

MEMORANDUM

TO: Mike Geisel, City Administrator
FROM: Craig White – Finance Director CDW
DATE: November 29, 2016
SUBJECT: Finance and Administration Committee of the Whole Minutes – 11-28-2016

The Finance and Administration Committee of the Whole met on Monday, November 28, 2016. Those in attendance included: Chairperson Bruce DeGroot, Ward IV; Councilmember Barry Flachsbart, Ward I; Councilmember Barbara McGuinness, Ward I; Councilmember Guy Tilman, Ward II; Councilmember Bridget Nations, Ward II; Councilmember Randy Logan, Ward III; Councilmember Dan Hurt, Ward III; and Councilmember Tom DeCampi, Ward IV.

Those also in attendance included: Mayor Bob Nation; City Administrator Mike Geisel; Finance Director Craig White, Interim City Attorney Chris Graville; City Clerk Vickie Haas; Mary Ann Madden, Recording Secretary; and two members of the public.

Chairperson DeGroot called the meeting to order at 5:30 p.m.

I. APPROVAL OF MINUTES

Councilmember Logan made a motion to correct the minutes to reflect that his motions to eliminate funding for advertisements in the St. Louis Business Journal and funding the Civic Orchestra were separate and to be voted on separately. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 8 to 0.**

Councilmember DeCampi stated that the minutes should include the discussion on the ordinance related to victims of crime. He noted that the discussion had included the possibility of taking the ordinance to the full Council, and Councilmember Hurt's suggestion to postpone taking the ordinance to Council until after the budget was completed. **Councilmember DeCampi made a motion to correct the minutes as noted above.** The motion was seconded by Councilmember McGuinness and **passed by a voice vote of 8 to 0.**

Councilmember Flachsbart made a motion to approve the minutes, as corrected. The motion was seconded by Councilmember Tilman and **passed by a voice vote of 8 to 0.**

II. NEW BUSINESS

A. Review of City Council Policies 1-5

Vickie Hass, City Clerk, provided a summary of recommendations to City Council Policies 1-5 as follows:

Policy No. 1: City Council Committee Organization

Staff recommendation is to combine the information found in City Council Policy No. 16 (*Appointment of Vice-Chairperson for Standing Committees*) into Policy No. 1.

During discussion it was pointed out that City Code Section 2-54 pertains to Standing Committees, which makes Policies 1 and 16 unnecessary. **Councilmember Flachsbart then made a motion to delete City Council Policies 1 and 16.** The motion was seconded by Councilmember Nations and **passed by a voice vote of 8 to 0.**

Policy No. 2: Committee Agendas

Staff recommendation is to delete Policy No. 2 as it is considered unnecessary since the policy covers a standard practice followed by Staff.

Councilmember Flachsbart made a motion to delete City Council Policy No. 2. The motion was seconded by Councilmember Logan and **passed by a voice vote of 8 to 0.**

Policy No. 3: Membership-Non-Statutory Committees

Staff recommendation is to combine Policy No. 3 with information found in Finance & Administration Policies No. 11 (*Minutes for Individual Boards/Commissions/Committees/Task Forces*), No.16 (*Membership-Statutory/Non-Statutory Committees*), and No. 21 (*Funding for Boards/Commissions*).

Discussion ensued regarding how the process of a Mayoral appointment would proceed if a Councilmember made a recommendation that the other same-Ward Councilmember opposed. It was determined that such a situation would result in a stalemate and another nominee would need to be recommended. Councilmember Flachsbart suggested that the policy be revised to allow the Mayor to appoint an individual to a non-statutory committee with consent of the majority of Council in the event agreement cannot be reached between both Councilmembers in whose ward the nominee resides.

After further discussion, Councilmember Flachsbart made a motion to approve City Council Policy No. 3, as presented by Staff. The motion was seconded by Councilmember Logan and **passed by a voice vote of 8 to 0.**

Councilmember Flachsbart then directed Staff to gather information on what other municipalities do in a similar situation and to provide that information to the Committee.

Policy No. 4: Meeting Room Reservations

Staff recommendation is to delete Policy No. 4 as this information is included in the recently-revised Public Works Policy No. 44 (*City Hall Rental and Use*).

Councilmember Flachsbart made a motion to delete City Council Policy No. 4. The motion was seconded by Councilmember Logan and **passed by a voice vote of 8 to 0.**

Policy No. 5: Speakers - City Council Meetings

Staff recommendation is to combine Policy No. 5 with information found in Finance & Administration Policy No. 32 (*Handling of Questions from Audience during City Council Meetings*).

Councilmember Logan referred to the statement of: *Individuals who seek to address City Council are allowed to speak without cross-examination by members of City Council.* He noted that there are times when Councilmembers have questions for the Speaker. Interim City Attorney Graville clarified that the term *cross examination* is a legal term whereby the Speaker would be required

to be sworn in. The language proposed in the policy does not preclude Councilmembers from asking questions of the Speaker.

Discussion ensued regarding the stipulation that Speakers must sign up with the City Clerk within ten minutes after the meeting has started. Councilmember Flachsbart suggested that the sign-up period be shortened to within 3-5 minutes after the meeting has started. Councilmember Hurt preferred maintaining the 10-minute period; Councilmember McGuinness suggested not having any time restrictions on when a person could sign up to speak. City Clerk Vickie Hass stated that not having a restricted time limit could prove somewhat chaotic when there are large crowds and she is responsible for recording meeting minutes. It was then noted that Council has the right to suspend the rules during a meeting and allow Speakers to sign up after the designated sign-up period.

Councilmember McGuinness suggested that the following statement be removed from the policy as it is seldom followed and is deemed unnecessary:

The City Attorney is directed to say, "The communications and petitions portion of the meeting was not intended to be a time for debate and it is the prerogative of each individual Councilmember to respond or not. You should feel comfortable in calling the Mayor or individual Councilmembers outside of this meeting."

Councilmember Logan made a motion to approve revised City Policy No. 5 with the deletion of the above verbiage. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 8 to 0.

B. RSMO 595.209 – Rights of victims and witnesses - written notification, requirements

City Administrator Mike Geisel stated that Agenda Item B has been forwarded to the Public Health & Safety Committee.

C. CVAC Preferred Users Contract

City Administrator Mike Geisel recommended that the City extend the existing preferred users contract with the Chesterfield Baseball & Softball Association and the Ascension Athletic Association for an initial term of five years with an additional automatic five-year extension unless either party elects to opt out. He stated that the current contract is due to expire in 2019 and because the City and Associations are both trying to do long-term planning for the athletic fields, the contract extension is being recommended.

Councilmember Flachsbart made a motion to extend the existing preferred users contract with the Chesterfield Baseball & Softball Association and the Ascension Athletic Association for an initial term of five years and with an additional automatic five-year extension. The motion was seconded by Councilperson Tilman.

Councilmember Logan voiced his concern about Section 22-46 of the City's Parks Rules & Regulations, which relates to *Games and Activities* and asked that the Parks and Recreation Committee review this section with consideration of how drones should be addressed. He also stated that he thinks item (b) of this section is too restrictive.

Councilmember Logan also asked that Section 22-29 pertaining to *Bicycles* be reviewed with respect to the required age for cyclists to wear a helmet.

The vote on the motion to extend the contract passed by a voice vote of 8 to 0.

Councilmember Flachsbart then asked Councilmember McGuinness, as Parks Committee Chair, to have the Parks Committee review the Parks Rules & Regulations.

D. Update on Older Adult Task Force & Senior Transportation Program

Mr. Geisel provided information about transportation services that will be offered to senior residents (aged 60 and over) and to adults who are visually impaired starting in the spring of 2017. The service will be provided by the Independent Transportation Network (ITN), a national non-profit transportation system which has been in existence for over 20 years. Residents can purchase an annual membership which allows provides them with rides to anywhere within the service area. There is no financial commitment on the part of the City, but ITN has requested that the City provide office space at City Hall for dispatching purposes during regular business hours.

Question was raised about liability concerns. Interim City Attorney Graville stated that when City space is used a contract should be in place which includes indemnification language and insurance requirements, such as: adding the City as an additional insured; coverage for transportation vehicles; etc. It was also noted that ITN does background checks on employees and volunteers.

The Committee asked for information as to where ITN is dispatching from in the St. Charles area and several members noted their concern about City Hall being used for dispatching.

Councilmember Flachsbart made a motion to provide ITN Gateway available office space and phone equipment at City Hall for one year, after which time the matter would be reviewed. The motion was seconded by Councilmember Logan.

Councilmember Hurt expressed concern that a precedent could be set for allowing other not-for-profit organizations to utilize office space at City Hall. Councilmember Nations stated that she does not feel the Committee should act on this matter until Staff talks to the St. Louis County Taxicab Commission.

The vote on the motion to provide office space to ITN Gateway was as follows:

Ayes: Councilmember Logan, Councilmember Flachsbart

**Nays: Councilmember Hurt, Councilmember DeCampi,
Councilmember DeGroot, Councilmember Tilman,
Councilmember McGuinness, Councilmember Nations**

The motion failed by a vote of 2 to 6.

Chair DeGroot stated that the Committee is interested in this program but would like more information. He then directed Staff to get information on: (1) where ITN is dispatching from in the St. Charles area; and (2) the Taxicab Commission. It was agreed to place this item back on the Committee's agenda for January.

E. Potential Inclusion of the City of St. Louis in St. Louis County

Chair DeGroot reported that he, Councilmember Hurt, and the Mayor attended a recent Municipal League meeting where the agenda included an item recommending the inclusion of the City of St. Louis within St. Louis County. During discussion, only a few people expressed opposition including Mayor Nation, the Mayor of Wildwood, the Mayor of Ballwin, and a representative from Eureka. A vote to open discussions with the City of St. Louis regarding this matter passed overwhelmingly.

Chair DeGroot suggested that the City prepare a resolution stating that the City of Chesterfield has no desire to include the City of St. Louis in St. Louis County. He also recommended talking to the Cities of Wildwood, Ballwin, and Ellisville.

Councilmember Flachsbart made a motion directing Staff to prepare a resolution in opposition to the City of St. Louis joining St. Louis County; to encourage other cities to pass similar resolutions; and to place this item on the Council agenda for discussion. The motion was seconded by Councilmember McGuinness.

Councilmember Nations stated she is in favor of a merger between St. Louis City and St. Louis County noting that it is a huge regional issue and questioned whether the City of Chesterfield should take a stand on it without knowing more about what the process would be.

Mayor Nation stated that he feels there needs to be a “continued extraordinary redistribution of revenues associated with any kind of a re-entry of the City of St. Louis into St. Louis County”.

Councilmember Logan stated that without knowing any details about a possible merger, he felt it would be premature for the City to prepare a resolution opposing it.

Chair DeGroot advised that during the Municipal League meeting it was indicated that the City of St. Louis is losing corporations and not attracting new ones because of their crime statistics, which only reflect the City of St. Louis and not the wider region.

Councilmember Hurt agreed with the recommendation to not take a stand at this point. He added that allowing St. Louis City to join the County may provide an opportunity to redo the sales tax formula that could benefit the whole region.

Councilmember Nations stated that the merger includes other issues than just crime statistics – it includes police, fire, school districts, and the possibility of changing the City Earnings Tax.

Councilmember Flachsbart stated that all of these issues would need funding from the County to improve the current situation in the City of St. Louis. Councilmember DeCampi expressed his feelings that it would be a “monumental mistake” financially to allow the merger and does not think it would be well-received by Ward 4 residents. He added that he loves St. Louis City and enjoys it many amenities, such as the zoo, symphony, and sporting events but he feels that St. Louis “is diametrically opposed to Chesterfield”.

City Administrator Geisel pointed out that the Council meeting packets for December 5th are going out this week, and suggested that the resolution be presented at Council’s January 9th meeting in order to give Staff adequate time to prepare language for the resolution.

Chair DeGroot called for a vote on the motion to have Staff prepare a resolution opposing the inclusion of St. Louis City into St. Louis County:

**Ayes: Councilmember Hurt, Councilmember DeCampi,
Councilmember Tilman, Councilmember Flachsbart
Councilmember McGuinness, Chair DeGroot**

Nays: Councilmember Logan, Councilmember Nations

The motion passed by a vote of 6 to 2.

It was then agreed that Staff will present a proposed resolution at the December 5th Council meeting.

F. Proposed 2017 Meeting Schedule

Councilmember Flachsbart made a motion to accept the 2017 Meeting Schedule of the Finance and Administration Committee, as presented. The motion was seconded by Councilmember Logan and passed by a voice vote of 8 to 0.

III. UNFINISHED BUSINESS

Chair DeGroot announced that the *Unfinished Business* portion of the meeting would not be reviewed this evening.

- A. Business License Overview**
- B. F&A Citizen's Advisory Committee**
- C. City Attorney, Prosecuting Attorney, and Municipal Judge Reform**
- D. Review of City Code: Ordinances 3082 – 3089**
- E. Review of City Code: Chapter Two Administration – Volume 3**

IV. ADJOURNMENT

The meeting was adjourned at 6:58 p.m.