

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
AUGUST 17, 2009

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 6:00 p.m. on Monday, August 17, 2009, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HINDMAN, STURTZ, THORNHILL, SKALA, WADE and NAUSER were present. Council Member HOPPE was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of August 3, 2009 were approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Nauser.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Skala made a motion to amend the agenda so B236-09 would be heard and discussed prior to B235-09. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mayor Hindman noted R203-09 involving a bond sale would be added to the new business portion of the agenda. Mr. Skala made a motion to add R203-09 to the agenda and to approve the amended agenda. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

None.

PUBLIC HEARINGS

B243-09 Setting property tax rates for 2009.

The bill was given second reading by the Clerk.

Mr. Watkins noted they were proposing no change to the current property tax rate.

Mayor Hindman opened the public hearing.

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

B243-09 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Bill declared enacted, reading as follows:

B-244-09 Setting tax rate for all taxable property in the Special Business District of the City of Columbia for the year 2009.

The bill was given second reading by the Clerk.

Mr. Watkins explained the Special Business District levied upon itself additional property taxes to fund its operations and there was not a proposed change to the current rate.

Mr. Skala understood a proposal was being put forward for a CID and asked if this would impact that decision. Mr. Watkins replied he thought that decision would need to be made after the CID petitions were received.

Mayor Hindman opened the public hearing.

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

B244-09 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Bill declared enacted, reading as follows:

B245-09 Adopting the FY 2010 Budget for the Special Business District.
B246-09 Adopting the FY 2010 Budget.

The bills were given second reading by the Clerk.

Mr. Watkins explained this was the first of three public hearings on the budget and he hoped Council would adopt the budget at its second meeting in September. He noted the Council would also participate budget work sessions with staff and discuss amendments at pre-Council meetings. He stated he was proposing to sustain core services in the budget and this included reorganizing employees for better response to community needs. The budget proposed a sustainability office and manager to address energy savings and some climate issues, and about half of the costs for the position would be paid with grant funds from the Department on Energy. He noted projected revenues for 2010 were about three percent less than in 2009, no growth in sales tax revenue was proposed, and there was only a 1.6 percent growth in gross receipts tax revenue, which was significantly less than what the City had typically seen. There was a reduction in grants, earned interest, and transfers from special revenues to support capital projects. Total projected expenses in all funds were three percent less than in 2009 and included a savings of close to \$1 million in personnel costs. There was also almost \$800,000 in increased fees and user charges. The average monthly residential utility increase for all City utilities would be \$8.70/month. He pointed out there was a one percent growth in personnel costs and only 2.5 net new employees, which was the smallest increase in ten years. The proposed budget would not have any raises or performance increases, but would maintain health and pensions benefits for active employees. There would also be significant savings in overtime pay and the sick leave buyback benefit. He noted they were continuing to meet with the labor groups on these two issues.

Mr. Skala asked if there had been an increase in the benefit package or if it was flat-lined as well. Mr. Watkins replied there were some mandated increases in the pension costs due to the portfolios in those funds declining.

Mayor Hindman opened the public hearing.

Cathy Thorpe stated she was the Chair of the Community Services Advisory Commission and noted the Commission was charged with making funding recommendations to the Columbia City Council and Boone County Commission with regard to social services in

the community. She pointed out the recommendations and process utilized had been presented in the form of an annual report the Council had received earlier in the month, and briefly explained the process. She noted 34 agencies had submitted proposals for 52 program services for City and County funding, and as directed by the City Manager, the Commission made recommendations for funding based on three potential funding levels, which included level funding, a 2.5 percent decrease in funding and a five percent decrease in funding. With regard to funding from the City, 31 agencies applied for 48 programs, and the Commission recommended 27 agencies and 43 programs be funded. If there was to be a five percent decrease in funds, the Commission was recommending an increase in funding for seven programs, new program funding for two programs, level funding for 27 programs, a decrease in funding for seven programs, the elimination of funding for two programs and not funding three other programs. She commented that the decision making process had been difficult due to the worsening economy and increased need and understood the proposed budget showed a five percent decrease in social service funding in FY 2010, which would place the City's social funding level at its lowest since 2005. While the Commission understood this was a challenging year in terms of developing the City budget, they urged the Council to consider providing at least level funding for social services as there were additional needs due to the difficult economic times.

David Johnston stated he was the Chair of the Community Development Commission and explained that for the upcoming year, the Commission reviewed 21 projects and programs for the projected \$860,000 in CDGB funds. He noted the Commission and the City Manager agreed on funding recommendations for 12 of the 19 applications and explained the projects and programs in which there were differences and the reasons for those differences.

Mr. Wade understood a statement was made indicating past projects of this type created timeliness issues when the East Side Sidewalks were discussed and asked for clarification. Mr. Johnston replied it had taken a while for certain Public Works projects to be completed and gave Hunt Avenue and Spencer as examples. He noted HUD required funds to be spent within a certain number of years, and although the City had not lost funds due to reprogramming, he felt the time frame for Public Works projects should be more accurate, so less time would be spent reprogramming funds.

Mr. Wade asked if he thought the timeliness issue would come into play with the East Side Sidewalk project. Mr. Johnston replied it was hard to say since each project was different. With some projects there were problems with obtaining easements or neighborhood opposition, which affected the timeliness. He thought it was better to know in advance if there were issues.

Katie Harris, 2400 Topaz, stated she was Chair of the Cultural Affairs Commission and explained the FY 2010 arts funding process. Due to the uncertainty of this year's budget and because the City Manager initially indicated the possibility of a reduction in the available funds, staff had not communicated set amounts to applicants. Based on input received by the City Manager, they were prepared to calculate awards assuming level funding from the current fiscal year to the next fiscal year. In addition, due to the overall budget reduction of over \$50,000 to the Office of Cultural Affairs, the funds set aside for arts contracts could be maintained at \$86,777. She noted they could stretch those dollars by further supplementing

them with Cultural Affairs restricted funds in the amount of \$12,223, which was also accessed in the prior two fiscal years. This would allow the total amount awarded to agencies to reach near \$100,000. She explained the restricted fund existed due to the move of Cultural Affairs to the City's general fund in FY 2007 and the subsequent elimination of the departmental fund balance. She commented that many studies showed the arts were a sound investment for increasing tourism, contributing to community livability, enhancing education and encouraging economic development, and City funding encouraged all of this. City arts funding also helped satisfy several goals of the Visioning effort by addressing the needs for arts funding and helping to expand arts program options available to the public. It also acted as a local stimulus and leveraged additional funds from the State and private entities.

Ewell Lawson, 109 Gondolier Drive, stated he was Chair of the Public Communications Resource Advisory Committee and noted they were involved in awarding a portion of the gross receipts tax collected from video service providers utilizing City rights-of-way. The Committee was charged in determining a need for communication services that would enhance the ability of Columbia citizens to learn about community issues and communicate with government officials. He described the process and the four projects they recommended be funded.

Phil Peters stated he was the Executive Director of First Chance for Children and noted he would be commenting on two different issues. He asked the Council to endorse Public Communications Resource Advisory Committee's recommendation to help them with a parent engagement campaign, which he described. With regard to the Heibel-March building, he provided a handout that included a history of the building and a copy of their grant proposal to the Boone County Community Trust, and explained he hoped to use it to house services helping underprivileged kids get ready for school and reducing the racial and income achievement gaps. It would be in a neighborhood where these services would be of great assistance and it would preserve a historic corner store. It would be a front door for all parents wanting to know of the community services available for newborns, infants and toddlers. He asked the Council to provide a Community Development Block Grant (CDBG) funds for the renovation of the building. The cost of the project was \$300,000 and they had a commitment from Commerce Bank for one-third of the cost. They wanted the City to provide a single year \$100,000 grant and the last \$100,000 would be funded by a private fundraising campaign. He stated they were on target to break ground on May 1, 2010 if they received the CDBG funds.

Mr. Sturtz asked if he could provide more detail on the fundraising plan to include the grants they applied to for funding and the time table for hearing back on them. Mr. Peters replied the Kemper Foundation in Kansas City was currently reviewing the proposal. He was meeting with the Director of State Farm Insurance in September and noted they responded to an invitation to apply for those funds. The Boone County Community Trust met twice a year and their next meeting was in October. Commerce Bank had committed to a \$100,000 loan if the rest of the funding could be raised. They would need to reapply to the Heinkel Charitable Trust and had made applications to two family trusts. He pointed out neighborhood assistance tax credits were also available.

Mr. Sturtz asked what “front door to early child development services” entailed. Mr. Peters replied they wanted parents to be involved and have an understanding of the power they had to help kids get ready. They would serve as the hub and provide information and direction with regard to available community services.

Cindy Mustard, 600 S. Greenwood, stated she was the Executive Director of the Voluntary Action Center (VAC) and wanted to encourage the Council to fund social services without any funding cuts. They had all been impacted by cuts and to receive any more would make it difficult for them to be able to provide services. The VAC was small in the big scheme of social services and did not have a lot of money, but all dollars received were spent locally in the economy of Columbia. When resources were cut, they had fewer dollars to put back into the community and it impacted clients receiving services. She noted in the first six months of the year, the VAC had seen a 55 percent increase in the number of veterans being served, a 38 percent increase in the number of homeless people being served, a 28 percent increase in the number of new households needing services, and a 31 percent increase in unemployed households. She understood cuts needed to be made, but thought making the funding level equal to what it was in 2005 did a lot of harm. She asked the Council to maintain level funding instead of cutting social service funding.

Timothy Rich, 2516 Meadow Lark Lane, stated he was the Interim Director for Heart of Missouri United Way and encouraged the Council to fully fund social services this year. He noted the Heart of Missouri United Way campaign fell short of its goal last fall and reserves were used to fully fund partner agencies for this calendar year. They were all experiencing the impact of the economic crisis, so there were less private sector dollars and decreases in private foundation portfolios as well. At the same time, needs had significantly increased across the board. He noted the Central Missouri Food Bank had seen a near 20 percent increase in its services at the pantry over the last six months. In looking at the budget constraints, the United Way reduced its staff by two full time equivalents and cut allocations to agencies by 2.5 percent. He urged the Council to support level funding for community services this year as many agencies would find it difficult to cope with a second wave of funding cuts.

Mike Fletcher commented that service needs were at their greatest. Unemployment rates in Missouri were over nine percent and the economy was having a negative impact on fundraising, which would likely continue over the next 6 months. He understood the budget proposal showed a five percent decrease in funding for social services, and noted if that happened, the City’s budget would increase 12 percent while social service funding would decrease by three percent between FY 2007 and FY 2010. In addition, the general revenue budget for parks and recreation would increase by five percent and the budget for the arts would increase seven percent. He encouraged the Council to keep social services to at least level funding for FY 2010.

Mr. Skala asked if he felt level funding was a cut in view of the fact the need had increased. Mr. Fletcher replied yes.

John Clark, 403 N. Ninth Street, stated he was speaking on behalf of the North Central Columbia Neighborhood Association and noted they were in strong support of First Chance for Children’s request for \$100,000 of CDBG money. He believed it was essential to locate

services near the populations in need of them for efficient and effective delivery of services. First Chance had a good plan with commitments upfront and a good chance for fulfillment. He stated the City could not run all of the programs and build all of the buildings, and thought the City should use its resources, such as CDBG funds, to support independent not-for-profits like First Chance for Children.

Beth Bailey stated she was the Chair of Advisory Board for Lutheran Family and Children Services and was present to show support for the Community Services Advisory Commission and social service agencies as a whole. Although funding to Lutheran Family and Children Services was not cut, she did not want to see funding cut for other agencies because they relied on them for other services. She noted they had a waiting list of over 40 people in need of services and believed other agencies had waiting lists as well, leaving an overabundance of people in need. She asked that funding for social services not be cut.

Marcia Walker, 2402 Lynnwood, stated she was the Executive Director of Meals on Wheels and commented that many of the agencies had incurred cuts since the United Way was unable to meet their goal. She stated Meals on Wheels was a small agency that served 44,500 meals last year. A five percent cut or \$5,000 equated to 1,000-1,500 meals for her agency. She noted most agencies did not request additional dollars this year because they knew things were tough. They were only asking the City to give the same amount as before.

Sam Robinson stated he was the Director of the Power Players Organization, which was a program under the Urban Empowerment Development Corporation offering education, career and entrepreneurship support to its members and the community at-large. He understood the Community Development Commission recommended they be funded, but Mr. Watkins believed they should be funded through a different source. Mr. Robinson commented that they were confident in their ability to leverage funds to create and expand their program. There were four counselors beside him that worked with individuals, and in addition to traditional methods, they also used contemporary methods, such as teaching soft skills so their clients could seek, receive and retain employment. They were positioned as an organization to help address adolescent crime, and a lot of those issues stemmed from the lack of jobs or not being able to obtain a job due to a criminal background. He was confident they could assist people living in poverty in finding and keeping jobs.

Shannon Wilson-Robinson stated she was a representative of the Power Players Organization and read a letter from Ann Williams, the President of Job Finders. The letter indicated Power Players made referrals to Job Finders and they had been able to employ many clients in full-time and part-time positions. Ms. Wilson-Robinson felt it was important they receive these funds because they were volunteers and needed someone there during the day to field all individuals coming to their facility to seek employment and skills. She stated they did good work and were making a difference in the community.

Darlana Scott stated she had received services through Power Players Organization. She participated in budgeting classes and had recently been able to purchase a new home. In addition, she had recently received her Bachelors degree and was now seeking a Masters degree as well. She noted they had helped her with upward mobility.

Gena Edwards commented that she was involved in the Power Players program and noted she supported all of the agencies that were requesting funds as Power Players worked

closely with many of them. One agency in particular, Love, Inc., provided clothing for interviews and when submitting an application. She stated Power Players worked with individuals in getting to the root of the need and in trying to provide the resources and education needed so they became self-sustaining individuals. She asked the City to provide the grant because she believed they could break the cycle and help people change for the better.

Phil Steinhaus, 201 Switzler Avenue, stated he was the CEO of the Columbia Housing Authority (CHA) and provided a handout. He explained the CHA had requested and was recommended to receive \$90,000 of CDBG funds to replace the roof on the J.W. Blind Boone Community Center, but afterwards found out stimulus funding that could be leveraged with local funds was available. The CHA could apply for \$1.797 million and the match required was \$90,000. As a result, they were requesting the ability to reallocate the \$90,000 to help leverage the stimulus funds, if awarded. It would be used to make 21 apartments in Oak Towers accessible per ADA and UFAS standards and improvements to the community space and outdoor garden area. He stated the CHA capital funds were not eligible as leverage, so they would use those funds for the roof replacement project. He noted he also wanted to state his support for level funding for social services. He believed it was cost-effective funding since it leveraged many other resources within the community. He suggested a rainy day fund be established for difficult economic times like this instead of cutting social service. In addition, he believed the service agencies worked effectively and efficiently in providing services. He agreed level funding was actually a cut due to the cost of gas, utilities, health benefits, etc. continuing to increase.

Jan Stock, 4108 Congo Circle, stated she was the Executive Director of the Rainbow House and thanked the City as they would receive full funding this year. She noted she was in favor of a rainy day fund to provide assistance when the economic times were bad. In the last two years, the Rainbow House had to lay off or freeze six positions, to include two house parents in the children's emergency shelter, so instead of serving 14 children, they could only serve seven. She commented that 25 children had been turned away. She asked the Council to give the agencies as much funding as possible.

Georgalu Swoboda, 910 W. Broadway, stated she was the Executive Director of Big Brothers Big Sisters and believed social service programs involving children needed to at least remain at level funding because that was where the children received character building, tutoring and mentoring services. Results of an evaluation indicated a mentoring program resulted in better grades, less fights, which helped with juvenile crime, and better relationships with peers and teachers. She commented that they could not serve more kids with less money. She noted they applied for the Public Communications grant to inform the community of what was going on with juveniles and crime and to provide potential solutions, such as mentoring. In order to continue providing services, they needed money. . .

Darin Preis, 4803 Chilton Court, noted he was the Executive Director of Central Missouri Community Action (CMCA) and stated his support for level funding for social service agencies. He commented that CMCA had been added to the list of grantees being recommended for funding this year by the Community Services Advisory Commission. He understood the economy was creating difficult choices and believed they needed to increase

the focus on preventing risk factors and stabilizing households so they did not have to deal with the more expensive consequences of poverty and economic instability. CMCA had seen a 40 percent growth for all of its services with many new clients. He noted he also wanted to state his support to provide funding to First Chance for Children for the Heibel-March building renovations.

Jessica Macy, 1608 Native Dancer Drive, stated she was the Executive Director for the Boone County Council on Aging (BCCA) and noted they had requested CDBG and City social service funding. She asked the Council to support the recommendation of the Community Development Commission with regard to CDBG funding. She commented that they had not asked for funding in 2009 due to some leadership changes, so this money would help them continue providing home repair services for seniors. Although the Community Services Advisory Commission had recommended an increase in funding for the BCCA, she stressed the need for level funding to all other social service agencies as they relied heavily on the support of other agencies and provided some examples.

Kortney Sebben, 2705 Highland Drive, stated she was supportive of the BCCA receiving CDBG funding. In past years, the BCCA had received \$35,000 per year for its senior home repair program. Since an application was not submitted in 2009, the 2008 funding had to be split to cover two years. She noted they had received \$10,000 in supplemental funding, which would allow them to continue projects through the 2009 financial year and the Community Development Commission had recommended funding of \$20,000. If funding was cut to \$5,000, they would only be able to repair five homes using volunteer labor. This meant they would not be able to do any electrical or plumbing repairs or large scale projects, such as roof or foundations repairs. She commented that they directly impacted the lives of seniors living in poverty and provided examples. They had 13 applications for repairs on file and the program needed to be funded in order to provide that service.

Pat Fowler commented that she was a Service Learning project coordinator for University of Missouri and asked the Council to support the recommendation to provide \$20,000 of CDBG funding and \$10,000 of reallocated funding to the BCCA. She explained the Office of Service Learning had partnered with many agencies since 2006 to weatherize homes for seniors, persons with disabilities and persons with low income. In the fall of 2008, they partnered with Columbia Builds Youth and the BCCA to repair and weatherize homes where the BCCA provided materials and project management and MU students and Columbia Builds Youth students provided the labor at no cost. This year they would partner with Central Missouri Community Action to datamine information to bring low income seniors and other tenants into the weatherization program funded with stimulus funds. Finish work, such as fixing a hole, however, was not an eligible cost so they were hopeful volunteers would do that work.

Julia Settles, 3001 S. Providence, stated she was a member of Board of Directors for the BCCA and pointed out the owner occupied housing rehabilitation program sometimes overlapped with the BCCA senior home repair program, but there were referrals between the agencies because the BCCA had a \$5,000 limit on repairs and the owner occupied housing rehabilitation program had a minimum \$1,000 repair cost. She noted 15 of the 22 projects

completed since November would not qualify for the owner occupied housing rehabilitation program although they were needed to make the homes habitable and safe.

Linda Rootes, 402 N. Eighth, stated she was the President of the North Central Neighborhood Association and noted they were in support of the First Chance for Children application for funding to rehabilitate the Heibel-March building.

Pam Forbes, 707 Donnelly, stated she was a member of the Community Development Commission and urged the Council to accept the recommendation provided by the Commission.

There being no further comment, Mayor Hindman continued the public hearings to the September 8, 2009 Council meeting.

- (A) Voluntary annexation of property located on the east and west sides of North Tower Drive, northwest of the Prathersville Road and U.S. Highway 63 interchange.
- (B) Voluntary annexation of property located on the northeast corner of North Tower Drive and Prathersville Road.
- (C) Voluntary annexation of property located on the east side of North Tower Drive, northwest of the Prathersville Road and U.S. Highway 63 interchange.

Items A, B and C were read by the Clerk.

Mr. Watkins noted these three tracts totaled 36 acres and all had signed pre-annexations agreements some time ago. They were now contiguous to the City, so they were being annexed.

Mayor Hindman opened the public hearing.

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

OLD BUSINESS

PR 181-09 Adopting Investment Policy Guidelines for the Police and Firefighters' Retirement Plan.

The policy resolution was read by the Clerk.

Mr. Watkins explained the Police and Fire Departments had their own retirement systems, which were different than all other City employees. The Police and Firefighters' Retirement Plans were overseen by a Board appointed by the Council. Traditionally, the investment portfolio had been managed by the City. Staff was proposing the investment policies be updated and revised to provide detailed definitions of responsibilities and roles. He noted there had been questions as to whether the return on investment would be better if the City used outside investment services, and this would allow them to answer those types of questions.

Mr. Skala understood this helped in-house with the rating agencies, but also cleaned up the language in order to evaluate proposals if the City decided to go with an outside firm. Ms. Fleming explained the Police and Fire Pension Boards wanted to do an RFP and one was submitted about two years ago, but it was determined good definitions were needed prior to go back out for bids.

Mr. Wade asked whether the decision to move to an outside firm would be left to the Council or the Board. Mr. Boeckmann replied it was a Council decision. Mr. Watkins noted there would have to be a contract with the investment agency and that would come to the Council.

The vote on PR181-09 was recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Policy resolution declared adopted, reading as follows:

PR 182-09 Establishing a policy on setting speed limits on residential streets in the City of Columbia.

The policy resolution was read by the Clerk.

Mr. Watkins noted this policy resolution dealt with where signage would be placed and the type of signage that would be used for 25 mph streets. The ordinance following this set the speed limits on certain streets. Mr. Watkins pointed out part of the policy resolution dealt with implementation and staff was proposing the seven year implementation plan because it would allow staff to do the work. If they went to a faster process, they would need to bring in outside contractors.

Mr. Sturtz understood the resolution included a petition process to increase the speed limit on a residential street and suggested the wording be changed so the petition process would address a higher or lower speed limit. Mr. Glascock stated the only speed limit the City had that was less than 25 mph was a school zone speed limit at 20 mph. He did not think they wanted to go any lower without a specific reason because it would be hard to enforce. Mr. Sturtz understood the exception would be in areas where there were traffic calming devices. Mr. Glascock stated traffic calming devices were installed to cause people to drive at the speed they wanted people to drive. They were not installed to require people to go to zero as they drove over them. It was to allow people to drive the speed they wanted on the street.

Mr. Sturtz asked for clarification regarding the options. Mr. Glascock replied the recommended option involved about 100 large signs and 500 standard signs. The installed cost of the large signs was \$262 and installed cost of the smaller signs was \$77.50. Option two involved the same amount of signs, with the work being done in one year. Option three included additional large signs causing the costs to increase and option four was the same as option three with a one year time frame.

Mr. Sturtz asked for the difference in cost if they wanted the 500 standard signs installed in a one year period versus seven years. Mr. Glascock replied the difference was \$71,000 and that included the larger signs as well. Mr. Sturtz asked the cost would be \$26,200 less if they removed the idea of installing any enlarged signs. Mr. Glascock replied yes.

Mayor Hindman asked if they could use youth labor with the installation of these signs. Mr. Glascock replied installation sometimes required the use of a bucket truck so a higher skill was necessary. In addition, some were break-away signs with bolts at the bottom.

Mr. Skala understood some of savings for reducing residential speeds to 25 mph would be realized by the fact it would be a standard across the City and not necessitate as many signs as might normally be required if there were exceptions. Mr. Glascock stated the 500 standard signs were for streets that were not 25 mph, such as those they wanted to keep at 30 mph or raise to a higher speed limit.

Mr. Wade understood the 30 mph streets already had signs. Ms. Glascock explained they did not because 30 mph was the standard.

Ms. Nauser asked how they would determine which streets would receive signs first and if staff would make the determination. Mr. Glascock replied staff would make the determination.

Mr. Wade asked why there was a cost difference of \$71,000 if they did it in one year if the cost included labor as the cost per sign was the same. Mr. Glascock replied it was because it could not be done by City staff in one year. They would have to hire outside help. Mr. Watkins pointed out outside labor costs were not built into the cost per sign.

Kathleen Wienschenk, 1504 Sylvan Lane, stated she would appreciate lower speed limits because there were no sidewalks in her neighborhood and she wanted to walk in the neighborhood without getting killed.

Ian Thomas, 2616 Hillshire Drive, stated he was the Executive Director of the PedNet Coalition whose mission was to encourage active modes of transportation. He commended the City for reducing speed limits as it was an effective way to encourage more people to walk and bike in neighborhoods since many neighborhoods did not have sidewalks. He suggested all of the signs be replaced at the same time so it was a consistent change across the City and recommended neighborhoods be allowed to request 20 mph speed limits for neighborhood streets.

Pam Forbes, 707 Donnelly, noted she had tried to lift up a break-away stop sign that had been clipped, but was unable due to it being heavy.

Mary Stilwell, 207 Alexander, stated she was in support of reducing speed limits. She explained there were four speed bumps on Alexander and people still did not comply with the speed limit. She suggested a City-wide program that reduced residential speed limits so everyone could be safe at one time. She noted she was also in support of a provision that would allow neighborhoods to reduce speed limits to lower than 25 mph.

Gina Overshiner, 1300 Garden Court, stated she felt the reduction of speed limits in residential areas would help the City be more friendly to all non-motorized transportation users, and not just cyclists.

Mr. Skala asked how they would be assured the signs would be distributed City-wide if they went with the seven year plan and noted he understood there was not a prohibition against someone petitioning for a lower speed limit. Mr. Glascock replied there was not. In addition, there was no prohibition against petitioning for a higher speed limit. With regard to the distribution of signage, he suggested staff provide Council with a plan on where they believed the signs needed to be installed.

Mr. Sturtz asked how the cost of \$77.50 was determined. Mr. Glascock replied it included the cost of the blank sign, the lettering, and installing the sign on a post with bolts. He noted it included City personnel costs for the installation. Mr. Sturtz asked if most of these would replace what already existed. Mr. Glascock replied no. They would all have new faces and most would have new posts. Ms. Nauser understood this was because most neighborhoods did not already have signs.

Mayor Hindman understood the speed limit was currently 30 mph throughout the community unless otherwise posted and they were changing that to 25 mph. He asked why

there was a need for new signs in the neighborhoods. Mr. Watkins replied there were many streets, such as arterials, that would remain 30 mph and those streets did not have signs now because 30 mph was the standard, so unless those streets were determined to be 25 mph as well, signs would need to be posted. He explained the bigger signs would go into neighborhoods, but not as many speed limit signs would go in the neighborhoods. Those would go on some of the major streets remaining at 30 mph. Mr. Wade understood the arterial and neighborhood collector streets would remain at 30 mph and the residential streets would change to 25 mph. Mr. Boeckmann pointed out that was not how the ordinance was written, but it would be implemented that way. They were taking all of the 30 mph streets and making them 25 mph and would list all of the 30 mph streets in the ordinance to keep them at that speed.

Mr. Wade understood the ordinance they would address next would establish the speed limits for all streets. This was the policy on how they would establish what was decided in that ordinance. Mr. Boeckmann explained the policy resolution did not state how the policy would be implemented. Mr. Glascock noted it established where they were placing signs, but was not the implementation plan.

Mr. Wade stated the ordinance they would address next indicated every street would be 25 mph unless listed otherwise. Mr. Boeckmann noted it also had a mechanism for phasing due to the clause reading “except that the speed limit on any street that had a posted speed limit of 30 mph on August 16, 2009 would remain 30 mph until the 30 mph sign was removed from the street.”

Mr. Wade commented that they were discussing how the signage was installed because it impacted when the new speed limits would go into effect. He recommended the standard size signs be completed in 2010 and the larger signs be completed in 2011, and that they budget for that time frame. It was not acceptable to change the speed limit and not fully implement it for seven years.

Mr. Skala agreed seven years was a long time, but thought they needed to keep budget issues in mind in light of the comments made by some of the social service agencies. He suggested they proceed with the staff recommendation of doing the work in-house at a reduced cost while trying to educate people to slow down.

Mayor Hindman noted there was a lot of evidence indicating that reducing the speed limit from 30 mph to 25 mph was a major safety and comfort factor for neighborhoods. Mayor Hindman thought the ordinance alone would be sufficient until signs were posted. Mr. Boeckmann explained the ordinance would change the speed limit to 25 mph, except where posted otherwise. As a result, there would be a problem prosecuting someone for going faster than 25 mph if the posted sign indicated a 30 mph speed limit. Mayor Hindman suggested they remove the 30 mph signs. He understood the concern in neighborhoods of not having a sign, but thought that would address the issue of the budget while being effective.

Mr. Watkins stated they could make the suggested two year implementation plan work by doing all of the smaller signs in 2010 and the larger signs in 2011 with a budget amendment. They could move money from a traffic calming or street related program to accomplish it.

Ms. Nauser noted she agreed with Mr. Skala and believed they would receive backlash from the community if they tried to implement this in a one year period. She was okay with the suggestion of the two year plan because they were not adding to the budget and would only move money from another street account, like traffic calming.

Mr. Wade thought they needed to pay attention to the study that gave them the data to justify changing the speed limit because it indicated changing the speed limit from 30 mph to 25 mph on low traffic residential streets lowered the speed, but it was also based on a certain amount of signage existing. If they wanted the same results, they needed to ensure the signage was done correctly.

Mr. Skala commented that a flaw of the study was that there was no way to know if the reduction in speed was attributable to the signage or the announcement of those areas as pilot studies. He believed the compromise was the best solution as long as this additional cost did not put a burden on other aspects of the budget.

Ms. Nauser stated she did not receive many complaints about people speeding in residential areas and was not agreeable to additional funding for this project unless it came within the department budget.

Mr. Sturtz noted people on streets with no sidewalks really wanted this implemented and he did not want to wait seven years.

Mr. Wade asked what needed to be done to implement the two year plan as discussed. Mr. Watkins replied a budget amendment would need to be presented to Council. The policy resolution and ordinance could be approved as proposed.

The vote on PR182-09 was recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Policy resolution declared adopted, reading as follows:

B223-09 Amending Chapter 14 of the City Code to establish speed limits on streets in the City of Columbia.

The bill was given second reading by the Clerk.

B223-09 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Bill declared enacted, reading as follows:

B224-09 Authorizing the issuance of Build America Bonds for the construction of the new parking garage located on the south side of Walnut Street between Fifth Street and Sixth Street.

The bill was given second reading by the Clerk.

Mr. Boeckmann noted an amendment was needed to insert the dollar amounts from the bids that were received.

Ms. Fleming stated this was competitively bid over the internet and six bids were received. The subsidized interest rate was 3.74 percent and would save the City about \$3 million over 25 years.

Mr. Skala made a motion to amend B224-09 per the amendment sheet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

B224-09, as amended, was given third reading with the vote recorded as follows:

VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Bill declared enacted, reading as follows:

B230-09 Authorizing a lighting maintenance agreement with the Missouri Highways and Transportation Commission relating to the Vandiver Drive extension project.

The bill was given second reading by the Clerk.

Mr. Watkins explained this would accept from MoDOT the responsibility for some small pieces of right-of-way and would approve a lighting maintenance agreement on the round-a-bout coming off of U.S. 63.

Mr. Glascock noted the access at the proposed round-a-bout at Vandiver and Highway 63 was controlled by MoDOT, so a maintenance agreement was needed to install the ten light poles on MoDOT right-of-way. He pointed out they were City light fixtures and were full cut-off. The lamp would be 250 watts and the pole would be 36 feet tall and painted black.

B230-09 was given third reading with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Bill declared enacted, reading as follows:

B236-09 Amending Chapter 16 of the City Code as it relates to harassment of a bicyclist, pedestrian or person in a wheelchair.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was requested by Council and would modify the recently enacted bicycle harassment ordinance to also prohibit harassment of pedestrians and persons in wheelchairs.

Ian Thomas, 2616 Hillshire Drive, stated he was representing the PedNet Coalition and believed bicycling was an activity everyone needed to have as an option for traveling around the City. The Columbia Multi-Sport Club recently held a successful forum to discuss the issue and the PedNet Coalition was holding a stakeholders meeting next month to discuss expectations and reasonable behavior of cyclists with respect to traffic laws and co-existing peacefully and safely with other modes of transportation. PedNet supported the proposal for a task force to look into these issues and the appointment of a consultant to facilitate the process. PedNet also supported more education regarding the bicycle harassment ordinance because there had been some misunderstanding within the community. He thought information on the Police Department's webpage with frequently asked questions would serve this purpose. He noted PedNet supported safe and law abiding bicycle behavior on the streets and had educational programs in place to reinforce correct cyclist behavior, and attendees of these classes had been harassed before and after taking the classes even though they had followed the rules. He stated this was a serious offense and the police felt the ordinance was needed. He asked the Council to retain the ordinance and provide protection to other vulnerable travelers from this kind of behavior.

Tim Overshiner, 1300 Garden Court, stated he was in favor of expanding the ordinance to include everyone that used an alternative form of transportation. He believed they needed a form of protection other than third degree assault. He thought they needed

something with a lower level of punishment that was still effective. He asked the Council to pass the ordinance.

Michael Kauffman, 1703 Timber Creek Drive, stated he had walked to work for over two years and supported expanding the ordinance to include walkers and wheelchairs drivers as he had experienced harassment as well. He thought everyone should be protected and not just cyclists.

Paul Lair, 1004 N. Eighth, stated he supported the ordinance. He noted he rode his bike and had experienced harassment even after the ordinance had passed. He believed it needed to be expanded to people walking, in wheelchairs and in vehicles.

Brent Hugh stated he was the Executive Director of the Missouri Bicycle and Pedestrian Federation and they had about 30,000 members state-wide. He noted Columbia was a leader with regard to being a livable City as it was a safe, friendly and inviting place for bicycling and walking and the harassment ordinance was an important part of that. This issue of harassment was one of the main reasons people stopped bicycling around town. He did not believe the ordinance should be suspended as it would send wrong message and supported including pedestrians and wheelchair users.

Mary Stilwell, 207 Alexander, stated this ordinance codified something that already existed and allowed it to be enforced because third degree assault was not going to be enforced. She believed the people arguing to suspend the ordinance did not understand it. The only people who would lose by this being implemented were those who were doing things they should not be doing. She also noted that most cyclists were also motorists so the idea of cyclists versus motorists was not completely accurate.

Greg Ahrens, 1504 Sylvan Lane, stated he was a member of the Bicycle and Pedestrian Commission and a resolution was passed at their last meeting indicating support of including pedestrians and persons in wheelchairs in the harassment ordinance. He commented that he had not personally witnessed people in wheelchairs being harassed, but understood it could occur in areas where there were no sidewalks.

Mr. Wade understood a task force was being created to review the ordinances so they were effective in addressing harassment and asked when the task force would be created. Mr. Watkins replied it was in the process of being created. Mr. Wade asked when a report to Council with recommendations could be expected. Mr. Watkins replied he thought it might take 4-6 weeks.

Mr. Wade suggested this item be tabled until task force completed its work. He explained the request for this ordinance came from comments of Council when discussing the original harassment ordinance. He did not believe it made sense to amend the ordinance since the task force would be reviewing it.

Mr. Wade made a motion to table B236-09 to the October 19, 2009 Council meeting. The motion was seconded by Ms. Nauser.

Mr. Sturtz agreed the task force should be given the opportunity to complete their work.

Mayor Hindman stated he disagreed. The ordinance was currently in effect and if it remained in effect, he thought it should include pedestrians and people in wheelchairs.

Mr. Thornhill commented that pedestrians and people in wheelchairs should have been in the ordinance from the beginning and thought that showed it might need some work.

Mr. Skala thought there had been support to include these two groups and did not see the ordinance as being specific to a particular group, but to the particular problem of harassment. He believed wheelchair users and pedestrians could be considered vulnerable groups needing to be offered harassment protection from their local government. He did not understand why the task force could not function in parallel to this and opposed the notion of tabling this item.

Ms. Nauser commented that while she was a proponent of including other groups, she thought it was prudent to wait for the task force to review and provide its recommendation since it would only take a couple months.

Mr. Wade agreed they needed a quality ordinance that dealt with harassment, but thought they should wait until there had been due deliberation and an adequate public process. He understood they wanted an ordinance that identified potential sources of harassment, was enforceable and was unambiguous. He suspected the task force would represent members of the bicycling community, the legal community, the police and the handicapped community, and they would assist in creating the best ordinance.

Mayor Hindman commented that they would have an ordinance leaving out people that obviously needed to be included in the meantime.

Mr. Thornhill stated the fact they had an ordinance that left out two significant groups showed something was missed in the process. He did not think it would hurt to wait 4-6 weeks to ensure it was done right.

Mr. Skala commented that the reason for the ordinance was to address a problem and noted there was public input. The task force was being established to provide Council further advice. He believed local government was responsible for the public safety of its citizens and there were obviously harassment issues. He thought these two other groups should be included in the ordinance.

The motion made by Mr. Wade and seconded by Ms. Nauser to table B236-09 to the October 19, 2009 Council meeting was approved by voice vote with only Mr. Skala and Mayor Hindman voting no.

B235-09 Suspending Sec. 16-145 of the City Code, harassment of a bicyclist, for a period of six months.

The bill was given second reading by the Clerk.

Tim Overshiner, 1300 Garden Court, understood the decision to recommend suspending this ordinance was to avoid backlash from the public and suggested policies not be made based on whether it might upset a few people. The people making comments on TribTalk were anonymous posters that might not even live in the City. He believed the ordinance was a necessary tool to keep people safe and to learn from. He noted it did not cost anything, nor was it hurting anyone.

Robert Johnson, 1025 Ashland Road, stated he had discussed this ordinance with many people, and most were no longer opposed after reading it because most reasonable

people would not be affected. He commented that he thought the ordinance was already helping and noted the Police Department had a web page clarifying details of the ordinance.

Michelle Windmoeller, 705 Rock Creek Drive, stated she rode her bike on City streets everyday with her children and noticed it had been more friendly on the road. If the ordinance was suspended, it would be okay for people to honk and harass her and her children again.

Alvin Sweezer stated he lived near Range Line and followed the rules of the road when riding his bike. He understood some cyclists did not follow the rules, but noted that did not mean all cyclists did not follow the rules. Since the passage of this ordinance, he had not been honked at or harassed and believed the ordinance should remain in effect so the harassment of cyclists did not begin again.

Gina Overshiner, 1300 Garden Court, commented that she read in the *Missourian* that the impetus for suspending this ordinance was due to an increase in animosity between cyclists and drivers, and pointed out social changes oftentimes caused animosity among groups on either side of the issue, but as changes occurred, the groups usually found ways to get along and adapt. She asked the Council to remember TribTalk and local talk radio involved anonymous individuals commenting with no accountability and stated she did not think that should guide City policy. She asked the Council to use next six months to evaluate the ordinance while keeping it in place and to add the other users that deserved coverage.

Tom Brinker, 2904 Kirk Hill Road, stated he was a cyclist, a bicycle retailer, a board member of local cycling organizations and a motorist. The Columbia Multi-Sport Club recently organized a forum and invited motorists to discuss their fears regarding cyclists on the road. The meeting was successful, but had a soft motorist turnout. He understood bikes on roads would still be an annoyance to some, but believed some feelings had been changed. He noted he was not in favor of suspending the ordinance and relayed his bike ride experience with Mr. Wade, which included a motorist pulling out in front of them and motorists speeding. He thought it was important for the Council to understand the things that occurred when riding bicycles. He also pointed out that when the ordinance was voted on one person asked questions but did not object to it.

Ian Thomas, 2616 Hillshire Drive, stated he believed the anti-harassment ordinance was creating a more comfortable environment for cyclists. There had been vigorous community discussions, but he felt they had been mostly positive. He thought everyone agreed the task force and community engagement were excellent ideas and noted he believed suspending the ordinance would be a step backwards. He suggested issuing only warnings until the task force came back with its recommendation in order to calm the concerns of motorists who were unsure of reasonable behavior.

Steve Kullman, 205 S. Garth, stated he did not believe the task force would be done in 4-6 weeks. He thought the first of the year was more realistic. He asked the Council to not suspend the ordinance as it would encourage the harassment of cyclists.

Joseph Petree, 184 W. Green Meadows, stated he felt this situation was due to bicyclists initially being identified as a privileged group needing protection and many people had philosophical objections to identifying a new class of victims. He believed not including pedestrians and wheelchair users was an oversight. He thought the police needed to make

the effort to cite non-motorized transportation users that were clearly endangering other people by running stop signs, etc. to create some balance because the idea there was no equal treatment in punishment or control was the source of the disagreement.

Don Harter, 2006 Ivy Way, stated he was against suspending the bicycle harassment law. He understood one reason given for suspending the ordinance was that it gave special treatment to one group. He felt it would give special protection and not special treatment to bicyclists. Bicycles were recognized as vehicles with nearly the same rights and responsibilities as motorized vehicles on Missouri roadways and bicyclists violating vehicle code were being stopped and ticketed when needed. Bicyclists had the legal right to use roadways, but were in an inferior position with regard to safety, and a threatening or intimidating act by a motorist could cause serious injury to a bicyclist. He understood a second reason given for suspending the ordinance was the broad-based backlash against bicyclists and noted he had not experienced anything different on the road than before the bicycle harassment law.

Janet Godon, 3061 Maple Bluff Drive, provided examples of harassment over the years and stated she was upset the Council was considering suspending this ordinance because she felt there was strength in numbers. If they allowed people to continually be harassed, the number of cyclists in Columbia would decrease. She agreed some cyclists did not always follow the rules of the road, but noted it happened with motor vehicle drivers also. She pointed out the PedNet Coalition had encouraged police officers to ticket individuals breaking the law and understood they were doing the best they could.

Greg Ahrens, 1504 Sylvan Lane, commented that the main point of this ordinance was the fact it protected people from defined unacceptable behavior and provided a penalty for someone intending harm. He pointed out it was complaint driven and stated he did not see a problem with leaving the ordinance in place.

Mr. Skala stated this was a problem that was not being addressed by the third degree assault statute in the code. In addition, he believed the controversy was being fed by misinformation. The ordinance dealt with the intent to do physical harm. He was not in support of suspending the ordinance just to encourage more public participation with the task force. The necessity of the ordinance was bolstered by the fact the Police Chief thought it was a necessary tool to effectively get a handle on harassment. He believed local government had the responsibility for public safety and did not believe this was something they should suspend without more advice.

Mayor Hindman commented that Columbia had embarked on creating a non-motorized transportation system, which had numerous benefits to include affecting congestion, better health, providing equity and etc. There were some people who tried to harass and intimidate bicyclists, and when comparing a vehicle to a bicycle, there was no comparison to the risk. He believed an ordinance that addressed bullying and harassment was proper and did not think they should suspend the ordinance. He understood the ordinance would be reviewed for improvement, but thought the ordinance was still needed in the meantime for safety purposes.

Mr. Wade stated he had not suggested the ordinance be repealed and his reaction was not in response to the TribTalk backlash. He did not agree with the statement that a

schism did not exist. He also did not understand why they could not make better use of the assault ordinance for people purposely trying to harm bicyclists. He explained he was requesting a suspension because the ordinance was passed without the kind of public process that was necessary to begin bridging the gap. He believed this ordinance had resulted in antagonism and a polarization within the community, and hoped it would not result in increasing the potential danger to bicyclists. There were a number of motorists that were fearful of hitting a cyclist with their vehicle and he believed this fear was the source of much of the anger with regard to the ordinance. This fear was created by the large number of cyclists that did not obey the rules of the road or traffic laws and were unpredictable in behavior. In addition, there was a perception that motorists, if they accidentally hit a bicyclist, would be held responsible even if they obeyed the traffic laws. He stated the goal was a community where cyclists and motorist safely shared the road, and he believed they needed to let the task force do its work and engage in problem solving to find solutions to resolve the differences.

Mr. Sturtz commented that although he applauded the efforts to engage in additional dialogue on this issue, he could not support suspending the ordinance as he thought these were important protections. He also hoped the task force would do the work needed to broaden it.

Ms. Nauser stated she was not in favor of suspending the ordinance either and hoped the task force would address the ideas and concerns of the community. She believed part of the problem was all of the misinformation and the perception of bicyclists being able to get away with more than motorists. She hoped they would have more enforcement of traffic laws regardless of whether it was a motorist, bicyclist or pedestrian. She also noted those who were against the ordinance as indicated in TribTalk did not attend the Council meetings to voice their opinions. The majority of those who spoke were in support of the harassment ordinance. Her e-mail and phone conversations also showed overwhelming support of the ordinance.

B235-09 was given third reading with the vote recorded as follows: VOTING YES: THORNHILL, WADE. VOTING NO: HINDMAN, STURTZ, SKALA, NAUSER. ABSENT: HOPPE. Bill declared defeated.

CONSENT AGENDA

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

- B225-09** **Authorizing construction of a sidewalk on the north side of West Broadway, between Stadium Boulevard and Fairview Road; calling for bids through the Purchasing Division.**
- B226-09** **Authorizing the acquisition of easements for construction of a sidewalk on the north side of West Broadway, between Stadium Boulevard and Fairview Road.**
- B227-09** **Amending Chapter 14 of the City Code to establish all-way stops at the intersection of Providence Road and Blue Ridge Road and the intersection of Providence Road and Rain Forest Parkway, removing the all-way stop at the intersection of Providence Road and Vandiver Drive.**

- B228-09 Authorizing encumbrance of real property for conveyance of a scenic conservation bikeway/walkway easement for storm water mitigation relating to the Scott Boulevard Improvement Project.
- B229-09 Appropriating surface transportation planning (STP) funds for the Providence Road extension project from Vandiver Drive to Blue Ridge Road.
- B231-09 Accepting a quit claim deed for two tracts of right-of-way from the Missouri Highways and Transportation Commission relating to the Vandiver Drive extension project.
- B232-09 Accepting conveyances for temporary construction, temporary access and sewer purposes.
- B233-09 Accepting a conveyance for utility purposes.
- B234-09 Authorizing changes to the Archery Deer Hunting Program.
- B237-09 Amending Chapter 14 of the City Code to designate a taxi stand along Tenth Street.
- B238-09 Accepting and appropriating donated funds for the purchase of equipment for the Police Department.
- B239-09 Appropriating fire equipment sale proceed funds.
- B240-09 Appropriating Share the Light funds.
- B241-09 Accepting and appropriating donated funds for a Parks and Recreation Department program.
- B242-09 Amending Chapter 2 of the City Code relating to conflicts of interest and financial disclosure procedures.
- R183-09 Setting a public hearing: construction of a sidewalk/pedway along the north side of Stadium Boulevard from Providence Road to College Avenue.
- R184-09 Setting a public hearing: installation of backup power generators at two aquifer storage and recovery wells.
- R185-09 Setting a public hearing: construction of Alluvial Well No. 16 in the McBaine bottoms.
- R186-09 Setting a public hearing: construction of an 8-inch water main along Old Mill Creek Road.
- R187-09 Setting a public hearing: construction of the Hillsdale Pump Station ground reservoir located on the southeast corner of I-70 Drive Northeast and Hillsdale Road.
- R188-09 Setting a public hearing: installation of new electrical transformers and switchgear at the McBaine Water Treatment Plant.
- R189-09 Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for Regional Public Health Emergency Planning and Preparedness.
- R190-09 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the Missouri Heart Disease and Stroke Prevention Program.

- R191-09 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program.

- R192-09 Authorizing Amendment No. 1 to the agreement with Donohue & Associates, Inc. to provide engineering services for the Cascades Pump Station Improvement Project.

- R193-09 Authorizing Amendment No. 1 to the agreement with Peckham & Wright Architects, Inc. for architectural services relating to construction of Fire Station No. 9.

- R194-09 Authorizing an agreement with Boone County relating to the maintenance of Old Plank Road between Bethel Church Road and Route K.

- R195-09 Authorizing an agreement for transportation services with Campus Lodge Apartments.

- R196-09 Authorizing an agreement with The Curators of the University of Missouri for transportation services on campus.

- R197-09 Authorizing an AT&T Case Study Consent relating to mobile resource management solutions in the Public Works Department.

- R198-09 Authorizing a 2009 Local Hosting Agreement with World Services of La Crosse, Inc. to host delegates from the Republic of Georgia.

- R199-09 Naming the new police training facility located at 5001 Meyer Industrial Drive the “Robert M. LeMone Building, The Columbia Police Department Regional Training Center.”

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R200-09 Transferring funds for a civic engagement project entitled *Cyclists and Motorists: Creating a Dialogue Around Transportation*.

The resolution was read by the Clerk.

Mr. Watkins explained this resolution would appropriate \$9,500 from the City Council reserve to fund a project entitled *Cyclists and Motorists: Creating a Dialogue Around Transportation*.

Mr. Sturtz asked how much was in the Council discretionary fund at this time. Ms. Fleming replied she thought it had close to \$47,000 in it.

Mr. Wade stated this would be the first time the City made an investment in a new kind of civic engagement process. He felt the issues and differences were fundamentally deep enough to try this process in order to address the issues.

Mayor Hindman asked for an explanation regarding the goal of this project. Mr. Wade replied it would frame the issue between cyclists and motorists and its various dimensions, and result in an action agenda.

Mr. Skala commented that his inclination was to support this kind of effort, but he thought it was an issue the task force would take up. In addition, he was concerned about

the cost due to budget constraints. He was not sure it should come from the Council discretionary fund, and if it did, he thought it should be for a more general, broad-based solution to mediation or informing the debate.

Mr. Wade stated he did not see the redundancy between this and the task force. They were complimentary, but had different methodologies. He saw the work of the two of them as necessary to address the broader sets of issues.

Mayor Hindman noted he thought one mistake of the bicycle harassment ordinance was that it did not go to the Bicycle and Pedestrian Commission. Mr. Wade stated this was not about the ordinance. It was about the whole relationship in terms of bicyclists and motorists sharing the road. From the feedback he had received, he believed there were about nine issues, and this was about framing those antagonistic issues and finding ways to change them.

Mayor Hindman commented that since there were now more bicyclists, they were having an inevitable clash due to change. He gave the MKT Trail as an example and noted there was so much opposition that the City had to condemn property for it, but today everyone loved it. He wondered if this should be something new or if this should be done by an existing commission as they had the Bicycle and Pedestrian Commission, the Disabilities Commission and the GetAbout Columbia Advisory Committee already in place. He stated he was in favor of anything that would bring more awareness to the community because he believed as people became educated about the issues, they would come together.

Ms. Nauser noted a few years ago, there was an increase in crime involving youth in the community, and the Human Rights Commission held community dialogues, which allowed the community to come together on several occasions to identify problems and areas where people could work together to solve some of the problems. She stated she was still working from the list of ideas that came from those community dialogues. She commented that she was looking at this in that perspective. She felt the task force would determine how they could strengthen or amend the current ordinance to accomplish their goals from a legal perspective. This was an opportunity for the community to get together to discuss the issues and bring their suggestions to the Council to accomplish the goal of becoming a bike-friendly community since there was animosity between motorists and bicyclists. She understood there were complaints regarding the Council spending money on this type of activity, but felt they had been frugal in allocating the Council discretionary funds. In addition, she did not have the time hold her own public workshops for community dialogue and was looking at this project as a way to provide input to the Council.

Mr. Wade stated he did not believe this was something that could be done with the City's existing commissions or committees. It was based upon a sophisticated body of technical knowledge in the area of engagement and large group dynamics. The capability and the professional knowledge in the design and management did not exist within City government. The reason he wanted them to try this kind of civic engagement process, which was designed to bring people of varying opinions to work creatively together, was because he felt the moment was right for things to happen to create a pedestrian and bicycle-friendly community. He believed they would be provided specific programmatic directions and

actions and would learn a lot about processes they could use to have higher quality outcomes on these kinds of public issues.

Mr. Skala commented that he did not believe they had to limit the role of the task force to just providing the legal specifics with regard to the ordinance. He noted he was not suggesting they had the skills needed to address the questions of Mr. Wade, but pointed out there was controversy within the practitioners of that movement with regard to the best approach. He reiterated he was having a hard time justifying money for this endeavor at this time.

Mr. Wade noted the results of this would be available to the task force, so they would not be excluded. In addition, he was not saying this was the methodology, but he did not believe they needed to wait until the conflict was resolved.

Mr. Sturtz stated he saw the utility of seizing the moment around this hot issue to promote the kind of community dialogue they wanted for a lot of different issues, but would rather see this money go toward developing community facilitators, and suggested using the Law School to help develop a good group of people to act as hosts for community dialogues. He agreed with Mr. Skala with regard to spending that kind of money now.

Mr. Thornhill stated he believed the benefit of this would have been prior to where they were now since they did not suspend the bicycle harassment ordinance. Given the budget constraints, he thought the time to use this was the next time they saw an opportunity to really involve people as it would not be as effective now.

The vote on R200-09 recorded as follows: VOTING YES: WADE, NAUSER. VOTING NO: HINDMAN, STURTZ, THORNHILL, SKALA. ABSENT: HOPPE. Resolution declared defeated.

R201-09 Declining the offer of Ameren Energy Marketing to purchase the final 25% share in the Columbia Energy Center.

The resolution was read by the Clerk.

Mr. Watkins noted the Columbia Energy Center was composed of four gas turbines near the landfill and Columbia was a partner with Ameren Energy Marketing when it was built a number of years ago. Over the years, the City had acquired two of those turbines and had the right of first refusal on the other two turbines. The Integrated Resource Plan (IRP) suggested the City needed additional gas-fire turbine options and the Water and Light Advisory Board was considering an option to purchase a third turbine. Staff did not believe they had a need for the fourth, so they needed to let Ameren know they did not wish to execute their option on it.

Mr. Kahler explained the IRP called for the City to put in two 8 megawatt Wartsila engines for an in-service date of 2012. Ameren indicated they were interested in selling the other two shares of the Columbia Energy Center and provided a per share price that was significantly less than it would cost to build new generation. The cost for new engines of 16 megawatts was about \$19.4 million and the cost for a third share from Ameren for 36 megawatts was about \$18 million. It was double the capacity at a less up-front cost. In addition, Ameren had agreed to purchase the excess capacity for three years after the City purchased the third share. Over a 20-year time frame, this would save the City approximately

\$7 million. Staff was recommending the City exercise its right of first refusal and not purchase the fourth share since they would only purchase one share.

Mr. Sturtz stated he appreciated the information verbally received and asked that the detail be provided in the written report as well. In addition, he asked that the discussion of the Water and Light Advisory Board be provided. Mr. Kahler stated he would provide more detail in future reports.

Mr. Skala recalled discussion involving the trade off between efficiency and cost in terms of shares of the Energy Center versus the two 8 megawatt Wartsila engines and asked if the decision with regard to which way to go had been made. Mr. Watkins replied he was not sure the Council had actually acted and a report would be provided to the Council in the future. He noted they could say with certainty they did not need all four shares.

Mr. Wade understood the decision they would make later was whether the City would purchase a third share from Ameren or Wartsila engines and noted he had not seen a life-cycle costing that showed the point at which the price of natural gas would change which option was better. Mr. Watkins stated he believed Burns and McDonnell had conducted one and they would include it in the report to Council.

The vote on R201-09 recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Resolution declared adopted, reading as follows:

R202-09 Opting out of the settlement class in the AT&T landline class action lawsuit.

The resolution was read by the Clerk.

Mr. Watkins stated the City was in a class that filed suit against AT&T on landline issues and the settlement would amount to about \$27,000, if accepted. Staff did not believe it should be accepted.

Mr. Boeckmann explained there were a number of ordinances across the State that charged gross receipts for telephone service, and the better ones covered telephone service, which one could argue would cover everything. Columbia's ordinance stated local exchange service. He noted there was a most favored nation clause in the settlement, so if they participated in the settlement, they would have to impose the same charges on all other telephone companies within the jurisdiction. The City's ordinance did not justify charging for all telephone services. It only included the local exchange service. He noted he believed it would take an amendment to the ordinance to get CenturyTel to pay this and amending the ordinance would involve an election due to the Hancock amendment since it would be a tax increase. He felt it would be more expensive to try to meet the obligations of the agreement compared to relatively small amount of money involved.

Mayor Hindman understood staff felt the cost of the election and the risk of it not passing did not justify the \$27,000, but if they went forward and it did pass, they would collect more money on an annual basis. Mr. Boeckmann stated that was correct, but pointed out that the prior litigation was challenged by the telecommunications companies on about twelve different grounds and the Hancock amendment was only one of those twelve. Therefore, even if they had an election, it did not resolve the other issues. In addition, there were

provisions in the settlement agreement indicating AT&T would not go to the legislature to change the law for five years, so the City could be successful in an election and still have to fight in the legislature.

Mr. Boeckmann explained they could pass a resolution opting out of the settlement or they could do nothing. If they did nothing, they would be a part of the class and bound by the clause in the settlement agreement. In addition, they would have to pass an ordinance accepting the settlement if they wanted the back taxes.

Mr. Skala understood that by accepting the \$27,000, they might not realize any benefit. Mr. Watkins stated that was correct. He also pointed out they would have to hire a law firm to sue CenturyTel to get them to pay, and due to the City's ordinance, they might not be allowed to require payment.

The vote on R202-09 recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. Resolution declared adopted, reading as follows:

R203-09 Awarding the bid for the sale of Build America Bonds for the construction of the new parking garage located on the south side of Walnut Street between Fifth Street and Sixth Street.

The resolution was read by the Clerk.

Mr. Boeckmann explained this was associated with bond ordinance they discussed earlier in the evening.

The vote on R203-09 recorded as follows: VOTING YES: HINDMAN, STURTZ, THORNHILL, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: HOPPE. 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.

- B247-09 Voluntary annexation of property located on the east and west sides of North Tower Drive, northwest of the Prathersville Road and U.S. Highway 63 interchange; establishing permanent M-P zoning.**
- B248-09 Voluntary annexation of property located on the northeast corner of North Tower Drive and Prathersville Road; establishing permanent M-P zoning.**
- B249-09 Voluntary annexation of property located on the east side of North Tower Drive, northwest of the Prathersville Road and U.S. Highway 63 interchange; establishing permanent M-P zoning.**
- B250-09 Rezoning property located on the east side of Forum Boulevard, north of West Old Plank Road, from R-1 to PUD 3.5; approving the Rocky Creek PUD Development Plan.**
- B251-09 Appropriating CDBG-R Stimulus Funding received from the American Recovery and Reinvestment Act of 2009 for the construction of sidewalks on the east sides of Walnut Street, Anthony Street and Paquin Street.**
- B252-09 Appropriating funds for the Fire Station No. 9 drainage project.**
- B253-09 Accepting a conveyance for utility purposes.**

- B254-09 Authorizing a license agreement with the Missouri Highways and Transportation Commission for the County House Trail crossing at State Route 740 (Stadium Boulevard).
- B255-09 Accepting a donation from the Wal-Mart Foundation for the purchase of video and digital cameras for the Fire Department; appropriating funds.
- B256-09 Accepting a grant from the Federal Emergency Management Agency - Department of Homeland Security to retrofit Fire Station Nos. 4, 5 and 6 with fire sprinkler systems; appropriating funds.
- B257-09 Appropriating tax increment financing (TIF) application fees received from Tiger Columns, LLC.
- B258-09 Appropriating tax increment financing (TIF) application fees received from 10th & Locust, LLC.
- B259-09 Amending Chapter 11 of the City Code to increase Public Health and Human Services Department fees.
- B260-09 Amending Chapter 17 of the City Code relating to Parks and Recreation fees.
- B261-09 Amending Chapter 20 of the City Code to increase Planning Department processing fees.
- B262-09 Amending Chapters 13 and 22 of the City Code to increase sewage service utility rates.
- B263-09 Amending Chapter 22 of the City Code to increase commercial service solid waste utility rates.
- B264-09 Amending Chapter 22 of the City Code to increase wastewater connection fees.
- B265-09 Amending Chapter 26 of the City Code to increase the development charge for new construction.
- B266-09 Amending Chapter 27 of the City Code to increase electric rates.
- B267-09 Amending Chapter 27 of the City Code to increase water rates.

REPORTS AND PETITIONS

(A) Intra-Departmental Transfer of Funds Requests.

Mayor Hindman noted this report was provided for informational purposes.

(B) Street Striping at Vawter School Road and Frontgate Drive.

Ms. Nauser thought one of the requirements of the subdivision when the Council approved the plat was to provide for the turn lane. Mr. Glascock stated he did not recall whether it had been a requirement. They might have only asked for it. The issue was that people did not abide by the striping, so it created a hazard. Staff asked that it be removed because it was more dangerous than it was worth.

(C) Bus Advertising.

Mayor Hindman made a motion directing staff to move forward with the RFP process for bus advertising. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(D) FHWA Signal Assessment Report.

Mayor Hindman understood this was provided for informational purposes and noted he always received a lot of questions regarding light synchronization.

Ms. Nauser agreed and pointed out the people's concerns regarding light synchronization had not gone unnoticed.

Mr. Skala noted a misunderstanding at the Bicycle Federation meeting involved what activated certain traffic lights at intersections. He understood it was magnetic and sensed metal in a car, so bicycles did not trigger a change in the traffic lights. Although they spoke about light synchronization a lot, he did not believe the word was out regarding its complicated process and how it was being handled.

Mayor Hindman understood MoDOT was going to put in something called smart signalization on Grindstone Parkway. They would have cameras that did computer calculations regarding the number and speeds of vehicles, and would adjust the lights to particular situations.

Mr. Thornhill asked if the timing of the signal near the Broadway re-striping had been corrected. Mr. Glascock replied they still needed to do some work with the lights at Clinkscapes.

(E) Proposed Jay Dix Station Neighborhood Park.

Mr. Hood explained the City's Master Plan for neighborhood parks identified a need in the vicinity of Vawter School and Scott Boulevard, and this property, which was about 30 acres in size, was immediately north of that intersection. The County Parks Commission had always had an interest in further developing this property, but had not had the resources. Discussion with the County evolved to the potential for the City to take over the development, operation and maintenance responsibility of the site and a draft agreement had been negotiated. Staff was now asking for Council input.

Ms. Nauser asked if a lot of the tree cover would be removed in developing the site as indicated in the report. Mr. Hood replied any plan developed would have to be approved by the City and the County, and he thought they would protect the tree cover.

Ms. Nauser made a motion directing staff to draft an ordinance for Council to approve the proposed agreement. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(F) Parks & Recreation Master Plan Update – Trails.

Mr. Watkins explained they had been reviewing the Trail Master Plan, which was initially completed in 2002, and some adjustments had been made. Staff was seeking authorization to proceed with an approval process that involved referring it to the Parks and

Recreation Commission and the Planning and Zoning Commission for their review and recommendations prior to it coming to Council.

Mr. Hood noted they should probably include the Bicycle and Pedestrian Commission as well.

Mayor Hindman made a motion directing staff to refer the revisions to the Trail Master Plan to the Parks and Recreation Commission, the Planning and Zoning Commission and the Bicycle and Pedestrian Commission. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

(G) Proposed Street Renaming.

Mr. Teddy explained Council requested staff to look into this particular segment of Rock Hill Road since it was a discontinuous road. Staff agreed there was the potential for confusion in an emergency situation and the north portion of Rock Hill Road, from Broadway to the intersection of Fyfer Place and Sunrise Drive, should be renamed. He noted staff did not provide suggestions for a name in the report, but thought it could be named after an adjacent land use or landmark. It could also be an extension of Sunrise or be given a name suggested by the East Campus Neighborhood or Council. There were no addresses on that portion, so it would not impact any property owner address.

Mr. Wade suggested they move forward with the cheapest and least time consuming way possible.

Mr. Skala suggested they provide the property owners with a name to see if they approve, disapprove, or have an alternate proposal.

(H) Street Names – Buttonwood, Carter Lane, and Providence Outer Road.

Mr. Teddy explained this street naming situation was a result of the concern of several City departments, particularly emergency services and the street mapping people. They were asking for Council to direct them to notify property owners of some official naming proposals. The outer road on the west side of Providence Road would be named Providence Outer Road. The outer road on the east side would be named Carter Lane, north of Green Meadows, and Buttonwood, south of Green Meadows. He noted this would involve a good number of address changes.

Mr. Thornhill asked if the property owners would have to approve the address change. Mr. Teddy replied they did not, but it would require a hearing of the Planning and Zoning Commission if they did not receive 100 percent concurrence.

Mr. Wade made a motion directing staff to proceed as recommended in the staff report. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

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

BOARD OF ELECTRICAL EXAMINERS

Andrade, Amanda, 1608 Whitburn Drive, Ward 5, Term to expire August 1, 2012

BOARD OF HEALTH

Lardizabal, David, 3705 Forum Boulevard, Apt. 702, Ward 5, Term to expire August 31, 2012
Szewczyk, Michael, 1404 Highlands Court, Ward 5, Term to expire August 31, 2012

COMMUNITY SERVICES ADVISORY COMMISSION

Alexander, Merwyn, 1605 Birmingham Court, Ward 5, Term to expire December 31, 2011

HISTORIC PRESERVATION COMMISSION

Bourgeois, Kristin, 813 Greenwood Court, Ward 4, Term to expire September 1, 2012.
Speckman, Ray, 4603 Fowler Drive, Ward 2, Term to expire September 1, 2012

RAILROAD ADVISORY BOARD

Wulff, Harry, 605 Rockhill Road, Ward 6, Term to expire July 15, 2010

SUBSTANCE ABUSE ADVISORY COMMISSION

Sparks, Vicki, 48 Albany Drive, Ward 3, Term to expire October 31, 2011

TAX INCREMENT FINANCING COMMISSION

Jeremy Brown, 2605 Burwood Drive, Ward 5, Term to expire September 1, 2011

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Skala thanked the Bicycle and Pedestrian Commission for commenting on the bicycle harassment ordinance even though Council failed to refer it to them initially.

Mr. Skala noted they had received a letter from the Environment and Energy Commission asking questions regarding the City's water supply and thought staff could help Council in addressing some of these questions.

Mr. Skala stated there was a story in the Tribune suggesting the Police Department was looking into license plate scanners. He commented that he wanted to understand the details of this technology and raise the prospect of having some sort of public discussion on surveillance in general.

Mr. Skala made a motion directing staff to provide a report regarding the license plate scanner technology and where they were in its evaluation process. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Wade commented that in 2003, the Planning and Zoning Commission provided Council with a report regarding R-3 zoning. He understood there was a preliminary report and a final report that identified stale R-3 zoning, meaning the type of development and land use around the R-3 zoned property might make R-3 inappropriate. He noted the Council had decided not to consider a rezoning process at that time.

Mr. Wade made a motion directing staff to provide the Council the materials from 2003 so they could evaluate it to see if any action would be appropriate now.

Mr. Wade pointed out two properties on the list had emerged with developments that were inappropriate.

The motion made by Mr. Wade was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Wade made a motion directing staff to provide a report with regard to the electric utility's present tree trimming policy to include the policy and guidelines for working with residents and the desired outcome of its efforts in working with residents. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Wade made a motion directing staff to provide a report on the purchasing policy of the City to include opportunities for local vendors to competitively bid for supplying City supplies.

Mr. Watkins asked for clarification. Mr. Wade understood the City had a large supplier of office supplies and asked how local vendors had the opportunity to bid for those supplies. Mr. Watkins replied those were bid every year. Mr. Wade stated he wanted a report outlining the bid process. Mr. Watkins asked if he was just interested in office supplies. Mr. Wade replied he was interested in City purchases that could be made with local vendors. He did not want local vendors to have a competitive advantage, but also wanted there to be a level playing field. He wanted to know what the purchase process involved. He wondered if one company could bid on a particular set of supplies versus all supplies.

The motion made by Mr. Wade was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Thornhill noted he received an e-mail from the County Administrator and they had all recently received a letter from someone who used the City transit system. The County Administrator indicated many of her clients were on fixed incomes and fees had stressed their budgets since the City system was their sole source of transportation.

Mr. Thornhill made a motion directing staff to provide a report regarding the transit system fees to include what they were in the past, what the recent increase had been, and any processes for discounted fares. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

The meeting adjourned at 12:03 a.m.

Respectfully submitted,

Sheela Amin
City Clerk