



City of Saint Paul

City Council Meeting Minutes - Final

City Hall and Court House
15 West Kellogg Boulevard
Council Chambers - 3rd
Floor
Katie Burger, Executive
Assistant, 651-266-8560

*Council President Russ Stark
Councilmember Dan Bostrom
Councilmember Amy Brendmoen
Councilmember Rebecca Noecker
Councilmember Jane L. Prince
Councilmember Dai Thao
Councilmember Chris Tolbert*

Wednesday, March 9, 2016

3:30 PM

Council Chambers - 3rd Floor

Council Voting

The reader calls the names of all Councilmembers. A vote in favor is cast by remaining silent, and a vote against is cast by saying no or nay. When the voting is complete, the reader will state whether the motion passed or failed.

ROLL CALL

The meeting was called to order by Council President Stark at 3:30 p.m.

Councilmember Noecker excused

Present 6 - Councilmember Dan Bostrom, Councilmember Amy Brendmoen, Councilmember Dai Thao, Councilmember Chris Tolbert, City Council President Russ Stark and Councilmember Jane L. Prince
Absent 1 - Councilmember Rebecca Noecker

CONSENT AGENDA

Note: Items listed under the Consent Agenda will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the Consent Agenda for separate consideration.

Approval of the Consent Agenda

Councilmember Brendmoen moved approval of the Consent Agenda.

Consent Agenda adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Prince
Nay: 0
Absent: 1 - Councilmember Noecker

- 1 **RES 16-409** Memorializing City Council action taken February 17, 2016 to deny the appeal by Velmeir Companies of a decision of the Planning Commission denying a conditional use permit application, with requested modifications, for a drive-through service at 30 South Fairview Avenue.
Adopted
- 2 **RES 16-262** Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of improvements on Randolph Avenue from Syndicate Street to Interstate 35E, and Lexington 300' south and 500' north of Randolph. (File No. 19196, Assessment No. 165206)
Adopted
- 3 **RES 16-317** Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of improvements on White Bear Avenue from Interstate 94 to Beech Street. (File No. 19197, Assessment No. 165207)
Adopted
- 4 **RES 16-380** Preliminary Order setting the date of City Council public hearing for April 6, 2016 to consider approval of the improvement to the alley bounded by Minnehaha, Reaney, Hazelwood and Germain. (File No. 19213, Assessment No. 165000)
Adopted
- 5 **RES 16-281** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Western Avenue paving and lighting project. (File No. 19160C, Assessment No. 166003)
Adopted
- 6 **RES 16-264** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Ford Parkway reconstruction project. (File No. 19100C, Assessment No. 166001)
Adopted
- 7 **RES 16-266** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Randolph Avenue reconstruction project. (File No. 19172C, Assessment No. 166002)
Adopted

- 8 **RES 16-298** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Como/Chatsworth (Phase I, Part I) street paving and lighting project. (File No. 19167C, Assessment No. 166000)
Adopted
- 9 **RES 16-279** Approving assessment costs and setting date of City Council public hearing to ratify the assessment for replacement of sanitary sewer services within the right-of-way as part of the Third Street paving and lighting project. (File No. 19169C, Assessment No. 166004)
Adopted
- 10 **RES 16-433** Approving transfer of ownership, and execution of assignment and assumption of existing City financing, including extension of maturity dates and re-subordination, for Superior Street Cottages (District 9, Ward 2).
Adopted
- 11 **RES 16-404** Approving the Labor Agreements (January 1, 2016 - December 31, 2017) between the City of Saint Paul and AFSCME District Council 5, Clerical - Local 2508 and Technical - Local 1842.
Laid over to March 16 for adoption
- 12 **RES 16-408** Approving reimbursement of finalists for the Chief of the Saint Paul Police Department up to a total of \$2,000 per person per event, for travel expenses incurred while traveling to Saint Paul for interviews.
Adopted
- 13 **RES 16-368** Authorizing the Department of Parks and Recreation to apply for grant funds for \$101,479 from the F.R. Bigelow Foundation, Otto Bremer Trust, Saint Paul Foundation, and the Pohlad Family Foundation, and, if awarded, accept and enter into grant agreements which include indemnification language.
Adopted
- 14 **RES 16-377** Authorizing the Department of Parks and Recreation/Forestry staff to seek Improving Community Forests Through Citizen Engagement grant funding on behalf of the City, and, if successful, enter into an agreement with the State, which includes an indemnification clause, to accept \$30,000 in grant funds on behalf of the City.
Adopted
- 15 **RES 16-372** Authorizing the Police Department to enter into Facilities Use Agreements in 2016 with the State of Minnesota, Dakota County Technical Colleges which include an indemnification clause.
Adopted

- 16 **RES 16-403** Authorizing the Police Department to enter into a Memorandum of Understanding with the Ramsey County Sheriff for participation in the Sex Trafficking Investigations grant program.
Adopted
- 17 **RES 16-396** Authorizing the Department of Public Works to apply to the Minnesota Department of Transportation for funding of the I-35E Harrison Avenue Noise-Wall Community Landscape Partnership Plan Phase 2.
Adopted
- 18 **RES 16-395** Authorizing the City to enter into Cooperative Agreement PUBW2015-14R with Ramsey County for the reconstruction of Randolph Avenue between Syndicate Street and I-35E, and Lexington Parkway between Juno Avenue and James Avenue.
Adopted
- 19 **RES 16-397** Authorizing the Department of Public Works to apply to the Minnesota Department of Transportation for funding of the I-94 St. Anthony Avenue Community Landscape Partnership Plan.
Adopted
- 20 **RES 16-405** Approving adverse action against the Auto Repair Garage license held by Lyle Malmberg, d/b/a Lyle's Automotive at 894 Syndicate Street North.
Adopted
- 21 **RES 16-432** Honoring the historic relationships among the Dakota, Anishinaabe, Nahua and other indigenous nations; and recognizing the Mexica New Year Nahui Tekpatl Day in Saint Paul.
Adopted

FOR DISCUSSION

No items

ORDINANCES

An ordinance is a city law enacted by the City Council. It is read at four separate council meetings and becomes effective after passage by the Council and 30 days after publication in the Saint Paul Legal Ledger. Public hearings on ordinances are held at the third reading.

Final Adoption

- 22 **Ord 16-3** Granting the application of Jamestown Homes LLLP to rezone their property at 586 Central Avenue W from RM2 Multiple-Family Residential to T2 Traditional Neighborhood and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.

Councilmember Thao moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

SUSPENSION ITEM

Council President Stark moved suspension of the rules.

Rules suspended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

Ord 16-8

Amending Ordinance 15-82 which established the minimum qualifications for the vacancy of Police Chief pursuant to the provisions of Section 8.01 of the Administrative Code and Section 12.12.1 of the Saint Paul City Charter.

Council President Stark said he was bringing the item in for first reading. He said Council members had received the memo stating there were four qualified candidates for the police chief selection process, but the City Charter indicated the committee should send five candidates to the Mayor. He said he was bringing in some changes to the minimum qualifications and hopefully get more candidates.

Councilmember Bostrom said he didn't feel it was necessary to start the process over, and he expressed concerns about the effect of a long delay. He said he didn't know why the process couldn't be reopened with the same qualifications, and with a greater effort made to recruit from within the department. He said SPPD was a large department with a large budget, and he didn't feel that someone who had been leading a department of 100 or 200 people would be functioning at a level that St. Paul functions at. He said for 162 years the City of St. Paul had hired the police chief from within the ranks of the department, and had been well-served. He said he felt it would be a big mistake to reduce the qualifications at this time.

Council President Stark said they could continue to explore options with the Administration and Human resources in terms of reopening the process, but get this process started in the meantime.

Councilmember Bostrom asked whether there was anything to prevent them from re-posting the position for a couple of weeks.

Councilmember Brendmoen said she shared some of Councilmember Bostrom's concerns. She said she felt limiting the field had created the challenge and they didn't receive a lot of applicants. She said she felt the next chief was already in the mix, and protracting the process would be hard on the force and on the applicants. She said she understood there was a process to be followed and a carefully selected committee that currently didn't have a field to choose from, but she had concerns about re-opening the search to candidates who might not be seriously considered.

She said she was supportive of moving forward on this today while exploring other options.

Councilmember Bostrom asked whether there was any problem with just reopening the posting. Deputy City Attorney Gerald Hendrickson said he didn't know those rules and would have to defer to the Human Resources Director. Councilmember Bostrom said they should have the answer to that question before starting this whole process, and it would be a lot simpler to do that and encourage internal folks to take a hard look at it and perhaps be applicants.

Council President Stark said the ordinance could always be withdrawn if the Council figured out that the process could simply be reopened. Councilmember Bostrom said the process of trying to extend the application date should be started immediately. Council President Stark said they would be sure to get a response from Human Rights Director Nalezny about that. Councilmember Bostrom said the problem with that was that another week would go by before something was done. He said he didn't know why the Council couldn't just extend the deadline right away under suspension.

Councilmember Tolbert said he wished Ms. Nalezny was present and felt she should be present because he anticipated there would be conversation. He said he felt an answer was needed from Ms. Nalezny and the HR attorney. He said a process had been set out and was closed, and they were prohibited from going forward because of the lack of number of candidates, and were proposing starting a new process. He said HR could get in legal trouble by doing multiple processes, as they'd learned in a case about a year before. He said he felt Ms. Nalezny should explain what the City's options were.

Assistant City Attorney Rachel Tierney clarified that the Charter required the committee to put forth five names but did not require that the four candidates already identified be thrown out. In response to further questions from Councilmember Tolbert she said, as far as restarting the timeline, the Charter wouldn't prevent it and the ordinance passed by the Council creating the minimum qualifications didn't address it. She said there wasn't an ordinance problem with that but there might be a civil service problem with that. She said under some circumstances the HR Director had discretion to change or waive certain civil service requirements, and she assumed this might be one of those situations but wasn't positive. She said if that was something the Council wanted to pursue, her recommendation was to make a recommendation to the Human Resources Director to get the process moving if it was possible. Ms. Tierney encouraged the Council to keep the ordinance moving forward in case reopening the search wasn't possible or extending the deadline didn't produce additional candidates. Councilmember Tolbert asked whether there would be three processes. Ms. Tierney said she would follow up with him.

Councilmember Bostrom said he couldn't imagine why they couldn't extend the deadline until, say, March 31, without changing anything else, and aggressively seek candidates that met the qualifications. He said he felt it was the responsibility of HR to look at the potential pool of candidates and say "let's get your name in there and see how this goes." He said that respected the current candidates. He said he would support what Council President Stark was trying to do if the Council would agree to go on record that night as extending the deadline for application until March 31.

Council President Stark said what they had just heard was that they wanted to make sure there weren't any HR or civil service rules to prevent that. He said he didn't have any reason not to support it other than that possibility. Councilmember Bostrom said he would include that in his motion, that there would be no HR legal impediments to extending the closing deadline.

Council President Stark said what was before the Council was the first reading of the amended ordinance. He suggested taking care of that and then Councilmember

Bostrom could suspend the rules and bring forward some other language.

Mr. Hendrickson said the first reading had been introduced and did not require a vote. He said in the absence of a written resolution, the Council could informally communicate their wishes in a motion, but there wasn't a way to compel the Administration and HR to do that. He said it would just be a motion to request the HR Director, of possible, to re-open to a certain date. Councilmember Bostrom said that would work for him, and if it was acceptable, he would move to request that the deadline be extended to March 31, 2016, consistent with HR guidelines.

Councilmember Thao asked for clarification as to how this would affect changing the criteria. Councilmember Bostrom said the criteria would remain the same. He said there were at least 12 people currently on the force who met the criteria. Councilmember Thao asked whether the criteria could still be changed to allow for an even greater pool of applicants. Councilmember Bostrom said he wasn't ready to do that at this time. He said he felt it was a big job and he wanted to get the most experienced applicants. He said this had been done internally for the past 160 years.

Councilmember Prince said the only way to change the qualifications was through the ordinance, and she suggested re-opening the posting indefinitely. She said if a candidate came in under the existing qualifications before the ordinance was passed, the Council wouldn't need to pass the ordinance.

Council President Stark said he agreed with that, and he suggested asking the HR Director to come back with a recommendation of an option for re-opening the deadline under the existing qualifications. He said the Council could decide at a later date whether to change the qualifications since the process was being started.

Councilmember Thao said extending the deadline was more of an administrative action and he didn't understand why there needed to be a motion to vote on it. Councilmember Bostrom said if the deadline wasn't extended, this was dead. Councilmember Thao said he felt extending the deadline was a more administrative action for HR. Councilmember Bostrom said he was suggesting that the Council send a message and recommendation to the Administration that they should take a serious look again at internal candidates, and if they wanted to go externally there was nothing to stop them from doing that. He said he felt time as important because there was a committee waiting to act.

Council President Stark suggested having HR come before the Council the following Wednesday with a specific answer and possible recommendation, and that way there wouldn't need to be a motion. Councilmember Bostrom said he thought it was important for the Council to be on record as making that request.

Council President Stark conferred with Mr. Hendrickson on procedure for considering a resolution.

Introduced and laid over to March 16 for second reading

SUSPENSION ITEM

Councilmember Bostrom moved suspension of the rules. He asked Deputy City Attorney Gerald Hendrickson to draft a short paragraph.

Rules Suspended

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

Councilmember Prince acknowledged guests present for Item 21. They thanked the Council and spoke about their organization and the upcoming event.

RES 16-498

Requesting that the Director of Human Resources present options for re-opening the police chief selection process to allow for recruitment and additional applications using existing job qualifications.

Deputy City Attorney Hendrickson read the resolution he had drafted. Councilmember Brendmoen asked that language be added directing Human Resources to actively recruit. She said there was an excellent committee that deserved to have a group of candidates to choose from. Councilmember Bostrom said he agreed. Mr. Hendrickson added language.

Councilmember Bostrom moved approval.

Adopted

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

Council members shared good news from their wards.

ADJOURNMENT

Councilmember Bostrom moved adjournment.

Meeting adjourned at 4:05 p.m.

Yea: 6 - Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, City Council President Stark and Councilmember Prince

Nay: 0

Absent: 1 - Councilmember Noecker

Council Meeting Information

The City Council is paperless which saves the environment and reduces expenses.

The agendas and Council files are all available on the Web (see below).

Councilmembers use iPads to review the files during the meeting. Using the iPad greatly reduces costs since most agendas, including the documents attached to files, are over 1000 pages when printed.

Web

Meetings are available on the Council's website. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit www.stpaul.gov/council for meeting videos and updated copies of the Agendas, Minutes and supporting documents.

Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)