

**CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
701 E. BROADWAY, COLUMBIA, MISSOURI
AUGUST 18, 2014**

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, August 18, 2014, 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 CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE and MCDAVID were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

Ms. Hoppe asked that the first sentence in the last paragraph of the July 7, 2014 meeting minutes be changes from "...what the City could do to restrict development..." to "...what the City could do to restrict development when there was insufficient infrastructure...."

The minutes of the regular meeting of July 7, 2014 with the change requested by Ms. Hoppe were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Hoppe.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor McDavid understood there had been a request to move B250-14 from the consent agenda to old business and to move R141-14 from the consent agenda to new business.

Ms. Hoppe asked that B231-14 be moved from the consent agenda to old business.

Upon her request, Mayor McDavid made a motion to allow Ms. Nauser to abstain from voting on R148-14, R149-14, and R150-14 due to a conflict of interest. Ms. Nauser noted on the Disclosure of Interest form that these bills dealt with alcoholic beverage sales and her family business involved the sale of alcoholic beverages. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Upon his request, Mayor McDavid made a motion to allow Mr. Trapp to abstain from voting on R141-14 due to a conflict of interest. Mr. Trapp noted on the Disclosure of Interest form that he worked for the Phoenix Programs, the non-profit whose loan would be subordinated through the Community Development Block Grant (CDBG) program. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The agenda, including the consent agenda with B231-14 and B250-14 being moved to old business, and R141-14 being moved to new business, was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Ms. Hoppe.

SPECIAL ITEMS

None.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BICYCLE/PEDESTRIAN COMMISSION

Ahrens, Gregory, 1504 Sylvan Lane, Ward 3, Term to expire July 31, 2017

BOARD OF HEALTH

Boley, Cynthia, 307 Alexander Avenue, Ward 1, Term to expire August 31, 2017

Lyon, Sally Beth, 701 Thilly Avenue, Ward 4, Term to expire August 31, 2017

Malaker, Colin, 3408 Buttonwood Drive (Business), Boone County, Term to expire August 31, 2017

COLUMBIA HOUSING AUTHORITY BOARD

Hutton, Bob, 2252 Country Lane, Ward 3, Term to expire May 31, 2015

COLUMBIA VISION COMMISSION

Dickerson, Larry, 550 E. Clearview Drive, Boone County, Term to expire December 15, 2016

HISTORIC PRESERVATION COMMISSION

Fowler, Patricia, 606 N. Sixth Street, Ward 1, Term to expire September 1, 2017

Jones, Douglas, 601 S. Glenwood Avenue, Ward 4, Term to expire September 1, 2017

HUMAN SERVICES COMMISSION

Stewart, Rob, 2012 W. Ash Street, #E3, Ward 1, Term to expire December 31, 2016

SCHEDULED PUBLIC COMMENT

Kelly Johnson – Columbia Transit.

Ms. Johnson explained she had used the City transit system for over seventeen years and the changes that had recently taken effect had adversely affected her and a number of other individuals that rode the City bus daily in terms of convenience due to the fact the Wabash Station was closed, the bus shelters were removed and a number of bus stops had been eliminated. This meant they had to walk longer and further, and this was a concern for those that had medical conditions, such as herself, or were physically challenged and in wheelchairs. She noted she had epilepsy and could not drive. She wondered how the system would work in bad weather when the City only ran every other hour, and if riders would have to stand outside and suffer the cold weather and storms. She and others felt the previous service or something similar was needed again, and many had signed a document indicating this. She believed more routes and bus stop shelters, and utilizing the Wabash Station would make the system more efficient. She challenged the Council to go one week relying solely on the City transit system.

PUBLIC HEARINGS

B232-14 Setting property tax rates for 2014.

B233-14 Adopting the FY 2015 Annual Budget for the City of Columbia.

- B234-14 Amending Chapter 6 of the City Code as it relates to sign permit fees; amending Chapter 24 of the City Code as it relates to right-of-way permit fees.**
- B235-14 Amending Chapter 13 of the City Code as it relates to hauled liquid waste rates; amending Chapter 22 of the City Code as it relates to sanitary sewer utility rates and sanitary sewer utility connection fees.**
- B236-14 Amending Chapter 14 of the City Code as it relates to fines for unmetered off-street facilities and parking meter violations.**
- B237-14 Amending Chapter 14 of the City Code as it relates to parking rates.**
- B238-14 Amending Chapter 17 of the City Code as it relates to Parks and Recreation fees.**
- B239-14 Amending Chapter 20 of the City Code as it relates to Community Development Department processing fees.**
- B240-14 Amending Chapter 22 of the City Code as it relates to rental unit inspection fees and charges.**
- B241-14 Amending Chapter 22 of the City Code as it relates to solid waste rates and services.**
- B242-14 Amending Chapter 27 of the City Code as it relates to rates for water service lines.**
- B243-14 Amending Chapter 27 of the City Code as it relates to electric rates.**
- B244-14 Amending Chapter 27 of the City Code as it relates to water backflow prevention charges.**

The bills were given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Thomas understood staff had indicated the increases in electric and sewer rates would total about \$4.00 per customer, and asked for clarification as he thought there was a \$6.00 per month increase in the customer charge for electric and about a \$4.00 per month increase in the base charge on sewer. Mr. Blattel replied staff had calculated the electric rate increase would average \$1.27 per customer and the voter-approved six percent increase for sewer would average \$2.99 per customer. He wondered if Mr. Thomas had looked at another fee increase, and pointed out the \$4.26 totaled the operating rate increases. Mr. Thomas understood that was not necessarily the impact on the customer. It was only the impact on the customer that would be applied to the operating budgets. Mr. Blattel stated that was correct. He explained the \$4.26 was a result of rate increases. The other increases were fee increases.

Mr. Thomas understood the customer charge for electric would change from \$8.45 to \$14.60, which would be over \$6.00 per month per customer, so he assumed a lot of that would be going to something other than operating expenses. Mr. Blattel explained staff was proposing an electric fee structure change, which would be described in detail at the Saturday work session.

Ms. Hoppe understood \$382,464 would be saved if the City did not provide trash bags. Mr. Blattel clarified that would be the savings for not providing black bags. The City would still provide the blue bags. Ms. Hoppe asked if that was the cost of the bags. Mr. Blattel replied it was the cost of providing the black bags to everyone. Ms. Hoppe understood that included the administration of the voucher program. Mr. Blattel stated that was correct.

Mayor McDavid opened the public hearing.

Lynn Barnett, 2012 S. Deerborn Circle, stated she was the Chair of the Commission on Cultural Affairs and described the City's annual arts and cultural funding process and guidelines. She noted the Commission reviewed each of the 21 applications received in June, and held a public hearing in July to obtain feedback from the applicants and

individuals. She explained the 21 applications totaled \$176,000 in requests, and the City would be able to distribute \$100,000 towards these projects along with another \$3,000 for small project requests as long as the Council approved the budget. She commented that the impact these funds made were crucial to the sustainability and progression of these organizations that did so much to improve the community's quality of life. She noted many studies had shown the arts were a sound investment in that it increased tourism, contributed to community livability, enhanced education, encouraged economic activity, and improved public safety. She stated the Commission estimated that more than 163,000 citizens and visitors would participate in City-funded arts activities and events in the current fiscal year, making the City's investment per audience member about 63 cents. The Commission was enthusiastic about the range of cultural and arts-related opportunities supported by the City and commended the Council for recognizing the importance of actively supporting the arts locally because programs like this and their support made Columbia a creative community.

Ms. Hoppe asked how the number of applications this year compared to last year, and whether the \$100,000 was the same level of funding as last year. Ms. Barnett replied the \$100,000 was about the same as last year, and she thought there had been one more application this year than last year.

O.U. Ukoha, 2207 Lafayette Court, stated he was the Chair of the Columbia Community Development Commission and explained they would have about \$1.4 million in FY 2015 from CDBG and HOME funds. He noted more people applied every cycle and described the process used to determine funding recommendations, which was based on the goals in the Consolidated Plan. He commented that there was an increase in economic development funding, and the recommendation included funding for bus shelters. There was less funding recommended for tenant-based rental assistance, but an increase in funding for home ownership assistance. In addition, the Commission recommended an increase in administrative funding. He pointed out they recommended \$228,000 for Welcome Home, which was the largest allocation increase to any non-profit organization, and that they continued to fund other programs and agencies, which he listed. He hoped the City would receive more funding in the future from the federal government as it was not easy to turn down some of the requests.

Pat Kelley, 1007 Grand Avenue, stated she was speaking on behalf of the Ridgeway Neighborhood Association and explained they were opposed to two budget-related issues. One was the increase in the base rate as they felt this was unfair to struggling homeowners in their neighborhood who were often elderly or low-income. They believed increasing the usage rate would be fairer because it would allow some discretion in terms of use, and that the increase should impact businesses in addition to residents. She pointed out the Neighborhood Association was also opposed the discontinuance of the black bags because there was a lot of trash in the streets, and they felt that problem would escalate if the free sturdy black bags were no longer available. They believed it would make it difficult to keep the neighborhood clean and would function as a rate increase if people were required to buy trash bags.

Rick Shanker, 1829 Cliff Drive, commented that he understood 34,000 households received trash bag vouchers and the cost of that service was \$340,000. This meant the cost

of trash bags per household was \$10 a year, and he felt it would be hard for people to find trash bags that cheap. He explained he was involved with a group that was interested in working with the City to offer suggestions to continue the black bag service, which could include an increase in cost to citizens.

Jennifer Erickson stated she was the Executive Director of Columbia Access Television (CAT), which managed the public access television channel in Columbia and maintained a downtown community media center that was open to everyone in the community. She thanked the City for listening to the citizens last year by continuing its support of CAT. She explained they had been tasked with raising \$50,000 in order to obtain the second \$100,000 that would move them forward in their sustainability efforts, and that they were currently at about \$40,000. They planned to make a push for the remaining \$10,000 in September. She commented that she hoped the Council would continue to support CAT in the FY 2015 budget on some level, and noted CAT was the public voice and was interactive. They provided programming to the community while allowing the public to voice what they felt was important through the production of their own content and programming. She stated she believed funding for CAT would allow the Council to engage with citizens they might not normally reach, prove they cared for and wanted to hear the public voice, and support an organization that improved the quality of life in Columbia through professional development, education, and an outlet for expression.

Alyce Turner, 1204 Fieldcrest, commented that she was disturbed about the proposed electric increase to the base rate as it appeared the people with less usage would be charged more, which did not encourage conservation. She also believed the business and commercial community could afford to pay a higher rate.

Bill Weitkemper, 3717 Bray Court, commented that it was relatively easy to increase revenue by raising rates, and believed the real challenge was to increase revenue without raising rates, which he felt could be done. He explained staff had increased sewer revenue in 2006 without raising rates by charging every apartment connected to a master meter a base charge, but in 2008, those property owners complained because commercial property owners were not required to pay an equivalent fee and the University of Missouri was provided ten years to pay what they owed. In 2011, the City changed the ordinance to classify residential apartments on master meters as non-residential apartments, so an apartment complex with individual water meters was classified as residential, but an apartment complex with a master meter was considered non-residential and did not have to pay the same base charge, which he felt was unfair. He commented that other ways to increase revenue without raising rates were to make property owners responsible for delinquent accounts and to prohibit master water meters. He noted each apartment was required to have its own electric meter and felt each apartment should also be required to have its own water meter. He also believed an electric connection fee should be established prior to raising rates.

Chuck Headley, 5009 Cullen Court, commented that his family was very pleased with the current black bag system and would like to see it continue. He noted they were more than willing to pay a rate that would cover the cost of the bags, and stated he was concerned

about the quality of bags that might be used if citizens had to purchase them on their own. He asked the Council to reconsider the continuation of the black bag system.

Mary Hussmann, 210 Ridgeway, stated she agreed the black bag system should be continued as she was concerned garbage would end up on the streets if citizens purchased cheap bags. She commented that the people were satisfied with the black bag system and thought it was worth it to provide those even if citizens had to pay a bit more. She understood many had indicated a six percent sewer rate increase would be acceptable, but noted that would be difficult for many people in her neighborhood. In addition, the citizens had voted in favor of the six percent increase to fund the projects identified for that ballot, and not for the projects the City planned to fund ahead of the ballot issue projects. As a result, she did not believe the six percent increase was justified.

Tom O'Connor, 806 Leawood Terrace, commented that over the last forty years, the rate structure of the City's publically-owned utility had been occasionally modified to further encourage conservation and efficiency, and by recovering costs primarily through a per unit rate, especially at higher consumption levels, the people were allowed to have greater control over their bills and a greater incentive to conserve and invest in energy efficiency. He noted the proposed rate structure would reverse that trend with a base rate increase of 73 percent. He did not believe the base rate was improperly low, and felt it was properly low as the City had made the conscious decision to utilize a rate structure that encouraged conservation and efficiency. He believed the cost of service study should inform rate-making decisions, but not dictate those decisions. He thought they were free to use their own judgment and philosophies in developing a rate structure that incorporated social and environmental concerns and protected the most vulnerable. He agreed the City had to collect enough revenue to have a healthy and sustainable utility, which meant they needed two percent more in revenue, but felt there were many ways that could be accomplished. They could develop a rate structure that collected sufficient revenue while simultaneously encouraging conservation, efficiency, and net-zero operations. He did not believe the Water and Light Advisory Board or the Environment and Energy Commission had endorsed this proposed rate structure, and asked the Council to reject the proposed increase in the base rate and to direct staff to work with its advisory groups, stakeholders, and citizens to draft an alternative.

Ms. Chadwick understood Mr. O'Connor did not endorse this proposal and asked if the Water and Light Advisory Board had been asked to provide a recommendation. Mr. O'Connor replied he did not believe they had, but noted he had missed one meeting.

Ms. Chadwick understood the City had a tiered system in that there was a higher charge for higher usage, and asked if that detail was shown on the utility bill. She wondered if the customer saw the rates they were paying. Mr. O'Connor replied he believed there should be more information on the bill because people did not see the base rate or the break points. He noted the incentive system was not communicated very well.

Mayor McDavid understood Mr. O'Connor had a net zero house and asked how he thought he should compensate the City for having to purchase capacity in case he wanted to use electricity. He asked how he would pay his share of capacity if it was not charged as part of the base rate. Mr. O'Connor replied the issue would need to be further discussed in terms of engineering and policies. He commented that he felt he was getting a bad deal as

he was exporting local, renewable, sustainable solar power and received coal-burned power in return. He thought those issues needed to be worked out.

Phil Steinhaus, 201 Switzler Street, stated he was the CEO of Columbia Housing Authority, and thanked the City for its support of HOME funding for the renovation of the Stuart-Parker Apartments and the CDBG funding for Welcome Home and its share of Veterans Campus.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of Columbia Climate Change Coalition and People's Visioning, and noted they had proposed Plan B, which included seven steps to help the City in terms of funding, and step five largely supported the suggestions of Mr. Weitkemper. Other steps supported green building and conservation pricing. She noted she had e-mailed the Council an updated Plan B and asked that they review it. She commented that she was low-income, but was still supportive of renewable energy. In addition, she was supportive of the black bag system for trash service. She suggested the development and impact fees include hard and soft infrastructure, and for those true costs to be paid for by the developers, who could then pass those costs on to their clients. She suggested developers be responsible for 80 percent instead of the 10-20 percent they currently paid toward infrastructure, and she did not believe there should be any more rate increases to the citizens.

Don Stamper, 2604 N. Stadium Boulevard, commented that he agreed with Ms. Welch in that the developer did not pay, and that the consumer paid as any increase would be passed on to the consumer. He explained the groups he represented had a variety of issues with the proposals, which they planned to articulate in writing prior to Saturday. They were not convinced the big picture had been considered. If the proposed development charges were approved, the cost of a building permit for a 2,000 square foot home with a 440 square foot garage would go from \$4,500 to \$8,000. He commented that the Water and Light Department fees would not equate to a rate reduction for the consumer, and was merely a windfall for the Department, and if the development community agreed to pay more in fees, it would not necessarily be passed on to the consumer. He stated they were not opposed to the development community paying a share, but felt it should be justified and documented in terms of how it would be spent. He noted they also struggled with what the City chose to subsidize. The City was subsidizing the mass transit system at \$2 million per year from the transportation tax, but did not subsidize the streets on which the transit system traveled, and had reduced the amount of infrastructure funding from the general revenue fund. He reiterated they felt the big picture needed to be considered in terms of how those fees would affect a person purchasing a house and with regard to affordable housing.

Mr. Thomas stated he believed the City subsidized streets at a rate of about 100 times more than it subsidized public transit. Mr. Stamper commented that he did not agree when comparing budgets and felt the subsidy for public transit was 30-35 percent. Mr. Thomas stated he thought the City subsidized streets by 100 times that much. Mr. Stamper commented that he believed that depended on how they defined what the people were responsible for, and felt Mr. Thomas had not considered the fact that consumers shopped at the Columbia Mall and other facilities and the State of Missouri, had helped to pay for some improvements to road projects, such as Stadium Boulevard.

Tracy Greever-Rice, 602 Redbud Lane, commented that she found it interesting that the citizen advisory boards appointed by the Council had not been asked to participate in shaping the policies that affected every citizen and every household when the Central Missouri Development Council (CMDCC) was invited to participate. She did not believe the purpose of a public hearing was for citizens to implore the Council for mercy or attempt to sway a vote. She felt they were held to establish a record of citizen concerns and priorities, and to create a public record from which citizens could hold public servants accountable. She felt it was evident from a number of recent Council decisions that the opinion of Council was firm and intransigent well before the public hearing process, and asked that the Council value the roles of constituents in self-government by facilitating public input instead of squelching it.

Jeremy Root, 2417 Beachview Drive, commented that it was wonderful to have multiple opportunities for the public to engage and hear about issues that would inform the City budget, but felt it was a mistake to reserve many of the presentations for Saturday and asked that they be preserved on City stream video like a regular Council Meeting so the public could see the presentations. He understood two of the proposed bills involved parking and would increase the fines for parking tickets and change the hours for parking meters, and felt those bills combined were a mistake as it could discourage people from coming downtown. He was not sure there would be a tremendous amount of revenue gained from changing the meter hours and asked for that to be considered also. He asked the Council to consider Mr. Weitkemper's advice in terms of the sewer rates and to try to find ways to increase utility revenues without raising rates on the citizens. In addition, he asked the Council to consider an electric connection fee with regard to new users of electricity as electric infrastructure was very expensive.

John Clark, 403 N. Ninth Street, stated he endorsed the comments of Mr. Weitkemper, Ms. Hussmann, and Mr. O'Connor, specifically in terms of sewer. He understood the sewer cost of service consultant felt a per dwelling unit cost was the better way to move forward. He also understood the City would have the software to be able to identify utility users by dwelling within twelve months and could then create an appropriate rate structure. He asked the Council to not move forward with the significant increase in the electric rates at this time, and to consider a meaningful connection fee. He thought conversations regarding energy conservation should occur afterward along with any base rate issues. He commented that it appeared as though there was an attempt to protect the rates of heavy users, such as commercial users, and believed any economic development argument should be separated from rate issue.

There being no further comment, Mayor McDavid closed the public hearing on B232-14, and continued the public hearing on B233-14, B234-14, B235-14, B236-14, B237-14, B238-14, B239-14, B240-14, B241-14, B242-14, B243-14 and B244-14 to the September 2, 2014 Council Meeting.

Mayor McDavid commented that much of the new construction was in the Boone Electric Cooperative territory, and those homes were not required to pay a connection fee. In addition, they paid a lower rate than those within the Columbia Water and Light territory. As a result, he felt an electric connection fee would be hard to administer and legislate. He

commented that he also felt the move to a \$2,460 sewer connection fee was well above the metrics for any comparable city in Missouri, and he would oppose that increase. He stated he was concerned about what they would do in terms of affordable housing in Columbia, particularly in terms of single-family homes. He was not concerned about multi-family residential structures. He thought if they followed through with these increases, the City would see the number of affordable single-family homes plummet.

Mr. Thomas asked when the cost of service study for the electric utility was last conducted and if he could be provided a copy. Mr. Johnsen replied it was done in 2011 and they could provide a copy to the Council.

Mr. Thomas stated he agreed a customer charge was logically based upon the cost of meter reading, billing, customer service, meter maintenance, and other costs that were not associated with the amount of electricity used, but understood it also included a portion of the distribution system, and asked for clarification. Mr. Johnsen replied it was the portion closest to the house and assigned to that facility, and pointed out this would be further discussed on Saturday. Mr. Thomas understood there would be an anti-conservation effect of increasing the base charge significantly and not increasing the per kilowatt hour charge as much, and noted he was surprised the two energy-related commissions had not been provided an opportunity to comment on the proposed changes. Mr. Matthes commented that the normal procedure was to provide the budget to the Council first, and the Council could then ask the boards to comment on any or all of the proposals. He noted staff was proposing a slight change in philosophy because they were exposed to weather, and the Council could refer it to the commissions or suggest amendments. Mr. Thomas understood that if the Council wanted the Water and Light Advisory Board and the Energy and Environment Commission to provide input, these changes could be delayed in terms of implementation. Ms. Hoppe thought the Council could refer it to those boards tonight as they would have a month to respond. Mr. Matthes pointed out he believed the Water and Light Advisory Board had endorsed the rate change. Mr. Johnsen stated that was correct, and explained the Water and Light Advisory Board had voted to endorse the electric rate change at its last meeting. Mr. Matthes asked if that included the change in philosophy or only the two percent. Mr. Johnson replied it included the change in philosophy.

Mr. Thomas stated he supported a connection fee or equity charge for the electric utility. He understood 45,000 people had been added to the community in the last 30 years so they had to massively invest in electric infrastructure, and did not believe it made sense to subsidize rapid growth through rates. He also was unsure as to whether the electric bond issue would pass without an established connection fee. He commented that he agreed with Mayor McDavid in that it was unfair for someone to net out at zero in terms of the electric utility when that person was using the system as a fall back option, and as more people added solar power to their homes, he felt the City needed to determine how to equitably charge for that service. In terms of sewer connection fee, Mr. Thomas thought the increase needed to be implemented more quickly than had been proposed by staff since there was such a terrible shortfall in the sewer utility at this time. People had to wait years for problems to be corrected. He also wanted to revisit the dwelling unit concept of billing for sewer. He

commented that he was not sure what they would gain by canceling the vouchers for the trash bags as there was a lot of community support for the program.

Mr. Skala commented that the increase in water and electric rates had historically never been referred to the Environment and Energy Commission (EEC), but had always gone through the Water and Light Advisory Board, and thought it would be a good idea to refer it to the EEC as well. He noted many of his constituents favored the black bags and had indicated they were not averse to paying more to keep the black bag system. He believed that if they no longer provided black bags, people would purchase the most inexpensive bags possible, which would result in a mess on the streets, and explained he was not averse to considering a partial subsidy of the black bags. He commented that he was inclined to support the idea of keeping the base rate as low as possible, and pointed out Boone Electric had an inclining block rate structure, which provided incentives to those that conserved energy and assessed fees equitably to large users of electricity. He thought that was something the City needed to consider so they did not penalize the people they wanted to protect. He noted he supported a sewer and electric connection fee. He understood staff suggested the sewer connection fee be implemented in 4-5 years, and stated he was agreeable to implementing it sooner and suggested a three-year period. He explained he was not sure why they were not using the numbers provided by the consultant, but thought the approach was acceptable as they had taken it with the road fee and public safety fee as well. He felt they only needed to determine the amount and how quickly they wanted to implement it.

Ms. Nauser hoped there would be discussion or validation of the cost recovery policy on Saturday as it appeared to vary depending on the department or service. She also hoped they would be provided a detailed analysis of the actual costs, the shortfall, and the anticipated revenue. She asked that the work session be televised so the public could view it. Mr. Matthes replied the work session would be streamed.

Ms. Hoppe commented that she was concerned cheaper and less sturdy trash bags would be purchased if black bags were not provided by the City, and understood many had indicated they would be willing to pay more for the black bags. She stated she was in favor of continuing the black bag system as it appeared to work well with a yearly or quarterly charge for a basic number of bags. In terms of the electric fees, she explained she was concerned with conservation and equity. She noted the strategic priority of infrastructure included an increase in local renewable energy and energy efficiency, and thought they needed to consider this in all of their policies. She thought the proposed electric rate changes should be referred to the Environment and Energy Commission as well.

Ms. Hoppe made a motion to refer the proposed electric rate changes to the Environment and Energy Commission. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe stated she understood some businesses were concerned with parking meter enforcement being extended from 6:00 p.m. to 7:00 p.m. as they felt it would discourage people from going downtown, and suggested the issue be further discussed. She noted she was in favor of an electric connection fee, and did not necessarily agree it would affect affordable housing. She explained when she moved to Columbia, she chose to live in

the Benton-Stephens neighborhood because she did not have the resources to purchase a big new house, and when she moved again, she chose an existing home that had been built in the 1950's. She believed existing Columbia residents were happy to have new people move to Columbia, but felt if they wanted the nice new home, they should pay for it instead of the existing residents paying for it.

Ms. Chadwick commented that she found it interesting that the last time the City had increased the sign permit fees was in 2007, and wondered when and how it was decided to revisit a fee structure and propose an increase as the recommended increase from \$45 to \$75 was quite high. She asked why the cost of service studies were not completed on a more regular basis, and suggested a policy of reviewing fee structures every five years at a minimum. She stated she agreed the sewer connection fee needed to be increased and felt \$1,600 was a substantial increase, which was why she suggested it be implemented over a period of time longer than three years. She believed there might be some unintended and unexpected consequences to extending the parking meter hours and increasing the parking ticket costs, and suggested that be reconsidered. She suggested a \$5 parking ticket cost if paid within five days, and a larger fine of \$30 for a later payment. She also asked staff to ensure they were committed to following up on pursuing payments for unpaid parking tickets as it would otherwise only penalize those that paid their parking tickets. She understood the Reichmann Pavilion was utilized frequently, but had one of the lowest rental rates in town, and asked if that rate should be increased to make it more competitive. She also suggested they not increase the youth fee for a single day pass at the Activity and Recreation Center (ARC). In terms of the Community Development fee, she wondered if the initial fee could be decreased while increasing the per lot fee. She noted the cost for a small development would be substantially more per lot than a larger development otherwise, and asked whether they wanted to incentivize large developments. In terms of solid waste, she asked if the cost of recycling was built into the residential rate as she understood it was not built into the commercial rate, and wanted to know that cost. She also asked about the cost of the black bags. She suggested a "pay as you throw" model whereby those that threw more away were charged more than those that recycled. She asked staff to provide the costs of roll carts so they could compare it to the cost of the black bag system. She commented that she felt they should encourage conservation in terms of the electric utility, and should ensure the citizens understood the tiers in terms of costs. She also thought they should consider increasing the highest tier instead of the base rate, and pointed out low-income people did not live in the bigger homes that consumed the most energy.

Mr. Trapp stated he appreciated the attempt at equity in terms of the electric rates, but believed there was support for emphasizing conservation, and if they planned to change the current rate structure, he suggested the Austin model be considered since it would encourage solar. He noted he was in favor of an incremental approach for sewer and electric connections fees as it would provide surrounding communities a chance to respond in-kind as he felt significant increases in costs tended to impact where people would build or move. He thought they needed to keep all of their rates affordable because there were people who struggled to pay their utility bills, and felt there was some argument to allowing people to make decisions that would lower their costs. He commented that they were choosing

between a rate increase and the black bags in terms of the trash utility, and noted he enjoyed the black bag system, but never used all of his vouchers as he did not generate a lot of trash. He stated he had some concerns with regard to the rental inspection fee increases as they had implanted hefty increases last year, and asked to be provided the justification for an additional inspector. He agreed benchmarks were appropriate when considering fee increases, but noted he thought they should look at their actual competition, which was the surrounding area. He commented that he felt affordability mattered, and felt they needed to be judicious as they chipped away at their current state of affordability. He stated he agreed with Mr. Root in that implementing the parking ticket fine increase with the time change might be troublesome and suggested staggering the two items.

B232-14 was given third reading with the vote recorded as follows: VOTING YES: CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of a 16-inch water main along Parkade Boulevard, between Business Loop 70 and Texas Avenue.

Item A was read by the Clerk.

Mr. Johnsen provided a staff report.

Mr. Skala asked how the cost was assessed. He wondered if this work was based on a maintenance issue or if capacity was involved as well. Mr. Johnsen replied the project cost was raised through bond funding and the City paid the bonds back through connection fees and water usage rates. Mr. Skala commented that when the size of a line was increased, it was likely more than just a maintenance issue, and asked if there was a way to track the relative proportion of maintenance to capacity. Mr. Johnsen replied he did not have a breakout of the numbers, and explained he considered this a maintenance cost. They were trying to size it appropriately so it could be connected to the future tower in the Prathersville area without adding infrastructure costs. He pointed out it was most economical to do it now, and it was maintenance for the immediate future, but as the system expanded, it would provide a value in terms of future capacity when needed by the system. He explained he was not sure how to answer the question. Mr. Skala commented that he was unsure as to how to ask the question because it was a confounding issue in terms of whether it was maintenance, capacity, or planning in the interim.

Mr. Thomas stated he believed it was important for them to think about all infrastructure costs in terms of whether 100 percent of the cost or a smaller percentage would be necessary if Columbia did not grow. He understood this was a deteriorated water main and needed to be replaced, but did not know if it was cheaper to put in another six-inch line or a 16-inch main. Mr. Johnsen stated the incremental cost difference would be small to go from a six-inch to a 16-inch line. Most of the cost was associated with boring, casing, digging, etc. Mr. Thomas understood there could be a more balanced division between capacity expansion and what they would have to do even if Columbia was not a growing community for many other capital projects. He felt this type of information would help them determine from what sources to fund projects.

Ms. Chadwick asked if it was possible for staff to provide the cost of replacing the line along with the cost of increasing capacity for projects such as this in the future. Mr. Johnsen replied he would only be able to provide the incremental cost of the difference between the six-inch line and a 12-inch line in a situation such as this, and pointed out it would be very small as most of the cost was associated with installation. Ms. Chadwick commented that it would be helpful to know even if it was a small number. Mr. Johnsen stated staff could try to provide that information on a project-by-project basis as they were brought to the Council for approval.

Mayor McDavid opened the public hearing.

Dan Cullimore, 715 Lyon Street, stated he was confused because he thought they only needed to compare the cost of replacing a six-inch line with a six-inch line and replacing a six-inch line with a 16-inch line, and asked if it was more complicated.

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

Mr. Trapp made a motion directing staff to proceed with the final plans and specifications for the construction of a 16-inch water main along Parkade Boulevard, between Business Loop 70 and Texas Avenue. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

OLD BUSINESS

B45-14A Rezoning property located on the northeast corner of Providence Road and Turner Avenue, and on the northwest corner of Turner Avenue and Fifth Street, from District R-3 to District PUD-52; approving the statement of intent; approving the Preliminary Plat and PUD Plan of ACC OP Development LLC; setting forth conditions for approval; approving less stringent height, setback and landscaping requirements; granting a variance from the Subdivision Regulations regarding dedication of street right-of-way; providing notice as it relates to the provision of utility service.

B63-14A Authorizing a development agreement with ACC OP Development LLC relating to property located on the northeast corner of Providence Road and Turner Avenue, and on the northwest corner of Turner Avenue and Fifth Street.

The bills were read by the Clerk.

Mr. Teddy provided a staff report

Mr. Trapp made a motion to amend B45-14A per the amendment sheet. The motion was seconded by Ms. Chadwick.

Ms. Chadwick understood there was a design conflict with adding water heaters as a required energy efficient appliance.

Ms. Chadwick made a motion to amend the amendment sheet for B45-14A by removing water heaters from Section 2.9. The motion was seconded by Mayor McDavid.

Ms. Hoppe asked for clarification regarding the water heaters. Ms. Chadwick replied she understood the building units had not been designed for the way an energy star water heater would need to be installed so it would not fit within the designated closet space.

Chuck Carroll stated he was with American Campus Communities (ACC) and explained an energy star hot water heater had to be in its own closet due to ventilation requirements, but the units had been designed for the washer and dryer to be in the same closet as the water heater, and in some instances, with the air conditioning unit as well, so that requirement would force them to redesign all of their units and the entire project as the

PUD plan accommodated the current unit sizes. He also asked that the dryers be removed because there were no energy star rated dryers available per energystar.gov.

The motion made by Ms. Chadwick and seconded by Mayor McDavid to amend the amendment sheet for B45-14A by removing water heaters from Section 2.9 was approved unanimously by voice vote.

Mr. Trapp made a motion to amend the amendment sheet for B45-14A by removing clothes dryers from Section 2.9. The motion was seconded by Ms. Chadwick.

Mr. Trapp commented that he thought he had an energy star washer and dryer, but he had only found the energy star label on his washer. He understood energy star dryers were not yet available so it was reasonable to not require them.

The motion made by Mr. Trapp and seconded by Ms. Chadwick to amend the amendment sheet for B45-14A by removing clothes dryers from Section 2.9 was approved unanimously by voice vote.

Mr. Skala asked for the comparison between the number of beds that would be allowed under R-3 zoning and the requested PUD zoning. Mr. Teddy replied the unit density was almost triple, but he did not have a comparison for the number of beds as it could vary in a PUD structure. He noted about 66 units would be allowed with the current R-3 zoning, and the request was for a PUD-56. He pointed out a PUD 90 was directly adjacent to this proposed development.

Ms. Nauser stated she did not like the idea of micromanaging projects. She noted the garage was interior to the development so no one would see the planters and they would not add to the aesthetics of the community as a whole. She pointed out they had not required energy star appliances, solar panels, etc. for any of the other recently approved housing projects. She did not agree with arbitrarily requiring these types of items without policy or a policy discussion, and as a result, she would not support the amendment.

Mayor McDavid commented that he had been involved with the push for transit passes at apartment complexes, but understood COMO Connect did not run along this project, and felt they needed to be able to deliver the service if they required the passes. He was also unsure as to whether anyone would ride the bus since residents could walk to campus and downtown from this location. He stated he was uncomfortable with a blanket requirement if they were unable to provide service, and was not sure they were able to provide that service with COMO Connect at this time. Ms. Chadwick pointed out there was nothing on the amendment sheet with regard to COMO Connect.

The motion made by Mr. Trapp and seconded by Ms. Chadwick to amend B45-14A per the amendment sheet, which had been amended by Ms. Chadwick and Mr. Trapp, was approved by voice vote with only Ms. Nauser voting against it.

Robert Hollis, an attorney with offices at 1103 E. Broadway, provided a handout and stated he was present on behalf of ACC, the applicant of this proposal. He noted B45-14A and B63-14A were two separate and distinct matters, but they were also contingent, and ACC was not requesting one without the other. He commented that they were not comfortable with the changes made to paragraphs 4 and 6 of the development agreement after the last Council Meeting, and described the changes they were requesting. He explained this was an infill project that would replace the existing use with the same use at a

higher density level, and because the project was essentially on campus, the cars in the garage would likely be there for storage. He pointed out ACC would contribute \$300,000 in addition to the normal fees charged for this type of development and would be obligated to pay for any required water line improvements needed. In addition, a substantial amount of right-of-way would be dedicated to the City. There would be a 20-foot pervious pedway on the Fourth Street side, which was open to pedestrian traffic, and it would be constructed and maintained by ACC. Also, the project would include the implementation of solar technology and on-site recycling collection facilities. He commented that many of the attributes of the project met the goals and objectives of Columbia Imagined.

Mayor McDavid asked if the right-of-way that would be donated on Turner Avenue was part of the right-of-way the City would have likely had to purchase for the Turner Avenue improvement project. Mr. Matthes replied yes.

Mayor McDavid asked for the property tax increment this project would generate. Mr. Hollis replied it was a substantial amount.

Mayor McDavid asked for clarification on the unintended consequences of the language in the development agreement recommended by Ms. Hoppe and approved by the Council at the previous meeting.

Chuck Carroll reiterated he represented ACC and noted there was a need for additional student housing close to the University of Missouri campus as enrollment was projected to be at 38,000 within the next three to five years. This project would open in August 2017, at the earliest, which was three years away. He understood there were approximately 7,300 beds on campus and just under 9,000 beds off-campus in purpose-built student housing. In addition, only 1,770 off-campus beds were within one-half mile from classrooms, so this was a small segment of the market. The proposed site was truly pedestrian to the campus and downtown areas, and students would not have to traverse any major thoroughfare to walk or bike to those locations. He noted ACC was a real estate investment trust, and they developed for their own portfolio to hold for the long-term. He pointed out they were already vested stakeholders in the community as they currently owned the Cottages of Columbia, Grindstone Canyon, Forest Village, and Woodlake properties. The proposed development would have eight full-time employees and 7-8 resident assistants, and all resident assistants and one full-time employee would be required to live on-site. They had stringent leases and a strict code of conduct for residents and guest, and implemented resident life programs similar to what was seen on university campuses. The project was also designed to incorporate controlled points of access. In terms of the development agreement, he felt the amendments made at the previous meeting were detrimental to the project moving forward. The development agreement laid out the obligations and commitments of ACC, but did not guarantee commitments in return. They wanted the development agreement to indicate that three years from now, the necessary projects would be completed so ACC could obtain a certificate of occupancy. The risk to ACC without that commitment was that they would build a \$40-\$50 million project and would then be unable to obtain a certificate of occupancy due to some aspect of the sewer project not being completed, which was why they were requesting an amendment to the development agreement.

Tim Crockett, an engineer with offices at 2608 N. Stadium Boulevard, offered to answer any questions, and pointed out the project involved landscaping of about 20 percent so they no longer needed that variance.

Bill Weitkemper, 3717 Bray Court, asked whether this project would include individual water meters or master water meters as he believed each dwelling unit should have its own water meter in order to relieve the strain on the sewer system. He pointed out there were two locations on the City's sewer system downstream from where this apartment complex would tie into the system that discharged over a million gallons of wastewater per day into the environment when it rained heavily, and as a result, he believed the Council needed to be concerned about the sewer system.

Tracy Greever-Rice, 602 Redbud Lane, stated she agreed with Mr. Weitkemper in that the Council faced a challenge in dealing with infrastructure issues that had been perpetuated and introduced by development in the central city area. She believed this developer had engaged with the community and had listened to concerns while coming back with reasonable compromises. In addition, the seller and developer of the property had partnered throughout the process to ensure a smooth transition and transparency. She believed the location of this project was appropriate as it had been student housing for decades, and much of the existing housing stock was ready to be turned over. She also felt the proposed density was consistent with the standards of the University of Missouri. She understood a MoDOT project would impact the north side of Turner Avenue regardless of this project, and this developer would provide easements to make it a coordinated project so taxpayers would not have to pay through eminent domain. She stated ACC owned and kept its properties, and provided services appropriate for young adults learning to live independently. These were all good things consistent with the City's long-range planning. She asked the Council to use good judgment by making a decision that reflected good community partnerships and development projects.

Monta Welch, 2808 Greenbriar Drive, stated she was speaking on behalf of People's Visioning and asked that the Council adjust developer fees immediately and more drastically than had been discussed. She noted her preference was for no new development to be approved until the development fees were adjusted. She also suggested green roofs and for the consideration of other methods to reduce infrastructure demands.

Pat Fowler, 606 N. Sixth Street, commented that she understood the good reasons Mr. Thomas wanted reduced parking, but she did not believe Columbia was there yet, and felt the surrounding neighborhoods needed to know there was sufficient parking for parking storage. She noted she had discussed with many the need to lock down the areas surrounding campus with residents-only parking, but that had not yet fully been addressed. She commended the developer and property owner for listening to the concerns of the public, and explained she supported this project as it was in the right location. In terms of the amendments made to the development agreement at the previous meeting, she felt the language needed to be more significant than indicating the City would use its best efforts to supply infrastructure. She asked the Council to do what it could to ensure this development had an opportunity to proceed.

Dan Cullimore, 715 Lyon Street, commented that he appreciated the amendments suggested by Ms. Chadwick, but also agreed with Ms. Nauser in that there should be policy for these types of enhancements, and hoped policy would have primary importance when evaluating future developments. He noted this design took into consideration the need for loading and off-loading areas, which other similar projects had not incorporated. This created traffic problems since one lane of traffic was blocked when students moved into and out of the apartments. He suggested this design be considered as a matter of policy for not allowing zero lot line residential developments in the central city area.

Frankie Minor, 403 S. Garth, stated he believed this was a good example of a developer that was invested in the community and intended to stay in the community and be a good partner. He agreed with Ms. Nauser in that policy was needed. He also felt the comments of Mr. Weitkemper needed to be factored into future policy. He commented that he believed students would continue to bring vehicles, and as a result, the City needed to plan accordingly. He explained he lived two blocks away from this development and his street was crowded every day with the vehicles of students, faculty, and staff, who were all trying to avoid campus parking fees. He also understood COMO Connect ran within one block of the development. He commented that he was not universally opposed to housing developments, and noted he supported smart development, which he thought this project represented. He stated he had 35 years of student housing experience and offered his assistance to the City as it developed policy.

John Clark, 403 N. Ninth Street, encouraged the Council to reject this rezoning request and all other major downtown rezoning requests and development agreements until the City had meaningful, long-term infrastructure plans and equitable and functional financing plans in place. He felt this was the way to dramatically reduce the risk of voters rejecting major ballot and bond initiatives. He commented that he believed the approval of these types of developments would lead to lower levels of infrastructure service or higher rates and taxes for future generations. He also suggested tying infrastructure service to a high level to ensure there was adequate infrastructure under any definition of sufficiency of resources.

Ms. Hoppe stated she thought it was irresponsible to add to the existing sewer problems with a 700-bedroom development without sufficient sewer capacity, but though there might be an amendment that would address the concern of the developer while addressing her concerns as well. She suggested the last sentence in Section 4 of the development agreement read “The City will construct the sanitary sewer improvements as set forth herein prior to the end of the construction period.” Mayor McDavid understood Ms. Hoppe was suggesting the remainder of the sentence, which read “however, if such sanitary sewer improvements are not completed by such time, the certificate of occupancy may be withheld if there is insufficient capacity to support the project as constructed,” would be deleted. Ms. Hoppe stated that was correct. She also suggested the third sentence in Section 6 of the development agreement read “...the City will ensure there will be adequate capacity to support the project...” and for “unless there is insufficient capacity to support the project as constructed” to be stricken. She assumed the City would ensure the sewer project was completed with this change.

Mr. Hollis asked for clarification on the suggested amendments. Ms. Thompson understood the language stricken and added to Section 4 of the development agreement at the previous meeting would be deleted, and a new sentence that read “The City will construct the sanitary sewer improvements as set forth herein prior to the end of the construction period” would be added. Ms. Hoppe stated that was correct.

Mr. Thomas asked if this would put them back to where they were prior to the amendments made at the previous meeting. Ms. Thompson replied no, and explained Section 4 of the development agreement would read “...Payment for construction of the Sanitary Sewer Infrastructure shall be made by Developer to City prior to issuance of the building permit to construct the project. Nothing contained herein shall prohibit City from requiring other developers or property owners to contribute to the cost of reconstruction of the Sanitary Sewer Infrastructure. The City will construct the sanitary sewer improvements as set forth herein prior to the end of the construction period.” She understood that would be the end of Section 4 of the development agreement. Ms. Hoppe stated that was correct.

Mr. Hollis asked where in the agreement it said the City would be obligated to issue the certificates of occupancy regardless of whether or not the City made the improvements. He asked what would happen if the City designed and constructed the improvement with a different size pipe. He did not believe it was enough to say the City was obligated to construct the specific sanitary sewer infrastructure improvement. They needed to be ensured they would receive a certificate of occupancy.

Mayor McDavid commented that if the proposed amendments of Ms. Hoppe were not approved by the Council, he would make a motion asking that the language in Sections 4 and 6 of the development agreement revert back to what had previously been stated so anything stricken was reinstated and anything underlined was stricken.

Mr. Thomas asked how that was different from what was proposed by Ms. Hoppe. Ms. Hoppe replied it had no statement indicating the City would complete the sewer improvement. Mr. Skala noted the language suggested by Ms. Hoppe made it incumbent on the City to provide the improvement.

Ms. Hoppe explained Section 6 of the development agreement would read “...The City has reviewed the Utility Estimates and hereby commits that, in combination with the Developer commitments obtained in this Agreement, the City will ensure adequate capacity to support the Project....”

Ms. Chadwick stated she understood Ms. Hoppe was not necessarily opposed to striking what had been added and adding back what had been stricken, but that she wanted the language to include the fact the City would construct the sanitary sewer improvement as set forth herein prior to the end of the construction period. She noted she did not believe that sentence affected ACC in a negative way. It would commit the City to complete the improvement. Ms. Hoppe agreed it would ensure the City would construct the sewer improvement.

Mr. Thomas understood the sentence reading “Failure of the City to construct or complete the Sanitary Sewer Infrastructure improvements prior to the end of the Construction Period shall not prevent the Developer from obtaining...” in Section 4 of the development agreement would remain stricken under Ms. Hoppe’s proposal. Ms. Hoppe stated that was

correct. She explained she assumed that would not happen since the City was agreeing to make the improvements prior to the end of the construction period.

Ms. Chadwick thought the developer wanted the guarantee of obtaining the certificate of occupancy following construction. Mr. Hollis stated they were not opposed to the City being obligated to make those improvements.

Ms. Chadwick suggested “Failure of the City to construct or complete the Sanitary Sewer Infrastructure improvements prior to the end of the Construction Period shall not prevent” continue to be stricken, and to begin the next sentence in Section 4 of the development agreement with “The developer will obtain a certificate of occupancy following construction of the project and to occupy and use the project for its intended purposes.”

Mr. Hollis commented that it was not the obligation of the developer to obtain a certificate of occupancy. He believed it was the obligation of the City to issue a certificate of occupancy.

Ms. Hoppe suggested the wording be changes to indicate the City shall grant a certificate of occupancy. She noted she did not want the language in the agreement to assume the City would fail. She wanted the language to indicate the improvement would be constructed during this time frame.

Mayor McDavid suggested a five minute recess to clarify the changes needed. Everyone was agreeable and the recess was taken.

Mayor McDavid asked Ms. Thompson to explain the proposed amendments. Ms. Thompson explained Section 4 of the development agreement at the top of page 4 would read “...Payment for construction of the Sanitary Sewer Infrastructure shall be made by Developer to City prior to issuance of the building permit to construct the project. Nothing contained herein shall prohibit City from requiring other developers or property owners to contribute to the cost of reconstruction of the Sanitary Sewer Infrastructure. The City will construct the sanitary sewer improvements as set forth herein prior to the end of the construction period.” In addition, the language reading “Failure of the City to construct or complete the Sanitary Sewer Infrastructure improvements prior to the end of the Construction Period shall not prevent Developer from obtaining a certificate of occupancy following construction of the Project and to occupy and use the Project for its intended purpose” would be reinstated and the remainder of the language in that Section would be deleted.

Mr. Thomas understood they were going back to where they were before Ms. Hoppe’s amendment at the previous meeting and inserting language indicating the City would construct the project. Ms. Thompson stated that was correct.

Ms. Thompson explained Section 6 of the development agreement would read “...The City has reviewed the Utility Estimates and hereby commits that, in combination with the Developer commitments contained in this Agreement, the City will ensure there will be adequate capacity to support the Project and the intended uses set forth herein....” In addition, the language at the top of page 5 that was previously inserted would be deleted.

Ms. Hoppe made a motion to amend Sections 4 and 6 of the development agreement associated with B63-14A as indicated by Ms. Thompson. The motion was seconded by Ms. Nauser.

Ms. Hoppe commented that she felt this went a long way in setting a precedent that sewer infrastructure should be in place for new developments, especially the larger developments. She explained she wanted to ensure the City would get the sewer project done so they did not add 700 bedrooms to an already existing sewer problem as it would create more of a problem for those already experiencing problems. She noted she was confident the City would have enough time to get the sewer fix in place and felt this was a reasonable approach to resolving her concerns as well as the concerns of the developer while also addressing the concerns of residents.

Mr. Skala stated he was in support of the changes because he believed it was incumbent on the City to have a plan with regard to how to furnish the necessary infrastructure for any particular development. He pointed out he was not fond of shifting projects to accommodate this because he felt there was a priority of people that should have been serviced beforehand, and suggested they revisit projects such as the Henderson Branch extension and the Upper Hinkson Creek project, to accommodate infrastructure in the downtown. He commented that he thought this amendment would assist in beginning the conversation to come up with a solution to ensure follow through by the City.

Mr. Thomas stated he thought the amendment made it contingent to ensure enough funding was in the sewer utility to do the additional projects the City was committing to do, and he felt this included implementing the connection fee increase as quickly as possible.

The motion made by Ms. Hoppe and seconded by Ms. Nausser to amend Sections 4 and 6 of the development agreement associated with B63-14A as indicated by Ms. Thompson was approved unanimously by voice vote.

Mayor McDavid commented that he was a fan of quality student housing adjacent to campus and would rather have 700 students walking to class than driving down Rock Quarry Road. He believed this would be a great addition to the University of Missouri and the City of Columbia.

Mr. Thomas stated he appreciated the management record, philosophy, and approach of ACC as there had been transparency and follow through in terms of their intentions. He commented that when considering rezoning requests, the Council had to weigh the community benefits with private property rights, and he did that by looking at the Comprehensive Plan. One of the components of the Plan was environmental management, and because this was infill development, he believed it fit within a lot of the environmental management goals. It also included concessions, such as preserving the climax forest, solar energy generation, and low-flow toilets. He noted economic development included education, quality of life, live, work, and play spaces, the downtown, and creating a vibrant environment, and he believed this project scored well in that respect. In terms of growth management, this was infill development as it reused existing land and did not create sprawl. He stated growth management also involved automobile reliance, and he had concerns about the number of cars this development would introduce in the central city area. He pointed out livable and sustainable communities included walkability and a low carbon impact lifestyle, and he agreed the students would walk to class. His concern was that there would be 550 cars for 720 students, so there would not be any incentive to use the bus. It was not diverse, affordable, or mixed-use housing. He did not believe it contributed to a livable public space.

In terms of mobility, connectivity, accessibility, and encouraging transit-oriented development, he explained he was an opponent of minimum parking regulations, and hoped that changed with the review of the zoning code. He was concerned this development would create more traffic on Providence Road, which would potentially create the need to expand the corridor. He understood the concerns of nearby neighborhood residents, and noted he was working on a residential parking permit program for the neighborhoods in his ward to protect those neighborhoods. He stated he would vote against this rezoning request.

Mr. Trapp commented that he believed this was a quality project, and that it would contribute to a dense downtown with some walkability in spite of the parking ratio. He stated he was also against parking minimums and agreed there were long-term trends against cars, especially amongst young people. He appreciated the fact, the developer respected the Providence Road corridor plan by moving parking away from Providence Road and folding it into their building. He liked many of the amenities involved in the development, to include the focus on residential life. He explained he had a strong viewpoint towards dense downtown development and walkability, which he considered critical elements of sustainability, and noted he would support this project.

Ms. Chadwick understood the University of Missouri intended to grow, and keeping students as close to campus as possible was logical. She noted there was community support for the project as only two people had spoken in opposition to it tonight. She pointed out this was a PUD zoning request so it allowed the Council to require developers to make improvements to the project, and stated she had asked the developer to make a number of additions to the project based on what she had heard was important to her constituents, such as green roofs, pervious pavement to assist with stormwater concerns, low-flow toilets to assist with sewer capacity concerns, and energy star appliances due to power consumption concerns. She stated she would support the project.

Ms. Nauser thanked the developer for soliciting community input and Ms. Fowler for her comments. She noted she believed this was an appropriate location for student housing, and stated she was excited some of the right-of-way issues involved in the Providence Road/Turner Avenue project were now resolved. She pointed out the University of Missouri was a large component of the Columbia community, and as a result, students would come to Columbia. She commented that she had noticed more parents purchasing residential homes in neighborhoods near campus and turning them into student housing, and preferred more student housing developments close to campus than on the periphery of the community. She stated she would support this project.

Mr. Skala commented that this was a difficult decision for him. He explained he had initially uniformly rejected the development agreements because he felt it was wrong to prioritize new developments in and near the downtown area as it displaced the problems of other people. He stated the amendment of Ms. Hoppe made him feel better about the commitment the City would make in terms of infrastructure, and he encouraged staff to facilitate discussions with regard to some of the larger sewer projects to address downtown infrastructure. He explained he was worried about parking overflow in surrounding neighborhoods, and agreed with Mr. Thomas that this would likely create more traffic. He also agreed students should be closer to the campus and downtown area, but understood

there would not be an increase beyond 3,000 students over the next few years, and most of those would be professional students. He explained he wanted to accommodate this project due to its location and some of its concessions, but was troubled by the way the project had morphed. Although there had been many improvements, it was difficult for the public to keep up with the changes. He noted he trusted the Council, but felt the process should be public.

Ms. Hoppe stated she was also conflicted as there were some great features with regard to this project, to include the location. She felt some of the changes were substantive, while others were not, and explained the planters would not do anything in terms of warding off stormwater and the \$10,000 toward solar panels was less than the initial investment she would put on her house. She commented that Columbia only had one downtown and she was concerned about maintaining a balance in the downtown with the growth of the University. She believed the downtown needed to include affordable housing for students and professionals, and should not be overbalanced with students as that would affect retail in the downtown and create a downtown that was no longer the heart of the community. She thought it was clear there was an oversupply of student housing within Columbia, and pointed out the Cottages had apartments that were rent-free for two months without any down payment and Aspen Heights had a “name your price” promotion. She commented that she was also concerned about tying infrastructure improvements to large developments, and believed the amendment made addressed that in some manner. She felt 700 bedrooms were too many, and that there would be traffic issues due to the number of cars associated with the development. She noted they were working toward the use of transit and hoped there would be a lot of empty parking spaces associated with the development in the future. She reiterated she believed they needed to limit the amount of high-end student housing in the downtown.

Mr. Thomas pointed out this development had been forced to provide parking per the minimum parking requirement, but it had chosen to go well above that minimum in designing the parking structure.

Ms. Chadwick commented that she did not disagree with the fact that some of the additions suggested by her should be based on policy, and noted she looked forward to those being incorporated into policy in the future.

Mr. Skala pointed out he had failed to mention two demographic studies, one by the Office of Social and Economic Data Analysis and the other by Moore & Shryock, indicating a tailing off with regard to the student population, and thought that was evident based on the sales occurring within the student housing community.

The vote on B45-14A, as amended, was recorded as follows: VOTING YES: CHADWICK, TRAPP, NAUSER, MCDAVID. VOTING NO: SKALA, THOMAS, HOPPE. Bill declared enacted, reading as follows:

The vote on B63-14A, as amended, was recorded as follows: VOTING YES: CHADWICK, TRAPP, NAUSER, HOPPE, MCDAVID. VOTING NO: SKALA, THOMAS. Bill declared enacted, reading as follows:

B231-14 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.

The bill was given second reading by the Clerk.

Mr. Matthes provided a staff report.

Ms. Hoppe understood this procedure applied to the Council, the City Manager, the head of the purchasing division, and the City Counselor, and asked why department heads, who had a large role in purchasing decisions, were not included, and if they could be included. Mr. Matthes replied he did not see why they could not be included. He agreed a department director had a large amount of decision making, but the purchasing agent was the primary responsible person that bought costly items. Ms. Hoppe understood department heads played a large role in selecting different firms for high dollar projects, and thought it would be useful to know if a department head had a conflict of interest in terms of stock, a relative, etc. Mr. Thomas asked if there would be any harm in requiring it. Mr. Matthes replied he did not believe there would be any harm.

Ms. Hoppe made a motion to amend B231-14 by including department heads to the list of those required to file disclosure reports. The motion was seconded by Mr. Thomas.

Ms. Chadwick asked if this would create more work for the City Clerk as she understood the forms would be collected by her. Ms. Thompson replied this bill dealt with the reports filed with the Missouri Ethics Commission, so it was filed with the State of Missouri. She pointed out there was a statutory requirement indicating a City employee could not have a conflict of interest. Ms. Hoppe stated she understood this report was filed with the City in addition to the State. Ms. Amin explained it was the report filed with the Missouri Ethics Commission, but she kept a copy of it as required by the City Code.

Ms. Hoppe understood the Missouri Ethics Commission did not require department heads to file this form, but that the City could require it and keep it on file. Ms. Nauser thought it would have to go to the Missouri Ethics Commission. Ms. Thompson explained if this bill was amended, it would have to go to the Missouri Ethics Commission. If Council wanted to have an internal filing requirement, a different kind of amendment could be made.

Mr. Matthes suggested staff research the issue to ensure the Missouri Ethics Commission was willing to receive the information. He thought there was a blanket prohibition for all staff members so it might already be covered.

Mayor McDavid asked if Mr. Matthes was recommending tabling the item. Mr. Matthes replied he did not think there was a problem delaying it. He noted Council could pass the ordinance tonight and could amend it later after receiving a staff report on the issue. Ms. Amin pointed out she had to notify the Missouri Ethics Commission by a certain time, but did not recall the deadline.

Ms. Hoppe withdrew her motion to amend B231-14, and Mr. Thomas, who had seconded it, was agreeable to its withdrawal.

B231-14 was given third reading with the vote recorded as follows: VOTING YES: CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B245-14 Amending Chapter 29 of the City Code as it relates to street-side non-residential first floor space on portions of Broadway and Ninth Street, tall structures and residential parking in C-2 (central business) zoning districts.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Ms. Hoppe understood a sunset was not included in the bill and an amendment would be needed to add it. Mr. Teddy stated that was correct.

Mr. Thomas asked Mr. Teddy to explain how the parking management strategy option would work. Mr. Teddy replied the management strategy might include a combination of things, such as a zip car, car sharing services, access to transit, private transit service, etc. to allow less parking to be accommodated if a developer could document they would not generate as much parking as required. Mr. Thomas asked if after the staff review, the proposal would come to Council for approval. Mr. Teddy replied he thought the staff would have the ability to accept a parking management plan based on how the proposed ordinance was currently written.

Mr. Thomas commented that he would be interested in reordering that section of the proposed ordinance so parking management was the primary option given to a developer and calling it a transportation management plan as not all of the options involved parking. He would prefer the minimum parking requirements to kick-in only if the transportation management plan was unacceptable.

Ms. Hoppe suggested the one-half mile requirement for commuter parking be stricken as well so they had more options.

Mayor McDavid stated he would prefer to eliminate the minimum parking requirement because he wanted someone to be able to develop a 20-bed apartment and only market it to people without cars. He felt there was not a risk to the City as they would not allow the person to park on the street. Mr. Thomas agreed and pointed out there would be residential parking permits in nearby neighborhoods.

Mayor McDavid made a motion to amend B245-14 by deleting Section 29-30. The motion was seconded by Mr. Thomas.

Ms. Thompson understood the intent was not to delete the entire Section 29-30, but to delete only the amendments to Section 29-30. She pointed out the underlined portions of Section 29-30 in the proposed ordinance were the amendments.

Mr. Teddy clarified he had misspoken earlier, and the Council would have to take action on the parking management plan with the way the proposed ordinance was written because it was an exception to the requirement.

Mayor McDavid explained he wanted to amend the ordinance to delete the minimum parking requirement. He withdrew his previous motion, and Mr. Thomas, who seconded it, was agreeable to the withdrawal. He explained he would make the motion after public comment was received.

Ms. Chadwick commented that if the motion to eliminate minimum parking failed, she would likely make a motion to reduce it to 25 percent from 50 percent as was currently proposed. She also wanted to ensure they addressed the minimum building height as was

suggested by Ms. Nauser and the Downtown Columbia Leadership Council and suggested 24 feet or two stories district-wide.

Mr. Teddy stated staff had interpreted their direction from Council to be to address the issues of maximum height, residential parking, and ground floor use on Ninth Street and Broadway. He noted a minimum height was recommended in particular pockets of the downtown by the Charrette study, which the Council might want to consider in terms of character areas within the district. He explained the consultant would not look at the downtown as a monolithic district, but as different character areas.

Ms. Hoppe understood the Charrette had discussed minimum heights as well, and believed it was appropriate to make an amendment for a two-story minimum height to Section 29-15(d)(3). The rest could remain as it was written.

Mr. Skala commented that he had attended the Planning and Zoning Commission meeting, and recalled them feeling it was important to have a two-year sunset. He also recalled them only having difficulty with height and the first floor retail. With regard to height, he thought they had decided to keep it simple since other changes were forthcoming. He understood there were several ways to look at the first floor retail issue as they could specify streets, create an overlay, follow the Charrette study, etc., and asked if there would be advantages of an overlay. Mr. Teddy explained a complaint had been received by the Board of Realtors objecting to the singling out of two streets with different rules. He noted the state statute that enabled municipalities to have zoning appeared to say all districts must be uniform. He stated his opinion was that a building on Broadway was a distinct type or class of property, so did not believe it was a violation, but in his discussion with Ms. Thompson, an overlay or a conditional use permit requirement for all ground-level residential was suggested if they wanted to avoid a challenge.

Ms. Nauser understood a tall building could be approved by the Council if it satisfied certain criteria, which included consistency with adopted city plan recommendations, and asked for clarification. Mr. Teddy replied the Charrette study could apply in this situation since certain blocks had specific height recommendations. Ms. Nauser understood the Charrette was not policy. Mr. Teddy stated that was correct, and explained it would be something they could consider when making the decision. Ms. Nauser commented that her concern was that this would create an environment where they would not apply the same criteria equally.

Ms. Nauser asked how tall buildings would impair emergency response as there were tall buildings and buildings of varying heights throughout the world. In addition, tall buildings in Columbia were required to have sprinkler systems. Mr. Teddy stated he thought that would be handled through building codes, but there could be a situation where the site was not well-suited for a really tall structure from an emergency point of view in terms of vehicle access, the way the building was laid out, etc. Ms. Nauser felt every building would have access to a street with a fire hydrant. She understood staff had already reviewed developments to determine impacts on the utilities, and asked if that was correct. Mr. Teddy replied yes. Ms. Nauser asked how public sidewalks, crosswalks, and streets would not have the capacity to handle pedestrians. She wondered if it was because they might not have crosswalks, adequate signals, etc. Mr. Teddy replied a traffic study would analyze the

purpose of the building, where people were coming and going to and from the building, if there were adequate crosswalks as there were a number of two lane streets with no on-street parking, where the access drives were located, and if they would be creating any kind of traffic hazards, etc. Ms. Nauser wondered if this analysis could be handled by staff and whether it was necessary to go to the Planning and Zoning Commission and to the City Council. Mr. Teddy replied he thought staff could do more work on the front end to detail what was required and expected. Ms. Nauser stated she thought staff could use these criteria to evaluate whether a tall building should be allowed. She did not know why it needed to come before the Council. She noted she preferred the City grow up rather than out, and did not believe they should limit the height of buildings.

Ms. Hoppe commented that she felt the Council would want to consider infrastructure capacity in situations where there might already be a traffic issue that would be further impacted by a dense development in that area.

Ms. Chadwick stated she believed a street-side first floor space should have an entrance to the outside, and asked if that was addressed in the ordinance. She wondered if a non-residential space was required to have a door to be able to come into that space. Mr. Teddy replied it would have to have access if it was a non-residential space. He asked if she meant access to the front of the building instead of an alley or the back side of a street, and noted he believed that would be rare, but stated something could be put into the ordinance to ensure a situation such as that was covered.

Dan Cullimore, 715 Lyon Street, stated he was the President of the North Central Columbia Neighborhood Association and explained there were reasons for including on-site parking for residential development within the C-2 zoning district. He pointed out the streets of North Central Columbia and the Village Arts District were full of student cars even though the nearby apartment had a parking structure. He agreed there would not be a risk to the City, but the residents around the central city area would be negatively affected. He commented that he understood the Planning and Zoning Commission did not deal with the contradiction between a 10-story or 120-foot structure, and how that would be assessed with regard to the plan or H3 Charrette, and asked the Council to follow the recommendations of the H3 Charrette in terms of building height and to make it City policy as those recommendations made a lot of sense. He hoped the Council would support on-site parking, limit building heights to the H3 Charrette recommendations, and support the first floor non-residential use requirement.

Sid Sullivan, 2980 Maple Bluff Drive, commented that the last time Columbia changed its zoning code was in 1960, and at that time, the downtown had been envisioned as a small, quaint downtown with two-story buildings in which people could live on the upper floors above the stores where they worked. He was unsure as to why the height restrictions were removed at that time. He felt the Planning and Zoning Commission was concerned with changes the Council might make to their recommendations and the tension with regard to property rights and the vision for the downtown. He did not believe the proposed ordinance reflected what they wanted for the downtown. He understood this was an interim solution to contain development until infrastructure was in place, and asked the Council to consider the work of the Planning and Zoning Commission.

Peter Yronwode, 203 Orchard Court, stated he believed this interim proposal was a very good start. He understood the consultants working on the zoning code revisions would consider the character of all of the neighborhoods, and he felt it was incumbent upon them to consider the character of the downtown even with the interim changes. He suggested adding Eighth Street, which was known as the Avenue of the Columns, as a street where no dwelling units could be permitted within the street-side first floor space. He concurred with previous speakers in that it was absurd to add large residential structures without providing for some parking as he believed people would use their cars in the foreseeable future. He commented that Columbia was not St. Louis, Missouri or San Antonio, Texas, and suggested it be modeled after Lawrence, Kansas. Its downtown was more attractive than Columbia because all of the buildings were of approximately the same scale. He understood the Tiger Hotel was a historic building, which everyone loved, but it, like Paquin Towers, was not to scale with the rest of the downtown, and he personally felt even ten stories was too tall.

Jeremy Root, 2417 Beachview Drive, stated he agreed with prior speakers in that these small steps were important in terms of preserving the character of downtown, and believed zoning was a way the Council could engage in meaningful policy for the important neighborhoods, which would include the downtown. He understood the C-2 zoning district had not always allowed residential uses, and they were only permitted as a right in the 1990's. There had since been tremendous growth in the residential uses in the C-2 district, and that policy change had led to some infrastructure deficits. If in the 1990's, the Council had continued to require conditional use permits for residential developments within C-2 district, he felt there would have been more careful monitoring of that growth. He pointed out residential uses generated a tremendously higher impact on infrastructure than commercial uses as they were occupied 24 hours per day, had multiple sinks, toilets, and showers for residents, etc. and much of that went into the City's sanitary sewer system. He encouraged the Council to expand the non-residential requirement beyond Ninth Street and Broadway. He commented that the community wanted a dense, commercial district and a walkable, lovable district. He thought it made sense to extend it north to Walnut Street where today, between Providence and Hitt Street, there were no residential developments on the first floor, and west a block or two to Eighth Street or Seventh Street as there were not residential developments on the first floor in those areas between Walnut Street and Elm Street either. He felt that would preserve the character of the downtown and encourage the growth of commercial and walkable public spaces for all Columbia citizens to enjoy.

Janet Hammen, 1844 Cliff Drive, encouraged the Council to follow the H3 Charrette. She understood it had not been adopted as policy, but noted it had been adopted as a guideline. She commented that the East Campus neighborhood had been impacted by the lack of a minimum parking requirement in the C-2 zoning district, and asked the Council to not allow that to continue for residential developments. She understood a proposed development did not have a door to the street it was addressed at, and that the door would be on a side street, and encouraged the requirement for an entrance on the street for which a development was addressed. She also suggested expanding the first floor non-residential requirement in order to maintain the inviting nature of the downtown. She recommended it be

expanded to Walnut Street and incorporate all of Eighth Street, and even possibly Seventh Street.

Pat Fowler, 606 N. Sixth Street, commented that the Downtown Columbia Leadership Council had discussed minimum and maximum building heights in the C-2 zoning district as they felt they were equally important given the character of the downtown. She explained the view of Jesse Hall was the billion dollar view on campus, and as the campus grew, it did not have higher structures that competed with the character and feel of the historic red and white campuses. This was because the University knew that view was a billion dollar per year economic engine. She asked them to consider the view and what would pop up in the horizon as one looked at Jesse Hall from Rollins Street.

Mayor McDavid pointed out this was an interim policy as the City had hired a consultant to provide guidance on the zoning code, but noted he felt strongly about the minimum parking requirements. He wanted to market residential living to people that were not encumbered to have cars, and if the City required minimum parking, the building size would increase, which meant the development would cost more and the rent would increase causing the units to be less affordable. He suggested reducing the minimum parking requirement to 25 percent.

Mayor McDavid made a motion to amend B245-14 by reducing the minimum parking requirement set forth in Table 29-30(b)(1) from 0.5 space/bedroom for new residential dwelling units in new buildings to 0.25 space/bedroom for new residential dwelling units in new buildings. The motion was seconded by Ms. Nauser.

Mr. Thomas asked Mr. Teddy for his assessment of what the consultant would come up with regard to parking in the C-2 zoning district. Mr. Teddy replied he did not know in terms of specific standards, but understood they were looking at ways to allow parking areas with the right designs. Mr. Thomas asked what their thoughts were with regard to mandating parking in the downtown. Mr. Teddy replied that in looking at ordinances across the country, it was common to not require minimum parking. He understood there were some communities that required it for residential uses or all types of uses based on an individual use classification, but noted some of those communities were talking about getting rid of their parking requirements. Mr. Thomas asked Mr. Teddy if he felt it was an effective way to keep cars out of adjacent neighborhoods. He wondered whether a minimum parking requirement in the downtown residential area or a residential parking permit program in adjacent neighborhoods would achieve the desired outcome. Mr. Teddy replied they all operated at a very general level, but it was generally true that modest parking would avoid parking trespass problems. Mr. Thomas understood developers could provide parking even without a minimum parking requirement. Mr. Teddy agreed, but thought a minimum and maximum might be a way to prevent trespass issues or someone relying on someone else to provide parking.

Mr. Skala agreed it was important to point out this was an interim measure, and did not believe the consultant opposed the idea of a parking requirement such as this. Mr. Teddy stated the consultant recognized this targeted approach of looking at several issues of current concerns, and pointed out this ordinance would likely be in effect for a year or more before it was replaced.

Mr. Thomas thought it was important for this change to not be completely inconsistent with what would replace it and for it to be a part of the transition, and stated he would support the reduction in the minimum parking requirement.

Ms. Hoppe understood the City also wanted to allow for a parking management plan, and asked if a developer would choose a parking management plan over the 25 percent minimum parking requirement. Mr. Teddy replied the ordinance was currently written so half of a space would be provided per bedroom at a minimum, and the developer had the option of a parking management plan if that ratio could not be met. He understood Mr. Thomas had suggested a parking management plan prior to building. Mr. Skala felt it was possible to make arrangements to house parking elsewhere regardless of the minimum parking requirement number. Mr. Teddy stated that was correct.

The motion made by Mayor McDavid and seconded by Ms. Nauser to amend B245-14 by reducing the minimum parking requirement set forth in Table 29-30(b)(1) from 0.5 space/bedroom for new residential dwelling units in new buildings to 0.25 space/bedroom for new residential dwelling units in new buildings was approved by voice vote with only Mr. Skala voting against it.

Ms. Chadwick made a motion to amend B245-14 by changing the last sentence in Section 29-15(b) so it read “The street-side first floor space shall include an entrance door on either Broadway or Ninth Street and may include separate doorways, entry spaces, and stairs or elevator shafts that provide access to dwelling units....” The motion was seconded by Ms. Hoppe.

Ms. Nauser asked how that would work if the main floor was retail or office space. Ms. Chadwick replied there would need to be a door for people to get into the retail or office space. Ms. Nauser understood the door was not for residents. Ms. Chadwick stated that was correct.

The motion made by Ms. Chadwick and seconded by Ms. Nauser to amend B245-14 by changing the last sentence in Section 29-15(b) so it read “The street-side first floor space shall include an entrance door on either Broadway or Ninth Street and may include separate doorways, entry spaces, and stairs or elevator shafts that provide access to dwelling units....” was approved unanimously by voice vote.

Ms. Nauser thought they should encourage building up in the downtown area versus out into the suburbs of Columbia, and felt there were differences in opinions when discussing character and aesthetics as she preferred diversity over monochromatic views. She suggested encouraging five story minimums and not having any restrictions on the maximum height of buildings in the downtown.

Ms. Nauser made a motion to amend B245-14 by including a minimum height of five stories to Section 29-15(d)(3).

Mr. Thomas understood this would apply to every new building in the C-2 zoning area. Ms. Hoppe understood it would include Broadway.

Mayor McDavid stated he thought this was a good idea, but that it needed to be discussed with the zoning consultants.

Ms. Chadwick stated she supported the idea of multi-story buildings, but noted she was not prepared to support five stories.

The motion of Ms. Nauser for a five-story minimum building height died due to a lack of a second.

Ms. Chadwick made a motion to amend B245-14 by including a minimum height of two stories to Section 29-15(d)(3). The motion was seconded by Ms. Hoppe.

Mr. Skala understood that the adoption of the H3 Charrette would address building height and first floor retail, and asked if the C-2 area was defined in the Charrette. Mr. Teddy replied the Charrette focused on the downtown gateways, which included Providence, Broadway, College Avenue, and the North Village Arts District. The center of the downtown was not covered in their recommendation. Mr. Skala understood first floor retail would have to be addressed separately, but the building height issue could be addressed by the recommendations of the H3 Charrette. Mr. Teddy stated that was correct. The H3 Charrette recommended a two-story minimum and eight-story maximum on Broadway, a two-story minimum and five-story maximum on Walnut and within the neighborhood, and a three-story minimum and ten-story maximum on Elm Street. He thought there might be a three-story minimum and ten-story maximum in the west gateway area. He recommended leaving the more detailed work to the zoning consultant.

Mr. Thomas understood the motion of Ms. Chadwick for a two-story minimum would apply to the entire C-2 area. Ms. Chadwick stated it would apply to any new development within the C-2 area.

Mr. Trapp stated he was tempted to support the motion because it made sense, but was also concerned with these changes because a process for review was underway. He could not think of all of the possible implications of the changes, and felt it was unnecessary and a bit arbitrary. He stated he would not support this amendment even though he felt it had some merit because he preferred a more thoughtful, deliberative, and comprehensive approach.

Mr. Thomas commented that Mr. Trapp had a good point and that they had to remember this was an interim policy that was only supposed to prevent developments that were bad for the downtown area between now, since they had a very permissive zoning district, and the time they had a new zoning code for the downtown.

Mayor McDavid stated he would support the two-story minimum.

Ms. Thompson noted the motion of Ms. Chadwick would add a sentence at the beginning of Section 29-15 (d)(3) reading “Buildings shall have a minimum height of two stories consisting of a minimum of 24 feet.” It would then continue with the existing proposed language to say “One hundred twenty (120) feet or ten stories is the maximum building height permitted by right...” Ms. Chadwick stated that was correct and noted she felt this was consistent with the recommendations of Charrette and the Downtown Columbia Leadership Council.

The motion made by Ms. Chadwick and seconded by Ms. Hoppe to amend B245-14 by including a minimum height of two stories to Section 29-15(d)(3) was approved by voice vote with only Mr. Trapp and Ms. Nauser voting against it.

Ms. Hoppe made a motion to amend B245-14 by including Eighth Street and Tenth Street to Section 29-15(1)(b) so no dwelling units were permitted within the street-side first floor space of buildings along those streets.

Ms. Hoppe pointed out those streets were within the core downtown area and anything built now would remain for 50-100 years, so they wanted to ensure non-residential uses on the ground floor.

The motion made by Ms. Hoppe to amend B245-14 by including Eighth Street and Tenth Street to Section 29-15(1)(b) so no dwelling units were permitted within the street-side first floor space of buildings along those streets was seconded by Mr. Skala.

Ms. Chadwick asked if this was discussed at the Planning and Zoning Commission meeting. Ms. Hoppe replied she had recommended it when this had been sent to the Planning and Zoning Commission for review. Mr. Teddy stated he recalled discussion regarding the Avenue of the Columns, but not with regard to Tenth Street. He asked if Ms. Hoppe meant to include Eighth Street and Tenth Street from Walnut Street to Elm Street. Ms. Hoppe replied yes.

Mayor McDavid commented that he thought this might be a good idea, but noted he would not support it tonight. He stated he would wait for the recommendations of the consultants reviewing the zoning code.

Mr. Thomas asked if this would apply to anyone that had not received a building permit. Mr. Teddy replied yes. It would include anything in the future. Mr. Thomas asked if it would apply to the Opus development. Mr. Teddy replied the City had not issued a building permit. Mr. Matthes commented that he believed the Opus development complied with this concept because the ground floor had a non-residential use.

The motion made by Ms. Hoppe and seconded by Mr. Skala to amend B245-14 by including Eighth Street and Tenth Street to Section 29-15(1)(b) so no dwelling units were permitted within the street-side first floor space of buildings along those streets was defeated by voice vote with only Ms. Hoppe, Mr. Skala, and Mr. Thomas voting in favor of it.

Mr. Thomas stated he had suggested reordering the parking options, but was satisfied in the reduction in parking.

Ms. Hoppe thought they wanted to remove the requirement for parking to be located within one-half mile of the development to provide more options for commuter parking. Mr. Thomas asked if they were concerned about someone appropriating land for off-site parking in a location that was inappropriate, and whether shuttle service would be required. Ms. Chadwick understood that by striking the one-half mile requirement, they were not requiring shuttle service. Mr. Thomas thought this issue could be addressed by the parking management plan option. Ms. Hoppe agreed that could be inferred and stated she would not pursue that change to the proposed ordinance.

Mr. Trapp commented that he liked the restrictions to first floor residential uses on Broadway and Ninth Street as it seemed to be appropriate, and agreed with the reduction in parking, but he noted he could not support the limitations to tall buildings. He agreed character and sense of place in the downtown were important values, but believed those were subjective experiences, and there was value to increasing density and walkability and creating an urban feel in the downtown. He noted his view when coming down Providence Road from the north was the Fifth and Walnut parking garage and the University of Missouri Power Plant smoke stacks, and believed those two buildings would fit better once other taller buildings were developed in the downtown. He pointed out they were in a well-publicized

process for a total overhaul in the zoning codes and noted he would not support this change in the interim as he felt it was unnecessary.

Ms. Nauser stated she felt this was a solution without a problem, and did not believe an interim change was good policy when they were looking at the entire issue. She noted she did not like the minimum and maximum building heights, and believed walkability was key to a vibrant downtown. The parking requirement seemed to conflict with what they had been promoting for years, which was trails, bikes, and alternative transportation. She commented that the downtown was not near as vibrant and eclectic as it was now when she first moved to Columbia in 1992. Residents in the downtown would support grocery stores, convenience stores, clothing stores, and restaurants, and she did not believe that would survive if they had to rely on people from the suburbs coming to the downtown. She stated she looked forward to the recommendations of the zoning consultants, and would not support this proposed ordinance in the interim. She did not feel it was fair to the property owners in the downtown to change the rules now and to change them again in less than two years.

Mr. Skala agreed this was a temporary change, but felt it was consistent with a targeted approach. They were aware of the problems with dedicated residential developments as they had a unique impact on the downtown infrastructure. He did not believe it was unreasonable to accommodate students closer to campus, but felt they still needed to maintain the character of the downtown. Any new development would be there for the next 50-60 years. He believed the interim proposal allowed for a very thorough approach as the Planning and Zoning Commission had taken several months prior to providing a recommendation, and felt the Council would generally preserved the recommendations of the Commission with their changes. He stated he was willing to support this proposed ordinance and encouraged the rest of the Council to support it as well.

Ms. Hoppe commented that a lot could happen between now and a year from now in terms of development in the downtown that was not consistent with many of the processes and plans of the City. She noted they had been working on this since 2006 with the visioning process, charrettes, etc., and was concerned they would be stuck with developments for at least 60 years that were inconsistent with the community vision without an interim policy. She pointed the height restrictions were consistent with the recommendations of an adopted City plan r, and would assist in ensuring sufficient infrastructure. In addition, she believed it would be fairly consistent with the recommendation of the consultants. She believed something needed to be in place in the interim.

Ms. Chadwick stated these issues had been discussed for years, and she was happy to be able to support this proposed ordinance.

Mr. Thomas asked for a summary of the amendments made to the proposed ordinance. Ms. Thompson replied parking was reduced to 0.25 space/bedroom, the street-side first floor space would include an entrance door on Broadway or Ninth Street, and buildings would have a minimum height of two stories consisting of a minimum of 24 feet.

B245-14, as amended, was given third reading with the vote recorded as follows: VOTING YES: CHADWICK, SKALA, THOMAS, HOPPE, MCDAVID. VOTING NO: TRAPP, NAUSER. Bill declared enacted, reading as follows:

B246-14 Approving the Final Plat of Worley Street Subdivision – Plat 2 located on the north side of Worley Street and approximately 700 feet east of Bernadette Drive (1805 W. Worley Street); setting forth a condition regarding dedication of street right-of-way.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Mayor McDavid asked for the recommendation of staff. Mr. Teddy replied the Community Development Department staff had recommended the street easement, but the City Counselor had some concerns with regard to the street easement in place of the street right-of-way. He pointed the street easement had not been proposed to the Planning and Zoning Commission as that had been discussed with the applicant after the recommendation by the Commission.

Mayor McDavid asked Ms. Thompson for her recommendation. Ms. Thompson replied there was a fundamental difference between a street easement and right-of-way. The right-of-way gave the City rights to install utilities and other infrastructure. She noted she was concerned about a street easement because there was a lack of transparency in terms of what the property owner could do, and explained a street easement continued to be calculated for density purposes, could be used as part of the setback, or could be included in open space calculations, even if the City was constructing a street, sidewalk, or other improvement on it that was consistent with a right-of-way. She had a fundamental concern with using a street easement in lieu of a street right-of-way. Mayor McDavid asked if she recommended denial on that basis. Ms. Thompson replied she did not recommend denial. She recommended it be a street right-of-way instead of a street easement. She noted Section 3 of the ordinance required a 13 foot street right-of-way dedication.

Mr. Thomas asked for clarification as to why a street easement was the preferred option for a property owner. Ms. Thompson replied the owner could continue to use it in the square footage calculations or for other purposes under the zoning code, even when the City would use it for street purposes. She noted an easement was only the right to the surface. Ms. Chadwick understood the reason this property owner was requesting a street easement dedication over a street right-of-way dedication was because it was the difference between ten and eleven low-income disabled units. Ms. Thompson explained there were many ways the developer could get to that particular right. The proper method under the City Code would have been to come to Council with a planned unit development. She did not believe they should have gone to the Board of Adjustment to obtain variances, and then come to the Council for variances or special considerations. She pointed out that once the current structure was removed, it was a greenfield development for all intents and purposes, so it would be a vacant lot and there were no hardships under the Board of Adjustment standards for granting the variances even though they had chosen that route and had obtained the variances.

Mr. Thomas asked if the 66 foot right-of-way envisioned Worley Street becoming a four-lane street. Mr. Teddy replied no, and explained the City had several street standards so bike lanes or center turn lanes could be accommodated. He thought that was the most that would be included on a collector street. He did not believe it would ever go to four lanes.

Mr. Thomas understood that 66 feet would be needed if Worley Street was ever to be upgraded to comply with the 2004 street standards. Mr. Teddy stated that was correct.

Tim Reed stated he was a land surveyor with offices at 1113 Fay Street and explained they would be happy to grant the public right-of-way if it did not reduce the density calculation to 10.8 as the applicant had planned to develop eleven units when the property was purchased. If they only provided the street easement, the density would be 11.5. He noted it was too late to argue for a three foot variance, so they preferred a street easement dedication.

Mr. Thomas asked for a description of the development that would be built at this location. Mr. Reed replied it would be low-income disabled housing and the applicant was hoping to place eleven units on the property.

Mr. Trapp asked why they chose not to move forward with a planned unit development (PUD). Mr. Reed replied they were concerned about the number of obstacles they would encounter with a PUD request, and as a result, chose to proceed with the existing O-1 zoning.

Ms. Chadwick stated this was low-income disabled housing and was something she thought the Council would support so she was confused as to why a PUD would not work for this development. Mr. Reed replied it would work fine in theory, but was a nightmare from start to finish. Ms. Chadwick understood Mr. Reed was saying the City's process was a nightmare. Mr. Reed stated the planned unit development process was nightmare.

Ms. Hoppe asked what the City could do with right-of-way that it could not do with an easement. Ms. Thompson replied the City had utility locates and other things in the right-of-way that they did not get with a street easement. The street easement was only for streets. The right-of-way had many more broad rights and uses. Ms. Hoppe understood there were potential uses the City might have for the right-of-way. Ms. Thompson explained cable television, fiber, etc. could be place in the right-of-way. Mr. Reed stated they would be happy to grant a street/utility easement.

Ms. Nauser stated she believed the City's PUD process had worked fine for many subdivisions in the community, and although she supported the concept for this project, she did not support the request for the street easement due to the applicant's failure to provide more specifics as to why a PUD was not possible. She thought they should keep to their standard procedures.

Mr. Trapp commented that he would like to support this project, but felt the PUD route was better than taking extraordinary measures that would have future unforeseen consequences.

Mr. Thomas stated he was interested in inclusionary housing policies, which involved providing density bonuses to encourage developers to build affordable housing, and asked if granting eleven units was an option of the Council while still obtaining the right-of-way. Ms. Thompson replied she did not believe it was possible under the process the developer chose to utilize, and pointed out the Council could have granted the additional density with a PUD.

Mr. Reed asked the Council to approve the proposed ordinance as the applicant would dedicate the proper right-of-way if they were not inclined to support the street easement. Mayor McDavid asked if that was something Council could do. Ms. Thompson replied yes.

She explained this was a plat request, but the applicant had also asked for an exception to be made. Mayor McDavid understood the Council could vote on the plat. Ms. Thompson stated that was correct, and noted it would be a 10-unit development instead of an 11-unit development in that case.

B246-14 was given third reading with the vote recorded as follows: VOTING YES: CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B250-14 Authorizing the purchase of properties located at 903 Garth Avenue and 512 Mary Street using Neighborhood Stabilization Program funds.

The bill was given second reading by the Clerk.

Mr. Teddy provided a staff report.

Jeremy Root, 2417 Beachview Drive, commented that it struck him as unusual that the City would be acquiring residential homes, and asked if the homes were presently occupied. Mr. Teddy replied these two homes were currently not occupied, and were not in an occupiable condition. Mr. Root asked if the City had a plan to redevelop the homes. Mr. Teddy replied the City would utilize a request for proposals process and HOME funding. He explained the idea was to build an affordable home that would go to a low-income family. Mr. Root asked if the current structures would be razed for new structures to be built. Mr. Teddy replied yes. He noted these homes were not feasible to rehabilitate in terms of the price per square foot. Mr. Root asked who would do the work. Mr. Teddy replied the demolition would be contracted out by the City.

Mr. Root asked if the other addresses listed in the staff report had been successful projects. Mr. Teddy replied he thought they had been even though there had been an issue with 711 Mikel Street as the original property owner had been unhappy with the home. Repairs had since been made, and the home was now rented. He noted the City had partnerships with other organizations such as Job Point, who had rehabilitated properties and sold them, and the Columbia Housing Authority, who had created a community land trust for a larger project at Garth and Sexton. He stated he believed the program was a success as it was creating affordable housing.

B250-14 was given third reading with the vote recorded as follows: VOTING YES: CHADWICK, TRAPP, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B257-14 Authorizing the repeal of Ordinance No. 022071 which approved an amended and restated development agreement with Opus Development Company, L.L.C. as it relates to property located on the north side of Locust Street, between Seventh Street and Eighth Street, and provided for the repeal of Ordinance No. 022010.

B258-14 Calling a special election to be held on Tuesday, November 4, 2014 for the purpose of approving or rejecting Ordinance No. 022071 passed by the City Council on May 19, 2014, which authorized the City Manager to execute an amended and restated development agreement with Opus Development Company, L.L.C. as it relates to property located on the north side of Locust Street, between Seventh Street and Eighth Street.

The bills were given second reading by the Clerk.

Mr. Matthes provided a staff report.

Mr. Skala understood there was an argument that a dozen or so people had spearheaded the petition process, those signing the petition did not really know what they were signing, and that the group was only trying to prevent Opus from developing, but he believed it was initially a development agreement process complaint. He commented that although he was mindful of the expense and wanted to remain consistent in his opposition of development agreements as they tended to promise things that they had not been discussed, such as solutions to infrastructure problems, while displacing solutions for others that had problems, he believed the only reasonable alternative to vindicate the Repeal 6214 group was to have a public referendum to determine how the citizens actually felt about the process. He understood this might be a moot issue, and asked Ms. Thompson to elaborate. Ms. Thompson replied it was a moot point because the development agreement had not been executed and the City had been notified by the developer that they did not plan to execute the agreement due to the referendum petition, and a one party agreement was not an agreement.

Mr. Skala asked if Opus would be obligated to accommodate some sort of infrastructure connection to an inadequate system in the absence of a development agreement. Ms. Thompson replied the purpose of the development agreement was to help fund off-site infrastructure and Opus would not be obligated to contribute to off-site infrastructure in the absence of a development agreement. Mr. Skala asked for clarification on the obligation of Opus in terms of infrastructure. Ms. Thompson replied every project was evaluated based upon the specific requirements of the project. She explained some had on-site improvements, adjacent-site requirements, etc., and if off-site improvements were involved, a development agreement was used to define those improvements and the obligations associated with those improvements. She stated she would not provide more detail at this time due to litigation that had been filed relative to the issue.

Ms. Hoppe understood these development agreements were necessary because there was insufficient infrastructure and Opus had been told it could not proceed with its project without providing funds for infrastructure, and noted she did not believe that had changed. She pointed out Opus would not have agreed to the development agreement if the City had not required it. She felt if this development agreement was repealed, the next step would be to create a better agreement. She did not believe not having any agreement at all made sense based on previous statements and positions. Ms. Thompson explained there was a fundamental difference for this particular development. It involved C-2 zoning while the other two developments involved PUD zonings, and as a result, the give and take was different in terms of negotiating the agreement. The C-2 zoning did not require an agreement to be in place. Ms. Hoppe pointed out the City had initially told Opus it could not proceed due to inadequate infrastructure. Ms. Thompson noted the City had since committed to constructing infrastructure improvements. Mr. Thomas understood that was without a contribution from Opus. Ms. Thompson stated that was correct. Mr. Matthes explained the two main reasons the staff originally indicated the project could not proceed was due to electrical and sewer shortages. The Council had since voted to approve the Rebel Hill feeder line, which resolved the electric capacity issues, and to fund two of the four Flat Branch relief sewer projects,

which resolved the sewer issue. In addition, the inflow and infiltration program appeared to be effective and the data showed it had significantly impacted the basin that was studied.

B257-14 was given third reading with the vote recorded as follows: VOTING YES: CHADWICK, TRAPP, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: SKALA. Bill declared enacted, reading as follows:

B258-14 was given third reading with the vote recorded as follows: VOTING YES: SKALA. VOTING NO: CHADWICK, TRAPP, THOMAS, NAUSER, HOPPE, MCDAVID. Bill declared defeated.

CONSENT AGENDA

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

- PR137-14 Establishing a revised Community Development Block Grant and HOME funding policy; establishing a revised review process for annual CDBG and HOME funding requests; and establishing revised CDBG and HOME Program Administrative Guidelines.
- B247-14 Approving the Final Plat of Boone Medical Park Plat 1 located on the southeast corner of Nifong Boulevard and Forum Boulevard; authorizing a performance contract.
- B248-14 Vacating utility and drainage easements on Lots 4-18, and the unimproved public rights-of-way for Kentsfield Lane and Bretona Circle within Discovery Park Subdivision, Plat 2A.
- B249-14 Vacating a water easement within Kelly Highlands Phase II located approximately 310 feet northward from the northern terminus of Stalcup Street.
- B251-14 Authorizing a contract for sale of real estate with Egbert and Melva Wilson and Mevagene Wilson for the purchase of property located at 106 Lynn Street.
- B252-14 Authorizing construction of the 16-inch Oakland Church Road water main project located in the northeast pressure zone; calling for bids through the Purchasing Division.
- B253-14 Authorizing the acquisition of easements for the Oakland Church Road water main project.
- B254-14 Accepting conveyances for utility purposes.
- B255-14 Authorizing a program services contract with the Missouri Department of Health and Senior Services for WIC Local Agency Nutrition Services.
- B256-14 Authorizing Amendment No. 3 to the program services contract with the Missouri Department of Health and Senior Services for the Teen Outreach Program (TOP).
- R138-14 Setting a public hearing: voluntary annexation of property located approximately 800 feet west of Thompson Road (4097 Thompson Road).
- R139-14 Setting public hearings: consider the 2015-2019 Consolidated Plan and FY 2015 Annual Action Plan; establishing a comment period; approving the 2015-2019 Consolidated Plan and FY 2015 Annual Action Plan.

- R140-14 Authorizing an agreement with Ultramax Sports for sports development funding under the Tourism Development Program.
- R142-14 Authorizing Amendment 2 to the tenant based rental assistance agreement for HOME funding with the Housing Authority of the City of Columbia.
- R143-14 Authorizing an amendment to the agreement for CDBG funding with Central Missouri Community Action.
- R144-14 Expressing support for the second phase of the Gentry Estates housing development for senior citizens.
- R145-14 Expressing support for construction of rental housing units for low income persons with disabilities to be located at 1805 W. Worley Street.
- R146-14 Expressing support for the renovation of the Bryant Walkway Apartments.
- R147-14 Authorizing agreements for transportation services with EDR Columbia, LP d/b/a The Reserve at Columbia and Mizzou CVA, LLC.
- R148-14 Granting a temporary waiver from the requirements of Section 16-185 of the City Code to allow possession and consumption of alcoholic beverages for the Harvest Hootenanny fundraising event.
- R149-14 Authorizing an operations agreement with Thumper Productions, LLC for the 2014 Roots 'N Blues 'N BBQ Festival.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: CHADWICK, TRAPP, SKALA, THOMAS, NAUSER (except for R148-14 and R149-14 on which she abstained), HOPPE, MCDAVID. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R141-14 Authorizing an agreement with Bank of Missouri for the subordination of a CDBG loan executed by Phoenix Programs, Inc. for property located at 90 E. Leslie Lane.

The resolution was read by the Clerk.

Mr. Teddy provided a staff report.

Ms. Nauser asked if the City was already in a subordinate position to an existing deed of trust. Mr. Teddy replied he was unsure and would have to affirm they were in a second position with this.

Jeremy Root, 2417 Beachview Drive, explained he had asked for this to be removed from the consent agenda because he wanted to better understand the City's position as to why it would be willing to subordinate this obligation for the Phoenix Programs. He felt if it was an obligation to the City, it was also an obligation to the citizens, and they should be told why the City was funding organizations and at what level, and why other financing vehicles would be allowed to step in front of the obligations due to the City. He understood this was a \$188,000 obligation, and believed other programs, such as CAT, could benefit from that level of funding. Mr. Teddy explained a deferred loan was typically involved whenever the Council approved CDBG funding for agencies for community facilities, so nothing was owed to the City and it was generally a lien against the property. Institutions, such as Columbia Housing

Authority, Reality House, Habitat for Humanity, etc., were usually in existence for the long-term so the City benefited.

The vote on R141-14 was recorded as follows: VOTING YES: CHADWICK, SKALA, THOMAS, NAUSER, HOPPE, MCDAVID. VOTING NO: NO ONE. ABSTAIN: TRAPP. Resolution declared adopted, reading as follows:

R150-14 Authorizing the temporary closures of portions of Fay Street between Wilkes Boulevard and Hinkson Avenue, and Hinkson Avenue between College Avenue and Nichols Street for The Block Party events; granting temporary waivers from the requirements of Section 16-185 of the City Code to allow possession and consumption of alcoholic beverages for The Block Party events.

The resolution was read by the Clerk.

Ms. Rhodes provided a staff report.

Ms. Hoppe thought the requirement involving football games impacted only the downtown area. Mr. Matthes stated it depended on how the downtown was defined as this area was included in the area identified by the Downtown Columbia Leadership Council, but not the Downtown Community Improvement District. Ms. Thompson pointed out it could still impact traffic patterns, which was a health, safety, and welfare concern. The Council would need to consider whether it was outside of the zone and whether it would have a negative impact.

Ms. Chadwick asked for more information regarding the event. Ms. Rhodes replied she understood it was a block party and a music and beer festival. Mr. Matthes noted Logboat Brewery would host it and it would likely include food trucks.

Ms. Hoppe understood the neighborhood was involved. Ms. Rhodes stated that information was not submitted with the application.

Mr. Matthes pointed out staff did not have the answers because they had not had the time to review the application since it did not meet the 90 requirement. In addition, the ordinance was specifically written to not allow street closures during football games without Council approval.

Dan Cullimore, 715 Lyon Street, stated he was the President of the North Central Columbia Neighborhood Association and explained they had not been informed of this prior to seeing it on the agenda, and after making phone calls, he understood it was associated with Woodruff Sweitzer and Logboat Brewing, and that they wanted to close one block of Fay Street and a partial block of Hinkson Avenue. He noted the Neighborhood Association was in support of the request as they valued neighborhood businesses, and both of these businesses were relatively new and located in recently rehabilitated buildings. As a result, they wanted to see the businesses succeed. He noted this event was also significantly outside of the downtown area. He understood they had not met the 90-day requirement, but did not feel they should be penalized for it.

Mr. Trapp asked Mr. Cullimore if he could comment on traffic patterns in that area and how they were on game days. Mr. Cullimore replied there was no traffic in those areas on game days as they were far enough away that no one even parked there.

Mayor McDavid stated he would not support this as it had not been properly vetted. He understood festivals that closed streets on the weekends were problematic from a

security and manpower standpoint, and the thought this would be confined to a few neighbors was short-sighted. He thought it was bad policy to allow this on an ad hoc basis.

Mr. Thomas stated he was concerned by the fact the petitioners were not present to explain and justify the event.

Ms. Chadwick commented that the petitioners had not reached out to her even though the event was in her ward. She noted she was not opposed to an event occurring during football games outside of the football areas, but felt timelines needed to be met.

Ms. Hoppe understood staff had not worked out any of details that were usually involved in terms of logistics. Ms. Rhodes stated that was correct. She explained staff had received the application under the immediate appeal to the Council so they had not had time to thoroughly review the request.

Mr. Thomas understood the 90-day limit only applied for game weekend events. Ms. Rhodes stated that was not correct. The 90-day requirement applied to all events. Mr. Thomas understood there were two separate concerns here. One was the late application and the other was that it would take place on a game weekend. Ms. Rhodes stated that was correct.

Mr. Skala noted this event had two dates, October 10 and October 31, and asked if the 90-day rule applied for both. Ms. Rhodes replied it applied to both.

Mr. Thomas understood that even if the application had been filed in a timely manner, the Council would be involved since it involved a game weekend. Ms. Rhodes stated that was correct.

The vote on R150-14 was recorded as follows: VOTING YES: NO ONE. VOTING NO: CHADWICK, TRAPP, SKALA, THOMAS, HOPPE, MCDAVID. ABSTAIN: NAUSER. Resolution declared defeated.

INTRODUCTION AND FIRST READING

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

- B259-14** Rezoning property located east of the intersection of Bluff Creek Drive and Pebble Creek Court from O-1 to PUD-5.1; approving the PUD Plan of Cotswold Villas at Bluff Creek Estates; granting a variance from the Subdivision Regulations.
- B260-14** Approving a revision to the Lot 2, Discovery Park CP Development Plan and approving the C-P Plan for Discovery Office Park South; approving a revised statement of intent; setting forth a condition for approval.
- B261-14** Rezoning property located west of Ponderosa Street, south of Philips Farm Road and north of the Discovery Parkway/Gans Road interchange from C-P, O-P, PUD-4 to C-P and PUD-4; approving a revised statement of intent; approving the C-P Plan for Lots 4 & 5 Discovery Park Sub. Plat 2B; approving less stringent parking requirements.
- B262-14** Approving the Final Plat of Discovery Park Subdivision Plat 2-B, a Replat of Discovery Park Subdivision Plat 2-A, located between U.S. Highway 63 and A. Perry Philips Park, north of the Discovery Ridge and Gans Road interchange; authorizing a performance contract.

- B263-14 Changing the uses allowed on O-P zoned property located on the southwest corner of Pratt Street and Ripley Street (103 Ripley Street); approving a revised statement of intent.
- B264-14 Changing the name of a portion of Bodie Drive located between Highway 763 North and Edenton Drive to International Drive.
- B265-14 Amending Chapter 14 of the City Code to prohibit parking on a portion of Executive Drive, from Southampton Drive to Corporate Plaza Drive.
- B266-14 Amending Chapter 14 of the City Code to repeal Section 14-411.1 relating to disabled parking in parking meter zones.
- B267-14 Authorizing construction of the Westwood-Glenwood Avenue Sanitary Sewer Improvement Project; calling for bids through the Purchasing Division.
- B268-14 Authorizing construction of sanitary sewer improvements along West Broadway between Aldeah Avenue and Glenwood Avenue; calling for bids through the Purchasing Division.
- B269-14 Authorizing an agreement with the Transportation Security Administration for the lease of office space in the North Terminal Building at Columbia Regional Airport.
- B270-14 Authorizing an agreement with John W. and Carol Ann Alspaugh for the grant of easement for sewer purposes relating to the construction of the Upper Hinkson Creek Outfall Sewer Extension Phase 1 project.
- B271-14 Authorizing a cost apportionment agreement with the Missouri Highways and Transportation Commission for roadway pavement improvements to Clark Lane between Woodland Springs Court to McKee Street.
- B272-14 Appropriating Federal Aviation Administration grant funds for costs relating to the design and relocation of Rangeline Road as part of the reconstruction and realignment of Runway 13/31 and Taxiway B project at the Columbia Regional Airport.
- B273-14 Accepting conveyances for sewer and sidewalk purposes.
- B274-14 Authorizing construction of Alluvial Wells No. 16, No. 17 and No. 18 in the McBaine Bottoms; calling for bids through the Purchasing Division.
- B275-14 Authorizing a second amendment to supplemental agreement with the Missouri Highways and Transportation Commission for highway/rail crossing signal improvements at the Columbia Terminal Railroad's (COLT) intersection with College Avenue (MO 763).
- B276-14 Appropriating funds for the solar photovoltaic (PV) pilot project behind the West Ash Pump Station located at 1917 West Ash Street.
- B277-14 Authorizing a program services contract with the Missouri Department of Health and Human Services for the Comprehensive Tobacco Control Coalition Building and Support program; appropriating funds.
- B278-14 Accepting donations from Common Voices, Wal-Mart and FM Global to be used by the Fire Department for public education and fire safety programs.
- B279-14 Accepting a grant from the Federal Emergency Management Agency - Department of Homeland Security for the purchase of self-contained breathing apparatus equipment for the Fire Department.

REPORTS AND PETITIONS

REP76-14 Broadband Planning Study.

Mr. Johnsen provided a staff report.

Ms. Hoppe commented that she had been approached by a variety of people that were underserved in terms of internet service and asked if they would ensure those areas were served in the future. Mr. Matthes replied that current legislation did not allow the requirement for universal service, so they could not require a provider to serve everyone in the community. The idea for this was for the City to fill the connection gap. He pointed out the City would not provide the service. Individuals that wanted access to the bandwidth could choose a service provider of their own. He noted it would take a lot more thought prior to moving forward, which was why staff was recommending to begin with a business plan.

Kevin Czaicki stated he was an area operations manager with CenturyLink and explained they had some concerns in using taxpayer dollars to compete with unsubsidized providers. He understood expansion by the City in the downtown area alone would cost \$2.5-\$3.5 million and the payback would take 8-9 years, and noted providing a data and broadband network would require regular equipment updates and additional time and money. He understood Magellan had indicated a take rate of 50 percent in five years and 75 percent in ten years, and felt that should be challenged since Columbia had over nine providers that were making investments for faster speeds and more reliable services. In addition, Magellan had indicated downtown Columbia did not have a fiber network, and although that might be true of the City, CenturyLink and other providers had extensive downtown fiber networks. He noted Magellan had indicated the City generated revenue from the current network, and pointed out one-third of that revenue was from public taxpaying entities and the University of Missouri was funding the fiber network that benefited it. Magellan also did not acknowledge the policy behind municipalities providing telecommunication services in that a tax subsidized entity should not directly compete with a for-profit industry. He pointed out providers in the area had been awarded government stimulus money to bring fiber to unserved and underserved areas and there were several federal initiatives underway in terms of increasing bandwidth speed in rural areas. He understood Magellan had indicated Carfax was a business that had experienced bad service, but a Columbia Daily Tribune article had stated a representative of Carfax did not know how Magellan had reached that conclusion, and that the company had decided to outsource its data storage responsibilities to another firm to focus more on their products and services. He noted reliability was important per the survey, and that reliability would cost a certain amount of money, while consumers utilized services based on what they could afford. In addition, he disagreed with the statement indicating there was a lack of redundancy and pointed out CenturyLink had disaster recovery plans in place. He stated the City of Columbia had been a great partner in the community by providing access to providers to buildings, streets, etc. as it helped keep costs down, and noted the City's involvement in fiber would require it to bid for services like other providers and compete with entities like CenturyLink that employed Columbia residents and supported many local non-profits.

Mayor McDavid asked staff to comment. Mr. Matthes replied the City was allowed to provide the connection. He explained it was similar to roads in that the City built the roads and anyone that wanted could drive on them, and the idea was for the City to provide the infrastructure and be reimbursed for providing that infrastructure by any provider utilizing the infrastructure. The City would serve a niche that would enable universal service.

Mayor McDavid understood staff was recommending the Council accept the report and support the development of a business plan. Mr. Matthes stated that was correct.

Mr. Skala understood this was the City's way of increasing its investment in fiber and to have a lease arrangement with companies for the fiber. Mr. Matthes stated that was correct, and noted the City would not provide service to the end user. It would only allow the service to get to the end user through provider companies.

Mayor McDavid made a motion to accept the Broadband Planning Study and to support the development of a Broadband Business Plan based on this study. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

REP77-14 Administrative Public Improvement Project: Columbia Cosmopolitan Recreation Area Roller Hockey Rink Improvements.

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

REP78-14 Neighborhood Planning Initiative.

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

Mr. Thomas asked what staff envisioned in terms of the size of an area. Mr. Teddy replied it would go all of the way out to Stadium Boulevard and would involve three organized neighborhood associations. Ms. Chadwick understood this was within the First Ward and involved an area that did not have any planning and development concerns at this time so it was a good candidate for the planning process.

Mr. Thomas commented that the North Central Columbia Neighborhood Association wanted a larger role in the planning of the Ameren site, and asked if that could be a test model for the neighborhood planning approach. Mr. Matthes replied the City had a right of first refusal on the property, but understood Ameren had not reached a decision with regard to how they planned to proceed. The plan at this time, if the City was approached, would be to have the land appraised and negotiate a donation or pay for it with general fund reserves. If a firm commitment was established, they could invest time in a focus group approach. A neighborhood plan was intended to have a broader scope than one parcel and to look deeply into aspects of neighborhood life. He foresaw public meetings based upon ideas in the H3 Charrette for the Ameren site. Mr. Thomas suggested this community visioning and neighborhood input occur now. Ms. Hoppe agreed and suggested the focus group include the North Central Columbia Neighborhood Association and the North Village Arts District. She wanted to ensure it was an open process from the beginning. She did not want to provide a certain number of alternatives from them to choose from without considering all possibilities. Mr. Matthes stated the intent of staff would be to have a blank slate.

REP79-14 Summer/Holiday Council Schedule.

Mayor McDavid commented that he was not sure this could be accommodated since there was too much business for them to conduct.

Ms. Hoppe noted this was available as an option if needed or wanted for the future.

REP80-14 Intra-Departmental Transfer of Funds Request.

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

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Nauser asked for a staff report that included the extra amenities the City had required for high-density student apartment complexes so they could consider establishing a policy based on those items.

Ms. Nauser asked for a staff report that included the compromises agreed to in terms of the Parkside development, adjacent to Rock Bridge State Park, so they could consider establishing policy based on it for other developments near state parks.

Ms. Nauser asked staff to make an effort to e-mail or call her with regard to front page news involving the City so she was aware of it in advance.

Ms. Nauser asked the Council to raise their hands and request to speak instead of interrupting each other as it would allow everyone that wanted the ability to speak.

Ms. Hoppe commented that she and Mr. Thomas had worked with the Columbia Public Schools and the Youth Community Coalition (YC2) in terms of forming a youth commission, and they wanted to schedule a youth summit at the ARC on October 4, 2014. She understood the cost was \$150 and suggested the Council reserve fund be used to cover that expense.

Ms. Hoppe made a motion to use \$150 from the Council reserve to pay for the cost of the rental fee at the ARC for the youth summit scheduled to be held on October 4, 2014. The motion was seconded by Mr. Thomas.

Ms. Chadwick asked how much was left in the Council reserve fund. Mr. Skala replied he thought it had about \$80,000 in it. Mr. Thomas understood the funds had started at about \$100,000. Mr. Matthes explained the Council reserve started at \$98,000.

The motion made by Ms. Hoppe and seconded by Mr. Thomas to use \$150 from the Council reserve to pay for the cost of the rental fee at the ARC for the youth summit scheduled to be held on October 4, 2014 was approved unanimously by voice vote.

Ms. Hoppe asked for a staff report regarding the possibility of department heads filing a report similar to the report some of them had to file with the Missouri Ethics Commission.

Ms. Hoppe explained there had been a lag with the East Campus neighborhood residential parking permit program over the summer, and asked if staff could set up the next meeting in this regard so they could move forward.

Ms. Hoppe stated she had been approached by some residents with regard to whether they could form a group to obtain the group rate for bus passes. Mr. Matthes thought they a loosely organized group could receive the group rate if they came in together to purchase the passes.

Mr. Thomas asked if the semester rate was offered to everyone, and not only students. Mr. Matthes replied yes. He understood it had to be a group of 20 or more. Mr. Thomas understood an individual semester pass was \$100 and a monthly pass was \$55, while a group semester pass was \$65. He thought if they were serious about those prices that they needed to get the word out as it could save people money.

Mr. Skala stated his appreciation of staff for almost finishing Clark Lane as it would be a huge improvement. He asked for a staff report regarding the possibility of a signalized crosswalk and lighting in the area.

Mr. Thomas understood the City had budgeted for bus shelters for most of the transfer points, and noted he was concerned to hear Ms. Johnson and a number of others were finding the new system to be worse than previously.

Mr. Thomas commented that he had discussed the idea of a possible transit/parking program for employees in the downtown with the Downtown Community Improvement District (CID). It would involve discounted parking for downtown employees in low demand areas of the downtown and a free transit pass, and would have to be verified by the employer. He noted it was modeled after a program in Boulder, Colorado that had been successful in getting downtown employees to use the transit system to free up spaces for customers. He pointed out the interest appeared to high based on the initial data from a recent survey, and explained he would continue to work with a CID and was aiming to start a program such as this in January if they decided to proceed.

Mr. Thomas noted he had discussed the principles of inclusionary housing with the zoning consultants as he believed it was an appropriate way to address affordable housing needs. He explained it would involve developments with a certain number of dwelling units to be required to build a certain percentage of affordable units based on federal income levels. It could be done through smaller units, which would cost less to build, and these types of developments were often incentivized through density bonuses. It could also include an opt-out provision whereby a developer could make a payment into a housing trust fund instead. He stated he would continue to work with the zoning consultant to determine if it could be included in the zoning changes.

Mr. Thomas pointed out he would not be in attendance at the October 6, 2014 Council Meeting.

The meeting adjourned at 2:27 a.m.

Respectfully submitted,

Sheela Amin
City Clerk