 8:35 p.m., a motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to convene to open session. On roll call vote, the motion carried.

There being no further business to consider, Council Member Crecelius, seconded by Council Member Grecco, moved to adjourn the meeting. Motion carried. The meeting adjourned at 8:35 p.m.

ATTEST:

Peggy Faul – Mayor Pro-Tem
City of Ferguson, Missouri

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 8/25/09