

## CITY OF WEBSTER GROVES

March 7, 2023

The City Council met this date in a regular session, in-person in the Council Chambers, and via Zoom, at 7:39 p.m.

Present at Roll Call:

- Mayor Laura Arnold
- Councilmember Pam Bliss
- Councilmember David Franklin
- Councilmember Emerson Smith
- Councilmember Karen D. Alexander
- Councilmember Sarah Richardson (Via Zoom)
- Councilmember Emily Hixson Shepherd

A quorum was present.

Also present:

- Dr. Marie Peoples, City Manager
- Neil Bruntrager, City Attorney
- Katie Nakazono, City Clerk

### **PROCLAMATIONS/RECOGNITIONS**

The Mayor and Council presented Library Director Tom Cooper with a proclamation thanking him for his service to our community, and congratulating him on his retirement.

### **REMARKS FROM THE COMMUNITY AND VISITORS**

Andrew Prinster, WGFD IAFF 2665, read a statement regarding the termination of the CBA (see Exhibit A).

Ed Golterman congratulated Tom Cooper on his retirement and urged the City to get the Ozark Theatre on the national register as quickly as possible.

### **NEW BUSINESS – MAYOR, COUNCILMEMBERS, CITY ATTORNEY, CITY MANAGER**

No new business.

### **UNFINISHED BUSINESS**

#### **BILL #9216 – THIRD READING**

On motion of Councilmember Hixson Shepherd, seconded by Councilmember Franklin, **BILL #9216 – AN ORDINANCE GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT TO WEBSTER HILLS UNITED METHODIST CHURCH TO PERMIT A CHILD DAY CARE USE, ON AN APPROXIMATELY 1.0 ACRE TRACT OF LAND IN AN EXISTING STRUCTURE AT 698 W. LOCKWOOD AVENUE IN THE “A4” SEVENTY-FIVE HUNDRED SQUARE FOOT RESIDENCE DISTRICT AND REPEALING ORDINANCE #6658 AND #8411 AND MATTERS RELATED THERETO**, having been introduced and read twice on February 21, 2023, was taken up its title read a third time and placed upon its passage to become Ordinance #9216.

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Mayor Arnold called for the vote.

MEMBERS VOTING:

AYES: BLISS, FRANKLIN, SMITH, ALEXANDER, RICHARDSON, HIXSON SHEPHERD, ARNOLD

NOES: NONE

Mayor Arnold stated that Bill #9216 was approved.

**BILL #9217 – THIRD READING**

On motion of Councilmember Alexander, seconded by Councilmember Smith, **BILL #9217 – AN ORDINANCE OF THE CITY OF WEBSTER GROVES, MISSOURI, AMENDING CHAPTER 53 “ZONING”, BY AMENDING USES RELATED TO MARIJUANA AND MARIJUANA INFUSED PRODUCTS IN CODE SECTIONS 53.159 AND 53.192 AND DEFINITIONS IN SECTION 53.020 AND MATTERS RELATED THERETO**, having been introduced and read twice on February 21, 2023, was taken up its title read a third time and placed upon its passage to become Ordinance #9217.

Mayor Arnold called for the vote.

MEMBERS VOTING:

AYES: FRANKLIN, SMITH, ALEXANDER, RICHARDSON, HIXSON SHEPHERD, ARNOLD, BLISS

NOES: NONE

Mayor Arnold stated that Bill #9217 was approved.

**NEW BUSINESS**

**RESOLUTION #2023-04**

A motion was made by Councilmember Franklin, seconded by Councilmember Bliss, to approve **RESOLUTION #2023-04 - ADOPTING A PROCESS FOR APPOINTMENT OF THE MUNICIPAL JUDGE**.

Assistant City Manager Eric Peterson gave a brief presentation on the process (**See Exhibit B**).

Mayor Arnold called for the vote.

MEMBERS VOTING:

AYES: SMITH, ALEXANDER, RICHARDSON, HIXSON SHEPHERD, ARNOLD, BLISS, FRANKLIN

NOES: NONE

Mayor Arnold stated that Resolution #2023-04 was approved.

**RESOLUTION #2023-08**

A motion was made by Councilmember Bliss, seconded by Councilmember Smith, to approve **RESOLUTION #2023-08 – DECLARING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF WEBSTER GROVES, MISSOURI AND THE WEBSTER GROVES FIRE DEPARTMENT SHOP OF I.A.F.F. LOCAL 2665 TO BE TERMINATED**

Mayor Arnold read a statement related to Resolution #2023-08 (**See Exhibit C**).

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City Manager Dr. Marie Peoples stated that should we be invited back to negotiations I would certainly recommend they be continued.

Mayor Arnold called for the vote.

MEMBERS VOTING:

AYES: ALEXANDER, RICHARDSON, HIXSON SHEPHERD, ARNOLD, BLISS, FRANKLIN, SMITH

NOES: NONE

Mayor Arnold stated that Resolution #2023-08 was approved.

Councilmember Franklin stated that with a 7-0 vote, the blame should not be placed on Dr. Peoples.

### **CONSENT AGENDA**

A motion was made by Councilmember Smith, seconded by Councilmember Bliss, to approve the Consent Agenda.

Mayor Arnold called for the vote on the Consent Agenda.

MEMBERS VOTING:

AYES: RICHARDSON, HIXSON SHEPHERD, ARNOLD, BLISS, FRANKLIN, SMITH, ALEXANDER

NOES: NONE

Mayor Arnold stated that the Consent Agenda was approved.

The following Consent Agenda was approved:

- **Approval of Minutes** – February 21, 2023
- **Resolution #2023-05** – Authorizing the City Manager to Enter into a Contract for Programming of City Wi-Fi with Insight Public Sector, and Amending the Budget for FY-2023
- **Resolution #2023-06** – Amending the Budget for FY-2023 and Authorizing a Revenue Transfer Between the Grant and General Fund
- **Liquor License (Temporary)** – Application by Mary Queen of Peace Church, 676 W. Lockwood Ave., to Sell Beer and Wine by the Drink for Consumption on the Premises Where Sold at Their Spring Festival on April 22, 2023 (Rain Date: April 23, 2023)
- **Liquor License (Temporary)** – Application by the Lions Club to Sell Beer at Community Days, July 1-4, 2023, at Eden Seminary, 475 E. Lockwood Ave.
- **Resolution #2023-07** – Resolution Supporting “No Mow April”, and a Temporary Exception to Section 31.120 of City Code, Nuisance-Weeds; Cutting and Removal; Height

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- Charles Jahneke was appointed to the Board of Adjustment (Alternate Member).
- Frank Romano was appointed to the Old Webster Business District Advisory Commission.
- John Hickey was appointed to the Sustainability Commission.
- Andrea Parton was appointed to the Sustainability Commission.
- Julia Leenig was appointed to the Crossroads Special Business District Advisory Commission.

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**EXECUTIVE (CLOSED) SESSION**

Councilmember Bliss made a motion, which was seconded by Councilmember Hixson Shepherd, to go into Executive Closed Session per Personnel [MO Statute 610.021 (3)].

Mayor Arnold called for the Council to go into Executive (Closed) Session.

MEMBERS VOTING:


AYES: HIXSON SHEPHERD, ARNOLD, BLISS, FRANKLIN, SMITH, ALEXANDER, RICHARDSON


NOES: NONE

Mayor Arnold stated that they would go into Executive (Closed) Session.

**ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 9:03 P.M. on motion of the Mayor, duly seconded

PASSED AND APPROVED this 21<sup>ST</sup> day of March \_\_\_\_\_ 2023.  
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

## WGFD Shop Statement

The Union representing the firefighters has been engaged in negotiations with the City to renew a Collective Bargaining Agreement that was due in July of 2022. The City's main objective during the nearly 10 months of negotiating has been to reduce the minimum staffing on fire trucks rather than pay overtime to fill those positions if needed. The City has used an unprecedented time of prior expense due to the pandemic, forced early retirement vacancies due to vaccine mandates from the City, a military deployment, a career ending back injury vacancy, multiple vacancies from members leaving for other Fire Districts due to ongoing disputes with the City, and a member receiving cancer treatment as reference. The Union acknowledges that this was a burden on the City's finances and repeatedly addressed these concerns with creativity and flexibility throughout negotiations. None of these measures has been satisfactory to the City and accompanying the City's most recent offer they made claims that the Union is bargaining in bad faith. This assertion is offensive and will only further drive a wedge between the firefighters and city leadership. This also following the claim from the City Manager that the Union's grievances and expressed concern about the City's decision to not borrow a firetruck for nearly a week and ambulance when needed was "divisive bargaining tactics." The Union is simply attempting to maintain the current staffing levels that comply with National Fire Protection Agency standards and provide the level of service we pride ourselves on and that the residents should expect.

This is consistent with a pattern of disregard that the City has shown towards the CBA since the arrival of Dr. Peoples. She was not the City Manager at the time of the original agreement and has attempted to exploit any section she deems vague enough change even when the intent was clear by both sides at the time of negotiation. This includes a financial audit that resulted in the City attempting to change the structure of the pay plan, resulting in lower wages for the majority of the Department. This issue was challenged with a grievance and request for arbitration and ultimately settled. Fire Department members have also gone over 18 months without pay increases because the City decided to eliminate a performance pay raise granted in January. This issue has also been through arbitration and a ruling is forthcoming. Step raises, which are given in July, have been withheld due to ongoing negotiations and once again, arbitration has been requested.

The City has been claiming throughout the process that they simply cannot afford what we currently have and the minimal attempts requested during bargaining to stay relevant in a highly competitive marketplace. Even though recent budget presentations show almost all revenue outpacing projections and still have ARP funds to use. The use tax that was passed in April 2022 was sold as "providing for public services" and claims that revenues could be used for "...three additional police officers or firefighters." These revenues are also outpacing all projections. While voters approved this under those explicit claims, as of this writing the police have a hiring freeze on three vacant positions and the City is attempting to lower minimum staffing on fire trucks. How can the City claim they are using that money in the way they told voters they would?

The City Council and City Manager like to say that public safety is a top priority. They love to talk about how they approved the purchase of a one million dollar fire truck and built a new firehouse. The Union is grateful that these purchases were made but the voters approved the firehouse bond, and the house and previous ladder truck were deteriorating to the point where it was not fiscally responsible to keep fixing them. This is simply the cost of doing business.

All of this begs the question as to the motivation of those who wish to exploit the gray areas of a contract and read between the lines to use it to their advantage. And to then claim that those wishing to maintain the highest levels of staffing to ensure efficiency and safety of rescuers and residents are the ones bargaining in bad faith. The firefighters are here, always ready to serve and will hope to continue to do so without being forced to sacrifice our capabilities due to questionable claims of budget constraints, power struggles and spite.



# Municipal Court Judge Appointment

City Council, February 23, 2023



## JUDGE WHITNEY RETIREMENT

- Municipal Judges are required to retire at the age of 75.
  - This requirement is effective on July 4, 2023
- Judge James Whitney has served Webster Groves since February 6, 1997



*City of* WEBSTER GROVES

## JUDICIAL QUALIFICATION



- Resident & Elector of City
- Licensed member of the Bar
- Actively practiced law for not less than 3 years
- Appointment to a term of four years

*City Charter, Section 9.2*

*City of* WEBSTER GROVES

## PROPOSED APPOINTMENT PROCESS

*City of* WEBSTER GROVES



## APPLICATION PROCESS pt. 1



1. Applications accepted via City HR (March 10-April 7)
2. Council Sub-Committee Interviews Candidates, Nominates Finalists (wk. of April 17-21)

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## APPLICATION PROCESS pt. 2



1. Finalist Interviews with Council (May 2)
2. Council Appointment of Municipal Judge (May 16)
3. Overlapping work & training in June.


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# POSITION PROMOTION

*City of* WEBSTER GROVES

## PROMOTION PLAN



ADVERTISING/COMMUNICATIONS				
PERIOD	ITEM 1	ITEM 2	ITEM 3	ITEM 4
Application Period	¼ page WKT ads 2x	Friday Page Inclusion 4x	Inside WG 1x	SM – all channels 1x weekly (5x total)
Selection Period	Announcement of Applicants & Subcommittee Interview Process (4.15)	Announcement of Finalists & Interview Process (4.25)	Announcement of Appointment (5.16)	
Post-Selection	Inside WG – New Judge profile (May)	SM-Posts from overlapping Court dates and first Court date		

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1. Timeframe and process
2. Sub-committee use
3. Application Questions
4. Posting Materials
5. Current Salary - \$20,791.68

## Discussion

*City of* WEBSTER GROVES

***Statement on Resolution #2023-08***

Tonight, the City Council will take steps to implement a compensation plan for the Fire Department after more than a year of negotiations with Local 2665, the union representing the Fire Department. Because we have reached impasse, the Collective Bargaining Agreement is terminated.

The City has been in negotiations with Local 2665 since January of 2022. This Council and City leadership find that Local 2665 has negotiated in bad faith.

The City has participated in at least 12 bargaining sessions since September with the Union. From the start of bargaining the City has maintained that the priority must be on controlling rampant overtime spending.

As a reminder, overtime spending in the fire department has never been higher and has increased every year since 2019. During Fiscal Year 2022, overtime spending exceeded our budgeted amount by more than \$324,000 or more than 225%.

Both parties have submitted offers that were rejected, but repeatedly the union has taken steps backwards by demanding to re-open items and issues that had already been agreed upon.

As the elected leaders of this community, we did not expect and cannot accept more delays or stalling. As a result, on Friday, February 24, the City of Webster Groves issued its last best and final offer to the union.

On Friday, March 3 we received a counteroffer with provisions that we had already told the Union we are unable to meet.

To be clear, as we prepare to act tonight, negotiations have failed and there is no longer a Collective Bargaining Agreement. However, the City's commitment to Fire Department personnel remains strong and is demonstrated by the generous benefits package provided to Fire personnel.

The plan that the City Council will adopt tonight represents the single best compensation offer to a set of employees ever adopted by this City. The City is able to fund this benefit package by controlling overtime expenditures.

- The City's compensation plan provides for the continuation of the Fire Department step program with a 2% COLA built into the pay ranges.

- Also added to this plan is an annual \$1,000 stipend for each union member.
- These two features alone combine for an average 6% yearly increase for each member in the steps, compared to the 2% COLA increase that non-unionized members received in FY 23.
- Additionally, the City will implement a longevity pay program for those union members whom are at the top of the step program. These members will receive 1/8 of one-percent of salary as an additional stipend for every year of service.
  - This longevity pay will range from \$1,409.46 to \$3,905.27 per senior member annually.
- The City will increase Acting Captain pay from an average of 75 cents per hour to \$2.00 per hour on top of regular pay.
- The City will purchase additional cancer insurance coverage for the Union members in the Missouri Critical Illness Plan.

The action taken tonight will maintain our ideal staffing model that has been implemented in the past, but allows us to drop to ten (10) members on duty if sick leave, vacation, or other leaves occur. Webster Groves is one of only two departments in our area to maintain the full staffing model.

All told, the City will spend more than \$11 million dollars on salary and benefits for our firefighters over the three years of the contract, not including any extra overtime or incidental pay.

I think it is fair to say that all of us on Council and in the Administration wished for a fully bargained agreement. However, that is not where we are. In spite of that, this compensation plan for our fire department staff is the best compensation ever adopted by this City for any employee group, and allows our City and its staff to move forward with certainty about the future.