

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JULY 17, 2006

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 17, 2006 in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of July 3, 2006 were approved unanimously by voice vote on a motion by Mr. Janku and a second by Mr. Hutton.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Janku asked that B271-06 be moved from the Consent Agenda to the end of Old Business. The agenda, as amended, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mayor Hindman and a second by Mr. Hutton.

SPECIAL ITEMS

Mayor Hindman noted special guests from China were present and asked Dr. Shawn Xu to introduce the delegation. Dr. Xu explained the University of Missouri was providing training in the environment and energy sectors to Chinese environment engineers. In attendance were five engineers and a company leader, who were acknowledged by Dr. Xu.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B265-06 Rezoning property located on the north side of State Route E/North Stadium Boulevard, approximately 1,600 feet west of Sunflower Street from A-1 to M-C.

The bill was given second reading by the Clerk.

Mr. Watkins stated this would rezone about 45.4 acres in northwest Columbia and the Planning & Zoning Commission recommended approval.

Mayor Hindman opened the public hearing.

Larry Moore, CEO of ConAgg, explained the property was adjacent to Boone Quarries, where they were actively involved with quarrying activities. He pointed out they had received approval for filling the property to make it suitable for employment type activities, such as light industrial similar to Creative Stone, who manufactured countertops for homes. He stated the main reason for rezoning it at this time was to make it known what use they had in mind, so people that decided to build homes in the area would know what was planned. He noted the

properties to the right were zoned M-C and M-1. He felt M-C was a good buffer zoning between residential and commercial developments and the quarry itself.

Mr. Janku asked how far to the west the quarry operation extended. Mr. Moore replied they would quarry up to the boundary of the subject tract. Mr. Janku understood that was on the existing M-C. Mr. Moore replied yes and stated the entire existing M-C would be quarried, except for the part close to Route E.

Mr. Janku understood at the Planning & Zoning Commission meeting, Mr. Moore explained why he thought M-C zoning was a more appropriate than office or another use and asked for clarification. Mr. Moore stated he did not think offices wanted to be right next to a rock quarry. Service companies, however, could operate next to a quarry without any problem.

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

Mr. Janku felt there was value in providing notice to future residents that this would be a rather intense use. He wished it was a lower zoning classification, but agreed there was potential for conflict if a nice office development went in adjacent to it. He noted it already had an impact to the residents south of Stadium and imagined a similar problem with a high level office development.

The vote on B265-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B266-06 Rezoning property located north of State Route WW and east of Rolling Hills Road from PUD-4 and PUD-6 to PUD-4.2 and PUD-6.6.

The bill was given second reading by the Clerk.

Mr. Watkins explained this proposal would allow for a slight increase in density for the Old Hawthorne PUD. He stated the slight increase would have a negligible impact on the surrounding area. The Planning & Zoning Commission recommended approval of the proposed rezoning for both tracts. Mr. Teddy noted the applicant furnished data for all 928 acres and showed that even with the increase, they would still be within the agreement, which called for an overall density of not more than 2 dwelling units per acre.

Mayor Hindman opened the public hearing.

Don Stamper, 2502 Hollyhock Drive, stated he was representing Hawthorne Development, LLC and explained they rezoned almost 929 acres on several tracts of land. In doing so, they named one area The Vineyards, which was comprised of a PUD and a number of R-1 lots, and locked its density to 710 living units. He noted that did not include an area that was not yet in the City and known as Concord Estates. The two subject tracts were tied together in the ordinance that allowed for a total of 1,856 living units. He explained that when they rezoned Old Hawthorne, they knew the PUD areas would give them flexibility, which was what they were now seeking. They found that in the PUD-4 area, it worked better for them to have a higher density and 4.2 gave them what they needed. For the PUD-6 area, a PUD-6.6 would give them their desired density. With those changes, they would still be below the maximum number of living units that was forecast for the site through the preliminary plat or the rest of the PUD areas.

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

The vote on B266-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B267-06 Approving the Shell Building Lot 4 Broadway Bluffs C-P Development Plan located on the northwest corner of East Broadway and Trimble Road.

The bill was given second reading by the Clerk.

Mr. Watkins explained this PUD proposal would allow for 4,000 square feet of restaurant space and 6,000 square feet of retail space. The maximum building height proposed was 35 feet. The Planning & Zoning Commission recommended approval of the proposed C-P development plan, subject to conditions on the freestanding sign. He noted this was the same sign issue the developer brought on a different project at the last Council meeting.

Mayor Hindman opened the public hearing.

Jay Lindner of Forum Development Group, 1400 Forum Boulevard, showed the location of the property on the overhead and noted the signage on this lot was important due to the number of tenants they were projecting, which was 6-8 tenants. He commented that a sign of 12 foot high and 64 feet did not provide adequate signage for their needs. They were now proposing one sign with a 120 square foot maximum and 15 foot height maximum. City Code, since they had three street frontages, would allow three freestanding signs for a combined square footage of 192 and a combined height of 36. He pointed out on an arterial street with 40 mph speed limits, like East Broadway, setbacks could generate a 30 foot high sign with a maximum of 128 square feet. To assign collector street restrictions on this type of road was not practical in their opinion and it would result in more dangerous traffic situations. If the Council was not happy with this proposal and wanted to go to the C-3 ordinances, they would propose three freestanding signs and showed those locations on the overhead. He felt restricting the sign to an inadequately small square foot sign would create an unsafe situation due to vehicles slowing down and paying less attention to other motorists in order to read the sign. He also noted that on a roadway with a speed limit of 40 mph, small signage was easily missed. He felt that would result in more u-turns. In regards to site lighting, it would be done typical to what they had already done in the area, with one exception. He explained they would have wall mounted lighting on the west side/back of the building. They would be downward shining lights to minimize spill over to adjacent properties. He pointed out this building was 60 percent non-restaurant, so the generated traffic would be much less than what was approved at the rezoning and it would have a positive effect on the Trimble and Broadway intersection.

Ms. Hoppe asked for explanation regarding the pedestrian access. She understood there was a five foot sidewalk around the front on Trimble, but was particularly interested in how people would get across the parking lot. Mr. Lindner explained there were five foot sidewalks along both sides of Broadway Bluffs Drive. An access point to the sidewalk system was planned at the corner of the property, which would bring it through in a crosswalk

situation to another curb cut and ramp at the sidewalk to the tenant spaces. He noted it would be a friendly situation.

Ms. Hoppe asked about pedestrians coming from East Broadway. Mr. Lindner replied they could come up the other side of Broadway Bluffs Drive or continue up Trimble to an access point he showed on the overhead. Ms. Hoppe asked if they had any direct path from East Broadway. Mr. Lindner replied due to the grades on this site, there was no way to efficiently do that while maintaining ADA requirements.

Ms. Hoppe noticed the bicycles were also away from East Broadway and asked why. Mr. Lindner replied on plans like this, they just showed the bike racks needed on there. When they actually constructed the building, they would place them in the appropriate locations. He noted it was probably put there since that was where the access point coming off of the public road was, but they would evaluate that based upon tenant needs.

Ms. Hoppe stated it looked like a longer way for pedestrians and bicyclists to go versus having it right off of Broadway. Mr. Lindner pointed out it was no less convenient than driving a car. One could not access the site off of Broadway in a vehicle. In addition, due to the steep grades, it was an unsafe situation. Ms. Hoppe thought it might be better to have more than one access for pedestrians and bicyclists. Mr. Hutton asked if there was a tall rock wall there. Mr. Lindner replied yes and noted the whole south side was rock.

Mr. Loveless understood pedestrians and bicyclists would access the parking lot from the northeast corner and asked if the drawing on overhead was not showing that piece of pavement. Mr. Lindner replied yes and noted this was a conceptual plan. The actual engineering plans showed it at the corner.

Matthew Kriete, a civil engineer with Engineering Surveys and Services, 1113 Fay Street, stated he was available for questions.

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

Mr. Janku asked if the sign had been amended on the plan. Mr. Hutton replied it had not been amended. The applicant was verbally asking for it to be amended.

Mr. Loveless commented that he thought the 15 foot size was a good compromise and stated he was willing to accept that.

Mr. Boeckmann explained they could amend the ordinance by adding “approval of the C-P Development Plan is subject to the condition that the free standing sign on East Broadway be limited to 15 feet in height.”

Mr. Loveless made the motion to amend B267-06 by adding “approval of the C-P Development Plan is subject to the condition that the free standing sign on East Broadway be limited to 15 feet in height” to Section 1. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The vote on B267-06, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, HUTTON, LOVELESS, NAUSER. VOTING NO: JANKU. Bill declared enacted, reading as follows:

B268-06 Approving a revision to the C-P Development Plan of Hyde Park South Planned Commercial Development.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would approve a C-P development plan located at Buttonwood and Cooper in south Columbia. The Planning & Zoning Commission recommended approval of the proposed sign revision. The elevation exhibit indicated the new freestanding sign would be 15 feet 1 inch above grade and would be comparable to a wall sign. Mr. Teddy pointed out that when the original report was prepared, they did not have the elevations showing the relationship of the freestanding sign to the building. He explained it was a close cousin of a wall sign and testimony at the Planning & Zoning Commission hearing indicated it was only about 24 inches away from the building face. It was, however, a freestanding sign. In addition, when the report was being completed, the concern was that the height was 26 feet 7 inches tall, but that was actually the support structure. After seeing the exhibits, they concurred with the Planning & Zoning Commission in support the freestanding sign and the additional wall sign.

Mayor Hindman opened the public hearing.

Skip Walther, 700 Cherry Street, stated he was representing the applicant and they were requesting permission to install a freestanding sign that would be 18 inches from the building face. He noted it was so close to the building in the way it would be constructed that the people who used the restaurant would not be able to tell it was a freestanding sign. It would look like a wall sign and would be placed below a canopy at the entrance. He explained the franchise owner insisted on this type of configuration and felt it would be an attractive and nice addition to the area.

Tom Smith, President of Smith Investment Management, 401 E. Locust, Suite 300, stated he was the owner, landlord and occupant of the property and was available to answer questions. He noted the additional signage of the logo had a nice halo affect. It was a back lit sign that added to the attractiveness of the building.

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

Ms. Hoppe commented that she drove by and felt it was an attractive and well built building. She understood they could include a couple of poles to attach it to the building, but noted she did not think that would accomplish any purpose.

The vote on B268-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

R162-06 Expressing the City Council's commitment to a community visioning process and to implementing a community visioning plan; authorizing a request for proposals for a consultant to assist the City in conducting a visioning process.

The resolution was read by the Clerk.

Mr. Watkins explained the Council directed staff to schedule a public hearing inviting the community to provide feedback regarding the forum held earlier this year and the proposed visioning process framework and timeline and to prepare a resolution adopting the visioning process. He noted by mid-August, if they went forward with the process, staff wanted a process consultant and forecasting consultant selected. By early October, they wanted to have the next group of public meetings to get that process started. In addition, they hoped to have the process completed in about a year.

Ms. Hopkins explained a Visioning Forum was held in May where the City invited three different communities to come and share their stories. Close to 400 people attended and 94 percent indicated a desire for a broad based community plan and visioning process. In addition, 89 percent expressed a belief that visioning would benefit the entire community. There were potential obstacles and benefits cited by the consultant. Obstacles included the end result sitting on the shelf, the high potential cost and interest groups largely driving the process. The benefits included building a stronger community, having sense of ownership and providing a big picture for Columbia. One significant conclusion made by the consultant was that they needed to maximize public involvement, ensure the process was truly community driven, and the process was positive, focused, creative and fun. She described the Citizens Vision Process flowchart and noted they had changed it based on Council's previous comments.

Mayor Hindman opened the public hearing.

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

The vote on R162-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B276-06 Authorizing a program agreement with the Missouri Highways and Transportation Commission relating to the nonmotorized pilot project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would authorize the City Manager to execute a program agreement with MoDOT for the Nonmotorized Pilot Project. They were proposing to allocate \$4 million in fiscal year 2006. The funds would be used for 10 intersection improvements and to hire a Program Coordinator to help with the administration of the project. They projected in future years they would bring back other agreements with other projects for Council's consideration.

Mayor Hindman understood this allowed flexibility in connection with small projects such as neighborhood attachments, curb cuts, striping and etc. Mr. Glascock replied it did.

Mr. Janku understood there were 10 intersections and asked if money was left over, if it would carry over to succeeding projects. Mr. Glascock replied the money was there until they spent it. There was no time limit. Mr. Janku asked what the procedure was if they came up with other projects and what they would have to amend. Mr. Glascock replied they would have to amend the TIP. Mr. Janku asked if that was the State TIP. Mr. Glascock replied it was the City's TIP. If it was on the State's system, it would be on their STIP. Mr. Janku asked if there were additional projects they wanted to implement, how those would move forward. Mr. Glascock replied he would recommend those be provided to the Executive Committee of the Nonmotorized Pilot Program, so they could be discussed within the three subcommittees for them to bring forward. Mr. Janku asked if it was conceivable that more than the 10 intersections could be done with the \$4 million. Mr. Glascock replied yes.

Mayor Hindman stated he felt the Council should have input. He suggested referring Council interests to the Committee for them to evaluate and report back to Council. He noted

Council could still do what they wanted to get it on the TIP, but felt these people were working hard, so they should go through them.

Ms. Hoppe stated at the last Council meeting, they did not accept the bid for the Old 63 and Broadway intersection and asked, as they did intersections, if they would automatically be pedestrian friendly or if this money would help pay for that. Mr. Watkins explained they rejected the bids on Old 63 because they were too expensive. Staff proposed lumping it with other intersection improvements. Some or all of these might be good projects to bundle with the Old 63 project. Ms. Hoppe asked if Old 63 would also have the pedestrian access features. Mr. Watkins replied yes. Mayor Hindman pointed out it was up to them to approve these and to ensure they were satisfied that it had the features they wanted. He explained the pilot program would not be able to handle the City's entire infrastructure. It was just putting together a nonmotorized transportation system. As they did other improvements around the City, he thought they wanted to be sure they were up to the standards they wanted. Mr. Janku pointed out the Old 63 intersection went through a lot of review and a long deliberate process since it was an unusual shape. Mayor Hindman noted Dan Burden reviewed it and this followed his secondary recommendation.

The vote on B276-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B278-06 Confirming the contract with Lehman Construction, LLC for construction of the EP-3 Trunk Sewer, an 80-acre point sanitary sewer serving the Hatton Farm property.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would confirm a contract with Lehman Construction in the amount of \$369,655 for the construction of an 80-acre point sanitary sewer improvement project. The resolution estimate for the project was \$280,000, which was lower than the low bid. After talking to some of the contractors, staff determined this was due to some uncertainty in crossing Perche Creek. Staff felt redesigning the project would not have a substantial impact on the price of the project, so they were recommending Council award this contract at the higher price. Mr. Glascock reiterated the uncertainty included the creek crossing at Perche Creek and how much dewatering would have to be done while pushing the line across the creek. It was hard to determine that uncertainty, so they did not think the price would change much.

Mr. Loveless stated he was amazed at the range of bid prices from \$369,000 to almost \$1 million for the same project and asked why the range was so large. Mr. Glascock replied the highest priced contractor had experience at Gillespie Bridge where there was a crossing by a private development, so he knew what it could take.

The vote on B278-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B284-06 Authorizing an agreement with Planned Parenthood of Kansas and Mid-Missouri for Title X Family Planning Services; appropriating funds.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would continue their current pricing schedule for family planning supplies. Earlier this year, they were informed by the State that the City was no longer eligible for the federal price. He noted they were able to negotiate the same pricing schedule they currently had by going to a different supplier. Mr. Browning explained the Missouri Family Health Council was unable to continue as the supplier for contraceptives. All local health departments across the State were affected and the price increase was significant in that it went from \$2 per month to about \$20 per month. In working this contract and becoming a subcontractor for Title X services, they would be able to retain the low prices. Mr. Watkins clarified this was essentially continuing what they were doing, except that they were switching suppliers.

Ms. Crayton noted an increase, especially in her area, of 13-14 year old pregnant girls. She wondered how much of an impact they were making and if the State was looking at those numbers. Ms. Browning explained one of their material child health indicators for a contract they had with the State Health Department was teen pregnancy in adolescence and they had been working heavily in that area since about 2000-2001. She noted they did not have the worst rate in the State, but they had not seen a decline, whereas other places were seeing a decline, so they focused a lot of attention on working with groups in the community and doing a lot of outreach to young people and their parents. She stated they had actually started to see a decline, but pointed out it would never be enough.

Ms. Crayton commented that 90 percent of women with cervical cancer were minority women. She felt \$5,000 was only a drop in the hat when having an epidemic. Ms. Browning explained this contract provided the City with \$5,000 of funding to help offset costs they already had for family planning services. She noted they had provided family planning services for years. This helped to get the drugs at a lower cost and would offset the cost for providing the treatment, screening, paps and etc.

The vote on B284-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B271-06 Vacating an alley between South Ninth Street and South Tenth Street, south of the Missouri United Methodist Church.

The bill was given second reading by the Clerk.

Mr. Watkins explained this request was being made in conjunction with the addition being completed by the Methodist Church on South Ninth Street. The large building would link to the existing building with what the architect called a link connector, which was essentially a hallway or atrium. The link connector would cross the existing subject alley and the alley needed to be vacated before construction on the link connector could proceed. The vacation had been reviewed by the pertinent City departments and private utilities. He pointed out the request was made in 2003, but due to the need for significant electrical utility relocations, the request had been on hold until those relocations could be completed.

Mr. Janku asked if notice was sent out to any adjoining or near by property owners or if the Central Columbia Association or Special Business District was informed. Mr. Glascock

replied he was not aware of any notice being sent out, but thought the Special Business District was contacted. Mr. Teddy stated he had no indication of any interested third party being contacted, but the applicant was required to contact the utility companies as well as the relevant City departments. He noted the only property owner adjacent to the alley affected was the Church.

Jim Bryan, 5514 Dalcross, Senior Pastor at Missouri United Methodist Church, explained this 26,000 square foot addition on the southwest corner of their block was to facilitate church growth and activity. The efficacy of the project, they felt, necessitated the joining the two buildings together due to inclement weather and traffic concerns. The connecting hallway/entryway was 40 by 80 feet.

Mr. Janku noted he asked for this item to be taken off of the Consent agenda because they did not have any description or information as to what was going on. At this point, since all of the work had been done on the utilities and the architectural plans had been drawn up, he felt it was too late to say they would not allow it. He pointed out he thought the process was flawed and suggested, in the future, the vacation be completed first and before there was a large investment made on the part of the property owner. He recalled when First National Bank asked for a restriction to the alley, they went through a long review and required that they guarantee public access through the property. He pointed out the alley in question was used when bus loads of senior citizens came from around the State to hear a comedian at the Missouri Theatre. He noted they had received a memo from the Convention and Visitors Bureau stating several buses would be parking along the alley for access to the Missouri Theatre. He felt the alley could have a public use. In addition, they had discussed using the alleys for pedestrian ways and in some communities, they used them for commercial use. He did not think they wanted to assume the alleys would not want to be retained for public use and benefit in the future.

Mayor Hindman stated he agreed with Mr. Janku and did not agree with all of the justifications for vacating this alley. He felt the alleys downtown were a valuable resource and had the potential to allow circulation and smaller units of blocks, which was healthy for a vibrant downtown as things developed. He agreed they made First National Bank jump through a lot of hoops and required them to leave the thoroughfare of the alley. In this instance, the utilities had already been moved and they had finished their plans. The Council was in an awkward situation. He felt they were treating them differently than they did the Bank. He understood the Bank did not own the building on the other side of the alley, but they could have easily purchased a building over there. He thought there were enough similarities. Mr. Loveless stated he thought the Church owning the entire block was what made this request was more palatable. If there were other owners of that block, he thought it would be significantly different. Mayor Hindman felt the time to have decided whether or not this was palatable was before these steps were taken. Mr. Loveless agreed.

Ms. Hoppe stated she was also concerned about this being on the Consent Agenda. She noted an issue had come up in the Sixth Ward regarding a small road vacated by the Council many years ago in that the East Campus Neighborhood now thought it would be an ideal spot for a pedway to connect Cliff Drive to Broadway. She wanted to make sure the public had a chance to look at these things, the City had criteria and rationale in reviewing

them and that they not easily vacate alleys. She concurred with Mr. Janku on the procedural aspect for the future because they did not want everyone buying adjacent property and taking over the alleys.

The vote on B271-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B269-06 Approving the Final Plat of Wellington Villas Plat 1 located on the north side of Mexico Gravel Road, along both sides of Wellington Drive; authorizing a performance contract.
- B270-06 Abrogating the Final Plat of Thornbrook, Plat No. 15 located south of the intersection of Thornbrook Parkway and Thornbrook Terrace.
- B272-06 Vacating a water line easement located within Dakota Ridge Subdivision.
- B273-06 Vacating a utility easement located within Club Woodrail Phase II Subdivision.
- B274-06 Vacating various easements in conjunction with the proposed extension of Southampton Drive.
- B275-06 Authorizing application for FY 2007 transit operating and capital assistance grants.
- B277-06 Calling for bids for the C-3 Trunk Sewer Extension, an 80-acre point sanitary sewer serving the University of Missouri South Farm property.
- B279-06 Allowing a building permit to be issued to The Broadway Bluffs Owners Association for structures in utility easements located within portions of Lots 2, 3 and 4 of Broadway Bluffs Subdivision; approving a waiver of claim and indemnity agreement; authorizing a right of use permit to allow the installation of two retaining walls within a portion of the East Broadway right-of-way.
- B280-06 Accepting conveyance; authorizing payment of differential costs for water main serving Brookside Square, Plat 2; approving the Engineer's Final Report.
- B281-06 Accepting conveyances for utility purposes.
- B282-06 Appropriating funds for the Memorial Tree and Bench Program.
- B283-06 Appropriating funds for the purchase of hardware and software for the Information Services Department.
- R150-06 Setting a public hearing; construction of water main serving Mill Creek Manor, Plat 4.
- R151-06 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for child care health consultation services.
- R152-06 Authorizing an agreement with The Curators of the University of Missouri for police assistance.

R153-06 Authorizing an agreement with the Curators of the University of Missouri relating to the Senior Games and Show-Me State Games.

R154-06 Authorizing the City Manager to submit a Downtown Revitalization Economic Assistance for Missouri (DREAM) application to the State of Missouri.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R155-06 Authorizing an agreement for the sale of property located at 1204 Bowling Street.

The resolution was read by the Clerk.

Mr. Watkins explained this would authorize the City to purchase approximately 11,669 square feet with a 5,000 square foot building adjacent to the water utility campus off of the Business Loop. The property had been rented by the City for a number of years and was used as a staging area during the renovation of the Heuchan Building. The property would be used for Water & Light expansion. He pointed out the sale was voluntary.

The vote on R155-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R156-06 Authorizing an agreement with The Curators of the University of Missouri relating to land use and urban improvement opportunities in the downtown district and surrounding areas.

The resolution was read by the Clerk.

Mr. Watkins stated approval of this agreement would authorize the City to work with the University and Stephens College to develop a campus downtown land use plan. The work would be performed by the University's campus planners and Sasaki Associates. The University would take the lead on administering the contract. Sasaki had a strong track record in performing similar planning work in other University towns where they worked for both the community and the university. The scope of work was included in the agreement and four public hearings and presentations were provided for. The City would pay the University \$50,000 for its share and the entire project cost was expected to be slightly over \$100,000. If approved by the Council, the plan would be back for review prior to the end of this calendar year.

Ms. Hoppe stated she noticed Stephens College was part of the planning group, but did not contribute any funds and asked why. Mr. Watkins replied one of the things they were attempting to do was to bring residential property into downtown and Stephens had done that with the refurbishment of the old dorms approved by Council and that was adjacent to the property being planned. They felt Stephens had an interest institutionally in terms of what the plan might look like and had been contributing, so they did not ask them for any dollars.

Ms. Hoppe noted a green area on College, which was separated from the other main area involved, and asked what the connection was. Mr. Watkins replied he thought that might be an error.

Ms. Hoppe asked how this fit in with the visioning process. Mr. Watkins replied he thought one of the topic groups would be downtown and this would fit very well into what the visioning could do. It would help bring the campus and the City together in this transitional area. One of the reasons they were pushing to try to move some of this discussion and data analysis quickly was so it would fit.

Ms. Hoppe understood in terms of funding, they were allocating a certain amount for the visioning process and this was separate and apart from that. Mr. Watkins replied it was.

Mayor Hindman pointed out the University was not bound by any visioning process or ordinances, so to have the opportunity to jointly plan was to the City's benefit. Mr. Watkins agreed and stated this was the first time that he could recall where they had sat down with the University and talked about a land use plan. He noted they owned a substantial amount of ground in the transitional area.

Mr. Janku stated at the Retreat, he brought up the idea of including areas on the west side of Providence that were not currently considered part of downtown, but over the natural evolution would be part of downtown. He wanted to do that and thought it would be helpful to have a nationally known group to assist with this corridor, since it was so important to the community. Mr. Watkins pointed out the group working on the MODESA area was looking at expanding the area to include the area west of Providence. Mr. Janku asked if that was part of DREAM. Mr. Watkins replied MODESA was part of the DREAM application. Mr. Janku stated he hoped the nationally recognized group's vision would help provide some positive ideas of what might occur there. He noted some of the land would remain in private ownership.

Ms. Hoppe stated she spoke to some leaders of the East Campus Neighborhood and they indicated they wanted to have input if this included property east of College. Mr. Watkins noted College would be dividing line. Mr. Janku commented that he was not proposing to go to the east. He was only proposing to go to the west.

Mr. Janku suggested they vote on this agreement and stated during Council comments he would ask staff to see if the contract could be renegotiated to include the area on the west side of Providence.

The vote on R156-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R157-06 Authorizing the University of Missouri to temporarily close a portion of Rollins Street between Hitt Street and Missouri Avenue for construction of the Student Center/Brady Commons expansion.

The resolution was read by the Clerk.

Mr. Watkins stated this would allow the University to temporarily close Rollins Street, between Hitt and Missouri Avenue, to facilitate the construction of the new Brady Commons student area. They would essentially be expanding their pedestrian campus in this area for the 2006 Fall semester and 2007 Winter semester.

The vote on R157-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R158-06 Approving a sublease agreement between Central Missouri Aviation, Inc., Columbia Avionics, Inc. and Lance P. Fox relating to hangar space at Columbia Regional Airport.

The resolution was read by the Clerk.

Mr. Watkins explained this building, currently occupied by CMA, was owned by the City, and therefore, the City needed to approve any subleases. They currently subleased a portion of this building to Columbia Avionics, who asked for some additional space. CMA had reached an agreement with them, but the City Council had to approve the additional sublease space. Staff recommended approval.

The vote on R158-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R159-06 Establishing a pilot program to replace inefficient window air conditioners with energy efficient window air conditioners for low income senior citizens, disabled persons and families with young children; authorizing an agreement with Central Missouri Community Action.

The resolution was read by the Clerk.

Mr. Watkins explained this was a pilot program proposed by the Water & Light Department to trade out 100 energy efficient air conditioners for older less efficient air conditioners. The program envisioned a partnership with Central Missouri Community Action, who would administer portions of this project. The cost to the utility was about \$12,900. The program was patterned after programs in other States. Payback to the electric utility was expected in 3-5 years, so it was a pretty quick payback.

Ms. Hoppe asked if there was a program to provide air conditioners to people who did not presently have them. Mr. Watkins replied this project would only provide trade out air conditioners, so there would be an energy savings. Ms. Hoppe asked if they had another air conditioner program for individuals, who because of health or age, could use them. Mr. Boeckmann pointed out that under the Missouri Constitution, they could only use public funds for public purposes. It was not a clear area of law, but basically indicated that if the primary purpose was public, such as trying to reduce the energy load, and incidentally there was a benefit to the individuals involved, it was considered a business deal and not as giving away public funds. He noted a limited number of dollars were available and a rational way to do this was to provide it to low income people because people with more money were likely to do it themselves due to the payback over a period of time. Ms. Hoppe stated she realized the City would be ahead due to the energy savings, but clarified she was asking more in terms of health and welfare. Mr. Watkins replied the City did not have a program that provided air conditioners to other folks.

Mr. Janku noted criteria first identifying owner occupied structures and the requirement that those customers renting needed to have lived in their present homes for at least two years. He asked why the priority was for home owners. He felt they had the incentive to do

the change out. He also asked why there was a two year requirement for renters. He felt a lot of upkeep and upgrading was done when one first moved into a property. Mr. Dasho replied they had only 100 air conditioners and had to have criteria that would limit the number of eligible people. Mr. Watkins explained one of the other pieces of the program was that Community Action would come in and do energy audits and that was easier done if one was a homeowner rather than a renter.

Mr. Janku stated one of the things they had been focused on was how to help with rental property. He understood renters were limited, but felt they were being taken out of the picture with this approach. Mr. Hutton stated the down side to rental property was that 9 times out of 10 the window air conditioner was owned by the landlord as opposed to the renter, so they would be giving an air conditioner to the landlord. Mr. Janku noted renters were paying higher utility bills because there was no incentive for the landlord. He did not feel they were addressing the rental issue with this. He thought the thrust of their previous conversation was how they could help renters with high utility bills. Ms. Crayton suggested asking civic groups to match the air conditioning units for renters, so they had 200 hundred units instead of 100. Mr. Watkins pointed out they also needed to make sure if an air conditioner was provided, the recipient could afford the power. Even though it was high efficiency, it still added to their energy bill.

Mayor Hindman thought they should approve this program because there were a limited number of air conditioners they could buy and they needed to act before they disappeared. He suggested they discuss the incentives at the end of the meeting.

Mr. Janku understood there was nothing in the agreement that spelled out the renter/owner issue. Mr. Dasho pointed out it was their intent to incorporate renters into this, but they wanted to go after the homeowners first. Mr. Janku asked at what point the homeowners market would be filled for it to be opened up to renters. Mayor Hindman thought it should include landlords as well. Mr. Janku was not sure. He thought renters could own air conditioners, install it and move it with them to the next property. Mayor Hindman stated he did not think that was customary. Ms. Nauser thought that was why they wanted to target homeowners. It was so the tenants did not take the air conditioners with them. She felt that would defeat the purpose of the program. Mr. Janku asked when they would decide the homeowners market had been satiated and would allow renters to participate. Mr. Dasho replied that when they finished with the pilot program, they would come back to Council with a report on what the next step should be. Mr. Janku noted it stated they would consider renters in this and wanted to know when it would be opened to them. He asked if they had 60 homeowners apply and a week went by without anymore applications, if they would then open it up to renters. Mr. Dasho replied yes. They would go to the homeowners first and if there were not enough applicants, the renters would be next. Mayor Hindman suggested Mr. Janku offer an amendment. Mr. Janku stated there really was nothing to amend since it talked about developing criteria. Mr. Boeckmann noted they could put it the resolution.

Mr. Janku made a motion to amend R159-06 to include a statement noting the homeowners and renters would be on equal footing in terms of eligibility. The motion was seconded by Ms. Crayton.

Mr. Hutton understood they meant renters and not the landlord. Mr. Janku stated he was not sure why they were afraid of including landlords. He felt it was benefiting the City, the renter would get the benefit of the lower rates and the landlord would have some incentive to participate, so he did not know why they would exclude the landlord. Mr. Hutton thought it should be open to landlords as well. Mayor Hindman stated his only concern was that a landlord with multiple units could take the entire supply. Ms. Nauser stated she was uncomfortable giving a blanket to landlords and tenants because the primary purpose to her was to help lower income homeowners. She agreed they could open it up to landlords after they reached a certain threshold, but did not want to put them on equal footing as low income homeowners. She felt most landlords could afford to put in new air conditioning units. Mr. Hutton suggested saying no more than one-third would be available to landlords and no more than 2-3 to any given landlord. Mr. Loveless pointed out Exhibit A, stated CMCA and the City "...shall work together to develop criteria identifying those persons who shall be eligible." He thought Mr. Dasho had a sense of the Council's feeling and he would be willing to let staff work that out given the discussion here. Mr. Janku stated he would bring this up at the end of the meeting to provide staff direction.

Mr. Janku stated he would withdraw his motion. Ms. Crayton agreed to withdraw her second as well.

The vote on R159-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R160-06 Endorsing the U. S. Mayors Climate Protection Agreement.

The resolution was read by the Clerk.

Mr. Watkins explained this was a result of a recommendation from the Environment and Energy Commission, who asked the Mayor and City to sign on to the U. S. Mayors Climate Protection Agreement. The goal of the agreement was to reduce greenhouse gases by 7 percent over the 1990 levels by the year 2012. Mr. Dasho stated it was a self explanatory agreement in what it was looking for. A number of the programs the City had been doing in conservation addressed these issues. In addition, the City with its progressive programs on walkability and bikeability addressed the same types of things.

Mr. Hutton asked how the future power needs, for example buying coal fired power, burning coal or adding onto the facility, related to the Kyoto agreement. He wondered if it was in opposition. Mr. Dasho replied he did not believe so. He thought they first needed to find out what their greenhouse gas emissions were. When they knew the totals and what the reduction looked like, they could address specific areas that needed attention. He agreed it could have impacts, such as the type of resources bought in the future. He felt the numbers would be very useful in that regard.

Johann Holt, 1108 Pannell Street, stated one of the big issues in implementing the Kyoto Protocol was to further the use of renewable energy and decrease the use of coal power. He noted people arguing this would have economic costs and stated he felt coal power and the use of lots of driving was an economic disaster. According to the EPA, fine particle pollution resulted in the premature deaths of more than 45,000 people in the U. S.

each year and one out of six women of child bearing age in the U. S. might have blood mercury concentrations high enough to damage a developing fetus. A report by the Mount Sinai School of Medicine for Children's Health in the Environment stated the mercury levels had caused a diminished economic productivity worth \$8.7 billion because children at birth had reduced mental levels. A 1999 study by ABT Associates estimated in a single ozone season of 1997, smog pollution in the eastern U. S. caused more than 6 million asthma attacks and sent more than 150,000 Americans to hospital emergency rooms. The financial cost of acid rain to vegetation damage due to sulfur dioxide in the eastern U. S. was estimated at \$5.9 billion annually. The cost of acid rain to metal buildings due to architectural damage from sulfur dioxide was conservatively estimated at \$13.3 billion. Automobile manufacturers had to use acid resistant paint at an annual cost of \$61 million for all new cars and trucks sold in the U. S. The federal government had paid over \$35 billion in the last 30 years to cover the medical expenses of coal miners who suffered from black lung disease. He noted the government gave \$350 million per year to the black lung fund. He felt if they used wind power, there would be no wind lung fund. Wind power was cheap in that it cost 3.5 to 4 cents per KWh with a minor tax incentive. Every MW of wind used created 60 person years of employment and 15-19 jobs. A 50 MW wind farm would create 3,000 person years of employment. There was enough wind in northwest Missouri for an industry wide wind farm that would create jobs and help farmers. He felt it was something the City should be investing in and that it was the only economically feasible and environmentally friendly thing they could do. He commented that they needed to stop relying on coal power, which was expensive, and start looking at reduced driving and renewable energies. He felt passing this could go a long way towards that.

Mr. Boeckmann pointed out the resolution listed eleven items and there was a twelfth one that was inadvertently left off. It read "help educate the public schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution."

Mr. Loveless made a motion to amend R160-06 by adding a number 12, which read "help educate the public schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution." The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Frank Cunningham, 1809 Highridge Drive, stated he was a member of the Environment and Energy Commission, but was speaking as an individual citizen of the City. Of the Missouri cities that had signed the Mayor's agreement, which included Kansas City, St. Louis, Florissant, University City and Maplewood, he believed the City of Columbia was way ahead in meeting the targets on the list. As Mr. Dasho pointed out, the City had renewable energy coming its way with landfill gas and in the future, he expected to see wind power at the City as well. The City was also involved with energy efficiency, such as the changing of lights and the program for the window air conditioning units discussed earlier. In addition, the City did a lot to promote education. He saw no reason why the City could not move forward with this.

Mayor Hindman noted he was a big believer in reducing greenhouse gases and urged support of this resolution. He understood the City had been very careful in regards to

stepping in the middle of national policy. While he was personally more than happy to ask Congress to take these acts, he did not feel it was appropriate to ask the City Council to ask Congress. He suggested eliminating that stumbling block by removing Items A and B in Section 1 of the resolution.

Mayor Hindman made the motion to amend R160-06 by deleting paragraphs A and B under Section 1 and renaming paragraph C to paragraph A. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku stated he wanted to go further in clarifying the resolution and suggested deleting all of the whereas statements except for the first one. He felt that would eliminate judgments. It would keep the meat of what they wanted, but would eliminate some of the other issues that were beyond their scope.

Mr. Janku made the motion to amend B160-06 by eliminating all of the whereas statements except for the first one. The motion was seconded by Ms. Nauser.

Mayor Hindman stated he opposed the amendment. He felt these were hard enough facts that they justified the Council taking the positions. He commented that they needed to have some reason for why they wanted to reduce greenhouse gases and this, he felt, stated those reasons well. He reiterated that they should justify why they were doing this.

Ms. Nauser stated she had a problem referring to the Kyoto Protocol. She noted that although it was signed, the U. S. Senate overwhelming denied ratifying it. She felt they did not know enough about it to say they would adopt it. She agreed with almost all of the ideas in the agreement, but questioned inventorying their emissions and wondered what kind of costs were involved and where it might lead. If it was a costly endeavor, she felt the City's funds could be used for other things, such as purchasing more air conditioners.

Mr. Loveless understood the motion would leave in the first whereas and then jump down to "now therefore be it resolved." Mr. Janku clarified he would pick up again at the whereas stating "...many cities throughout the nation...." He was not going as far down as he originally indicated. Mr. Boeckmann clarified he wanted to leave in the first and the last two whereas statements. Ms. Hoppe asked what the objection was to the whereas statement prior to the last two. Mr. Janku replied they could leave that in if she wanted. Mayor Hindman clarified the amendment that was proposed would leave the first whereas in and the whereas that stated "...state and local governments...." and the next two whereas paragraphs after that. Mr. Hutton commented that he believed the original amendment accomplished what they needed.

Mr. Janku clarified his motion was to amend B160-06 by deleting all of the whereas statements except for the first and last three whereas statements. Ms. Nauser agreed to and seconded the clarified motion. The motion, made by Mr. Janku and seconded by Ms. Nauser, was approved by voice vote with Ms. Hoppe, Mayor Hindman and Mr. Hutton voting no.

Ms. Nauser made a motion to delete the words Kyoto Protocol in new item A and replace it with "established targets." The motion was seconded by Mr. Loveless.

Ms. Nauser felt the Kyoto Protocol was an international definition and they would be adopting an international policy by making reference to it. By incorporating it into their language, they would be endorsing and adopting it, which she thought went against what

they had been taking about. Mayor Hindman stated he understood the argument, but disagreed. Mr. Loveless noted if the noun was the Kyoto Protocol, he might agree, but the noun was targets, and therefore, he did not have a problem with it. He understood they were identified. Ms. Nauser thought the Kyoto Protocol targets were different for different countries and asked if they were discussing the U. S. targets. Ms. Hoppe understood those were the targets in item A and referred to the 7 percent. Ms. Nauser noted they deleted that and stated she had a problem with putting time tables and levels on something they had no idea they could attain. She reiterated that she wanted to know how much the inventorying would cost the City as well. She pointed out Columbia exceeded many cities in meeting environmental friendly policies and practices. She felt to have a percentage they had to obtain without knowing where the City was and how much it would cost was something they should not agree to do.

Ms. Hoppe felt it was a goal to strive for and did not think they would have to pay a large fee if they did not achieve it by 2012. She reiterated she thought they were goals they wanted to strive to achieve. She noted she also wanted an estimate in regards to the cost of inventorying. Mr. Dasho stated that was one of the things they wanted to explore. They would have to figure out where the information was and if they would have to gather it themselves. Those questions had to be answered to come up with a cost for inventorying. If there were any costs, they would come back to Council with a plan.

The motion, made by Ms. Nauser and seconded by Mr. Loveless, was defeated with only Ms. Nauser voting yes.

The vote on R160-06, as amended, was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R161-06 Supporting the electric revenue bond issue on the August 8, 2006 ballot.

The resolution was read by the Clerk.

Mr. Watkins explained staff prepared for the Council's consideration a resolution expressing the City Council's endorsement of the August ballot issue. It was requested by the promotion committee appointed to educate voters about the bond issue.

The vote on R161-06 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, HUTTON, LOVELESS, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

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

B285-06 Approving the Missouri Credit Union C-P Development Plan located on the southeast corner of Smiley Lane and Saddlebrook Place.

B286-06 Approving the Final Plat of Alan Place Plat 3 located on the south side of the eastern terminus of Alan Lane, east of McKee Street; authorizing a performance contract.

- B287-06 Authorizing an engineering services agreement with Donohue & Associates, Inc. for the Bear Creek Stream Bank Stabilization Project.
- B288-06 Authorizing an engineering services agreement with Allstate Consultants, P.C. for the Gans Road improvement project.
- B289-06 Authorizing application for Federal Aviation Administration capital assistance grants.
- B290-06 Appropriating grant funds from the Federal Aviation Administration for the purchase of a snow plow/spreader truck.
- B291-06 Authorizing construction of water main serving Mill Creek Manor, Plat 4; providing for payment of differential costs.
- B292-06 Authorizing Change Order No. 1 to the contract with River City Construction, L.L.C. for construction of the McBaine Water Treatment Plant expansion project.
- B293-06 Accepting conveyance; authorizing payment of differential costs for water main serving Mill Creek Manor, Plat 3; approving the Engineer's Final Report.
- B294-06 Accepting conveyance; authorizing payment of differential costs for water main serving The North Woods, Plat No. 1; approving the Engineer's Final Report.
- B295-06 Accepting a conveyance for utility purposes.
- B296-06 Authorizing an agreement with Columbia College for Sports Development Funding under the Tourism Development Program for the 2006 NAIA Volleyball National Championship; appropriating funds.
- B297-06 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for WIC Local Agency Nutrition Services Administration.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Proposed stream buffer ordinance.

Mr. Glascock explained the recommendation from the Storm Water Task Force was that they proceed with a stream buffer ordinance. It was patterned after the Topeka, Kansas ordinance. On major, type 1 streams, they would have a hundred foot buffer. Type 2 streams would have a 50 foot buffer and type 3 streams that went in the watershed and had no designation up to the 50 acre point would have a 30 foot buffer on each side. Mr. Glascock noted there were some disagreements between the Task Force members that could not be resolved, but they requested it be presented this way. Staff's recommendation was to send it to the Planning & Zoning Commission for a public hearing.

Mayor Hindman asked about the disagreements. Mr. Glascock replied an example was how far one needed to go into the watershed. Mayor Hindman thought they had reached an agreement on all the issues. Mr. Glascock replied they had not on all of the issues.

Mr. Janku made a motion to refer this to Planning & Zoning Commission for a formal public hearing and recommendation to Council. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(C) Evaluation of submittals for use of City-owned property at Ash and Clinkscales.

Mr. Watkins explained the Parks & Recreation Department had completed its review of the four proposals received. The report went into some detail summarizing what staff saw as the pros and cons of each proposal and made a number of recommendations for the Council to consider prior to a final determination being made. While they thought all four proposals had merit, there were some combinations that seemed to work better than others. They were suggesting the Council either refer the report and proposals to the Parks & Recreation Commission and other commissions they so desired for review and recommendations or schedule it for a future work session.

Mayor Hindman thought either sending it to the Parks & Recreation Commission or setting it up for a work session would be the appropriate way to go. He noted the City had a Master Plan for this property for some time and felt as they considered deviating from that plan, they should make sure they had thought it through. He recognized the proposals were made in good faith and the individuals who submitted the proposals were anxious to move forward. The idea to cut off the opportunity for people to submit proposals was practical, but he wondered if they should remain open to other ideas that might come along. He suggested they have a work session sometime in the future and at that point they could decide whether to send it to the Parks & Recreation Commission.

Mr. Janku thought if they were going to take some additional time, it would be useful if they could gather additional information about other locations some of these projects could be accommodated if they were not selected for the ARC site. He asked if the Parks & Recreation staff could look at that while the Council was waiting for their work session. He thought they did need to respond with some degree of timeliness because if they did not, some people might go on to other properties that were not as desirable. Mr. Hood stated staff had looked at other alternatives as they completed the evaluation. They did not put any of the alternatives in the report as they were somewhat limited. He noted that could change if property was acquired for a new southeast regional park. He stated they could continue to look at that.

Ms. Hoppe thought it was important for the Park & Recreation Commission to provide input and wondered if this could be sent to them simultaneously, so there was not a delay.

Mr. Hutton agreed and felt it should go to Parks & Recreation for a public hearing first because issues could be raised and questions could be answered that would be helpful prior to a work session. Mr. Janku agreed and noted the public hearing process by other bodies was often very helpful. He asked if they wanted to send that with some degree of scheduling, so it was happening, but did not move it too quickly. Mr. Hutton commented that based on the Council's calendar, he guessed their public hearing would be complete prior to the Council being available for a work session.

Mr. Hutton made the motion to send this to the Parks & Recreation Commission for a public hearing. The motion was seconded by Mr. Loveless.

Mayor Hindman reiterated he did not think they should push this at maximum speed and by sending it to the Parks & Recreation Commission, the public hearing would be scheduled soon. Mayor Hindman stated he did not want this to move too fast, but wanted to move it along. Mr. Loveless noted by the Parks & Recreation Commission having public hearings on these four proposals and making a recommendation to the Council, it did not eliminate any other proposals that might come to them by the time they got to a work session. They simply would have had the benefit of the Parks & Recreation Commission's deliberation on these four. He pointed out it would be October at the earliest before they were able to get to this item. Mayor Hindman stated it was important to him that by sending this to the Parks & Recreation Commission, they were not sending the message that it would be one of these four and nothing else was possible. Mr. Hutton noted, from his perspective, it might be none of them because there was nothing set in stone that they had to fill the site right now with any of the proposals. Mayor Hindman agreed, but pointed out they did have a deadline for submitting proposals, so it looked as though they were going to adopt one of the four. He felt they needed to make it clear they were working with these four proposals, but it did not necessarily mean they would choose one of them.

Mr. Hutton asked if there was another Commission that should hear this as well. He understood the Parks & Recreation Commission needed to review it due to use of Parks and Recreation property and the potential staffing or operational issues depending on which proposal was accepted. Mr. Janku did not believe there was at this time. He thought if there was a funding issue, it might go to another commission.

Ms. Hoppe asked if she could add to the motion that the Parks & Recreation Department simultaneously look for alternative locations for some of these proposals. Mr. Hutton and Mr. Loveless agreed.

The motion, made by Mr. Hutton and seconded by Mr. Loveless, to send this to the Parks & Recreation Commission for a public hearing and to direct staff to look into alternative locations for each of the proposals was approved unanimously by voice vote.

(D) Special Business District streetscape and awnings report.

Mayor Hindman made a motion to directing staff to provide further information regarding estimated capital and operational costs, use of traffic calming devices and diagonal crosswalks downtown, left turn signals, making downtown more bike friendly, and the types of trees that were preferable on Broadway and to work with the SBD to prepare ordinance changes regarding the proposed sign and awnings changes. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(E) Board of Health recommendation – smoking ordinance.

Mayor Hindman thought they should accept the report and direct staff to prepare legislation for Council consideration.

Mr. Hutton suggested they hold a special meeting to hear nothing but this bill. He noted tonight's agenda was light and it was still late. With a three hour public hearing and a light agenda, it would be very late. Mr. Hutton reiterated he felt they should hold a special meeting for this item only on an off Monday. Mayor Hindman thought that was a good idea.

Mayor Hindman suggested the motion be to accept the report, direct staff to prepare legislation for Council consideration, and direct staff to work out a schedule that included a first reading and a special session for a public hearing when all Council members would be present.

Ms. Nauser commented that this issue troubled her. She felt her choices constantly had their choices eroded. Because one did not like something, she noted, did not mean one should prevent a business owner or a person who did smoke from smoking. Going to restaurants and bars was not a right, it was a luxury. People that worked in them chose to work in them and people who patronized them chose to patronize them. No one was being forced. She felt the group in support of the ban should obtain enough signatures to put it on the ballot for the citizens to decide. She did not feel this was a decision the Council should be making. It was a private rights issue. She thought the market was moving in the direction of non-smoking and did not see why they had to take away every choice when the market was taking care of the majority of it. She stated she would only agree to accept the report. She would also ask the parties who wished this ordinance be passed to obtain the necessary signatures for the petition to put it to the vote of the people.

Mayor Hindman made a motion to accept the report of the Board of Health. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman made a motion to direct staff to prepare legislation for Council consideration. The motion was seconded by Ms. Hoppe and approved by voice vote with only Ms. Nauser voting no.

Mayor Hindman made a motion to direct staff to schedule a first reading and a Special Council Meeting to hear the matter at a later date. The motion was seconded by Mr. Janku and approved by voice vote with only Ms. Nauser voting no.

APPOINTMENTS TO BOARDS AND COMMISSIONS

BOARD OF ADJUSTMENT

Daugherty, Lowell, 3413 E. St. Charles Road, Ward 3

BICYCLE/PEDESTRIAN COMMISSION

Dusold, Julie, 2407 UMC Drive, Ward 6

Heise, David, 1707 Hinkson, Apt. #2, Ward 3

Segafredo, Blake, 3601 W. Broadway, Apt. 19-201, Ward 2

Kullman, Steven, 205 S. Garth, Ward 4

BUILDING CONSTRUCTION CODES COMMISSION

Carlson, Kas, 1110 Willowcreek, Ward 5

Reichlin, Stephen, 4208 Fall River Drive, Ward 5

Page, John, P.O. Box 7563, Ward 5

Naugle, Gary, 1700 Dozer Station Road, County

Lichty, Curtis, 501 W. Hickam, Drive, County

Thomas, Robert, 3911 Foxcreek Way, Ward 5

BOARD OF ELECTRICAL EXAMINERS

Nevins, Monte, 103 N. Glenwood Avenue, Ward 1

Thomas, Robert, 3911 Foxcreek Way, Ward 5

HISTORIC PRESERVATION COMMISSION

Treece, Brian, 2301 Bluff Point, Ward 6

MAYOR'S COMMITTEE ON PHYSICAL FITNESS

LaPaglia, Amy, 3301 Alligator Lane, Ward 2

PARKS AND RECREATION COMMISSION

Grus, Julia, 910 Clayton Street, Ward 1

SPECIAL BUSINESS DISTRICT BOARD OF DIRECTORS

Timberlake, Mark, 2417 Beachview Drive, Ward 4

COMMUNITY SERVICES ADVISORY COMMISSION

Mayor Hindman noted they recently lost two members of the Community Services Advisory Commission due to a conflict of interest ordinance that only applied to this and two other commissions. He suggested they look at repealing this conflict because he did not understand why they had a conflict provision these commissions, which they did not have with anything else. It did not even apply to Council. Mr. Hutton disagreed. He thought it did apply to them because if they had a financial interest in something, they could not vote it. Mayor Hindman stated these people did not have a personal, financial interest in it and he felt that was the problem. Mr. Hutton thought the conflict included an employment financial interest. Mayor Hindman was not sure it involved employees. Mr. Boeckmann noted some were employees.

Mr. Janku asked for the history. Mr. Boeckmann replied it was passed in 1988 and at that time the Council felt there were too many people on it who worked for or were on boards that received funding based on the recommendations. Council was given the choice of having them abstain from voting on their own or excluding them and Council chose to keep them off. At that time, there were only three commissions that made funding recommendations, so that same change was made to all three. In regards to the University, he thought it was applied to them as though each different division was a separate agency because it was such a large institution. For everyone else, including the school district, if one was employed by or on the board of directors of, they were considered disqualified if the agency applied for or received funding.

Mayor Hindman commented that this was a citizen government and they were expecting people to come from all walks of life to volunteer their time on these commissions. The Council expected them to be employed and have interest. They would also expect that people serving on the Community Services Advisory Commission, for example, would be interested in community services. People who were interested in that would likely be serving on a board and were the kind of people the Council probably wanted on the Commission. He felt if their own agency was involved and they were directly enough interested in the agency, they should abstain. He noted that was how it worked with the Council. The Council was

supposed to come from all walks of life and were bound to have issues come up that affected their employer, business or profession. They had to make a decision on whether or not they could vote and were expected to vote unless there truly was a conflict. A conflict, he thought, was defined as having a personal, financial interest. He stated that needed to be the guiding light in respect to these as well. He felt they needed to make these Commissions available to interested people as much as possible. If they were affected by their relationship to a particular request and could not make an independent judgment, he thought they should abstain. He did not believe they should be prevented from serving on the commission because that would eliminate too many people.

Mr. Janku commented that the commissions did incredibly important work for the community and the Council. They spent a lot of time on the hearings, analyzing and evaluating agencies, and forwarding recommendations to the Council. He pointed out that almost always they accepted the recommendations without change. He felt the question was whether it would be solved by disqualifying oneself when it was their particular agency up for review. He stated even when a member recused themselves, it was still difficult knowing it was a colleague who was being affected. He noted there were a limited amount of funds for each of the commissions to recommend and thought it could look as though someone was saving money for its agency when a final decision was made. He thought if they found they were having trouble getting qualified applicants for these positions, they could then change the standard. He suggested waiting to see what kind of pool they could maintain with the current standard. He felt it would be unfortunate if they ended up with a bunch competing represented interests rather than people only making decisions for the benefit of the entire community.

Mayor Hindman stated in a citizen form of government, they needed to expect there would be a certain amount of conflict. If they were a paid legislatures where that was their full time job, he felt they would need to eliminate the possibilities of conflict. With a citizen type government, they were supposed to have some conflict because they were calling on people to come from everywhere.

Ms. Hoppe understood Mr. Janku was saying if someone wanted to be on a board, they needed to make a choice regarding whether they wanted to be the board or the Community Services Advisory Commission. If they resigned to be on the commission, they might still have an interest in that. They resolved the conflict, technically, but still had an interest in promoting that organization. It did not totally eliminate influence. Mr. Janku stated he understood people had strong interests in the issues. He felt it was clearer with the question of an employee.

Mr. Loveless understood Mayor Hindman was suggesting they advise staff to rework the enabling ordinance to reflect his thoughts. Mayor Hindman replied he suggested they postpone making the appointments to the Community Services Commission and ask staff to come up with a possible revision to the ordinance. Mr. Janku asked if they could schedule it for a work session. Mr. Hutton pointed out there were three vacancies on the Commission.

Mayor Hindman made a motion to postpone making the appointments to the Community Services Commission and to direct staff to come up with a possible revision to

the ordinance to deal with the conflict, but not make it impossible for them to serve. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku asked if they could take this up after the budget process. Mayor Hindman replied as long as they did not leave the Commission stranded so they could not act if they need to. Ms. Amin stated they would be without three people for the September meeting by not making a decision now, but would have a chance for the October meeting if things were resolved timely in August. Mr. Loveless understood their budgetary recommendations had already been made. Ms. Amin replied that was her understanding. Mr. Janku thought they could introduce it at the next meeting and make a decision at second meeting in August.

Mr. Loveless asked that the applicants receive word of the Council's action. Ms. Amin stated she would let them know.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Crayton noted a resident on Alexander Avenue had asked, last year, for speed bumps. She wanted to know what had happened because she thought it had been resolved, but it had not. She provided a copy of the petition submitted previously. Mr. Loveless asked if Ms. Crayton would like someone in the traffic division to start contacting the residents to begin the process rather than just finding out why it had not happened. Ms. Crayton replied yes. She pointed out they had talked to someone to start the process. She stated she also wanted to know why it had not been done.

Ms. Crayton made a motion for a report explaining why after a year there were still no speed bumps on Alexander Avenue and for staff to begin the process for proving speed bumps again. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Ms. Crayton stated there was a lady needing a wheelchair ramp for her mother. She wanted someone to look into providing her a ramp.

In regards to the issue of air conditioners, Mr. Janku thought the tenant need to have a greater opportunity than was expressed in the original report and that some degree of participation by landlords would be acceptable, but not such that they would dominate.

Mr. Janku made a motion that the criteria be worked out with the cooperating agency to reflect tenants having a greater opportunity than was originally expressed and that some degree of participation by landlords be acceptable, but not such that they would dominate. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku wondered to what extent Sasaki & Associates could provide some sort of vision for the Providence corridor, south of Broadway. He suggested they authorize staff to discuss this with the University and to see if it could be incorporated into the study. If it involved additional costs, the Council would have to discuss it. Mr. Loveless asked what the parameters were. Mr. Janku suggested from Broadway to Stewart. Mr. Hutton understood it would only be the property facing Providence. Mr. Janku replied yes.

Mr. Janku made the motion directing staff to discuss with the University including property facing Providence from Broadway to Stewart in the study. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Janku noted the Consent Agenda included an issue relating to Southampton. He understood there was an issue in regards to what extent a name should continue when the road bends.

Mr. Janku made a motion directing staff to provide a report on that issue. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

Mr. Loveless understood the Police Department had ceased towing cars with outstanding parking tickets and asked why that policy changed.

Mr. Loveless made a motion directing staff to provide a report regarding the policy change of towing cars with outstanding parking tickets. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Loveless noted they denied a C-P development plan for Katy Place Heights due to an issue of carving off some additional forested property from a previous development and including it in their plan. He stated there were some specific thoughts regarding what should be done and the applicant had come back with a plan reflective of what the Council wanted. He asked that the Council reconsider it. He understood they would have to wait a year unless a Council Member who voted against it asked for it to be reconsidered. He believed they all felt it was a worthy project, but inappropriately designed. He noted it meant they would have to go through the entire process again. Mr. Boeckmann thought, in this case, there was not much of a change and since it had already been through the Planning & Zoning Commission, it could simply be introduced and advertised as a public hearing before the Council.

Mr. Loveless made a motion to reintroduce the C-P development plan for Katy Place Heights as an advertised public hearing before the Council. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

The meeting adjourned at 10:01 p.m.

Respectfully submitted,

Sheela Amin
City Clerk