



Columbia City Council Meeting Recap
Council Chamber, Columbia City Hall
7:00 PM
Monday, May 6, 2019

Pledge of Allegiance
Roll Call

INTRODUCTORY ITEMS

(Recited as indicated.)

(Present: Treece, Ruffin, Trapp, Skala, Thomas, Pitzer, Peters)
None absent.)

Approval of Minutes
Adjustment of Agenda

(Minutes from April 1 and April 15 approved as submitted.)

(Report 39-19 removed from agenda for corrections.)

SPECIAL ITEMS

SI6-19 Recognition of MBS Realty Partners, LP for donation of 7.81 acres of land to the City of Columbia. (Action: Bob Pugh appeared to describe the location of the land being donated. He indicated that it should be preserved as a nature area and not used as a formal park. He indicated that they worked with the Parks department. He also noted that there should be a contest to name the area. The winning name was Fairview Hollow and asked the city to grant that name to the area. He also indicated that the workforce at MBS is quite diverse and more than 20 nations are represented in their workforce. He presented a deed to the land to the Mayor. The city indicated that they will erect a Heritage Bench in honor of the donation. Pugh indicated that he will watch the deer, the wrens and homeless guys in the area from that bench.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

(None.)

SCHEDULED PUBLIC COMMENT

SPC25-19 Lillian Davis - Bird scooters and who is responsible for wheelchairs getting broken. (Action: **Did not appear as scheduled.**)

SPC26-19 Steve Callis - International Compost Awareness Week.

(Action: The speaker indicated that composting helps protect our environment and helps reduce climate change impacts. He described several events that will take place during this week including collections and composting workshops at the farmers markets and Capen Park. A proclamation has been written and presented. Tours of recycling and composting will also be held.)

SPC27-19 Christopher Farnam - Police officers issuing unjust traffic citations to rideshare drivers.

(Action: The speaker thinks that ride share drivers are being issued tickets for obstruction of traffic. He has been cited for stopping briefly to pick up passengers. He asked the city council to change the rule and make the rule less vague to allow for pick up of passengers in a safe manner.)

SPC28-19 David Aguayo - Cultural responsiveness in leadership and public office.

(Action: The speaker indicated that he is an educator. He discussed a family whose father worked hard in this community to be a good father. However, he believes his life has been impacted by educators and the city because people believe he is deviant because he is black. He had to fight for custody of his own child. His daughter will graduate early because of his hard work and hers. He believes black citizens do not get enough positive reinforcement from our strategic plan. We need to recognize that we have a problem and address it. There are also cases of Latin American citizens being shortchanged. There is systemic racism in our society. We need to implement strategies to overcome this. He cited the wage gap in Columbia and noted that the strategic plan does not address this in terms of people of color. We need to be racially and socially conscious.)

SPC29-19 Peggy Placier - Citizens Police Review Board - the intentions for its operation and its potential to be more influential.

(Action: At the last meeting the council discussed a process to train members of the citizens review board. There may be legal reasons for restraints, but we should allow for thoughtful implementation of a truly working board. We need to evaluate this and find out if we are meeting our goals or if it is being systematically thwarted. Back in 2006 a collation of citizens organized to form the CPRB, but that history has been forgotten. Subsequent consultants did not meet with activists. In 2009, it was determined that the board should make recommendations to the council about implementation, how it functions and accountability. Many of these recommendations have been forgotten through the years. We have added responsibilities and the language is strong. But, the strong language is not shown in its practice. Our board is considered to be weak. We must revisit the ordinances about this board and look at other officer behavior that should be investigated by the CPRB. Give them the independence that was intended. City staff should hold the police department accountable and give the CPRB the independence and teeth it deserves.

PUBLIC HEARINGS

PH17-19 Proposed construction of a sidewalk along the east side of McKee Street, between Orchard Lane and Nick Court.

(Action: The City of Columbia is proposing to complete a sidewalk project on the east side of McKee Street to fill in the sidewalk gaps between Orchard Lane and Nick Court. The sidewalk will connect to McKee Street Park just south of Orchard Lane. The preliminary design includes 5- foot sidewalk with 4- foot greenspace. The project connects to existing sidewalk at each end of the project. The estimated total project cost is \$222,000. Permanent sidewalk easements and temporary construction easements from several property owners will be necessary for construction of the project.

No one from the public spoke.

Skala indicated that this was in line with the policy to eliminate gaps. He thought it was good to see this kind of work in the 3rd Ward. No further discussion ensued.

A motion to approve this item was made and approved unanimously.)

(The following two items were considered in tandem.)

PH18-19 Proposed replacement of the water distribution infrastructure along Ridgemont Road and Highridge Circle.

(Action: The existing water mains within the project corridor consist of 6-inch cast iron pipes that were installed in the mid 1950's. These aging water mains are nearing the end of their useful service life and are requiring increased levels of maintenance. Staff is proposing to replace these mains with 6-inch PVC piping installed within the existing right of way. The estimated cost for this improvement is \$542,000.

No one from the public spoke.

The vote is recorded on the following item.)

B105-19 Appropriating funds for the replacement of the water distribution infrastructure along Ridgemont Road and Highridge Circle.

(Action: Council approved the project unanimously.)

(The following two items were considered in tandem.)

PH19-19 Consider proposed options for Flat Branch Park Expansion Master Plan.

[See R71-19/Mayor Memo]

(Action: Staff indicated that the downtown arts area was looked at for a downtown project, but the Flat Branch area was chosen to accomplish the goals of a charette to create a new park in the downtown area. That's why the small parcel of land was purchased at the corner of Broadway and Providence. He noted that there is an ongoing debate about parking, but noted that an agreement to allow parking in this area ended two years ago after proper notice.

The Parks & Recreation and Convention and Visitors Bureau Departments request Council approval of a revised Flat Branch Park Expansion Master Plan. The revision is needed due to the recent acquisition of approximately .4 acres and the proposed downtown district's Gateway Plaza. City staff worked with the park committee of the Mayor's Task Force for Bicentennial Planning (CoMo200) and members of the Downtown District on proposed plans for the park. Following an interested parties meeting and subsequent online survey regarding plans for the park, two options were being considered.

After months of site survey work and initial park planning, a draft park master plan was prepared. Park planning efforts concentrated on the park portion with the understanding that the design would be phased toward the Gateway Plaza. The CoMo200 Task Force endorsed their plan, Option 1, which included the original Gateway Plaza design based on an existing Memorandum of Understanding with the Downtown District and the City of Columbia. The owners of the adjacent building proposed Option 2, which retained their original parking spaces and added several more, thus reducing the amount of space for the Gateway Plaza. In order to develop a possible compromise option, staff developed a third option that retained some parking.

Since the April 15, 2019 introduction, the owners presented a fourth option for Council consideration. Council may choose one of the four options or consider an alternate plan. The owners of the adjacent property utilized Simon Oswald and Associates (SOA) to design an alternate plan, which in most part was similar to the CoMo200 plan; but the primary difference was that their proposed plan retained the parking lot on the west side of the building and added several more spaces, thus eliminating a large portion of the Gateway Plaza.

If Council selects Option 1, all of the work is on City property and the Council may approve it following the public hearing. If Council selects either Option 2, 3 or 4, then staff will have to negotiate easements with the owner and will return to Council at a later date for final approval. Staff also believes that if any option other than #1 is selected, the Downtown CID may abandon the project completely and use the funds collected so far for other downtown improvements.

Council action only approves the master plan, as there currently is no funding for the development of the park. However, there are funds dedicated for the Gateway Plaza by the Downtown District. Council approval of the master plan is required so that the CoMo200 task force may begin fundraising for the park and bicentennial celebration. Once funds are raised staff will return to council to appropriate the funds and authorize construction.

All master plan options include the following key elements of park design:

1. A pedestrian bridge connecting the .4-acre property to Flat Branch Park. This bridge could be a million-dollar bridge depending on available funding.
2. Gateway Plaza, located at the corner of Providence and Broadway as presented by the Downtown CID and Arcturis Architectural Firm.
3. A 30' X 20' concrete overlook that will serve as a scenic point to observe the park and Flat Branch Creek and also be used as a performance space during special events at that park.
4. The park design will include space for three art sculptures.
5. Park staff would work with Public Works staff to lengthen the northbound right-turn lane along Providence Road. (This would be done by MO Dot, not from locally-raised funds.)
6. A donor wall recognizing contributions to the expansion development would be constructed in the existing portion of Flat Branch Park.
7. Upgrade existing lights in Flat Branch Park to LED technology.

The proposed timeline for future events is as follows: • April – May 2019 Approve Park Master Plan • June – December 2019 o Public Fundraising Campaign (as part of overall CoMo200 campaign) o Once funds are raised, staff will return to Council for appropriation and approval of project. o Final design and construction documents prepared and bid • January – March 2020 • Contractor(s) selected and contracts signed, permits issued • April 2020 – March 2021 o Park groundbreaking ceremony (April) o Construction • March 2021 Dedication of Park • May 2021 Bicentennial Finale Celebration

So far, just over \$1 million has been spent on this project. In this instance, we spent most money up front, so we will raise funds privately. We will also need to find out if we can tear down the retaining walls in the back from an engineering point of view. Parks Department will do some of the work. Some committee members will do other work including fundraising.

Ruffin asked if the city acquired the Stevenson property would it complicate the project? Staff said no, but there could not be restoration of the creek on one side if they don't acquire that property. Trapp asked if they got the property, could they still restore the creek? Staff said there would be limits. Thomas, Trapp and the Mayor all indicated that they had had ex parte discussions with various people including the applicants.

The Mayor asked for the overview slide of the park to be put back up on the screen as the discussion began? The Mayor asked how many people were in attendance to discuss this issue and many indicated they were. The public hearing was opened.

The first speaker indicated that he was a member of the task force and that they have endorsed Option 1 but will work with the council on whatever decision is made. He discussed the historical significance of this location and indicated that some charettes had suggested that the park be brought all the way out to Providence. This plan fits that vision. He believes this is a generational opportunity like Stephens and Cosmo parks. He wanted to focus on overall park improvements, but he believes the description provided by staff was good. We can't start fundraising until we know what is approved. The time to have voiced concern about this was back in 2017.

The next speaker appeared on behalf of the Downtown CID. He noted that they have worked on this project for several years. This all started in 2013 and has been well publicized. The Gateway Plaza project was approved long ago and described to the public. The CID, based on that approval, pledged up to \$1 million. Option 1 has been approved by the CID, the Parks Department and the DLC. This parcel makes it possible to make a unique and useful entry to downtown. Right now, it is not distinctive. Our decision should be based on the best long-term, not short-term plan. Option 1 is the best plan. We think it allows for the best event use and will make the area safer.

If we use up the space for parking, it will diminish the use of this area. This has gone through a demanding vetting process. Please approve Option 1. If a compromise is necessary, we think the only reasonable option is Option 3, and no others. For safety's sake, we would need to make the access right out only and all parking would need to be public. And the current owner would need to trade us additional property. We need a reasonable resolution to this controversy.

The next speaker appeared on behalf of the Downtown Leadership Council. He indicated that during their considerations, they did not have Option 4 on the table. They looked at the others, but they believe Option 1 is the best option by a nearly unanimous vote. Providence is an arterial street. A parking lot entrance at its current location is dangerous. We support Option 1.

The next speaker is a member of the park committee, P&Z and the DLC. She supports public art. That should be encouraged to continue. She believes that placement and impact have a large role in good art. The public selection of this public art has been public and thorough and we also looked at safety. This park will be there longer than any existing business. This will be a great gateway to our city. If it is just a parking lot, it will lose its significance.

The next speaker appeared on behalf of Arcturis, which was the original consultant. He showed a picture of the sculpture. He described the current location as not being pedestrian friendly in its current state. If you look at the lettering, the "O" was always planned to be enlarged. This will help showcase special events. We should not compromise the letters. They need to have scale across the space and if not, we start to diminish the impact. If we put new parking, it will require increased space that is not mentioned. We also want more landscaping. The consensus seems to be Option 1. This has been tried before. This time it has moved forward.

The Mayor asked how raised this park would be over the existing grade? The consultant said it would start at 4 feet at the retaining wall and would then go higher in some places. Depending on the kind of retaining wall used, you take up different amounts of horizontal space. Pitzer asked about the potential land swap. The consultant indicated he does not know how that would work. Peters asked about access to this park by handicapped citizens. The consultant indicated it would have to be ADA compliant. He noted that master plans always evolve. He noted that this is where Columbia goes to protest. He thinks

they may be hidden. He thinks this will bring some calm to the area by introducing a historical and educational component. The more you cut into it, the less impact it has.

Skala asked about the earlier artistic installation in another part of town, but were you involved in the corridor plan? No, that was a different consultant. We need a wayfinding solution that works. The Mayor asked if you could incorporate an accessible ramp into a retaining wall? The consultant said it is possible and that that could allow some sort of angled parking.

The next person said that she has been on the Gateway Committee and other committees. She said that all meetings have been public and that they have shared Arcturis suggestions from the beginning. The push pin idea got a definite NO. This idea got a definite YES. We also liked the historical significance. The use of the entire corner was always the plan – not just a part of it. We have continuously answered questions about the project to everyone who posed them. We have tried to continue to check in with stakeholders. I look forward to this opportunity.

The treasurer of the Downtown CID appeared and indicated that they have committed up to \$1 million to this project. There has been some misinformation about this regarding the appropriateness of the use of CID money for this kind of thing. We have many goals and we can spend money on both basic infrastructure needs and beautification. The city is actually responsible for functional infrastructure. Our mission includes the creation of parks and plazas. We can use this money to help create a vibrant downtown. We support Option 1.

The next speaker indicated that he represents several business including Columbia Real Estate, located next to the plaza. He supports most elements of this plan. However, he believes that parking was never contemplated with this new design. He opposes Option 1 and believes that eliminating parking will suffer because of this change. Many businesses are here tonight and will impact multiple businesses and they have not been engaged by all these planning committees. How will people get to this park? Some will be on foot, but the people who come in by car need a safe place to park. The demand for parking in this area will continue to go up, not down. If you eliminate the parking it will damage businesses and safety. We want you to table this tonight. Look at plans 2 or 4 and find a compromise solution. ADA has been mentioned. The Columbia Disabilities Commission was not fully engaged in coming up with this solution.

Peters asked about parking. If we get rid of this parking, can't they just park on the east side or south side? The speaker indicated that demand for parking in that area is in high demand already.

The next speaker indicated that he owns Shiloh. He deals with parking in that area now along with homeless people and people begging for money at the current park. Parking is already tight in this area. He leased some spaces from the Stevenson's when their businesses were vacant. Most people who visit my business drive. We have tried to share parking resources, but the parking is a valuable resource. I can support the Gateway idea, but let's have a little give and take. If there are 30 to 40 people who work in the ice house property, where will they go? After 5 o' clock, the scenario changes, but during the day, it is really tight. I am a destination business. Ruffin asked where his own employees park. He indicated that they park everywhere. For a period of time, he leased some spaces from the Stevensons, but now they have filled some prior vacancies. Skala asked if any of his employees use the Walnut parking garage? The speaker did not know about such utilization.

The next speaker operates Real Property Group. They work out of the east side of the ice house building. He stated that they need this parking for tenants and customers. Elimination of the driveway hurts the small businesses. The Gateway is fine, but not at the cost of small business. We are working hard to breath new life into this structure, not diminish it.

Another speaker said he is on the design committee for the park. He spoke in support of Option 1. He said there is a benefit to business when you have green space in the area. He has many properties in the area and believes that most businesses would enjoy having such green space near their operations. We have more than 4,000 public parking spaces downtown and even more church and other institutional parking. When we first built Flat Branch park, people said you can't eliminate parking for a park. I don't think a compromise on this would be a good idea. Don't carve out little pieces. Don't bring a half plan to potential donors. Vote for Option 1. Don't delay the fundraising.

The next speaker is an engineer. He was also the civil engineer who was hired by Arcturis on this Gateway plan. He suggested that the original plan was a 10,000-foot plan – and now we are boring down. Handicapped access is a real issue. There is nothing in this general area. The Stevenson's are willing to work toward this. There IS room for compromise. We are willing to make this a high priority if you can table this for even 2 weeks tonight. You may feel like we are coming in at the last minute. Happens all the time. Let's give this another look. I think we can solve these problems. This is not just about creating parking for the Stevensons, this is about making the project better for all.

Skala asked if he had been involved in an earlier charette. He said he had not. He indicated that he had joined this project as of last Wednesday.

The next speaker indicated that she has a small law office on the west side of the ice house building. She indicated that they do a lot of estate planning and many clients utilize the parking and the ramp that goes to their door. If you park on the south, it would not be a good solution for her general clientele. The Mayor asked what the Stevenson lease says. She said it indicates that they have access to the lot. The next speaker offered a different opinion. She found out later that the city owns half the lot. The Mayor asked how it was represented. She could not say exactly but did indicate that she signed the lease in August of 2017.

The next speaker supported Option 1 and did not believe that angled parking would work in the compromise solutions. I wish I could have parking on all 4 sides of my building, but that is a luxury I don't have as a downtown property owner.

The next speaker said we should consider safety. Should we not put a fence around this? Could the handicapped not travel over the new bridge? Could we consider angled parking at Flat Branch. Could that street be made into a one-way street? These are problem solving solutions. You could have put a parking garage at the north east corner. What if you put a new garage at Office Depot to solve parking issues?

Another speaker said she works for Columbia Real Estate and has spoken to many surrounding businesses. She likes the park idea, except for taking out the parking. We have done a lot of talking inside of our business. She asked for people to stand and most of the audience rose in opposition to Option 1 and in support of Option 2. The Mayor asked how long they have been there. She said since February of 2019. The Mayor asked how the parking was described in her lease. She was not legally sure.

The public hearing was closed.

Ruffin said that in the original plan there was a pedestrian island on Broadway. That is not there. He is concerned about people using the parking across Broadway to access the park and that would not be safe. The Mayor asked if the city notified the users of this parking when the agreement ended? Staff said that users were notified in June of 2017. He wanted to know if the city has any legal obligation to provide access to the stranded parking spots? The staff said they do not.

Skala is sympathetic to the idea that this is a generational opportunity and that this goes back quite a way including old corridor planning and charettes and the possibility of apartments across the street, etc. We decided to invest in the McAdams property. This downtown is only 8 or 9 blocks long. I park on top of the police station. I look for the best parking spot. However, there are some ideas that transcend practical parking. He said he was inclined to support Option 1.

Thomas said he supports downtown business. He noted that downtown is different. He said there are a lot of people who come downtown on bikes. He said there are a lot of underutilized spaces in this area and he has looked at usage. He noted that there are acres of unused parking at Office Depot. I think weighing the need for parking against the original plan, he will support the original Option 1.

Trapp noted that when he voted to buy this land, he did not realize it would impact parking. He thinks this is a generally good plan. He wishes that there could have been a compromise, but he believes he will support Option 1.

Pitzer said every time we discuss issues that have to do with this area and CVS and the ice house and the park – it becomes contentious. I have a hard time envisioning what the park will look like if we don't get that piece of land on the south. I think if you got that piece in return for some parking it might make the whole thing better. Maybe the owner should have offered to move the light pole. I am not going to negotiate the whole thing here, but I am willing to give it a shot and believe that we could get some more ideas on the table for a short period of time and we might be able to work to a slightly different conclusion.

The Mayor indicated that his frustration was that the city has owned that corner for 20 years. They acquired even more property there. We used those dimensions to make a plan. We notified the owner that the use was changing. He signed leases. I think the tenants were misled when they thought they were going to get parking at that building. I am glad that Thomas monitored parking use. I don't think it was our responsibility. I feel sorry for people who thought they would always have parking. I think we should have some accessible parking here, but I don't want to jeopardize this property that we have owned for a long time.

Skala said he remembered that when this property was used by the McCaskill campaign that parking was full. I am generally for compromise. Not this time.

Pitzer made a motion to table the issue and look at Option 3 as a basis for an alternative plan during the next 2 to 4 weeks. The motion was seconded. The Mayor said he would prefer to pass Option 1, then let the city manager go back to the adjacent property owner with some leverage to see if some further improvement could be made. Maybe they can work out something with angled spaces, moving the light pole. But, vote for Option 1 first and preserve our lot lines. It was made clear that this is simply a vote to approve the master plan and that any final plans will have to come back to council anyway.

The motion to table was withdrawn.

A vote was taken on the resolution as submitted. The item was approved unanimously.

A motion was made by the Mayor to instruct the city manager to further negotiate this with the adjacent property owner for a few more weeks. Thomas said he would not support that unless it was specified that whatever is decided is acceptable to the CID, etc. The motion was approved by voice vote so the city manager will pursue additional possible accommodations with the adjacent property owner.}

R71-19 Approving the “Flat Branch Park Expansion Master Plan.”

[Read & Vote/Mayor Memo] Recommended Action:

(Action: **Vote to approve Option 1 with an instruction for the city manager to talk with the neighboring property owner occurred. See discussion of previous item.**)

PH20-19 Voluntary annexation of property located on the south side of St. Charles Road and south of Talon Road (5200, 5202 and 5210 E. St. Charles Road) (Case No. 113-2019).

[See B112-19 under Intro & 1st Read/Mayor Memo]

(Action: The applicant is seeking to permanently zone 1.62 acres to City M-N (Mixed Use-Neighborhood) from County R-S (Single-family Residential) and C-N (Neighborhood Commercial), and 1.18 acres to City M-C (Mixed Used-Corridor) from County C-GP (Planned Commercial) upon annexation. The request includes three separate parcels of land that are under common ownership. The existing County zoning ranges from commercial on the two eastern parcels to residential on the west parcel.

All three parcels, according to the applicant, are in current use as rental residential dwellings. All will be required to receive certification through the City’s rental program upon annexation. The two east properties are currently improved with one residential dwelling, while the western parcel includes four separate single-family detached dwellings.

The subject site is within the Urban Service Area as presented in Columbia Imagined; however, the site does not currently have direct access to a City sanitary sewer main on site, which will require a main extension. The nearest location of an existing service that could be extended is within the Hawks Ridge Subdivision, on the north side of St. Charles Road. No capacity issues exist at this time. The property is located outside the electric and water service territories of the City of Columbia. Water is provided by Public Water Supply District 9, which has an existing four-inch line along St. Charles Road. This existing service does not meet the City’s requirement for fire flow, so any improvements to the site in the future may require a water main extension.

The Planning and Zoning Commission considered the permanent zoning request at their March 21, 2019 meeting. The Commission voted (9-0) to permanently zone the property M-N and M-C as requested.

Peters asked about the effectiveness of the current water system in this area. Staff indicated that it will require upgrading to the city fire code if new development occurs. She asked about the meaning of the Urban Service Area designations since the city will not be providing all services to this area. It was explained that this area will retain some original service providers but that some properties across the street may receive some city services and this property may require other city services at some point.

An engineer appeared on behalf of the applicant and offered to answer questions. He also indicated that the properties could meet water and sewer standards if needed in the future.

This item was a public hearing only and no vote was taken on the proposal.)

OLD BUSINESS

B99-19 Authorizing the issuance of Water and Electric System Revenue Bonds, Series 2019A.

(Action: This ordinance authorizes the issuance of Water & Electric System Revenue Bonds, Series 2019A in an amount not to exceed \$15,590,000. The purpose of these bonds is to extend and improve the System. In August 2018 the citizens of Columbia approved the issuance of \$42.825 million of bonds to fund various water system improvements. This is the first installment leaving \$27.235 million of the voted authority remaining. Repayment will be funded through the 3% water rate increase approved on ordinance 23763 dated 1/22/2019. Principal plus interest matures annually each October until 2049.

Pitzer asked how the bonds were rated? Staff indicated that they received an A+ rating and that the average yield was just under 3.1%. That is the same rating that bonds received in February of this year.

There was an amendment sheet distributed reflecting some new yields.

No one from the public spoke.

A motion to approve the amendment sheet was made and approved.

The authorization of the issuance of the bonds was unanimously approved.)

B101-19 Approving the Final Plat of "Tandy's Addition Plat 2" located on the southwest corner of the College Avenue and Wilkes Boulevard intersection; granting a design adjustment relating to street right-of-way (Case No. 72-2019).

(Requires approval by 2/3 of Council.)

(Action: The applicant, Simon & Struempf Engineering on behalf of Atkins CPS, Inc. (owner) is seeking approval of a one-lot final plat of IG (Industrial - General) zoned property, constituting a replat of all or part of Lots 3-5 of Block 3, Tandy's Addition, to be known as Tandy's Addition Plat 2. The 0.55-acre subject site is located at the southwest corner of College Avenue and Wilkes Boulevard. The site is currently vacant and the replat would consolidate the separate lots into one allowing for the redevelopment of the site as a whole without being split by existing lot lines.

Accompanying the replat is a request to grant an 18-foot design adjustment from the required half-width dedication of right of way along the property's College Avenue frontage. College Avenue in this location requires a half-width of between 53- 55 feet, as the roadway is classified as a major arterial. The existing right of way is a total of 70 feet (35- foot half-width). When this issue was brought to P&Z, staff did not support the design adjustment part of the request and the design adjustment failed by a vote of 2 to 7. P&Z was, however, willing to approve the replat if the applicant would grant the additional right of way. A motion to approve the plat with the condition that it be revised to dedicate the full amount of required right of way for College Avenue was passed (8-1).

Since that time, the applicant has NOT revised the original plan. The plat attached to this report is the same as was reviewed by the Planning and Zoning Commission.

Staff explained that they did not believe that the additional right of way was really necessary at this time, but that since the property was vacant, it would not have a big impact on this property to grant that additional right of way. Thomas also clarified that the super majority required was for the design

adjustment request only, and not for the overall plan. Thomas indicated that he thought this was way over engineered. Pitzer asked if MO Dot had indicated that they don't need the additional right of way? Staff said that is correct. Pitzer asked then, if in the future the right of way was needed, wouldn't MO Dot need to get that right of way and not the city? The staff said that was not quite true since they would have abandoned the right to that additional 18 feet. Staff also indicated some other properties in the area may not be able to grant such extensive right of way without intruding on existing structures.

The public hearing was opened.

An engineer appeared on behalf of the applicant and reviewed the general dimensions of where the right of way runs along the roadway. He noted that many buildings are located in such close proximity to the road that the grant of the full right of way would be impractical and that it sends the message that the city values the right of way more than existing homes and businesses. He showed where Stephens College properties, University of Missouri properties and other homes exist within the full right of way area. He asserted that sometimes the code doesn't meet the existing conditions. So, where is the reasonable line? The speaker said that he does not want to impact someone else negatively in the future just because of a rule that doesn't really fit the situation.

The speaker found another property along here that granted no additional utility easement and showed some half width on only one side of the street. He thinks that made better sense than impacting at least 80 existing structures. He said the applicant's request would still allow for future improvements like bike lanes or some widening and also accommodates some widening. Initially, city staff agreed to the lesser width, but changed their collective minds and shifted their position. The Mayor asked if he had that in writing? The speaker said he had some emails, but he didn't think it was appropriate to submit those. He also indicated that he would accept tabling to get to a compromise.

Peters asked if they were planning to build right up to the lot line? The speaker said a new use was not yet determined, so he could not say for sure. Pitzer asked if there are other setbacks required? Staff said that yes, because it is industrial there are some setbacks in addition to the utility easement and the utility easements will not overlap the existing right of way. The street standards have existed since 2006. This is not a new rule.

Another engineer appeared to support this request. He said this did represent a change in policy and it would have a negative impact. The new UDC often requires replatting, and anytime that happens, the property can be subject to the additional right of way process. If MO Dot doesn't need it, we should not grant this cart blanche approach up front. The speaker said it is easier to get easements as you go along, but it is not the best policy. The Mayor asked if this was a new policy? Staff said that yes, they are looking at these kinds of situations a little differently, but they don't just want to run out and displace existing structures. It is a forward-looking policy possibility.

There were no further speakers.

Thomas said he supports the design adjustment and does not believe that we need the expanded street width on this road; that it is contradictory to our climate action plan where we try to reduce reliance on automotive traffic; and he thinks that you could never achieve complete acquisition of this right of way along this road anyway, so why force it here?

The Mayor said he completely disagrees. He believes that if we don't do it here, we will never do it. He said he did not know what Thomas' vision for this roadway was, but he thought that this was an entrance to the city and that we should bank right of way when we can in accordance with what the code has said for decades.

Trapp thinks that the fact that MO Dot did not ask for this, it does fit with a future vision for this area and that he will support the design adjustment. Skala is intrigued by not micro-managing this, but he does not want to foreclose on the potential to get this property. This is on a corner and he thinks that makes it different. The Mayor said that just because we do it here, it does not mean that we will continue to go get this from everyone else unless they replat, and then we should.

The vote on the issue was called. The item required a 2/3 approval due to the design adjustment vote by P&Z. The motion received 4 votes in favor, with 3 against, which was short of the required 2/3 vote required.

The Mayor then asked about tabling the motion. The clerk said it was too late to table because they had already voted on the issue. The Mayor apologized and asked how the problem could be avoided in the future. Staff indicated that tabling would have to occur earlier in the discussion.

Staff further indicated that the applicant could start the process over with a different request or alternatively, that a member who voted on the prevailing side of the issue could ask for reconsideration of this item. Otherwise, it goes back to P&Z and starts all over.)

CONSENT AGENDA

(All items remaining on the Consent Agenda were approved unanimously.)

B100-19 Rezoning property located on the southwest corner of the Vandiver Drive and Mexico Gravel Road intersection from District PD (Planned District) to District M-C (Mixed-Use Corridor District) (Case No. 71-2019).

B102-19 Approving the Final Plat of "On The Ninth at Old Hawthorne, Plat No. 1-A" located on the east side of Bunker Loop and east of Old Hawthorne Drive West (Case No. 65-2019).

B103-19 Authorizing a memorandum of understanding with the Missouri Department of Social Services - MO HealthNet Division for Medicaid reimbursements as it relates to the provision of paratransit services to qualified individuals.

B104-19 Authorizing an administrative services agreement with the Mid-Missouri Solid Waste Management District for administrative and grant coordination services.

B106-19 Authorizing a first amendment to commercial mobile radio service antenna agreement with Sprint Spectrum Realty Company, LLC, successor in interest to Sprint Spectrum L.P. (successor by merger with Alamosa Missouri Properties, LLC), relating to the lease of property and space on the Shepard Water Tower (1160 Cinnamon Hill Lane).

B107-19 Amending Chapter 2 of the City Code to reduce the number of members on the Mayor's Council on Physical Fitness and Health.

B108-19 Authorizing a Memorandum of Understanding with the Missouri Department of Health and Senior Services for STD testing and treatment services.

B109-19 Appropriating Share the Light funds for the purchase of dental supplies and training materials and tobacco cessation materials.

B110-19 Appropriating funds for the redesign, printing, storage and distribution of the Convention and Visitors Bureau area guide.

B111-19 Appropriating funds received from the Community Foundation of Central Missouri to provide for reimbursement of the additional costs associated with temporary administrative assistance.

R62-19 Setting a public hearing: proposed construction of the Shannon Place PCCE #22 Sanitary Sewer Improvement Project.

R63-19 Setting a public hearing: voluntary annexation of property located on the north side of St. Charles Road and approximately 400 feet west of Grace Lane (5305 E. St. Charles Road (Case No. 123-2019).

R64-19 Setting a public hearing: consider approval of the design concept proposed by artist Beth Nybeck for the Molly Bowden Neighborhood Policing Center Percent for Art Project.

R65-19 Authorizing various Adopt a Spot agreements.

R66-19 Consenting to the issuance of a state license for the sale of intoxicating liquor to 260 Bar, LLC, d/b/a Brookside Poolside, located at 260 S. Tenth Street.

R67-19 Authorizing a first amendment to the social services provider agreement with Wilkes Boulevard United Methodist Church for homeless drop-in center services.

R68-19 Authorizing a license agreement with Oldways Preservation and Exchange Trust, Inc. for the use of the "A Taste of African Heritage" (ATOAH) cooking and nutrition curriculum.

R69-19 Authorizing an agreement for professional services with Gabriel, Roeder, Smith & Company for actuarial services related to the administration of the City of Columbia Police and Firefighters Retirement Plans.

R70-19 Authorizing staff to proceed with the preliminary design and expenditure of funds associated with the proposed construction of the Glenwood Avenue and Redbud Lane Private Common Collector Elimination Project (PCCE #25); directing that a public hearing be held upon completion of the preliminary plans.

NEW BUSINESS

(None.)

INTRODUCTION AND FIRST READING

(All items introduced as indicated.)

B112-19** Voluntary annexation of property located on the south side of St. Charles Road and south of Talon Road (5200, 5202 and 5210 E. St. Charles Road); establishing permanent M-N District (Mixed Use-Neighborhood) and District M-C (Mixed Use-Corridor) zoning (Case No. 69-2019).

B113-19** Approving the PD Plan of "Bearfield Plaza Plat 1-B, Lot 1B-1" located northeast of the Grindstone Parkway and Bearfield Road intersection (Case No. 74-2019).

B114-19* Approving the Final Plat of "Bristol Ridge, Plat No. 1" located on the east side of Bearfield Road and approximately 1,400 feet north of Gans Road; authorizing performance contracts (Case No. 73-2019).

B115-19* Changing the name of "Baxley Court" to "Baxley Drive" (Case No. 87-2019).

B116-19* Authorizing an annexation agreement with Kenneth A. Stauffer for property located on the south side of Mexico Gravel Road and west of Lake of the Woods Road (5704 E. Mexico Gravel Road) (Case No. 94-19).

B117-19* Accepting a conveyance for tree preservation easement purposes from Christian Fellowship Church of Columbia, Missouri, Inc.

B118-19* Authorizing an intergovernmental cooperation agreement with The Curators of the University of Missouri for integrated shuttle bus service on campus.

B119-19* Authorizing a right of use license permit with Stephens College for the construction, installation, maintenance and operation of signage on the pedestrian bridge located over a portion of the East Broadway right-of-way.

B120-19* Authorizing a right of use permit with Missouri Network Alliance, LLC, d/b/a Bluebird Network, for the installation and maintenance of fiber optic cable within portions of the Stadium Boulevard, Worley Street and Old Highway 63 rights-of-way.

B121-19* Amending the FY 2019 Annual Budget by appropriating funds to provide for limited Go COMO transportation services on Saturdays and three (3) University of Missouri home football games.

B122-19* Amending Chapter 2 of the City Code as it relates to membership and attendance requirements, and duties and responsibilities of the Youth Advisory Council.

B123-19 Amending Chapter 27 of the City Code to establish a water rate structure for community food gardens.

B124-19* Amending Chapter 27 of the City Code as it relates to winter average consumption water rates.

B125-19* Authorizing an electronic signature agreement with the United States Environmental Protection Agency in compliance with the Risk Management Plan (RMP) Rule of the Clean Air Act as it relates accident prevention and emergency response practices at the McBaine Water Treatment Plant.

B126-19* Accepting conveyances for sewer purposes; accepting Stormwater Management/BMP Facilities Covenants.

B127-19* Authorizing a first amendment to the facility usage agreement with The Curators of the University of Missouri for the development and construction of a cross country course and associated amenities at the Gans Creek Recreation Area.

B128-19* Authorizing an inspections participation agreement with the Missouri Department of Health and Senior Services for the summer food service program for children.

B129-19* Authorizing The Right Time initiative participation contract with the Missouri Family Health Council, Inc. for family planning services; amending the FY 2019 Annual Budget to add a position to the Department of Public Health and Human Services; appropriating funds; amending the FY 2019 Classification and Pay Plan.

B130-19* Amending the FY 2019 Annual Budget by appropriating donated funds to be used by the Department of Public Health and Human Services for the healthy families home visiting program.

B131-19* Authorizing a Fixed Account Amendment to the Group Flexible Purchase Payment Deferred Variable Annuity Contract with Nationwide Life Insurance Company.

B132-19 Amending the FY 2019 Annual Budget to add positions to the Municipal Court to provide for increased costs due to changes in the administration of parking tickets; appropriating funds.

B133-19 Amending the FY 2019 Annual Budget by appropriating funds to the Law Department - Prosecution Division to provide for increased costs due to changes in the administration of parking tickets.

B134-19 Amending Chapter 14 of the City Code relating to parking tickets and towing.

REPORTS

REP35-19 Central Bank of Boone County Time Capsule Certificate of Deposit.

(Action: In 1969, four \$100 certificates of deposit were presented by Boone County National Bank to the University, Stephens College, Christian College and the city of Columbia. The certificates were deposited in the bank's time capsule which was buried in the front of the Fountain Lobby of the bank. At that time, it was estimated that the certificates would be valued at \$1,059.30. On April 18, 2019 Central Bank of Boone County presented the city of Columbia with a check in the amount of \$1,199.52 as a part of their time capsule celebration. Staff is recommending that the money be used to fund the development of the Founders Park at Flat Branch. Pitzer said maybe the money ought to be put into a general fund and we use it for something else. The Mayor thought this was a good use. Pitzer said he would go along. Staff will bring back a specific motion to accept the funds at a future meeting.

REP36-19 Growth Impact Study and Annexation/Sewer Policy.

(Action: This report recommends and requests a work session with Council on two related topics: The Growth Impact Study that was budgeted for the current fiscal year, and a review of the city's annexation policy. The FY2019 Budget includes \$75,000 in City Council FY 2017 savings to fund a Growth Impact Study. The task remains to develop a scope of services. City staff are prepared to assist in this task. Because this is a Council initiative, staff recommends that the Council schedule a work session to review in greater detail the scope and purpose, and expected outcomes, of the growth impact study.

Staff asked the council to think about what kinds of things need to be included in the work session in terms of areas of interest, questions, who pays for infrastructure, etc. Thomas said he wants to know what the true cost of expansion of infrastructure is including our school system. If we have to simply select a few we probably need to examine electricity, water, public safety, roads etc.

Skala wants to examine our policy of how we work incentives or disincentives when areas are outside the urban service areas. The Mayor indicated he will wait until the worksession to bring questions. Pitzer said we also need to evaluate jobs, new business and the costs of not growing as well. He also wants to look at city annexation initiatives. Staff said that is including but that we have not pursued city-initiated annexations in a long time in Columbia.

The meeting will be held on June 17. No further formal action was taken.)

REP37-19 Administrative Public Improvement Project - Sinclair Road and Southampton Road Sidewalk Gaps.

(Action: The Sinclair Road and Southampton Road sidewalk gap project meets the eligibility requirements to follow the administrative public improvement process. The project includes constructing 5-foot wide concrete sidewalk in order to connect existing sidewalk with newly constructed sidewalk.

On Sinclair Road, the gap is approximately 65 linear feet along the backyard of 5109 Covington Court, and will connect the sidewalk constructed as part of the subdivision development with the sidewalk constructed for the new middle school. On Southampton Road, the gap is approximately 35 linear feet along the backyards of 1805 and 1807 Kenilworth Drive. The sidewalk will be constructed in existing street right-of-way and will connect two sidewalks constructed by subdivision developments.

Staff has contacted property owners adjacent to the gap on Sinclair Road (5109 Covington Court) and adjacent to the gap on Southampton Road (1805 and 1807 Kenilworth Drive). A City term and supply contract will be utilized to complete the sidewalk construction, which is planned for this summer. The estimated total project cost is \$30,000.

Staff explained that we have had a lot of complaints about this. They have also found a tree that will need to be removed and a place where there is a difficult drainage area that will need to be overcome.
No further action was taken.)

REP38-19 Additional Payments Audit Report.

(Action: The Additional Payments audit report is the deliverable summarizing the work performed during the Additional Payments audit, which was conducted to determine if the City is properly and efficiently utilizing the additional payments to employees as permitted by ordinance.

This was the first report from the new city auditor. It dealt with how we reimburse employees for stuff like work clothes, boots, car allowances, etc. The Mayor asked for an additional look at more effective reporting by the recipients of the funds. The Mayor wants to see all the audit reports at the end of the year in a compendium to see if we have implemented the recommendations that come from these audits. The Mayor said we spend \$866,000 a year on this kind of thing and we need to see if the spending meets the needs. Pitzer thought this was a good first step. The Mayor asked to create an accountability procedure and a measurement tool regarding implementation.

Trapp noted that the auditor's note said that there is not yet a quality assurance process in place and thought that such an approach should be built first. Skala said that operational excellence is key.)

REP39-19 Burns and McDonnell Organic Waste Management Study.

(THIS ITEM WAS PULLED FROM THE AGENDA DUE TO SOME ERRORS CONTAINED IN THE ORIGINAL REPORT. IT WILL BE BROUGHT BACK ONCE THE ERRORS ARE ADDRESSED.)

REP40-19 Social Services Funding Allocation Process Report.

(Action: The Human Services Commission and the Department of Public Health and Human Services (PHHS) are charged, by ordinance, with developing an annual plan for the allocation of the City's social services funding. To solicit and contract social services, PHHS issues requests for proposals (RFPs), the responses to which are reviewed by the commission and staff, resulting in the annual contract recommendations to the City Council. In order to better target limited resources, social services funding has been allocated to address five priority issue areas:

- Basic Needs and Emergency Services
- Children, Youth, and Families
- Economic Opportunity
- Independent Living
- Behavioral Health

Since 2009, RFPs, and the resulting purchase of service contracts, have been issued by these issue areas in a staggered, three-year cycle. Based on learning and adaptation under a continuous quality improvement approach, the social services funding allocation process is being revised to shift from a three-year funding cycle targeting five issues areas, to a two-year cycle addressing two comprehensive issue areas known as Basic Needs and Opportunity.

It is important to note that the issues of behavioral health and independent living will still be addressed, but will be considered as part of the broader issue of basic needs. The population of children, youth, and families will also continue to be served; however, we will do so within the two issue areas rather than as a separate, stand-alone population.

Future allocations, by the revised issue areas and funding cycle, will be as follows:

Basic Needs: \$558,472.50 (Annual average)

Opportunities: \$335,083.50 (Annual average)

Total: \$893,556.00 (Average per year)

The Mayor asked when the council will see next year's recommendations? Staff said that typically comes in December. Thomas simply clarified the fact that the funding cycle is changing and staff noted that this new cycle will match the county's funding cycle for similar programs. Trapp said he believes that the

extra work on the part of the staff is worth the change to insure adaptability. He thought it was important that a city of this size continues to provide some level of social service funding. Skala agreed.)

REP41-19 Contract Compliance and Other Information Related to Bird Scooters.

(Action: At the April 1st Council meeting, there was Council discussion on electric scooters, generally, as well as Bird scooter's compliance with their contract. This report provides more detailed information on the topics referenced during the discussion.

Scooter-Related Injuries: It is difficult to know how many injuries were directly caused by electric scooters as ICD-10 codes do not include 'scooter' as a category. The Department of Public Health and Human Services found that data on these injuries is not collected in any systematic fashion.

Resident Reporting: Citizens may report violating scooters to the City's Contact Center. Scooter complaints that are reported to the Contact Center will be forwarded to Bird by City staff. Bird will then have two hours to address the issue or the City will confiscate the scooter. Bird will be required to pay a penalty and storage fee to retrieve the scooter. When scooters are confiscated, Bird must retrieve them within 24 hours of receiving the impoundment notice. The penalty is \$100 per scooter and a \$50 per day fee for storage. The City may dispose of any impounded scooter 72 hours after providing impound notice to Bird.

Payment: At present, the City has received the \$45.00 license application fee and the \$10,000 regulatory fee. Bird is responsible for quarterly payments of \$1 for each scooter in operation per day – the quarters are three-month intervals in the standard calendar year – and payments are estimated to be around \$20,000. The City did not receive payment from the final quarter of 2018 within 30 days of the end of the quarter – this could constitute a breach of contract. There was indication that Bird planned to include this payment with their first quarterly payment of 2019, which would be due at the end of April. The City did receive the payment for both quarters on May 1. Business license renewal fees will be due on June 30, 2019.

Scooter Parking and Placement: Bird has initiated a monitoring program with the City; this includes working with the Contact Center for reporting and committing to address reported concerns within two hours of written or oral complaint else risk the scooter becoming impounded. At present, staff has not been dispatched to address scooter violations, which suggests Bird has been timely with any complaints received. Bird has been working with the City's GIS Division to begin sharing data, as outlined in the contract. Bird's contract outlines hours of operation as being from dawn to dusk or 8PM, whichever is later. Bird has operated past these hours; this could be considered a breach of their contract. Bird has been contacted about this issue. Bird is required to halt operations when rain or snow is anticipated and remove all scooters from the right-of-way when snow is forecasted. There were snow events last year where Bird failed to meet their obligations outlined in the contract – this could constitute a breach of contract.

Staff admitted that they are spending more time than they had intended on handling problems related to this company, but they are on top of it. They explained that some scooters are brought in from other towns that have different requirements, so sometimes they are not programmed correctly, but they are working on getting it right. Peters asked about getting better safety data, and there is not a completely reliable source for that. Thomas wanted data on rider safety compliance. Staff said they are trying to figure out how to derive some data from the apps, including who was the last user who used a scooter improperly. Thomas asked about people who ride scooters on the sidewalk and whether police officers

stop people who ride on the walks? No. They don't. Staff said that "bad judgment is being used everywhere" by riders, including reports of people riding scooters on freeways. Only 9 calls have come into our local call center complaining, although some people call Bird directly and we don't have that data.

No specific action was taken.)

REP42-19 Amendment to the FY 2019 Annual Budget - Intra-Departmental Transfer of Funds.

(Action: According to Section 44 of the City Charter, intra-departmental transfers are made by the City Manager upon recommendation of a department head, and such transfers shall be reported to the City Council at the next meeting. These intra-departmental transfers are made only within departments and do not include inter-departmental transfers between departments.

GENERAL COMMENTS BY PUBLIC, COUNCIL AND STAFF

Public

The first speaker noted that in the last few days he had seen three young ladies riding in a line on a sidewalk. If we have a fine for some of these things, maybe they will think twice about breaking the rules. I noticed that a new street was put in in the Whitegate area. The street was smooth and had no odor. Keep it up. In the Blueridge area, there is an abandoned nursing home. Could we use that to house the homeless? Maybe this is just gossip. On another topic, we have a new group connected with the veterans for homeless people. We need shelters. Why the delay?

Council

Trapp indicated that the abandoned nursing home went to Community Cathedral and it will become a church. He asked to take a look at ride share drop offs and pick ups and if we need to establish places like taxi stands, we should look at that. He wants to explore the strategic plan more thoroughly. He appreciates the police policy review process and believe that we can overcome our technical hurdles.

Pitzer said that we passed a right of way for utilities policy and he would like an update on how that is working. He has heard a handful of complaints and wants an update.

Skala brought up the issue of interviewing candidates for P&Z. He understands that now there are 10 candidates. He said that in the old days that council conducted interviews for the hour or half hour before worksessions. He wants to adopt a matrix to reduce the number of interviews and maybe they can determine finalists for interviews before appointments are made. Let's set up some time to look at candidates and then reduce the number to a manageable number. How are we going to do this before May 20? The Mayor indicated that he can't do it before May 20, and on that day, there will be some council members missing. The clerk also noted that the worksession is already booked. The Mayor agreed that he likes the idea of using a matrix to narrow down the list of candidates before the vote on appointments.

Pitzer said it is not fair to do this this time. Let's set a policy first. Then apply it. They are doing a lot of work on P&Z right now. Skala said they always do. Peters said if we are going to appoint three people we need more than four people to interview. Trapp suggested skipping the interview for this round of appointments and move forward. There will be two council members missing at the next meeting.

The Mayor asked if there is a council policy about appointments. He wanted to know if appointments have to be made at public meetings? He wanted to know if it is an ordinance or a policy that requires

public discussion and appointment? The clerk said there are rules about posting positions and terms of service, but there is no justification for closing the process under Sunshine rules.

Skala said that he thinks the Ballenger Lane improvements are a wonderful thing. He spoke to the Japanese delegation about volunteerism and boards and commission participation and they were impressed with our level of involvement. He thought his meetings with them were enjoyable.)

Staff
(None.)

ADJOURNMENT

(Time: 10:58 PM – “tell Bob Pugh we got out before 11”)

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