

**CITY OF FERGUSON , MISSOURI
CITY COUNCIL MEETING MINUTES
August 24, 2010**

The regular meeting of the Ferguson City Council was called to order at 7:00 p.m. on August 24, 2010 by Mayor Brian P. Fletcher, in the Council Chamber of City Hall, 110 Church Street, Ferguson, Missouri.

Mayor Fletcher 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 T. James
Mark Byrne
Fran Grecco

Ms. Matthies declared a quorum was present.

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

Mayor Fletcher 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.

Agenda Amended -

A motion was made by Council Member Grecco, seconded by Council Member Crecelius to amend the Agenda to move number E. Proclamations before 3. Special Presentations. Motion carried unanimously.

PROCLAMATIONS

Eagle Scout – Kyle Rettke

Mayor read and presented the Proclamation to Eagle Scout Kyle Rettke.

SPECIAL PRESENTATIONS

Pride of the City Winners – Month of September

Public Works Director, Terry O'Neil explained the Pride of the City Program. Mr. O'Neil and Mayor Fletcher introduced and congratulated the September Pride of the City winners. The winners are Ward 1, Joseph Bocklage, 219 Day Dr. Ward 2, Christianna Swyers, 7 Belleville Ct., and Ward 3, Betty Tate, 8461 Brotherton Lane. 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.

Red Light Cameras

Chief Jackson explained that he has been looking at technology and best practices as a way to improve operational efficiency in the Police Department and discussed some of their successes and improvements to-date. Chief Jackson now wants to evaluate automated red light compliance as a technology source which could act as a force multiplier for the Police Department. Chief then presented a red light camera presentation. Chief Jackson further discussed the viability of red light cameras in some Ferguson areas. Chief further discussed several red light camera issues to

consider which were the purpose of red light cameras, how does red light traffic enforcement differ from traditional traffic enforcement at red lights, privacy issues that need to be considered, is there wide spread public support for red light camera enforcement, what are the benefits of red light camera enforcement and are red light cameras necessary in the City of Ferguson. Chief then gave an accident summary at the intersections of W. Florissant Ave. at I-270 and N. Halls Ferry at I-270. Chief Jackson commented that given what he has learned in conducting the red light camera study he would personally recommend that the City employ red light cameras at the two intersections mentioned.

American Traffic Solutions (ATS) Senior Business Development Manager, Dan Reeb addressed the contract structure and explained the various fee structures.

Council further discussed several issues including responsibility, cost issues, fee arrangements, camera access, record retention, Sunshine Law requests, violations and signage. Council discussed other intersections to be surveyed as well.

Chief Jackson commented that several intersections were surveyed and the number of violations varied. One intersection that was not surveyed was Airport Road and Dade where six people ran the red light at a high rate of speed in about a 45 minute time period. Chief suggested that in the future ATS survey that intersection as well.

Quarterly Financial Report

Finance Director, Jeffrey Blume presented a powerpoint presentation and began his review by indicating that most of the City's Funds are special purpose and as such have dedicated revenue sources to meet their expenditure requirements, are performing as expected and will not be reviewed. The focus of the presentation is an abbreviated view of the City's Statement of Revenues and Expenditures and Fund Balance as of and for the year ended June 30, 2010, Fiscal Year (FY) 2010. He also indicated the FY2010 figures were preliminary and would change as the City progresses through its year end closing.

Included in the statement are the City's budget, forecast and actual results for the year ended June 30, 2010. The forecast is included from the City's budget for FY 2011. It is included because it is a revised estimate of the City's expected results and that the variance is between the FY2010 Forecast and Actual results.

Mr. Blume briefly reviewed the current year's variances and their causes as well as variances relative to the previous year. Actual revenues were behind those forecasted as a result of continued weakened sales tax receipts and fines and forfeitures. Along with many others, the City believed it had seen a bottoming out in decreased sales tax collection. However, the weak national economic recovery has caused consumers to continue to limit spending. Fines and forfeitures were behind expectations as a result of higher than expected police force retirements resulting in less time being allocated in traffic enforcement.

According to the chart, personnel and supplies and services favorable variances were not unexpected but were slightly higher than expected. The aforementioned retirements resulted in longer than anticipated lead times necessary to fill open positions. Staff's continued emphasis on cost containment resulted in a slightly higher than anticipated supplies and services variance.

Mr. Blume indicated current year's revenues were about the same as those of FY2009. The City's approximately \$300,000 of revenue from litigation settlement more than offset lower sales tax and other collections. Personnel costs in FY2010 were lower than those in FY2009 as a result of the aforementioned retirements.

Mr. Blume summarized that while the City has entered a period of structural deficit, the City has ample reserves giving it the time necessary to address the issue.

PUBLIC COMMENTS

Ann Chisholm, 312 Royal Ave., concerns regarding City email, thanked staff for placing Ordinances on the website and had questions regarding cell phone lawsuits and red light camera presentation.

There being no further public comments, Mayor closed the Public Comments portion at 7:55 p.m.

BUSINESS PORTION

MINUTES

Council Meeting Minutes, July 27, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and file the Council Meeting Minutes of July 27, 2010. Motion carried unanimously.

Special Council Meeting Minutes, August 10, 2010. A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to approve and file the Special Council Meeting Minutes of August 10, 2010. Motion carried unanimously.

CONSENT AGENDA

MINUTES

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Ferguson Municipal Library Minutes of June 28, 2010. Motion carried unanimously.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Pension Board Minutes of April 26, 2010. Motion carried unanimously.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to receive and file the Ferguson Special Business District (FSBD) Minutes of July 15, 2010. Motion carried unanimously.

APPOINTMENTS

A motion was made by Council Member Grecco, seconded by Council Member Knowles and carried to re-appoint Martin Menke and Marni Sorrick to the FNIP Board.

Mayor recommended the appointment of Cathy Bindbeutel to the Library Board.

A motion was made by Council Member Knowles, seconded by Council Member Crecelius and carried to appoint Leslie Hogshead to the Personnel Board.

REQUESTS

A motion was made by Council Member Knowles, seconded by Council Member Grecco to approve a temporary Liquor License to applicant Rev. John-Paul Hopping for Our Lady of Guadalupe Hispanic Festival – September 19, 2010.

A motion was made by Council Member Knowles, seconded by Council Member Crecelius to approve a temporary Liquor License to applicant Joe Lonero for FSBD for Streetfest – September 24 and 25, 2010.

RESOLUTIONS

City Manager, John Shaw explained the St. Louis County Municipal League has requested that City Councils from all over St. Louis County consider adopting a

Approved: 9/14/10

Resolution to support a transfer of the Grant's Farm property to the National Parks Service (NPS). The purpose of this Resolution is to try to protect Grant's Farm from potential future InBev budget cuts that could result in the total loss of the park if it is not transferred to the NPS.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read and approve Resolution No. 2010-16. Motion carried unanimously.

2010-16 SUPPORTING GRANT'S FARM AS A NEW UNIT OF THE NATIONAL PARK SERVICE, was introduced by Council Members present and read by City Attorney, Stephanie Karr.

On roll call vote, the motion carried as follows:

AYES: 7 – Crecelius, Salant, Knowles, James, Mayor Fletcher, Byrne, Grecco

NOES: 0

Resolution passes.

City Manager, John Shaw explained City Staff has been in discussions with A&O 616R, LLC, which is a Missouri limited liability company, to redevelop the property at 10776 and 10784 West Florissant Avenue into a QuikTrip convenience store. For background, the developer owns the property under contract, however the property is limited by certain land use restrictions that would not allow the project as proposed. To clear those land use restrictions and redevelop the site, the developer proposes using a combination of Chapter 353 urban redevelopment and establishing a Community Improvement District. The developer has submitted a Chapter 353 development plan and a petition for the creation of a Community Improvement District (CID), and both have been reviewed and conform to the requirements of State Law and our Municipal Code.

This Resolution approves the funding agreement that will establish the developer as the responsible party for any costs associated with the CID and with the 353 redevelopment plan. We will also need to set public hearings for the consideration of the 353 development plan and the CID petition for Tuesday, September 14, 2010. This will allow sufficient time to inform residents on the proposed development and get feedback prior to enacting any ordinances to further the project. Attorney, Ms. Stephanie Grise, with Armstrong & Teasdale is present to answer any questions.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to read and approve Resolution No. 2010-17. Motion carried unanimously.

2010-17 A RESOLUTION OF THE CITY OF FERGUSON AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH A&O 616R LLC FOR THE PURPOSE OF REIMBURSING COSTS INCURRED BY THE CITY IN ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT AND APPROVING A REDEVELOPMENT PLAN PURSUANT TO CHAPTER 353 R.S.MO. RELATIVE TO CERTAIN PROPERTY WITHIN 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: 7 – Salant, Knowles, James, Mayor Fletcher, Byrne, Grecco, Crecelius

NOES: 0

Resolution passes.

BILLS REQUIRING FIRST READINGS

BILL NO. 6929 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COST OF REMOVING TRASH AND DEBRIS AS PROVIDED UNDER CHAPTER 28. NUISANCES, OF THE CODE OF THE

CITY OF FERGUSON, MISSOURI, was introduced by Council Members present and read the first time.

BILL NO. 6930 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF CUTTING AND REMOVING WEEDS AS PROVIDED UNDER CHAPTER 46. VEGETATION, ARTICLE III. WEEDS AND VINES, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, was introduced by Council Members present and read the first time.

BILL NO. 6931 AN ORDINANCE LEVYING SPECIAL TAX BILLS AGAINST CERTAIN PROPERTIES FOR COSTS OF BOARDING UP BUILDINGS AS PROVIDED UNDER CHAPTER 7. BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF THE CITY OF FERGUSON, MISSOURI, was introduced by Council Members present and read the first time.

BILLS REQUIRING SECOND READINGS

A motion was made by Council Member Knowles, seconded by Council Member James to amend Bill No. 6926 to reflect that there will not be a contribution to the St. Louis County Municipal League and to reflect the amount to be \$83,936.03. Motion carried unanimously.

The St. Louis County Municipal League informed cities that they felt they had sufficient funds from previous contributions, and were not asking for any additional funds from the T-Mobile settlement.

BILL NO. 6926 (AMENDED) AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-MOBILE, 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. 6926 (AMENDED) a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 7 – Knowles, James, Mayor Fletcher, Byrne, Grecco, Crecelius, Salant
NOES: 0

BILL NO. 6926 (AMENDED) was declared passed and sent to the Mayor for signature. Bill No. 6926 (AMENDED) thus became Ordinance NO. 2010-3436 and is permanently recorded in Book 31 page 51.

BILL NO. 6927 AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH CRICKET, 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. 6927 a second time and place it upon its passage. Motion carried unanimously.

On roll call vote, the motion carried as follows:

AYES: 7 – James, Mayor Fletcher, Byrne, Grecco, Crecelius, Salant, Knowles
NOES: 0

BILL NO. 6927 was declared passed and sent to the Mayor for signature. Bill No. 6927 thus became Ordinance No. 2010-3437 and is permanently recorded in Book 31 page 52.

OLD BUSINESS

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to take from the table Bill No. 6925. Motion carried unanimously.

A motion was made by Council Member Knowles, seconded by Council Member Grecco and carried to amend Bill No. 6925 to reflect the Bond be in an amount not to exceed \$11,000,000.00 and to further amend Bill No. 6925 to reflect the election date of April 5, 2011.

A motion was made by Council Member Knowles, seconded by Council Member Grecco to read Bill No. 6925 (AMENDED) a second time and place it upon its passage. Motion carried unanimously.

BILL NO. 6925 (AMENDED) AN ORDINANCE CALLING A BOND ELECTION RELATING TO PUBLIC SAFETY IMPROVEMENTS IN THE CITY OF FERGUSON, MISSOURI, was introduced by Council Members present and read the first time.

On roll call vote, the motion carried as follows:

AYES: 7 – Mayor Fletcher, Byrne, Grecco, Crecelius, Salant, Knowles, James
NOES: 0

BILL NO. 6925 (AMENDED) was declared passed and sent to the Mayor for signature. Bill No. 6925 (AMENDED) thus became Ordinance No. 2010-3438 and is permanently recorded in Book 31 page 53.

Mayor explained Council has been discussing over a year the building of a new Fire Station and a study came back at the end of July of proposed upgrades and renovation to the current Police Station and will have a Proposition S for safety and will be held on the April 5, 2011 Election. The City will be working with community leaders and neighborhood groups over the next several months to hopefully gain the community's support in passing this Bond Issue on April 5, 2011.

MISCELLANEOUS

Ms. Grecco congratulated Eagle Scout Rettke and his parents and congratulations to the Pride of the City winners.

Mr. James congratulated staff and resident recipients of 30 in their 30's award. The City is starting a youth initiative and will be sending out more information. There will be a Beer Dinner to benefit the Gardens, at the Brewhouse, September 2, 2010, 6:30–9:00 p.m., all proceeds to go towards the Gardens. Thanked and congratulated the Ferguson Bicycle Club who had a tour and taste of Ferguson and thanks to all of the gardeners who opened up their gardens and cooked fresh food from their gardens. Live Well Twilight Ferguson Ramble set for November 7, 2010 starting at 4 p.m., 2 rambles one 5 miles at 4 p.m. and a later one riding around Ferguson. Attended the Live Well Expo which was well represented by staff, Live Well Ferguson, Farmers' Market and Earthdance. Wellness professional attendees received information on the great things Ferguson is doing. Thanked everyone for a great job well done.

Mr. Crecelius congratulations and thanks to the staff.

Mr. Shaw reminder of the Financial Planning Sessions on Friday, September 17th and Saturday, September 18th at Yacovelli's in Florissant. Friday will be a half-day from 12:00 noon to 5:00 P.M., and Saturday will be a full-day from 8:00 A.M. to 5:00 P.M.

Needs Council recommendations for the Environmental Committee for resident participants and a Council representative.

Council Member James recommended resident and Ferguson Florissant teacher, Steve Marsden.

Mr. Shaw announced that the St. Louis County Municipal League asked Mr. Shaw to sit on their Legislative Affairs Committee.

Mayor Fletcher congratulated Eagle Scout Kyle Rettke and congratulated the Pride of the City Award winners and thanked the citizens for doing a wonderful job and continue to do a wonderful job. Mayor commented there are many citizens that do a great job that do not get the recognition because there is only one house recognized per Ward each month but are many homes that do a wonderful job.

Mayor announced a closed session.

ADJOURNMENT

At 8:20 p.m. a motion was made by Council Member Knowles, seconded by Council Member Crecelius and carried to enter into closed session pursuant to RSMo 610.021/610.022 to discuss matters relating to RSMo 610.021 Section(s) (2) lease, purchase or sale of real estate and (13) personnel matters where individually identifiable personnel information or records may be disclosed. On roll call vote, the motion carried unanimously.

Having concluded the closed session at 9:35 p.m., a motion was made by Council Member Grecco, seconded by Council Member Salant and carried to convene to open session. On roll call vote, the motion carried unanimously.

There being no further business to consider, Council Member Knowles, seconded by Council Member Grecco, moved to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:35 p.m.

ATTEST:

Brian P. Fletcher – Mayor
City of Ferguson, Missouri

Deborah Matthies – City Clerk
City of Ferguson, Missouri
Approved: 9/14/10