INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, June 18, 2012, in the Council Chamber of the City of Columbia, Missouri. The Pledge of Allegiance was recited, and the roll was taken with the following results: Council Members DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP and KESPOHL were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of June 4, 2012 were approved unanimously by voice vote on a motion by Mr. Kespohl and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid noted there was a request by the applicant to withdraw B138-12 from the agenda. Mr. Kespohl made a motion to remove B138-12 from the agenda. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mr. Trapp made a motion to move R101-12 from the consent agenda to new business, and to approve the previously amended agenda with that change. The motion was seconded by Ms. Anthony and approved unanimously by voice vote.

SPECIAL ITEMS

Recognition of Harold Mauller, a World War II Submarine Veteran, for his service to the United States of America and to the Columbia Submarine Committee.

Mayor McDavid invited Mr. Harold Mauller and Ms. Anne Moore, Chair of the Columbia Submarine Committee, to the podium.

Ms. Moore explained Mr. Mauller was a World War II Veteran and a submariner in the Pacific Ocean, and noted that fifty years after he served in World War II, he served the City of Columbia as a founding member of the USS Columbia Submarine Committee, which honored the current submariners of the USS Columbia in Pearl Harbor. She recognized Adele Mauller and Becky Mauller Straus, and pointed out they represented the Ladies Auxiliary to the VFW and were also supporters of the USS Columbia Committee and crew of the USS Columbia. She noted Rear Admiral J. F. Cauldwell, the commander of the submarine forces for the Pacific fleet, had sent special honors for Mr. Mauller, and Captain Michael Vizcarra would present those honors to Mr. Mauller on behalf of the U.S. Navy.

Captain Vizcarra presented and read a letter commemorating the service of Mr. Mauller on behalf of the U.S. Navy and Admiral Cauldwell. He also presented a Mizzou medallion to Mr. Mauller on behalf of the Mizzou Navy ROTC.

Mayor McDavid thanked Mr. Mauller for his military service and for representing Columbia with his support of our namesake partnership with the USS Columbia, and
presented him with the United States flag that was flown in his honor over the USS Columbia submarine.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

**BOONE COUNTY COMMUNITY SERVICES ADVISORY COMMISSION**

Jones, Mark, 1151 West Azoros, Ward 5, Term to expire December 31, 2013

**COLUMBIA COMMUNITY DEVELOPMENT COMMISSION**

Jarvis, Cliff, 4205 Culpeper Drive, Ward 3, Term to expire November 1, 2012

**COLUMBIA LIBRARY DISTRICT BOARD**

Baka, Julie, 314 West Boulevard North, Ward 1, Term to expire June 30, 2015
Harrison, Phillip, 210 Westwood Avenue, Ward 4, Term to expire June 30, 2015
Jones, James, 915 Hulen Drive, Ward 4, Term to expire June 30, 2015

**COLUMBIA VISION COMMISSION**

Nichols, Tyson, 5101 S. Persimmon Road, Boone County, Term to expire December 15, 2014

**COMMISSION ON CULTURAL AFFAIRS STANDING COMMITTEE ON PUBLIC ART**

McCarthy, Kay, 3907 Tropical Lane, Ward 2, Term to expire July 1, 2015

**PUBLIC COMMUNICATIONS RESOURCE ADVISORY COMMITTEE**

Jones, Mark, 1151 West Azoros, Ward 5, Term to expire December 31, 2013

**RAILROAD ADVISORY BOARD**

Groshong, Kee, 201 West Boulevard South, Ward 4, Term to expire July 15, 2016

**SUSTAINABLE FARMS AND COMMUNITIES, INC. BOARD**

Sommer, Andrew, 209 St. Joseph Street, Apt. D, Ward 1, Term to expire December 31, 2013

**WATER AND LIGHT ADVISORY BOARD**

O’Connor, Tom, 806 Leawood Terrace, Ward 4, Term to expire June 30, 2016

Ms. Anthony made a motion to re-advertise the Storm Water Advisory Commission vacancies. The motion was seconded by Ms. Hoppe and approved by voice vote with only Mayor McDavid voting against it.

**SCHEDULED PUBLIC COMMENT**

Jim Loveless and Linda Hutton - Introduce the newly hired Executive Director of the Central Missouri Humane Society.

Jim Loveless stated he was representing the Central Missouri Humane Society (CMHS) with offices at 600 Big Bear Boulevard and introduced Mary Pat Boatfield, the newly
installed Executive Director for CMHS. He explained Ms. Boatfield was a registered veterinary technician, had taught high school animal science, had been the Executive Director of the Toledo Humane Society, and came to Columbia from the Nashville Humane Association. He stated she had a long and successful record of building collaborative associations among divergent groups of animal welfare associations and local governmental agencies. The Central Missouri Humane Society Board was pleased to have Ms. Boatfield leading the organization and was confident she had the skills and experience to make CMHS the organization they all wanted.

Mary Pat Boatfield stated she was honored to serve as the Executive Director for CMHS and hoped through a collaborative effort, all of the animal welfare organizations would be effective and efficient with all animal related issues. She explained she had researched the City of Columbia and was impressed by its educational level as it was reflected in the CMHS staff. She thanked the Council for their service to the community.

Mayor McDavid welcomed Ms. Boatfield to Columbia.

**David Stokes of Show Me Institute - Enhanced Enterprise Zone issues.**

David Stokes provided a handout and stated he was a policy analyst for the Show Me Institute, which was a non-profit, non-partisan Missouri based think-tank that supported free market solutions for State policy. He explained the ideas that would be presented were his own, but that he had been asked, by Keep Columbia Free, to share research he had conducted related to the economic performance of counties that imposed large enterprise zones in the mid-1980’s and early 1990’s. The case study compared eight Missouri counties that implemented large enterprise zones with twelve bordering counties that had not imposed any enterprise zones. He commented that the original enterprise zone program was the precursor to the enhanced enterprise zone program, currently being discussed by the City, and many of the benefits were similar. They had measured the economic data from 1980 to 2005 for these two groups of counties, and were in the process of doing further analysis. The full study would be shared once completed, but some information collected to date could be shared now. He explained per the baseline economic measurements broken down to the county level, there was no difference in the economic growth between the counties that implemented enterprise zones and those that did not implement those zones, so there was no evidence the enterprise zone benefited the counties studied. He cited figures from 1980 or 1985 through 2005, and noted the total employment in counties with enterprise zones grew by 40 percent while total employment in counties without enterprise zones grew by 51 percent, the total labor force in counties with enterprise zones grew by 53 percent while total labor force in counties without enterprise zones grew by 63 percent, the personal income in counties with enterprise zones grew 351 percent while the personal income in counties without enterprise zones grew by 384 percent, the per capita personal income in counties with enterprise zones grew 249 percent while the per capita personal income in counties without enterprise zones grew by 264 percent, and the total assessed valuation in counties with enterprise zones grew 134 percent while the total assessed valuation in counties without enterprise zones grew by 187 percent. He believed the burden proof needed to be placed on the supporters of the enhanced enterprise zone instead of other groups, and that this proof
should not include antidotes or alarmist assertions. He asked the Council to engage local economists to fairly measure this issue. He noted the supporters of the enhanced enterprise zone also supported recent TIF projects and the Downtown CID, and had indicated other cities used these tools with great success. He did not agree and explained the City of St. Louis had been using urban redevelopment tools for half of a century without success as had been documented in a 2008 book by Colin Gordon entitled Mapping Decline: St. Louis and the Fate of the American City. He hoped Columbia would not repeat the mistakes of St. Louis.

Mitch Richards, Treasurer of Keep Columbia Free - Opposition to the Enhanced Enterprise Zone/blight in terms of citizen advocacy and concerns.

Mitch Richards stated he was the Treasurer and Spokesman of Keep Columbia Free and commented that municipal government needed to reflect the stated values of the community and its residents. He explained that when Council opened up community discussion regarding the enhanced enterprise zone, many people had spoken against it and their opinion had not changed. Their concerns were based on the memory of Sharp End and the eminent domain abuses of the early 1960’s, the potential economic and emotional impact of a blight designation, the impact on schools and infrastructure from the loss of tax revenues, the improper notification and involvement of the public, the lack of community support and the lack of input from those directly impacted by the proposed enhanced enterprise zone. He pointed out participants of the enhanced enterprise zone program could obtain State tax waivers, which if not used could be sold to other parties. He referred to Mr. Stokes’ comments and stated the manipulation of the free market would not create jobs. He did not feel they should ask existing merchants and taxpayers to provide money to politically connected business interests. He wondered why the Council was still interested in pursuing the enhanced enterprise zone program and questioned whether it was from fear of not being able to create jobs or being considered an anti-job candidate. He commented that REDI, a major public-private business lobby, received $500,000 per year from taxpayers to lobby the Council, the City Manager and State government for more taxpayer money in the form of credits and abatements. He believed the division on this issue was between those that held power and those that did not, and did not feel anyone should enjoy special deals and meetings with the elected officials. He asked the Council to rescind the enhanced enterprise zone ordinance, dissolve the associated board, and for future urban development or job proposals to begin at the citizen neighborhood association and City Ward levels. He asked those in support of rescinding the ordinance to stand. Approximately 70 people stood.

PUBLIC HEARINGS

(A) Voluntary annexation of property located on the west side of North Highway 763, south of East Boone Industrial Boulevard (4515 North Highway 763).

Item A was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe asked if they would pay to hook up to City sewer. Mr. Teddy replied there would be a hook on charge and a rate for usage would be paid.
Mr. Kespohl asked for clarification regarding the current sewer system. Mr. Teddy replied he believed they had an on-site system that had been cited by the Department of Natural Resources for noncompliance. Mr. Kespohl understood it was failing. Mr. Teddy stated that was correct.

Ms. Anthony asked if a statement of intent, which included a proposal to restrict the use of this property, would be accompanied the zoning ordinance. She understood a club, cabaret or bar would not be allowed. Mr. Teddy stated none of those uses would be allowed per the staff recommendation. The proposal was for a simplified planned business district, which meant they were proposing to use and reuse the existing improvements on the site. There would not be a development plan at this point. Another round of public hearings would need to be held if the site was proposed for additional development or redevelopment in the future.

Ms. Anthony stated she was concerned with the permanency of the restriction. She understood a new owner might apply for a different plan if the property was sold. Mr. Teddy explained that zoning, once established, was thought to be a guide for future development, but a new owner could file an application for modifications.

Mr. Schmidt asked if the Council was within its rights to deny the application based on the applicant’s record and character. Mr. Boeckmann replied this involved an annexation, which was a legislative act, and the Council would decide whether to annex the property or not. He did not believe they should link this to anyone’s character.

Mr. Schmidt asked if the property was surrounded by the City. Mr. Teddy replied it was adjacent to the City limits on three sides.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Mr. Kespohl stated he was concerned about the reported calls for service by the Boone County Sheriff’s Department and was unsure about asking the Columbia Police Department to take this on without some restrictions.

Mr. Teddy pointed out he had misspoken earlier and clarified the property was adjacent to the County on three sides. It was contiguous to the City on the south side of the parcel.

(B) **Voluntary annexation of property located on the east side of South Old Mill Creek Road, south of West Mill Creek Court (4700 South Old Mill Creek Road).**

Item B was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Anthony asked who was responsible for the maintenance of Old Mill Creek Road. Mr. Teddy replied Boone County was responsible for it at this time. Ms. Anthony asked if Old Mill Creek Road was scheduled for any widening or improvement. Mr. Teddy replied they had not received any comment to that effect from County staff, but he could find out.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Ms. Anthony stated she could not support the annexation as adequate infrastructure was not in place for the additional traffic.
R102-12  Authorizing the Neighborhood Stabilization Program (NSP) Program Income Reuse Plan.

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe asked who was responsible for the inspection at 711 Mikel Street as she wondered why this had not been detected at the time of the inspection. Mr. Teddy replied the building inspectors from the former Planning and Development Department as well as the former Building and Site Development Division would have done the inspections. They had not detected evidence that the floor underneath was unstable. In addition, the contractor had not reported anything. The problem presented itself after occupancy, although the conditions that had led to the deterioration were probably already there. It was not severe to the point where it was obvious, but evidence could be seen through inspection of the hours, and a structural engineer had been consulted.

Ms. Hoppe asked if this was a lesson learned and if these types of issues would be detected in the future. Mr. Teddy replied discussions had taken place to err on the side of caution and to inspect the attics and crawl spaces to the extent possible when undertaking a major rehabilitation.

Mr. Kespohl asked how long ago this rehabilitation had taken place. Mr. Cole replied most of the rehabilitation work had been completed about six months ago. Mr. Kespohl asked if there had been any misuse of the house. Mr. Cole replied he had not detected any misuse.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

The vote on R102-12 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B123-12A  Rezoning property located on the south side of Walnut Street, approximately 350 feet west of College Avenue (1208 and 1210 East Walnut Street) from R-3 to C-2 zoning; authorizing a development agreement.

The bill was given third reading by the Clerk.

Mr. Teddy provided a staff report.

Mr. Dudley made a motion to amend B123-12A per the amendment sheet. The motion was seconded by Mr. Trapp and approved by voice vote with only Ms. Anthony voting against it.

Ms. Hoppe understood there was concern regarding stormwater problems to the northwest and asked if those problems would be addressed. Mr. Teddy replied the agreement included provisions for an additional easement that would enable the City and developer to do a project. The storm sewer relocation referenced in the development agreement would be incidental to roadway improvements on Walnut, which might have additional stormwater storage benefits. Mr. Glascock stated a system would be built from College to the drop inlet as part of the widening of Walnut. The developers had already built
a portion of the system, and the City would take it across the west side of their property to Ash and down Ash Street to tie into the box culvert on Hubbell. This would relieve stormwater issues in the area. Ms. Hoppe understood that was addressed in a report on the agenda. Mr. Glascock stated that was correct and noted they would try to complete the project within two years. Mr. Schmidt understood this project had been added to the CIP.

Ms. Hoppe asked if there had been inquiry or if the possibility of moving either home had been discussed due to the lack of affordable housing. Mr. Teddy replied it had not discussed in detail, but he understood a comment had been made at the public hearing regarding salvage.

Ms. Anthony asked for clarification on the financial responsibility of the developer with regard to the installation of the Walnut Street stormwater pipe and the Ash Street stormwater pipe. She understood the developers would do the work and would be reimbursed for it. Mr. Glascock explained the work would be done through the development agreement in order to expedite it. If the City followed its own process, it would take at least two years and they would tear up a new street. Ms. Anthony stated she understood the timeliness issue. She wanted clarification on who was bearing the financial burden of this work. Mr. Glascock stated the City was bearing the financial burden for installing the pipe.

Craig Van Matre, an attorney with offices at 1103 East Broadway, provided a handout of his presentation and explained the two lots they were requesting be rezoned were part of a larger tract consisting of 1.84 acres. The other portion of the property was already zoned C-2, and they were requesting consistent zoning be granted for these two lots. He explained his clients were building an apartment complex sufficient for 273 tenants on the north side of Walnut when the property on the south side became available. The property on the south side was big enough for an apartment complex that would house approximately 450 tenants, and as a result, his clients decided to build a private parking garage that would include 400 spaces. They would also lease fifty spaces in the Short Street garage and some spaces in the Fifth and Walnut garage. While the rezoning application was pending, the City negotiated with his clients for a substantial contribution for the operation of a new bus system referred to as the FastCAT Express and other concessions, and as a result of those efforts, there was a development agreement and transportation agreement, which would alleviate parking, traffic and other concerns in the area. He listed some the obligations of his client per the development agreement. He commented that there was no R-1 zoned property in the area, and of the 130 dwellings in the neighborhood, less than 10 percent were owner occupied and those were recent additions, so the area would have increased pressure on it as the City continued to grow. He believed the Downtown Charrette and the Metro 2020 Plan hypothesized the use suggested to be built by his clients at this location. If the rezoning was granted, the City would receive the benefits of the development agreement and transportation agreement. If the rezoning was not granted, the same number of units would be built, but none of the benefits would be received. He asked the Council to grant the requested rezoning.

Ms. Anthony asked for the total value of contribution by his clients to the FastCAT Express. Mr. Van Matre replied it was specified in Paragraph 7 of the transportation agreement, and commented that they could assume 1,000 tenants or more and a payment of
$50.00 per tenant per semester in two years. Mayor McDavid clarified the payment would be $62.50 per tenant per semester until they reached 1,000 tenants. Ms. Anthony asked for the total projected contribution. Mayor McDavid replied it would equal $125,000 per year for the first 1,000 tenants per semester at $62.50 per tenant. If more than 1,000 students, the cost would be $50.00 per tenant per semester. Mr. Van Matre thought the contribution would be about $150,000 per year depending on the number of passes purchased.

Ms. Hoppe understood the left turn lane would be installed by the developer. Mr. Van Matre stated that was correct and noted approximately one-half of an acre had been provided for the left turn lane as well.

Mr. Schmidt understood the sidewalk being constructed would cost $10-$100 per foot. Mr. Van Matre stated that was correct.

Mr. Van Matre pointed out the stormwater improvement on Walnut would not result in cash coming back to his clients. It would be a credit against stormwater fees as they came due in the future. The stormwater pipe on the west side of their property on to Ash Street would be initially installed at the expense of his clients, but they would be reimbursed. When considering how little of a contribution the site added to the stormwater problem, he believed his clients were doing more than their fair share.

Ms. Hoppe asked if the existing houses, and more particularly the stone house, could be moved to another location. Mr. Van Matre replied he thought it would be extremely expensive to move the houses and also felt it would be doomed for failure as any vibration could crack the stone. He noted the stones would be used in the passageway that would provide access from the front to the back of the property for the tenants. He thought it would be impossible to salvage the entire structure.

Mr. Kespohl asked for the estimated cost of the stormwater pipe on Ash Street. Mr. Glascock replied he thought it would cost about $150,000 to do the part that went across Ash Street. Mr. Kespohl asked how much the other piece of the project would cost. Mr. Glascock replied he did not know since it had not been designed. Mr. Kespohl asked for a guess. Mr. Glascock replied he would guess $100,000. Mr. Kespohl understood this would improve stormwater in the entire area. Mr. Glascock stated that was correct.

Adam Saunders, 214 St. Joseph Street, stated he was speaking on behalf of the North Central Columbia Neighborhood Association and noted the Neighborhood Association continued to oppose open zoning in principle, but agreed there were some reasons to vote in favor of this ordinance, particularly due to the associated development agreement. Infill was exciting and good for the community in many ways, but infill was also complex. He believed certain details and logistics needed to be thought through during the design phase as development affected all of the stakeholders, which included the investors, tenants, neighbors and the City, and this planning phase was often missed with open zoning. He stated the City’s process for helping developers think through the details and logistics lacked efficiency, missed and ignored important details needing to be figured out before construction, and failed to utilize all of the resources at their disposal, and he felt the process needed to be improved. He commented that the developer had done a fairly good job in reaching out to the neighborhood in that they participated in four meetings. While they welcomed the development agreement, he felt the process was not linear and should not be
replicated in the future. The time frame and high stakes negotiations created an unnecessary amount of stress for all of those involved. The Neighborhood Association suggested the City review best practices for infill planning so it was more efficient and predictable. Infill development created many joint issues requiring mental and financial input from all stakeholders. A crosswalk had been suggested at the Board of Adjustment meeting, and the response from staff was to wait to determine the path the tenants took before creating the crosswalk. He felt details, such as this, should be part of the planning process. They needed to be proactive in order to have a great public realm of walking, biking, transit, street trees, greenspace, open space, etc. He noted these types of things needed to be sufficiently discussed before designs were finished to ensure safety and property values of the neighborhood. The neighborhood could play a substantial role in steering discussion toward awareness of details and logistics, so the planning process needed to better engage neighborhoods and planning experts. He stated stakeholder meetings to discuss the conceptual design were needed to identify potential issues and a downtown master plan was critical to the planning process. He explained the Neighborhood Association would not support any upzoning or open zoning, such as C-2, until the process was improved via a master plan, stakeholder inclusion, design standards and development impact fees to cover the cost of infill development. He commented that the Neighborhood Association was in favor of increasing downtown density, if the density fit the scale of the existing area, if there was buffering for large changes in the scale, if the infill was mixed in terms of density and use for a live/work environment, if it accommodated mixed incomes so downtown was accessible to everyone, and if it contributed to the public realm. He asked the Council to consider these ideas for this and all future zoning votes, and to make the effort to improve the process.

Nina Wilson-Keenan, 305 St. Joseph Street, stated she was disheartened by the current dysfunctional redevelopment process that ignored the well-being and concerns of individuals and the community. In the last year, she and her neighbors had been forced to rely on rumors and word of mouth to figure out intended building and demolition plans involving and impacting their neighborhood. She explained that when they reached out to the Council and City staff, they were directed to communicate with the developer or special interest group, so they end up pleading their case after the fact and the burden of making it work was placed on them. She felt they remained in the dark in some instances even when the developer or special interest group met with them, and provided the development and transportation agreements associated with this project as an example. She commented that her many e-mails of concern had remained unanswered and explained they had a few reasonable requests, such as public notice if the developer was given a 24 hour work permit at the last minute and an unobstructed passage for pedestrians and bicyclists to safely and legally navigate from one block to another between College and the Short Street garage. The Short Street passage would not be unobstructed and would include trash compactors. She stated rezoning was a privilege and not a right, and people granted such privileges should be held to a high standard and be required to pay impact fees for this honor as they would likely thrive. She believed the North Village should be preserved and more of an effort needed to be made to respect the neighborhood. She stated the neighborhoods were tired of being dodged and hoped they could all work together in the future to build a foundation that
did not displace people and honored the value of every resident. She felt respect was about honoring the input of individuals and the community at-large and encouraging communication that resulted in the best outcome for everyone. She also believed respect needed to be restored in terms of the development process. Future zoning requests should be made with careful consideration and include development agreements in the onset with more C-P and less C-2 until progressive form-based zoning codes that would benefit developers, neighbors and the community at-large were developed.

Mark Timberlake stated his offices were located at 1101 E. Walnut, which was about a half of a block to the west of the subject properties, and commented that he was in favor of the rezoning request. He explained the H3 group had solicited input with regard to downtown development, and this developer was trying to build exactly what had been described. He commented that houses did not have an infinite life because things tended to change and evolve. He noted he had developed the properties on Orr Street and the commercial space next to it, and the residents at the studios and the tenants of the commercial spaces were in favor of the additional foot traffic and understood additional vehicle traffic would come with it. He wondered how the development would look if these two properties were not rezoned as he did not feel it would be a cohesive project. He believed it would be a mistake to not rezone the properties.

Anne Linders commented that she was a tenant at 1507 Windsor and suggested a bike lane be identified on Windsor to accommodate increased student traffic if the rezoning was approved. She believed this would help local businesses in the area and would keep traffic off of the roads.

John Clark, 403 N. Ninth Street, stated he had been President and Treasurer of the North Central Columbia Neighborhood Association for a number of years in the past, and noted neighborhood associations tended to nudge things. He believed the North Central Columbia Neighborhood Association had stopped being a victim and had expressed their values. He felt Mayor McDavid had reviewed this and placed a price tag on his vote. He recommended the other members of the Council determine the price of their votes as well. He suggested the transportation agreement be amended to include the summer session from May 15-August 15 and the other downtown properties managed by this developer. He commented that the reason the developer was willing to do the work on Ash Street was because they were buying into the right to connect to a multi-million dollar stormwater system, and suggested they be required to pay their fair share. He recommended the City be allowed to audit the lease agreements to ensure the developer was paying its fair share. He understood this was a valuable rezoning to the applicant and the Council should use that as an opportunity to require the developer to pay his fair share. He asked the Council to ensure they receive a fair value for their vote.

Tracy Greever-Rice, 602 Redbud Lane, stated she was not in opposition or in support of this rezoning and only wanted to offer a different perspective on a couple issues. She did not agree with the comment that old houses had an inevitable lifespan and noted some of the most valuable items in the world were old buildings. She listed a few American cities that had 100 year old neighborhoods and commented that a set of decisions had been made in Columbia that did not necessarily value historic homes. She did not believe those types of
decisions needed to continue to be made and felt it was an inaccurate argument. In terms of the charrette, she stated it was accurate that the design and structure of buildings for the area were for them to be denser and taller, but they were also intended to be mixed-use buildings. They were places students might live, but also places where families, young professionals or seniors might reside. The issue of buffering did not have to do with density of use, but with the fact a single demographic was being placed next to a very different demographic. The structures were appropriate, but the business model and design was worrisome to the neighbors. If physical buffers could not be created, the neighbors were hopeful for some concessions and changes in the design so it was more livable for the people that were already in the area. She hoped Council would consider adding the idea of an accessible walkway within the long block that was open to the public through the development agreement.

Ms. Hoppe commented that Council had received an e-mail from the Neighborhood Association with some concerns and requests, and one of those requests was to have a walkway between the properties owned by the Odles. Mr. Van Matre replied he believed the logical place for a walkway would be approximately coincident with Hubbell Street and there would be a 10 foot walkway on the City’s property next to the Short Street garage. In addition, there would be 15 foot gap in the middle of this project for the convenience of the tenants, but his clients were not interested in, nor would he recommend, making it a public easement because they needed to control the safety of their tenants. Ms. Hoppe asked if the neighbors would be prohibited from going through. Mr. Van Matre replied it would not be fenced unless bad things happened.

Ms. Hoppe noted another issue involved receiving notice for requests for extended construction hours. Mr. Van Matre stated his clients had agreed to give at least 48 hours notice to the City before the need for any special construction period, and he understood that was deemed to be adequate in terms of the City then providing notice to the neighbors.

Ms. Hoppe asked if the existing trees would remain during the period these lots would be used for surface parking. Mr. Van Matre replied he did not believe there was any urgency to remove those trees, but the trees would likely die as soon as the houses were demolished due to elevation changes and grading. He felt they needed to be removed earlier versus later and could not promise the trees would be saved.

Mr. Schmidt hoped the developer had given some thought to the north face of the garage and how it would look to the neighbors. Mr. Van Matre stated the garage would be visible from those who lived north of it, looking south. Mr. Schmidt asked if any thought had been given to lighting issues to accommodate the neighbors. Mr. Van Matre stated he agreed the garage needed lighting control and box lighting that directed the lighting down and not out, and his clients were sensitive to that issue. He pointed out they did not want any dark corners in the garage for fear of crime occurring, but they also did not want to have illumination that spilled out and bothered people.

Mr. Schmidt stated he had spoken with Xavier Billingsley regarding the FastCAT route and wondered if the development agreement specified a fixed route or if it could be adapted based on usage. Mr. Van Matre commented that they did not profess to be bus traffic specialists and the City would not be held to the route hypothesized on the agreement as
long as it went by his client’s apartments. Mr. Schmidt understood the routes were examples of what would be acceptable to all parties. Mayor McDavid explained they sketched out routes that needed to be further developed. His hope was that it was fast and circulated quickly and repetitively. He thought it would be worked out with input from the City, students and residents because they wanted it to be a popular route.

Mr. Kespohl commented that he had communicated with the President of the North Central Columbia Neighborhood Association regarding the concerns of the neighbors, and through a meeting involving City staff, he felt the concerns were mostly resolved with the exception of the walkway. He questioned whether many of the trees would even survive since they had been burned, and noted the trees would be removed when the development was built as well. He thought they had done the best they could to resolve the concerns of the neighbors.

Pat Fowler, 606 N. Sixth Street, stated she was the President of the North Central Columbia Neighborhood Association and commented that the fact the City was allowing the developer to build so intensely for a single demographic was a great concern to the Association. They had endorsed the findings of the design charrette for mixed-use, mixed density and mixed income and did not get it with this development. She believed there needed to be a better process next time and hoped future developments would be addressed more completely. She noted there were a lot of other people in Columbia that enjoyed living downtown and wanted to prosper there as homeowners.

Ms. Anthony reminded the Council of Mayor McDavid’s outrage when the Odles announced the construction of the garage at College and Walnut as he had indicated granting open zoning on that corner had been a mistake. Subsequently, she had requested staff prepare a report for Council consideration to adopt a policy that would only allow planned zoning on the perimeter of the central City, and specifically, in areas that bordered residential neighborhoods. She felt the Council had the opportunity to do what was right, and if they voted to approve this rezoning to C-2, they would lose an opportunity to begin implementing a policy change that would protect the quality of life for neighborhoods that bordered the central City. This was a perfect opportunity to take a stand and prove the Council supported the neighborhoods in the central City. She believed issues could be worked out with C-P zoning, but not with open zoning. She understood many on Council disapproved of the North Central Columbia Neighborhood Association request for $1 million to provide off-site improvements for the simple reason zoning should not be for sale. Only minimal contributions were being provided for in terms of a sidewalk and a turn lane. If they approved this rezoning, they were selling the rezoning for a contribution to transit. Procedurally, the deal with the Odles to grant this rezoning in exchange for a contribution to transit had been crafted behind closed doors in her opinion. She pointed out the FastCAT project was publicly announced without a public hearing or input from all Council Members. In addition, the neighborhood association that bore the most impact was never consulted or involved. She believed the citizens of Columbia should expect a Council that was open, transparent and responsive, and none of that had been provided with regard to this matter. She stated she would not support this rezoning.
Mayor McDavid commented that he disagreed with Ms. Anthony and felt this issue was about a vision. He stated Columbia was a college town and the City did not control whether students came to Columbia. Students were coming to Columbia on the success of the University of Missouri and needed somewhere to live. They could continue to allow students to live in large complexes five miles south of town and drive to the Hearnes Center to take a bus to Brady Commons. He noted Columbia had a commuter culture instead of transit culture, and explained this had been presented as a proposal because he did not have the authority to do anything. He believed the issue was whether they wanted to be a town that had ten rides per capita like Jefferson City or Springfield or if they wanted to be a town like Ames, Iowa, that had 100 rides per capita because students had bought into the system and made cars essentially unnecessary. He felt this was a time of transition for Columbia and provided for a great opportunity. He stated he would vote in favor of this rezoning and the next bill, which would start the FastCAT route.

Ms. Hoppe stated she viewed this in terms of policy and pragmatically. She agreed with Ms. Anthony in that C-P was the more desirable and preferred zoning when Council was considering rezoning in existing residential areas. She also agreed with Ms. Anthony’s suggestion for a policy to be put in place to ensure new development or redevelopment paid its own way and had sufficient infrastructure, so it did not exasperate existing conditions and met new conditions. She stated she had been working towards trying to get those fees and infrastructure costs in place for many years, and although some progress had been made, they had not gone far enough. She commented that they were presently dealing with this rezoning request without any policies in place, and in similar situations in the past, development agreements had been approved to ad-hoc address infrastructure and surrounding neighborhood impacts. Although she did not believe this should continue in the future, she noted this was in line with what had been done in the past. Pragmatically, the applicant already had C-2 zoning for most of the property. Only a small area was zoned R-3. She noted it was clear to her that the choice was not between C-2 and C-P zoning. If the Council voted against this rezoning, the cost to the developer would increase if they chose to pursue the same number of units and residents. In addition, the neighborhood would be able to retain the R-3 buffer, but she was not sure whether it would result in a better or worse development. If Council voted in favor of the rezoning, the stormwater issues downstream would be addressed by early 2013. In addition, the Council had the opportunity to address traffic in not only this area, but for the community at-large by jump starting an efficient and effective transportation system. She felt this would move people from cars to the bus system. It would assist the residents in the central neighborhoods in addition to the students. She saw this as a great benefit to the City. She commented that she believed it was important to preserve central neighborhoods, such as the one located on Hubbell Street and St. Joseph Street, as they were being threatened. She did not believe this rezoning created a threat, but felt the Boone County Family Resources’ ability to acquire land at high prices was a threat, and noted she and Ms. Anthony had communicated with the agency to look at options whereby retaining the historic and affordable neighborhood was an asset to their clients and mission. She believed the City needed a policy in which it attempted to preserve affordable
housing in the central City, and pledged to work on that issue. She stated she planned to support this particular rezoning request.

Mr. Dudley stated he believed this rezoning was a good step towards what they were trying to get to in terms of the charrette and infill and vertical development. The surrounding property was zoned C-2, and there had been compromises and agreements. He believed this would be a good development.

Mr. Schmidt commented that he agreed they needed to review the process as recommended by some of the speakers, and noted the zoning classification of C-P had been an attempt to assist the process, but it was onerous and not always feasible for the developer. He agreed the process had been fractured, but was not sure it did not work as a bus system and other items, such as the stormwater project, had come from that dialogue. Not everyone got what they wanted, but he was not sure that meant the process did not work, although he agreed it could be better. He understood some people would disagree with this rezoning, but he planned to vote in favor of it. He was supportive of a bikable, walkable, livable and more human-scale Columbia, and that meant supporting projects that would allow building upward instead of outward. He understood there would be conflicts, but felt it was either that or unchecked urban sprawl. He commented that he was interested in Mr. Saunders’ points regarding impact fees for infill and wondered if the impact of infill was less than the impact of unchecked sprawl. He did not believe they wanted to make it more difficult to do infill developments, and noted if this development had been proposed on the edge of town, this discussion would not be happening. He thought they were lucky they had local developers interested in infill development and neighbors who were willing attend fractious meetings. He stated FastCAT could be a model of what Columbia Transit could be and believed people would want more of it. He reiterated he would vote in favor of this rezoning request.

Mr. Trapp stated he found the idea of increasing density in downtown compelling and understood it would come with some a level of sacrifice. He believed they needed to preserve what they could, but also felt it was important to move toward a walkable community and increased density in the downtown in order to avoid sprawl. He commented that he believed the development agreement and transportation agreement showed some vision and provided a chance to advance transit. They were also related to the issues that were raised when this project was proposed. It was a progressive way to address issues intrinsic to increasing development in an area. He stated more public-private partnerships would be needed in working towards the shared common goals of having a community that worked, was livable and was a place everyone wanted to be. He noted he planned to support this proposal.

The vote on B123-12A, as amended, was recorded as follows: VOTING YES: DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL. VOTING NO: ANTHONY. Bill declared enacted, reading as follows:

B146-12 Authorizing a Transportation Contract (FastCAT Express Bus Transit Agreement) with Walnut II LLC and College and Walnut, LLC.

The bill was given second reading by the Clerk.
Mr. Matthes and Mr. Glascock provided a staff report.

Mr. Schmidt stated he hoped staff would seek input from the Missouri Student Association as they had indicated they wanted to provide input. Mayor McDavid noted he had met with Xavier Billingsley, the President of the Missouri Student Association, and had told him they were the customer so they needed to tell the City what they wanted. He believed the Missouri State Association needed to be active partners for this to be successful.

Ms. Hoppe understood this service was also available for residents and non-students through the purchase of passes or individual tickets. Mr. Glascock stated that was correct and pointed out Columbia Transit was not allowed to operate a charter service per Federal Transportation Administration rules.

Ms. Hoppe stated she had read there would be a television sports channel and operated by the developer. Ms. Hoppe asked if the televisions could be silenced for people that wanted to talk or study. Mr. Glascock replied he had not observed it so he was not sure.

Ms. Hoppe understood the service would run until 5:00 p.m. on Mondays, Tuesdays and Wednesdays, and wondered if that would serve people who were getting out of classes or ending work at 5:00 p.m. She asked if that was flexible. Mr. Glascock replied the longer the bus operated, the more it would cost to operate. They were trying to cover costs with the money they received for the route.

Mr. Schmidt asked if it could be expanded if other institutions wanted to be included on the route. He wondered if they would still meet the requirements of the agreement. Mr. Glascock replied the agreement would include the minimum requirements.

Ms. Anthony stated she had received a call from a concerned citizen regarding the salary being paid to the marketing director, and wondered if this position was purely for the sale of passes. She asked for clarification regarding the responsibilities of the person hired for this position. Mr. Matthes replied the responsibilities were to inform the public of the operations. If they found there was no market, the position would not be kept. He noted the person would be hired to sell the transit system. Mr. Schmidt stated it had not been clear to him as to whether the appropriation was for the salary or the total cost of the compensation. Mr. Matthes commented that he thought the number included was the total cost. Mayor McDavid commented that if the City achieved the level of ridership of Ames, Iowa City or Champaign-Urbana at a market price, which was just under $80.00 per semester, it would result in $5 million per year of revenue to the transit system. He thought it was a good idea to market the system. The $60,000 investment could result in a lot of money for the transit system.

Sam Robinson stated he worked with the PedNet Coalition and was speaking on behalf of the Columbia for Modern Efficient Transit (CoMET) Campaign, and noted they supported the FastCAT Express agreement in principle as it coincided with the recommendation of CoMET to explore multiple funding sources for ensuring the financial stability of transit services. He referred to 7(e) of the transportation agreement and asked Council to allow users of FastCAT access to the rest of the system at no additional charge and vice versa. He explained this model existed in Lawrence, Kansas, whereby both students and residents enjoyed the benefits of a seamless and integrated transit system. He believed the City had an opportunity to showcase this route to the entire community. He
commented that they agreed a student-centric system was needed, but did not believe the rest of the community should be left out as many people relied solely on the transit system. He noted he and his daughter had to wait 90 minutes to catch a bus on Try Transit Day, which was the normal wait time, and he believed the system could do better. He asked that the City become more proactive in terms of transit instead of being reactive in order to create a transit culture in Columbia. He suggested the City consider transit-oriented development, which was involved in form based zoning and planning that yielded a walkable and livable community. He hoped FastCAT was successful as it could serve as a catalyst for change in how the community viewed transit.

Robin Remington, 503 Taylor Street, stated she was representing the East Campus Neighborhood Association and felt the transit system needed to take into consideration the way students lived and thought. She believed students, whose classes ended at 5:00 or 6:00 p.m., would travel by car and park on the streets of East Campus instead of being forced to pay an exorbitant fee. She felt the City was only taking into consideration the way it wanted the students to think and live in order to control the cost factor. She believed students would park their cars close by and walk instead of paying money to ride the bus, and this would continue the nuisance traffic situation in their neighborhood.

Kathleen Weinschenk, 1504 Sylvan Lane, commented that she knew people who wanted to attend Council Meetings, but could not since they relied solely on the transit system. Even if they were able to attend the meeting, they would need to find a way home afterward. She asked Council to not forget the fact many other people needed and relied on the transit system.

Nina Wilson Keenan, 305 St. Joseph Street, pointed out the current transit rate for regular people was more expensive than her parking pass for work at the University, and thought that should be addressed. She asked how FastCAT would impact the free downtown orbiter route. She noted she took night graduate classes that lasted until 9:00 p.m., so this new route would likely not be helpful to her as she would not be able to get home. She felt it was likely more cost effective for her to walk than take FastCAT as it would double her transportation costs. In addition, due to safety issues, she would likely just keep her parking pass. She agreed the City needed a better transit system and believed it needed to be more user friendly and needed extended hours to serve both residents and students, who relied on it for work and class.

Adam Saunders, 214 St. Joseph Street, asked if there would be a pull out on Walnut for the bus to pick up and drop off passengers or if the bus would stop in the road. He was concerned because Walnut was already congested. Mr. Glascock replied staff did not support a bulb to pull out of the line of traffic. Staff preferred the bus stop in the roadway because it would never be able to get back into the flow of traffic if it pulled out of the traffic lane during rush hour.

Greg Ahrens, 1504 Sylvan Lane, stated he generally supported this concept and suggested City staff promote a charrette-type process to involve the various stakeholders in terms of input in the design of the route.
Eugene Elkin, 3406 Rangeline, believed an increase in bus service would create revenue and noted he had mentioned this at previous Council Meetings. He hoped the Council would review his thoughts on blight as well.

Lindsey Saunders, 214 St. Joseph Street, stated she was excited about FastCAT and the public transit system in Columbia, and encouraged Council to integrate FastCAT with the rest of the transit system in order to gain more riders. She noted she had lived in a community that had separate transit systems and believed those systems tended to hurt the poor the most due to the cost for only a few rides.

John Clark, 403 N. Ninth Street, stated he agreed with Ms. Remington and Mr. Robinson in terms of reviewing how students lived and went to school instead of cutting budgets. He encouraged the City to extend service to 7:00 p.m. from the beginning. If they started with a lesser service, ridership would not be high, and they could determine if service cuts were needed later. He felt that was a small price to pay for good information. He believed if the service provided was good, people would rely on it. He also suggested the summer session be considered as it would help those that worked at the University. He recommended discussions with the other colleges as well. He believed this would benefit the entire integrated system.

Mr. Kespohl understood an addition of $1.25 million to the transit system would allow them to run 2.5 buses for 15 hours a day for all 365 days in the year.

Mayor McDavid commented that he thought they should challenge students at the University to create a better GPS application for the transit system. He agreed they should consider service in the summer, but this route was currently in its infancy, so he thought they should get it up and running first. He believed the FastCAT route needed to be integrated with the Black and Gold route and the rest of the system as well. He noted Ames was 60 percent the size of Columbia, but had 80 buses compared to 28 in Columbia. He was not sure if the students would buy into this system, but pointed out they did in other communities. He thought it would be successful if done right.

Ms. Hoppe stated they had received a lot of good suggestions from the public, which was why it was important to obtain input through hearings, etc. She believed expansion of the route and the use of the system would be benefited if the students on the FastCAT route had access to the rest of the system through their passes. She felt students might be interested in creating a better system if they used the antiquated portion of the transit system as well. She thought people that purchased general passes should also be able to use the FastCAT route. She asked if that was possible or if a pass had to be purchased for this specific route. Mr. Matthes replied FastCAT was route specific at this time. He hoped to have it integrated with the rest of the system in the future.

Ms. Hoppe commented that she hoped the system was flexible, so it could be adjusted in terms of hours in order to include those that worked at the University in addition to the students. She thought this might be a good time to consider residential tags so people did not park in East Campus. She believed a charrette process could be valuable in terms of obtaining input from stakeholders on specific routes and the system as a whole. If people were not purchasing passes, she thought they needed to determine the reason and make adjustments. She reiterated her hope for this to be flexible so it could grow if needed.
Mr. Schmidt stated this was not a perfect system as he believed the buses should run longer. He viewed this as a pilot and step in the right direction, and hoped people would clamor and be willing to pay for evening service.

Mr. Trapp made a motion to amend B146-12 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

B146-12, as amended, was given third reading with the vote recorded as follows:
VOTING YES: DUDLEY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL. VOTING NO: ANTHONY. Bill declared enacted, reading as follows:

B135-12 Approving the Gentry Estates PUD-17 Development Plan located on the east side of Bethel Street, south of Nifong Boulevard; allowing a reduction in the required perimeter setback.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Anthony made a motion to amend B135-12 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Matthew Kriete, an engineer with Engineering Surveys and Services with offices at 1113 Fay Street, stated he was available to answer any questions.

Albert Prouty, 3714 Santiago, commented that traffic backed up on Nifong all of the way from Providence to Bethel, and he believed it needed to be widened. He asked the City to ensure it obtained the necessary right-of-way to widen the road as there had been a lot of accidents. He understood a traffic light would be installed and asked if it would be placed at Santiago. Mr. Teddy replied it would be on a new road that extended out of the Peachtree area and intersected it at Nifong. Mr. Prouty stated he had a hard time getting off of Santiago onto Nifong. Mr. Prouty noted he had to cross Nifong at Santiago because a police officer told him to go with the flow of traffic in his wheelchair. There was a big shoulder, but he had trouble getting to it. He suggested the road be widened and a sidewalk be installed on one side.

B135-12, as amended, was given third reading with the vote recorded as follows:
VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B142-12 Authorizing a contract for sale of real estate with the Gudrun D. Parmentier Revocable Living Trust for the acquisition of property located adjacent to Clyde Wilson Park; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Hood provided a staff report.

Ms. Hoppe noted the ordinance appropriated an amount of $28,780 and asked if that should be $56,220 instead. Mr. Hood replied no, and explained the donated money was deposited into the permanent park fund when received. The money had to be appropriated out of the permanent park fund to the expenditure account, which was what was being done by this ordinance. He pointed out the land acquisition money had already been appropriated through the budget process.
Paul Wallace, 503 Taylor Street, commented that he had chaired a committee that had raised about $28,000 for this acquisition. He commended City staff for two years of negotiations for this piece of property, which would now allow for a larger public park.

Mr. Dudley asked if the area south of the 1.3 acres would eventually be purchased by the City. Mr. Hood replied that property was currently under private ownership. If the property was for sale, they would look into it, but they would not aggressively pursue it.

Betty Wilson, 1719 University, stated she would be a good candidate for bus service since she lived and worked downtown if the City chose to service her and others like her. Her house bordered University where students regularly parked and those vehicles remained there long after 5:00 p.m. She hoped FastCAT was successful. In terms of the park, she noted Clyde Wilson had been a strong advocate for the downtown and believed strongly in a wholesome, balanced lifestyle, which included parks that were accessible to people where they lived and a place where families and students could live side by side and enjoy the quality of life downtown. She pointed out Mr. Wilson was one of the original founders of this park when threatened by multiple family housing. She thought the community needed to celebrate the uniqueness of the park and continue to preserve its uniqueness. It was undeveloped and quiet, preserved wildlife and allowed for a pristine experience. She believed it was valuable property that needed to be kept in the public domain and urged the Council to purchase it.

Robin Remington, 503 Taylor Street, stated she believed it was important to think about this in terms of the City’s commitment to environmental species and the environment at-large. She understood there were seven species of woodpeckers in the park, and many other species were available to view. She felt this would provide the opportunity for people to learn about the relationship of the environment and the roles of being stewards of the earth instead of exploiters of its resources.

Ms. Hoppe thanked the Parks and Recreation Department for negotiating for two years for the purchase of this property. She believed this was a great private-public partnership as the neighbors helped raise the funds to pay for it. She pointed out the Clyde Wilson Park was a unique, natural park in the central city area, and was an asset to the neighbors, students and other residents.

B142-12 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B147-12 Appropriating funds for the construction of the Short Street parking garage.**

The bill was given second reading by the Clerk.

Mr. Matthes and Mr. St. Romaine provided a staff report.

Mr. Schmidt understood the add-ons could be added back later and asked if they could assign probabilities of cost overruns or underruns. Mr. Matthes replied they were hopeful the project would cost less, and it was a possibility since the same contractor was being used for this project as the hotel project.
Mr. Kespohl provided a handout and noted he had spent time going through previous Council Meeting minutes in terms of the cost of this project. He commented that the cost had gone from $6 million to $12 million. In addition, he understood the cost of the footings for the Grove commercial building had been included in the cost of the land, which he thought was odd. He had also asked about stormwater and was told the City would handle the stormwater for the garage and commercial building, which he believed was a problem. He suggested they table this bill and hold a work session so Council could understand the costs and to determine the options.

Mr. Kespohl made a motion to table B147-12 to the July 2, 2012 Council Meeting. The motion was seconded by Mayor McDavid.

Mayor McDavid commented that he had been involved with a lot of construction projects over the years and had never been associated with one that had increased this much in terms of cost. He did not understand how the pre-cast concrete cost could be missed by 40 percent, and expected the consultants to monitor the market rate. He stated he did not believe they would have agreed to a parking garage of this size had they known it would cost $12 million. He noted three things had change since the garage was approved. Those included the fact Mr. Parmley did not have the financing he was supposed to have by December 2011 to build the hotel, and he did not want to build a garage without the hotel, the bids were substantially higher than expected, and the Odles planned to build a 400 space parking garage two blocks from this garage. He asked if staff was recommending deductions of $298,000. Mr. Matthes replied they were not. Mayor McDavid stated he was surprised the percent for art was not listed since this was a cash constrained project. He wanted to take a step back to determine if the hotel was a certainty and how they might change this project so they could then move forward with confidence.

Mr. St. Romaine stated Mr. Parmley had assured him the December 31, 2011 date, which was to be changed to September 30, 2012, had been arbitrarily inserted by the bank, and that he would have financing within the next 2-3 weeks, after the TIF notes were approved by Council at the July 2, 2012 Council Meeting.

Mr. Schmidt noted the newspaper made it seem as though Mr. Parmley already had a lot of cash in this project. Mr. St. Romaine stated Mr. Parmley had been asked to put in about 30 percent of his own equity in the project and would only get about 15 percent through the TIF program, so he had expended considerable resources within the last several months in terms of demolition and preparation of the site. The excavation and foundation permits had been secured and the intent was to start construction on the hotel around the first week of July.

Robert Hollis, an attorney with offices at 1103 East Broadway, explained the reason they were not making a statement indicating they had financing was because it had not closed yet. If most people other than an attorney were asked, they would say they had the financing. He pointed out they had a commitment for financing, which he was willing to share with Council. They were finalizing minor details, such as who would be the obligee of the performance bond, prior to closing. It had been delayed because the plans had not moved along as quickly as they had hoped, but in the last few weeks, the electrical plans had been finalized. He was not sure whether all of the plans had been finalized, but thought they were
at about 95 percent at this point. He explained financing had been obtained by December 31 for the purchase of the land and the demolition of the building, so technically the obligation in the redevelopment agreement had been met. As the plans had been finalized during the last few months, other commitments for financing had been made, and his client was shopping for the best terms it could obtain. He explained they had reached a term sheet with the current lender, Midland States Bank, during the first week of May, and part of the loan would be secured by TIF notes. Three weeks ago, he realized they needed the TIF notes ordinance approved and suggested they move the date for the financing contingency to be met since the lender had specific requirements it wanted included in the ordinance. He felt this change along with the amendment to the redevelopment agreement for a change in the 90 day period to have the money spent had led to a fear of uncertainties that did not exist. He noted they were extremely close to the closing of the financing. He pointed out the financing of the cost of the land and demolition was not turning into equity along with the refinancing from Midland States Bank.

Mr. Matthes asked if there would be an impact if they moved the discussion of the garage to the same meeting at which the redevelopment agreement amendment and the issuance of the TIF notes would be addressed. Mr. Hollis replied he was not sure and explained it depended upon how the lender reacted. It could be viewed as not supportive of the garage, and if that was the case, it could impact financing.

Mayor McDavid understood the garage financing was at a lower interest rate. Ms. Cannon explained it was not necessarily that the City could afford the higher bid. The City had funding in terms of the designated loan fund and excess cash in the parking retained earnings account to cover the cost of the bid. When the debt for this was issued in March, an interest rate of 2.85 percent had been obtained. They had anticipated a five percent interest rate, so this saved approximately $2 million. As a result, they were able to sustain the bid, but there was no room for enhancements unless additional reductions in the design were made. Mayor McDavid understood the City had the financing to move forward on the garage. Ms. Cannon replied yes and noted the debt had already been issued. If the City did not move forward, the debt would have to be paid and there would not be a call option, so the City would have to pay $2.8 million.

Mr. Schmidt was not certain what more the bank would require. They were discussing potential modifications. They were not discussing whether they would build the garage. Mr. Hollis understood the ordinance would appropriate the additional funds necessary for the garage project. Mr. St. Romaine stated that was correct. Mayor McDavid understood this would cover the extra cost of the garage.

Mr. Kespohl asked what a reduction of $1.9 million in retained earnings would do to the parking fund. He wondered if it would deplete the retained earnings in that fund. Ms. Cannon replied she did not know if it would be totally depleted, but a significant excess would be used. Mr. Matthes stated there would not be any other projects in the parking fund for a while. Ms. Cannon pointed out the original estimate projected in terms of leased spaces at the Fifth and Walnut garage and the Short Street garage had been 75 percent, and currently they were both leased at 100 percent. In addition, costs had been deferred slightly due to the delay in the start of the garage, and approximately $500,000 in additional revenue from
the parking meters had been collected. Mr. Schmidt assumed the City was earning interest on the money borrowed. Ms. Cannon stated that was correct.

Mr. Kespohl asked for an explanation as to why the bids were over $1 million more than anticipated.

David Ryan of Walker Parking Consultants explained they provided their best effort to ensure their costs were in line with the bidding market even though they did not have control over the bidding market. He noted the preliminary cost estimate of $6-$7 million provided in July involved several options and 300-340 spaces. After the final work session and prior to holding a public hearing in October, they developed another cost estimate of $8.5 million, which included the additional level. This estimate was based on some design, such as beam sizes, column sizes, slab sizes, etc., which was more than typically done for schematic designs, and they worked with a general contractor to verify the numbers. He noted the pre-cast number was significantly over budget and they had been working with the pre-caster to try to understand the reason for the difference. He did not feel that budgeting $20,000 per space had been unreasonable as he had not anticipated a $22,000-$23,000 per space structure based on past experience of similar style and sized garages.

Mr. Schmidt asked if anything had gone on in the commodities market in terms of concrete prices, etc. as they had been living in a market of declining commodity prices. Mr. Ryan replied the market had come back within the last six months per the pre-caster, and he had indicated an eight percent cost increase in materials. He noted he had reviewed the Engineering News-Record last week and it appeared as though the Kansas City market had moved upwards two percent across the board in terms of construction since October, so that likely had some effect on the cost of this project. In addition to the market, he noted items, such as off-site storm and Short Street south of the alley to Broadway, had been added since the cost estimate had been determined, and those items helped create the $1 million overage. The camera budget came in $36,000 higher than staff had indicated as well.

Mayor McDavid thanked Mr. Ryan for the explanation and the Finance Department for finding funding sources, but noted he still wanted to know if the hotel would be built. Mr. Hollis stated he was not aware of any impediments to the closing of the financing. If the attorneys had been removed from the process, the financing would have been closed by today. He commented that only this matter tonight could jeopardize the closing of the financing.

Mr. Kespohl stated his concern was that the City was being asked to commit to a $12 million garage, but the developer of the hotel did not have a signed financing plan. Mr. Hollis pointed out the developer’s obligation for financing had not changed. Mr. Kespohl asked what happened if the developer could not obtain financing. Mr. Hollis replied the financing was always a contingency and explained the Council had approved the project and the garage with a contingency of the developer closing on the financing. They were now at the point of closing, and the Council was reconsidering whether the City would build the garage. If there was not a garage, there would not be a hotel either. Mr. Kespohl stated he would support the building of the garage if the developer had a signed finance agreement. Mr. Hollis stated he had a signed loan commitment, but the actual loan documents had not been signed.
Mr. Dudley pointed out the City had been assured six months ago that the developer had financing. He did not believe they needed to commit to building the garage until the developer had financing. Mr. Hollis explained everything that could be done to date had been funded. More could now be spent since plans had been finalized, and the financing for it would soon close. There was no impetus prior to now to close on the financing since the plans had not been sufficient. He noted construction loans could not be closed on until construction plans and bids were in place, and a bid could not be in place until the plans were complete. Prior to three weeks ago, it had not been possible to know exactly how much it would cost to finish the project. He commented that all of these decisions were being made based on the fact the City was committed to building a garage, and he believed it would be problematic if the City was no longer committed to building the garage. Mayor McDavid pointed out the City had been committed to building the garage based on the fact Mr. Parmley had financing for the hotel by December 2011. Mr. Hollis explained the plans had not been finished, so it was impossible to get financing at that time. He noted the financing was there.

The motion made by Mr. Kespohl and seconded by Mayor McDavid to table B147-12 to the July 2, 2012 Council Meeting was defeated unanimously by voice vote.

Mr. Kespohl stated he still wanted to discuss the cost of the garage at the July 2, 2012 Pre-Council Meeting.

Mr. Glascock asked if he could award the contract tomorrow if Council appropriated the funds tonight. Mr. St. Romaine noted the City could always change the contract as Walker Parking Consultants were still working on alternate deductions. He thought they could utilize change orders to reduce the cost. This would allow them to meet the goal of awarding the contract so they could break ground at the same time as the hotel.

Nick Peckham, 15 S. Tenth Street, stated he and Bob Grove were developing the North Light building, which would be connected to the garage, and if the garage was not built, they would not get a return on their current investment of more than $150,000. He noted he and Mr. Grove had set aside $1.5 million to be the cash component of what several local banks had asked of them in order to finance their portion of the building. If they did not do their part of the building, the garage would have 124 foot gap and require additional pre-cast. He was happy to hear the Council was agreeable to staff entering into the contract for the garage. He pointed out his team would suffer serious consequences if the garage was not constructed.

Brent Gardner, 315 W. Stewart Road, stated he served on the Historic Preservation Commission and the Downtown Columbia Leadership Council and wanted to discuss brick for Short Street. He asked if he should address the Council at the July 2, 2012 Pre-Council Meeting. Mayor McDavid replied yes.

Mayor McDavid stated he had received the reassurance he needed and noted he would support this appropriation.

Mr. Kespohl asked for the financial plan to pay for the garage to be provided for the July 2, 2012 Pre-Council Meeting. Mr. Matthes replied it would be provided, and noted staff would continue to look for ways to cut costs while still honoring previous Council conversations.
Mr. Schmidt understood dirt was being moved and money being spent by the hotel developer. In addition, the developers for North Light planned to move ahead. A year ago when this was scary, the Council decided to move ahead with the garage. The costs had increased, which created a concern, but he felt they should continue with the project. He noted the project had grown in terms of the number of spaces in the garage and the fact Short Street would go through the garage. He recommended they not cut the Short Street portion from the garage because it alleviated a connectivity problem for $300,000, and the cost of Waugh Street going through was $5 million and would likely never happen. While it was expensive, it was cheaper than any other connectivity they could provide between Broadway and Walnut in this area.

B147-12 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

B134-12 Approving the C-P Plan of Bright Start Academy East located south of the Bearfield Road and South Old Highway 63 roundabout.

B136-12 Approving the Final Plat of Advance Auto Parts – Plat 1, a Replat of Part of Lots 141 and 142, Lot 131 and Lot 132 of Guitar's Subdivision and Park Addition, located on the south side of Business Loop 70 and on the north side of Austin Avenue; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding the dedication of street right-of-way.

B137-12 Approving the Final Plat of Shields Eastern Addition Plat 1-A located on the north side of Bass Avenue and east of Dorsey Street.

B139-12 Authorizing application for FY 2013 transit planning, operating and capital assistance grants.

B140-12 Accepting conveyances for utility and sewer purposes.

B141-12 Authorizing a power exchange agreement with Missouri Joint Municipal Electric Utility Commission relating to Iatan Unit 2.

B143-12 Appropriating fire equipment sale proceed funds for the purchase of fire safety and communication equipment for the Fire Department.

B144-12 Accepting a donation from State Farm Company Grants through the New Century Fund for the purchase of child passenger safety seats as part of the Fire Department’s car seat fitting station outreach efforts; appropriating funds.

B145-12 Amending the FY 2012 Annual Budget, the FY 2012 Pay Plan and Classification Plan to add a marketing specialist position to the Public Works Department; appropriating funds.

R89-12 Setting a public hearing: consider the FY 2013 Capital Improvement Project Plan for the City of Columbia, Missouri.

R90-12 Setting a public hearing: traffic signal improvements at the intersection of College Avenue and Walnut Street.
R91-12 Setting a public hearing: construction of traffic calming devices on Bourn Avenue.

R92-12 Authorizing a participation agreement for state investment in local public health services with the Missouri Department of Health and Senior Services.

R93-12 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for Title X Family Planning Services.

R94-12 Authorizing a memorandum of understanding with the Missouri Department of Corrections to provide tuberculosis screening and testing services and Hepatitis A, Hepatitis B, Twinrix and Flu vaccines.

R95-12 Authorizing an amendment to the 2010-2012 Social Issues Analysis agreement with The Curators of the University of Missouri.

R96-12 Authorizing an agreement with the State of Missouri Children’s Trust Fund for child abuse and neglect prevention projects.

R97-12 Authorizing an agreement with the Boone County Historical Society for operating a museum and maintaining and making improvements to the Maplewood Home and other historic buildings in Nifong Park.

R98-12 Authorizing an agreement with the Boone County Historical Society for caretaking services at Nifong Park.

R99-12 Authorizing an agreement with Thumper Entertainment and Country Club of Missouri for tourism development funds.

R100-12 Authorizing Amendment No. 1 to the agreement with Brenda J. Ravenscraft, d/b/a Skyline Café, for operation of a restaurant at Columbia Regional Airport.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDavid, SCHMIDT, TRAPP, KESPOHL. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R101-12 Consenting to an increase in the sales tax rate imposed by the Shoppes at Stadium Transportation Development District.

The resolution was read by the Clerk.

Mr. Matthes provided a staff report.

Mr. Trapp asked how it was determined the increase was necessary. Mr. Matthes replied he understood it was related to the cost of projects that had been committed to by the TDD’s. The revenue from that particular tax rate had not been great enough to complete the projects.

Craig Van Matre, an attorney with offices at 1103 East Broadway, explained the Kroenke group indirectly controlled five TDD’s in that it was the property owner that elected the directors that set the sales tax rates subject to statute, and in this case subject to the agreement the TDD negotiated with the City at the time it was formed. The other four TDD’s had constructions projects they were having difficulty funding with the half cents sales tax, and were raising their rates as voted on by their directors. This TDD was part of the City’s
master TDD, which would help pay for the Stadium corridor improvements and included the Columbia Mall and the Raul Walters properties in addition to the Shoppes at Stadium. Any excess revenue received by the Shoppes at Stadium not needed to pay for its existing debt structure would be paid to the City for the amortization of Stadium corridor improvements. The Shoppes at Stadium did not necessarily need the revenue, but the managers thought it was important for all five of the TDD’s to be consistent in terms of tax rate, so they were asking permission to raise the rate. He stated the only beneficiary of this additional rate for the next 10 years was likely the City. If the tax rate continued beyond then, the Shoppes at Stadium would pay off their debts earlier.

Mr. Trapp understood each TDD was independent, but they were acting as a consortium for a larger project that involved most of the TDD’s. Mr. Van Matre explained it involved all of the TDD’s that had stores close to the Stadium Boulevard area in northwest Columbia. It was an informal organization put together by a series of contractual agreements.

Mr. Schmidt asked if the Shoppes at Stadium TDD was a single TDD or if it encompassed several TDD’s along Stadium. Mr. Van Matre replied each TDD was a separate organization. Each district was defined as being a geographic area. He explained the Raul Walters entity created the TDD for the shopping center in which Best Buy was located and the Shoppes at Stadium TDD included Macy’s. Mr. Schmidt asked if this resolution only affected the Shoppes at Stadium TDD. Mr. Van Matre replied yes. He clarified those two TDD’s and the TDD which included the Columbia Mall had entered into an agreement with the City that indicated they would pledge the revenues of the TDD towards the cost of amortizing the Stadium Boulevard corridor improvements. He pointed out the other TDD’s he referred to at the beginning of his remarks included the Conley Road TDD, the Rockbridge TDD, the Grindstone Plaza TDD and the Broadway-Fairview TDD, and those four TDD’s did not have to do anything other than provide the City a 60 day notice to raise the sales tax at those locations. The City had to agree to the increase for the Shoppes at Stadium TDD.

Mr. Kespoohl asked if this TDD was the one that was repaying money the City borrowed from the Missouri Department of Transportation (MoDOT). Mr. Van Matre replied they were paying a portion of it.

The vote on R101-12 was recorded as follows: VOTING YES: DUDLEY, ANTHONY, HOPPE, MCDAVID, SCHMIDT, TRAPP, KESPOHL. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

B148-12 Voluntary annexation of property located on the east side of South Old Mill Creek Road, south of West Mill Creek Court (4700 South Old Mill Creek Road); establishing permanent R-1 zoning.

B149-12 Approving the Final Plat of Gentry Estates located on the southeast corner of Nifong Boulevard and Bethel Street.
B150-12 Vacating utility easements within Gentry Estates Subdivision located on the southeast corner of Nifong Boulevard and Bethel Street.

B151-12 Amending Chapter 14 of the City Code to change the speed limit on a portion of Mexico Gravel Road.

B152-12 Accepting conveyances for drainage, access to storm water facilities and storm water management facility inspection purposes.

B153-12 Accepting Stormwater Management/BMP Facilities Covenants.

B154-12 Accepting a conveyance for utility purposes.

B155-12 Authorizing a cooperative agreement with Boone County for video conference equipment to facilitate video arraignments in the Municipal Courtroom.

B156-12 Appropriating grant funds received from the State of Missouri Children’s Trust Fund for child abuse and neglect prevention projects; amending the FY 2012 annual budget to make the social services specialist position within the Department of Public Health and Human Services – Social Services Division a full-time position.

B157-12 Appropriating Law Enforcement Training funds for police officer training.

B158-12 Accepting a grant from the Youth Community Coalition (YC2) to be used by the Police Department for enforcement activities; appropriating funds.

B159-12 Authorizing a First Amendment to Redevelopment Agreement with Broadway Lodging, LLC and Columbia TIF Corporation relating to the Regency Hotel TIF Redevelopment Plan & Project.

REPORTS AND PETITIONS

REP93-12 Street Closure Request - Tiger Town.

Mayor McDavid asked about the expansion of the footprint as suggested by Hank Waters’ editorial.

Greg Steinhoff, 5708 Sundance, explained Mr. Waters had expressed a sentiment many people had in terms of expanding this concept to the entire downtown area, but there were complicating factors involved. From a business perspective and in looking at venues at other schools, they believed a concentrated area was needed for fan entertainment in order to market. It would be hard to market if the entire downtown was included and there were diffused activities all over the downtown. In addition, State law prohibited providing an open container waiver for the entire downtown. There had to be a defined festival area with a barrier perimeter that was monitored, so volunteers would be needed at entrance and exit point of the defined area.

Bob Gerding, 101 S. Fifth Street, pointed out they had worked closely with the City, the Downtown Community Improvement District and the downtown restaurant and bar owners. They hoped to put on a first class event that would make everyone in the City proud.

Ms. Anthony asked if they had reached an agreement with most restaurant and bar owners. Mr. Steinhoff replied he thought they had reached agreement and noted the project had changed dramatically due to their requests and suggestions. He explained large television screens and chairs would not be included since the owners wanted people to
eventually go to the bars and restaurants. He did not think they could make everyone happy, but felt they had come to an agreement for the most part. Mr. Gerding pointed out there was 81 percent approval based on a survey that had been sent out by the Downtown Community Improvement District.

Mayor McDavid made a motion to approve the street closure and open container waiver as requested for September 8, October 6, October 13 and October 27, 2012. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP94-12 Downtown Sidewalk Detail for all of Broadway.**

Mr. Matthes and Mr. Glascock provided a staff report.

Ms. Hoppe stated the report did not indicate the types of trees that would be used and asked how that would be determined. Mr. Glascock replied he understood the Parks and Recreation Department planted a variety of trees, so not all would be affected by disease, and they maintained those trees.

Mayor McDavid made a motion to adopt the new standard sidewalk detail for Broadway. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP95-12 Speed Reduction at Locust Street and Waugh Street.**

Mr. Matthes provided a staff report.

Ms. Hoppe thanked staff for participating in several productive meetings with representatives of Lee Elementary School, parents and the Odles, and suggested holding an interested parties meeting as soon as possible so they could proceed with as many improvements as possible before the new school year. She understood there was 20 minute parking on the south side of Locust and the east side of Waugh in order for parents to pick up and drop off students. She noted Lee Elementary had a large volunteer base and no on-site parking, and suggested parking tags be provided to Lee Elementary to provide at their discretion to volunteers so they could park in the 20 minute zone area for longer than 20 minutes. She pointed out those areas were not metered so the City would not be losing any revenue. Mayor McDavid thought the 20 minute areas would be taken by people using tags if this was allowed. Mr. Glascock suggested they set a maximum number of tags that could be used at one time.

Mayor McDavid made a motion directing staff to install a bulb-out and driver feedback sign on Locust Street at Waugh Street as a short term improvement, schedule an interested parties meeting with property owners to discuss long term solutions for traffic calming on Locust Street between Hitt Street and College Avenue, and issue tags to Lee Elementary School to provide to volunteers so they could park in the 20 minute area even if they were there longer than 20 minutes. The motion was seconded by Mr. Schmidt.

Mr. Dudley asked how the raised crosswalk would look. Mr. Glascock replied it would look like a flat speed hump. Mr. Dudley asked if it looked like the one on Park De Ville. Mr. Glascock replied yes.

The motion made by Mayor McDavid and seconded by Mr. Schmidt directing staff to install a bulb-out and driver feedback sign on Locust Street at Waugh Street as a short term improvement was approved unanimously by voice vote.
improvement, schedule an interested parties meeting with property owners to discuss long term solutions for traffic calming on Locust Street between Hitt Street and College Avenue, and issue tags to Lee Elementary School to provide to volunteers so they could park in the 20 minute area even if they were there longer than 20 minutes was approved unanimously by voice vote.

REP96-12 Prohibiting Large Vehicles from Residential Areas.

Mr. Matthes provided a staff report.

Mayor McDavid asked if this was the result of one complaint or several complaints. Mr. Teddy replied he understood one person had contacted the Office of Neighborhood Services multiple times, but from time to time, they did receive other complaints regarding large vehicles occupying an entire driveway, which could include an RV, commercial truck or boat. The concern was that some neighborhoods did not have restrictive covenants prohibiting this. The City had ordinances that prohibited parking over driveways and parking was not allowed to exceed a 24 hour period on the street, so there were some protections. This was an attempt to respond to a Council motion for an ordinance. Staff was recommending the focus be on heavy commercial vehicles as that created the greatest sensitivity.

Mayor McDavid stated it was not clear to him what was to be regulated and asked if they wanted to regulate semis and if that included just the cab. Mr. Teddy replied they would regulate any vehicle that met the one ton or larger criteria.

Mayor McDavid did not understand the problem they were trying to fix. Mr. Schmidt wondered what would happen if a truck driver owned an RV. He asked if this person would have to find storage for the RV and the truck. Mr. Teddy replied if the City approved such an ordinance, the vehicle would have to be stored out of site. Mayor McDavid stated he was reluctant to proceed with an ordinance since he had not heard any complaints from citizens.

Ms. Anthony asked who requested the report. Mr. Teddy replied he thought this report was the result of a 5-2 vote on a motion in January of 2011.

Mr. Trapp stated he was the son of a truck driver and did not plan to support an ordinance.

Mr. Kespohl understood an over the road truck parked regularly on Hinkson Avenue, but it was never there more than 24 hours. He also understood there was an ordinance with regard to covering stored vehicles, and asked if an RV would have to be covered a certain number of days. Mr. Teddy stated the City did not allow trailers to be parked unattached in public streets. In addition, inoperable vehicles were not permitted.

Ms. Anthony pointed out the discussion section had indicated someone had complained and that some of the neighborhood associations were concerned regarding the presence of semi-trucks, so there might be a need although they had not personally heard complaints.

Ms. Hoppe noted the potential ordinance language would prohibit any vehicles substantially used for commercial purposes and asked if vehicles with business logos would be prohibited. Mr. Teddy replied it was aimed at vehicles such as tow trucks as some people felt those should not be parked on residential driveways. Mr. Boeckmann pointed out the
proof standard was so high it would be meaningless unless the last part of the sentence was removed.

**REP97-12 Enforcement of over-occupancy provisions in the Zoning Ordinance.**

Mr. Teddy provided a staff report.

Ms. Anthony stated she liked the recommendations of staff as it was trying to engage voluntary compliance and recommending stakeholder input on a potential affidavit. She asked if an ordinance change was needed to proceed. Mr. Teddy replied the examples given referenced ordinances that provided for penalties, so staff could bring it back in ordinance form or provide a form for Council to review.

Mr. Kespohl asked if the property owners could verify their understanding of the ordinance every three years when they had a rental inspection. Mr. Teddy replied this would be included with the rental certificate application. Ms. Anthony believed there needed to be some responsibility on the owner’s part to update the information as they might not have the same renter annually. Mr. Kespohl thought they would police themselves if they understood what they needed to do.

Ms. Anthony stated she liked the recommendations of staff as it was trying to engage voluntary compliance and recommending stakeholder input on a potential affidavit. She asked if an ordinance change was needed to proceed. Mr. Teddy replied the examples given referenced ordinances that provided for penalties, so staff could bring it back in ordinance form or provide a form for Council to review.

Ms. Hoppe thought this might save staff time because staff currently had to collect the information when there was a complaint.

Ms. Anthony asked staff to proceed as recommended in the staff report, and to report back as to whether an ordinance change would be needed after stakeholder input was received. Mr. Teddy stated they would proceed.

**REP98-12 Walnut Street to Hubbell Street Stormwater Management and Sanitary Sewer Improvements, and Sunset Drive Stormwater Management Improvements.**

Mr. Kespohl suggested these projects be moved to 1-2 year projects in the CIP plan. Mr. Matthes stated they would be moved.

**REP99-12 Limerick Lakes Outlet Repair/Water Quality Modification Project.**

Ms. Anthony asked if Council had already voted on this issue. Mr. Glascock replied an agreement existed and the ordinance allowed for items under $100,000 to come to Council as a report instead of having to hold a public hearing.

**REP100-12 Columbia Transit Pet Policy.**

Mr. Matthes provided a staff report.

Mayor McDavid noted this report was requested due to a citizen wanting to take his caged cat to the veterinarian. Mr. Schmidt wondered why that would not be allowed. Mr. Matthes stated staff could review the policy with regard to caged animals. Mr. Glascock pointed out there might be issues if people had allergies.

Ms. Hoppe understood people were allowed to take pets on to airplanes regardless of allergies. Mr. Matthes thought they were placed with the cargo. Ms. Hoppe believed they could be placed under the seat if they were small enough.

Mr. Matthes asked if Council wanted staff to review the policy for any animal in a cage. Mr. Schmidt and Ms. Hoppe replied that would be their preference. Mr. Glascock asked if
chickens would be allowed if they were caged. Ms. Hoppe replied she thought it should just apply to dogs and cats. Ms. Anthony asked if a chicken was a pet by the City’s definitions. Mr. Boeckmann replied no.

**REP101-12  Intra-Departmental Transfer of Funds Request.**

Mayor McDavid understood this report had been provided for informational purposes.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**

John Clark, 403 N. Ninth Street, commented that he believed a major problem had developed in the comprehensive planning process with regard to unstated assumptions about the City’s future growth rates in terms of the necessity of continued hyper-growth rates similar to the last 20 years and whether all growth had to take place inside the City. He did not believe they needed to accept the hyper-growth rate of the last 10 or 20 years, but they could only make a meaningful choice if they had information on the likely outcomes for the City as a result of different projected growth rates. He also did not believe all of the growth needed to take place within the City. He believed they needed to determine how fast they wanted the City to grow over the next 20 years and whether all growth needed to take place within the City limits before proceeding because many people did not want the City to grow as quickly as it had in the past and did not want all of the growth to be within the City limits. After addressing those two issues, they then needed to determine how the City should grow. He asked the Council to remove the time constraints involved in the planning process so some of these issues could be addressed. He noted he would ask everyone to vote on whether they wanted data for different growth rates during the meeting tomorrow night, so a growth rate could be chosen and they could then determine how to get to that appropriate growth rate.

Amy Starver stated she was the parent of kids that attended Lee Elementary School and thanked Ms. Hoppe and Mr. Bitterman for the incredible amount of time, effort, work and collaboration they provided. She also thanked Council for their support of the traffic safety improvements and the parking considerations at Lee Elementary School.

Mr. Schmidt stated he received an e-mail requesting a “children at play” sign to be placed at Sexton and Hirth, and asked staff to report back on the feasibility of installing the sign.

Mr. Dudley asked if the City had deposited the $10,000 check from Aaron Smith for traffic calming on Bourn Avenue. Mr. Matthes replied he thought it had been deposited, but would confirm that.

Ms. Hoppe stated she had a concern involving a development agreement between the developers of the Grindstone Walmart and the City. She understood one of the requirements of the development agreement was for the developer to create a scenic Rock Quarry Park on the corner of Grindstone and Rock Quarry Road that consisted of opaque trees on the perimeter and a wildflower area in the center, but the wildflowers had not been established correctly and the area was not being maintained and was turning into weeds. She wanted staff to look into this situation, and to determine if there could be alternatives for development.
agreements with these types of provisions, such as asking the Parks and Recreation Department to maintain the area with the developer paying the City an annual fee to maintain it. She understood there was to be a trail to the Grey Oaks areas as well. She wanted to ensure the requirements of development agreements were followed. She requested a report on the issues of this particular development agreement and on how development agreements were handled in general.

Ms. Hoppe commented that Section 135.959 of the Revised Statutes of Missouri (RSMo) defined the role of the Enhanced Enterprise Zone (EEZ) Board as “to conduct the activities necessary to advise the governing authority on the designation of an enhanced enterprise zone and other advisory duties as determined by the governing authority.” In addition, a requirement of RSMo Section 135.960 (4) and (6) was the submission of plans to ameliorate any negative effects of the designation of the area as an enhanced enterprise zone and to provide assistance to any person or business dislocated as a result of activities within the enhanced enterprise zone. She suggested the ordinance associated with B121-12 be amended so the EEZ Board would review and make recommendations to Council on all of the requirements in the Revised Statutes of Missouri.

Ms. Anthony asked Ms. Hoppe if she wanted a change in the ordinance or for this to be referred to the EEZ Board for comments. Ms. Hoppe replied she wanted to refer it to the EEZ Board, but did not know if an ordinance amendment would be required for them to comment. Mayor McDavid suggested this be referred to the EEZ Board for a response. Ms. Hoppe provided the document she was reading to staff so it could be addressed.

Mr. Kespoahl assumed the Council was meeting with Walker Parking Consultants and appropriate staff at its next Pre-Council Meeting with regard to the garage. Mr. Matthes stated that was correct.

Mr. Kespoahl commented that he had asked for a map of disabled parking spaces from Ash to Locust and Tenth Street to Providence Road on March 5, 2012, and noted he had never received it. Mr. Matthes replied a report would be provided.

Ms. Anthony stated she was concerned with the fact no money had been budgeted for the implementation of the Comprehensive Plan, which would soon be written, or the redrafting of the zoning regulations. She believed it would take another 2-3 years if they relied on staff since they were so busy. She thought it was crucial for the zoning regulations to be rewritten and asked for a cost estimate to be provided in terms of implementation of the Comprehensive Plan and the redrafting of the zoning regulations so it could be added to the budget. She asked for a report back on this issue as soon as possible.

Mr. Schmidt agreed with Ms. Anthony, especially in light of the discussion involving the C-2 zoning request earlier in the evening and because C-P tended to be too onerous for many developers.

Ms. Anthony commented that the process had momentum and felt it needed to be continued with implementation.
Mr. Matthes explained the recommended budget would be delivered in July and he could attempt to have something in it. Ms. Anthony stated she would like money to be budgeted in it. Mr. Matthes noted they would do their best to estimate the cost, specifically in terms of the rewriting of the zoning codes.

Mr. Schmidt asked what the man hours would be if staff did this work instead. Ms. Anthony recommended staff not do this work as it would create a 2-3 year delay. Mr. Matthes agreed it would take a significant amount of work to get this done, and hiring someone would shorten the time frame even though it would cost money. He stated he would add this cost to the budget for Council to decide whether to keep in the budget.

Ms. Anthony commented that she was increasingly concerned the EEZ would not achieve the desired results. The EEZ Board needed to review hard data that clearly showed the EEZ program worked. The Department of Economic Development either did not have this data or had not provided the City this data, but there was data out there as they received some information earlier tonight. In addition, the State Auditor had determined the Department of Economic Development had not adequately verified data submitted by businesses claiming the EEZ tax credits and had not adequately monitored the businesses receiving credits, and believed the economic benefits had been overstated. The hard data needed to be reviewed, and if the City decided to move forward, the accountability issue needed to be addressed. She asked that the EEZ Board address these issues as well.

Ms. Anthony understood REDI was in the process of setting new priorities, which she thought was good, but believed the Council needed to be a part of the process. She also understood Mayor McDavid and Mr. Matthes were on the REDI Board, but noted the Council did not receive reports back on the meetings. She asked for a work session to be scheduled with REDI, so the Council could learn about this plan and provide input.

Mayor McDavid explained REDI was in the early stage of a strategic plan and that the meetings were open for anyone to attend. Ms. Anthony commented that if a work session could not be held, she wanted to know what input Mayor McDavid would provide on behalf of the Council. Ms. Hoppe thought it was important to coordinate because it was tied into the City’s overall strategic planning process since one of the outcomes thus far was for Council to set policy in terms of economic development.

Mr. Matthes stated a Pre-Council Meeting with REDI could be established on an annual basis so they could inform the Council of all of their initiatives and where they were headed for the upcoming year. Ms. Anthony commented that she would appreciate that. Mayor McDavid stated he thought it would be useful for any and all Council Members to attend one or two of the REDI Board meetings as well.

Ms. Anthony explained she and Ms. Hoppe met with Karen Miller regarding the Boone County Family Resources’ plans for development, and Commissioner Miller had indicated the County Commission met with Mr. Matthes once a month. She thought the Council should be notified of those meetings so they could attend as she believed more collaboration was needed between the County Commission and the City Council. She asked that they be notified of future meetings.
Ms. Anthony understood a public meeting regarding tax increment financing (TIF) was being held by the Downtown Columbia Leadership Council on June 26, 2012 from 5:00 p.m. to 7:00 p.m. at City Hall. The panel would discuss TIF projects in the St. Louis area and there would also be an opportunity for public input. She encouraged anyone with an interest to attend.

The meeting adjourned at 11:56 p.m.

Respectfully submitted,

Sheela Amin
City Clerk