



Administration/Public Works Committee
Record of Proceedings - APPROVED
Tuesday, January 8, 2019 at 6:00 pm
City Hall Community Room at 16860 Main Street

I. Welcome and Roll Call

Chair Garritano called the meeting to order at 6:02 pm. Attendance roll call was taken with following results:

Committee Members in Attendance:

Chair Joe Garritano
Council Member Dave Bertolino
Council Member Katie Dodwell
Council Member John Gagnani
Council Member Cheryl Jordan
Council Member Ray Manton (arrival 6:54)
Council Member Tammy Shea
Council Member Greg Stine

Other Council Members in Attendance:

Council Member Niles Stephens
Council Member Steve Taylor
Council Member Tim Woerther

Staff Members in Attendance:

Director of Public Works Rick Brown
Economic Development Manager Julian Jacquin
City Attorney John Young
Meeting Recorder Carla Patrick

II. Approval of Meeting Minutes from December 12, 2018

The minutes of the December 12, 2018 meeting were submitted for Committee approval.

Council Member Gagnani made a motion for approval of the December meeting minutes, and Council Member Shea seconded the motion. A voice vote was taken with unanimous favorable support (Manton not in attendance). Therefore, Chair Garritano declared the motion passed.

III. Public Participation

Mayor Jim Bowlin, 2165 Timberline Valley Drive, addressed Item IV – B.1 by written statement provided the Committee, which is herein made a part of this record of proceedings.

Council Member Dodwell motioned to advance the agenda to Item IV. B. 1. (*Administration, For Action, Investigation - Re: Tony Salvatore*). Council Member Gagnani seconded the motion. A voice vote was taken with unanimous favorable support. Therefore, Chair Garritano declared the motion passed.

IV. ADMINISTRATION

A. For Information

1. Sales Tax Update

Economic Development Manager Jacquin reported October sales tax pool receipts (received in December) were lower than Budget and Prior Year. However, YTD remains higher than both.

2. City Hall Foundation Repair Update (Wards – All)

Economic Development Manager Jacquin reported that efforts to repair City Hall first floor water leaks have failed. A formal bid process will commence to continue with project resolution.

3. Audio/Visual Enhancements at City Hall Update (Wards – All)

Pursuant to recent approval of Bill #2411, Tech Electronics is currently installing new audio/visual equipment in the Council Chambers and Community Room.

B. For Action

1. Investigation – Re: Tony Salvatore (Wards – All)

Independent investigator, Mark Pedroli participated via phone.

Discussion included review of prior motions setting investigation parameters, reporting timelines, and City Clerk to be first point of contact.

Council Member Dodwell motioned to permit investigator's contract development to be direct with City Attorney Young with Committee members copied on written communications therein. Council Member Gragnani seconded the motion. A voice vote was taken with unanimous favorable support (Manton not in attendance). Therefore, Chair Garritano declared the motion passed.

Council Member Shea motioned to amend the motion passed on December 12th, establishing investigation parameters to (1) delete Item 6, and (2) revise Item 5 to require a thirty day written progress report to this Committee. Council Member Stine seconded the motion. A voice vote was taken with unanimous favorable support (Manton not in attendance). Therefore, Chair Garritano declared the motion passed.

Council Member Dodwell motioned to advance agenda to Item V. A. 2. (*Public Works, For Information, Meridian Waste*), followed by Items V. A. 1. and 2. (*Public Works, For Action, Contractor Bids for Route 100 Median and Proposed Aesthetic Enhancement to Route 100 at Route 109*) to accommodate guests speaking to those items. Council Member Shea seconded the motion. A voice vote was taken with unanimous favorable results. Therefore, Chair Garritano declared the motion passed.

2. Show-Me Courts Implementation (Wards – All)

City Attorney Young reported the status of the court management system mandated for Missouri circuit courts. St. Louis County Circuit Court then mandated municipal adoption. He noted possible Missouri Supreme Court review, City responsibilities and that no action need be taken yet.

3. Compensation of Appointed Officials (Wards – All)

As requested by Committee at meeting of October 30th, updated salary comparisons were provided for appointed official positions for Committee consideration.

Discussion included increased parameters for consideration to include comparable municipality population and job responsibilities.

Council Member Stine motioned to recommend acceptance of all salary increases as provided by prior City Administrator Thomas. Council Member Manton seconded the motion. A roll call vote was taken with the following results.

Ayes: Manton, Stine

Nays: Bertolino, Dodwell, Garritano, Gragnani, Jordan, Shea

Therefore, Chair Garritano declared the motion failed.

Council Member Jordan motioned to postpone pending hiring of new City Administrator. Council Member Shea seconded the motion. A roll call vote was taken with the following results.

Ayes: Bertolino, Gragnani, Jordan, Shea

Nays: Dodwell, Garritano, Manton, Stine

Abstentions: none

Therefore, Chair Garritano declared the motion failed.

Council Member Bertolino motioned to postpone to the next meeting in order to obtain additional data. Council Member Manton seconded the motion. A voice vote was taken with unanimous favorable support. Therefore, Chair Garritano declared the motion passed.

4. Consideration of Legislation Regarding Public Participation (Wards – All)

City Attorney Young provided a draft ordinance amending Code section 110.210 regarding public participation.

Council Member Dodwell motioned to recommend the bill language as drafted, which deletes the current Section 110.210 Rules of Procedure, Subsection A, Paragraph 16 and replaces such with newly drafted language as presented. Council Member Gragnani seconded the motion. A voice vote was taken with unanimous favorable support. Therefore, Chair Garritano declared the motion passed.

5. Consideration of Legislation Regarding Appointments (Wards – All)

City Attorney Young advised that this legislation would require a Charter amendment.

Discussion included interpretations of council powers currently existing in the Charter. Committee chose no action to be taken at this time.

6. Request by Council Member Woerther to Repeal Code of Ethics Sections 125.140 and 125.150 (Wards – All)

Council Member Woerther offered postponement to the next meeting due to time constraints.

7. Request by Council Member Stephens to Consider Legislation to Define a Majority for Votes Involving Abstentions (Wards – All)

Discussion included issue should be addressed in voting requirements, increased definition of abstention parameters and examples of case law.

Council Member Shea motioned to recommend establishing majority rules guidelines for Boards and Committees. Council Member Gragnani seconded the motion. A voice vote was taken with unanimous favorable results. Therefore, Chair Garritano declared the motion passed.

V. PUBLIC WORKS

A. For Information

1. Upcoming MSD Meeting Regarding April 2 Stormwater Capital Rate Vote and Project Clear Update (Wards – All)

Public Works Director Brown reported his department's invitation to attend MSD meetings providing information on the upcoming Stormwater Capital Rate Vote and The Project Clear update (upgrading their sanitary sewer system) and extended such invitation to Council Members.

2. Meridian Waste – Update (Wards – All)

Public Works Director Brown updated the Committee on Meridian Waste Service issues to include service complaints, recycling change implementation and new service RFP. Derrick Standley of Meridian participated in discussion.

Discussion included service complaint trends, Meridian management personnel changes, new dual stream recycling pick up options, bin options and drop off locations.

Committee will present at the January 14 City Council Work Session, the newly proposed pick up option of weekly curbside pick-up of (1) tin, aluminum and steel cans and certain plastics and (2) mixed paper and cardboard on alternate week schedule. This includes recycling bins delivered by Meridian per resident size selection and bin cost of .50 (in lieu of prior option cost of 2.66) with a start date of March 1st.

B. For Action

1. Contractor Bids for Route 100 Median Landscaping Project (Wards Five and Eight)

Public Works Director Brown presented a recommendation to contract with Mayer Landscaping for the Route 100 Median Landscaping Project.

Discussion included budgetary concerns, safety issue of deer in median and road safety projects as a priority,

Council Member Dodwell motioned to recommend contracting with Mayer Landscaping for the Route 100 Median Landscaping Project for the not to exceed amount of \$153,075 plus a \$15,000 contingency for additional work identified by the Department. Council Member Manton seconded the motion.

Council Member Bertolino motioned to postpone to the 2020 Budget cycle considerations. Council Member Jordan seconded the motion.

After continued discussion, Council Member Bertolino motioned to Call the Question. Council Member Garritano seconded the motion. A voice vote was taken with six (6) votes in favorable support and two (2) votes against (Jordan and Shea). Therefore, Chair Garritano declared the motion passed and requested a vote on the pending postponement motion.

A voice vote was taken on the motion to postpone to the 2020 Budget cycle. Six (6) votes were in favorable support and two (2) votes were against (Garritano and Shea). Therefore, Chair Garritano declared the motion passed.

2. Proposed Aesthetic Enhancements to Route 100 at Route 109 (Wards One, Five and Eight)

Public Works Director Brown presented an alternate option for proposed aesthetic enhancements selected by the Committee for the Route 100 at Route 109 interchange, since the original selection did not meet MoDOT approval due to safety concerns. Ken Keitel of Terraspec participated in the discussion.

Discussion included modifications to include a breakaway sign material/concept and guardrails. No action was taken at this time pending additional information on options.

VI. Items Not Ready for Action

A. High Priority

1. Social Media Usage Policy (Wards – All)
2. Street Acceptances – The Manors at the Meadows of Cherry Hills (Wards – Eight)
3. Review of City Street Tree Removal and Replacement Policy (Wards – All)
4. Renaming of Eatherton Road to Taylor Road (Ward – Five)
5. Enhancements to the Manchester Road Corridor (Manchester Road Improvement Committee Recommendations) (Wards One and Eight)

B. Medium Priority

1. Review of City Fees for Services (Wards – All)
2. Review of Content Requirements for Meeting Minutes (Wards – All)
3. Inclusion of Alcoholic Drinks at City Sponsored Events (Wards – All)
4. RFQ for On Call Government Affairs Consultant (Wards –All)

C. Low Priority

1. Future Use of Community Development Block Grant Funding (Wards – All)
2. Exterior Information Board for City Hall (Wards – All)
3. City Membership in Organizations with Political Activity (Wards – All)

VII. Miscellaneous

None

VIII. Next Meeting: Tuesday, February 5, 2019

IX. Adjournment

A motion to adjourn the meeting was made by Council Member Bertolino and seconded by Council Member Dodwell. A voice vote was taken with all members in agreement. Therefore, Chair Garritano declared the meeting adjourned at 9:48 pm.

MR. CHAIRMAN AND COMMITTEE MEMBERS:

THERE HAVE BEEN THREE COMPLAINTS FILED AGAINST ME BY ONE RESIDENT SINCE JUNE 2018. EACH OF THESE COMPLAINTS WAS INVESTIGATED PURSUANT TO THE PROCESS THE COUNCIL REQUIRED BY WILDWOOD ORDINANCE 125.140, AND IN EACH INSTANCE, THE SPECIAL PROSECUTOR CONCLUDED THAT NO PROBABLE CAUSE EXISTED TO BELIEVE A VIOLATION OCCURRED AND THE COMPLAINTS WERE DISMISSED. PURSUANT TO THE REQUIRED PROCESS, THE DECISIONS OF THE SPECIAL PROSECUTOR WERE FINAL DISPOSITIONS.

PER A MOTION PASSED AT THE OCTOBER 22, 2018 COUNCIL MEETING INITIATED BY COUNCIL MEMBER GRAGNANI AND SECONDED BY COUNCIL MEMBER WOERTHER, THIS COMMITTEE IS NOW BEING ASKED TO DEVELOP DIFFERENT PROCEDURES FOR INVESTIGATION INTO THE SAME DISMISSED COMPLAINTS AND ALLEGATIONS ALREADY INVESTIGATED BY THE SPECIAL PROSECUTOR, FOR NO APPARENT REASON OTHER THAN TO HARASS AND TO INTIMIDATE ME.

ALL OF US WHO ARE ELECTED OFFICIALS HAVE THE PUBLIC TRUST AND PURSE IN OUR HANDS, AND MUST ACT IN WAYS THAT STAND THE TEST OF TIME – NOT JUST FOR THE MOMENT – REGARDLESS OF WHO IS SITTING IN OUR SEATS. WE CANNOT TAKE ARBITRARY ACTION IN THE MOMENT IN ORDER TO TARGET ANY INDIVIDUAL – RESIDENT OR EMPLOYEE – IN WAYS THAT WOULD NOT, SHOULD NOT, OR CANNOT BE UNIVERSALLY APPLIED TO ANY OTHER RESIDENT OR EMPLOYEE.

TO DO SO PRESENTS RISK TO OUR CITY – AND THE OFFICIALS PROMOTING IT –
OPENING US UP TO LIABILITY FOR VIOLATIONS OF CIVIL AND CONSTITUTIONAL
RIGHTS.

I ASK THE CITY CLERK TO INCLUDE A COPY OF THESE REMARKS WITH THE MINUTES
OF THIS MEETING, AND URGE THE MEMBERS OF THIS COMMITTEE AND THE COUNCIL
WHICH IT SERVES TO TAKE THESE REMARKS INTO CONSIDERATION. I FURTHER ASK
THAT THIS MATTER BE REFERRED BACK TO THE COUNCIL WITH RECOMMENDATION
THAT THE MOTION GIVING RISE TO IT BE RECONSIDERED AND REJECTED AT THE
NEXT MEETING OF THE COUNCIL.