

City of St. Louis Board of Aldermen Chambers May 8, 2009.

The roll was called and the following Aldermen answered to their names: Troupe, Flowers, Bosley, Moore, Ford-Griffin, Triplett, Young, Conway, Ortmann, Vollmer, Heitert, Wessels, Gregali, Florida, Baringer, Roddy, Kennedy, Davis, Schmid, French, Vaccaro, Waterhouse, Cohn, Williamson, Carter, Krewson and President Reed. 27

“Almighty God, source of all authority, we humbly ask guidance in our deliberations and wisdom in our conclusions. Amen.”

ANNOUNCEMENT OF ANY
SPECIAL ORDER OF THE DAY

None.

INTRODUCTION OF
HONORED GUESTS

None.

APPROVAL OF MINUTES
OF PREVIOUS MEETING

Mr. Wessels moved to approve the minutes for April 21, 2009

Seconded by Mr. Heitert.

Carried unanimously by voice vote.

REPORT OF CITY OFFICIALS

Report of the Clerk
of the Board of Aldermen

None.

Office of the Mayor

City of St. Louis

Room 200 City Hall

1200 Market Street

St. Louis, MO 63103

(314) 622-3201

May 5, 2009

Honorable Board of Aldermen

Room 230 City Hall

St. Louis, Missouri 63103

Dear Members of the Board:

I have the pleasure to submit to your Honorable Board the following individual for appointment to the Locust Central Business District:

The appointment of Joel Rozelle, who resides at 4643 Tower Grove Place, 63110, for a term ending December 31, 2012. Mr. Rozelle is the owner of Smoking Joe's Bar-Be'Que at 1901 Washington Avenue.

I respectfully request your approval of this appointment.

Sincerely

FRANCIS G. SLAY

Mayor

Ms. Triplett moved to approve the following individual for appointment to the Locust Central Business District: Joel Rozelle.

Seconded by Ms. Davis.

Carried unanimously by voice vote.

City of St. Louis
Room 200 City Hall
1200 Market Street
St. Louis, MO 63103
(314) 622-3201

May 5, 2009

Honorable Board of Aldermen
Room 230 City Hall
St. Louis, Missouri 63103

Dear Members of the Board:

I have the pleasure to submit to your Honorable Board the following individual for appointment to the Mentally Retardation Development Disabilities Commission:

The appointment of Ms. Rosetta F. Jackson, who resides at 4729 Lexington, 63115, and whose term will expire on October 1, 2012. She will replace Joan Kelly Horn.

I respectfully request your approval of this appointment.

Sincerely

FRANCIS G. SLAY

Mayor

President Reed, at the request of the sponsor, requested the following individual for appointment to the Mental Retardation Development Disabilities Commission: Ms. Rosetta F. Jackson be referred to committee.

City of St. Louis
Room 200 City Hall
1200 Market Street
St. Louis, MO 63103
(314) 622-3201

May 5, 2009

Honorable Board of Aldermen
Room 230 City Hall
St. Louis, Missouri 63103

Dear Board Members:

I have the honor to return to you herewith, with my approval endorsed thereon, Board Bills No. 375, 400 and 401.

Sincerely

FRANCIS G. SLAY

Mayor

PETITIONS & COMMUNICATIONS

None.

BOARD BILLS FOR PERFECTION

– INFORMAL CALENDAR

None.

BOARD BILLS FOR

THIRD READING

– INFORMAL CALENDAR

None.

RESOLUTIONS

– INFORMAL CALENDAR

None.

FIRST READING
OF BOARD BILLS

Board Member Wessels introduced by request:
Board Bill No. 47

An ordinance, recommended by the Board of Estimate and Apportionment, authorizing the Mayor of the City of St. Louis, on behalf of the City, to submit a Substantial Amendment to the 2008 Annual Action Plan to the United States Department of Housing and Urban Development, Office of Community Planning and Development (“HUD”) as required to apply for City of St. Louis entitlement funding for the Homelessness Prevention Fund created under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 (“Recovery Act”), for the purpose of providing financial assistance and services to either prevent individuals and families from becoming homeless or helping those who are experiencing homelessness to be quickly re-housed and stabilized hereinafter referred to as the referred to as the “Homelessness Prevention and Rapid Re-Housing Program (HPRP)”, further authorizing the Mayor of the City of St. Louis, on behalf of the City, to submit an application to the State of Missouri for the purpose of securing for the City additional HPRP funding awarded to the State of Missouri (hereinafter referred to as “State HPRP Funding”), authorizing and directing the Mayor and the Comptroller on behalf of the City to enter into and execute an agreement or agreements with HUD for the receipt of HPRP Entitlement Funding and an agreement or agreements with HUD and/or the State of Missouri and/or agencies and/or commissions thereof for State HPRP Funding, appropriating the sum of Eight Million One Hundred Fifty- Six Thousands One Hundred Eighty Eight Dollars (\$8,156,188) which the City has been allocated in HPRP Entitlement Funding; appropriating the lesser of Six Hundred Thousand Six Hundred Dollars (\$600,600) or such lesser amount of State HPRP Funding as may be awarded to the City; authorizing and directing the Director of the Department of Human Services (“DHS”) to contract with municipal agencies, non-profit corporations and other entities, as necessary for the expenditure of HPRP Entitlement Funding and State HPRP Funding; and directing the Comptroller to issue warrants thereon upon the City Treasury; and containing an emergency clause.

Board Member Conway introduced by request:
Board Bill No. 48

An ordinance recommended by the Board of Estimate and Apportionment of the City of St. Louis, Missouri (the “City”) amending Ordinance No. 68076 and authorizing and directing the St. Louis Municipal Finance Corporation (the “Corporation”) to issue and sell its Leasehold Revenue Bonds in an aggregate principal amount not to exceed \$75,000,000 in order to fund the acquisition, construction, repair, improvement, and renovation of the Cervantes Convention Center (as defined herein) for the general welfare, safety, and benefit of the citizens of the City; authorizing and directing the officers of the Corporation to execute and deliver the Supplemental Indenture (as defined herein), the Supplemental Lease Purchase Agreement (as defined herein), the Supplemental Deed of Trust (as defined herein), the Official Statement (as defined herein), and the Bond Purchase Agreement (as defined herein); authorizing the City to execute and deliver, as necessary or desirable to facilitate the transactions contemplated hereby, the Supplemental Lease Purchase Agreement, the Tax Compliance Agreement (as defined herein), the Continuing Disclosure Agreement (as defined herein), the Official Statement, and the Bond

Purchase Agreement; providing for a debt service reserve fund or funds, if any, for the Leasehold Revenue Bonds (as defined herein); authorizing the Corporation and the City to obtain credit enhancement for all or any portion of the Leasehold Revenue Bonds from one or more Credit Providers (as defined herein); authorizing the payment of any obligations due to such Credit Provider or Credit Providers, if any; and authorizing the Comptroller and any other appropriate City officials to execute the Credit Agreement (as defined herein) and other documents related thereto, if any; authorizing participation of appropriate City officials in preparing the Official Statement; authorizing the acceptance of the terms of the Bond Purchase Agreement and the taking of further actions with respect thereto; authorizing the payment of certain costs of issuance of the Leasehold Revenue Bonds; authorizing and directing the taking of other actions and approval and execution of other documents as necessary or desirable to carry out and comply with the intent hereof; superseding provisions of prior ordinances of the City to the extent inconsistent with the terms hereof; and containing an emergency clause.

Board Member Kennedy introduced by request:

Board Bill No. 49

An ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, ratifying and adopting the actions of the Mayor and the Comptroller of the City of St. Louis (the "City"), the owner and operator of Lambert-St. Louis International Airport® (the "Airport"), in accepting and executing on behalf of the City a certain grant agreement offered by the United States of America (the "Grant Agreement"), acting through the Federal Aviation Administration of the United States Department of Transportation, the Grant Agreement being for Project Number 3-29-0085-115-2009, dated March 4, 2009, for a maximum federal obligation of Two Million Sixteen Thousand Two Hundred Thirteen Dollars (\$2,016,213), which is filed in the Office of the City Register [Comptroller Document No. 58874], for the reimbursement of direct costs associated with the rehabilitation of Taxiway S (Runway 6 to Taxiway D - Part A; and containing an emergency clause.

Board Member Kennedy introduced by request:

Board Bill No. 50

An ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, ratifying and adopting the actions of the Mayor and the Comptroller of the City of St. Louis (the "City"), the owner and operator of Lambert-St. Louis International Airport® (the "Airport"), in accepting and executing on behalf of the City a certain grant agreement offered by the United States of America (the "Grant Agreement"), acting through the Federal Aviation Administration of the United States Department of Transportation, the Grant Agreement being for Project Number 3-29-0085-118-2009, dated February 24, 2009, for a maximum federal obligation of Six Million Seven Hundred Thirty Four Thousand One Hundred Forty Four Dollars (\$6,734,144), which is filed in the Office of the City Register [Comptroller Document No. 58857], for the reimbursement of direct costs associated with the reconstruction of Taxiway Victor from Taxiway Foxtrot to Runway 24 (Phase 1) and the reconstruction of Taxiway Foxtrot from Taxiway Victor to Runway 6/24; and containing an emergency clause.

Board Member Kennedy introduced by request:

Board Bill No. 51

An ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, authorizing and directing the Director of Airports and the Comptroller on behalf of the City of St. Louis (the "City") the owner and operator of

Lambert-St. Louis International Airport® (the “Airport”) to accept and execute on behalf of the City a certain Other Transaction Agreement (the “Agreement”) offered by the Federal Aviation Administration for the purchase and installation of Airport Surface Detection Equipment (“ASDE”), ASDE-X monitor(s), and ASDE-X system enhancement communication equipment at the Airport for a maximum obligation of Five Hundred Thousand Dollars (\$500,000) for the purchase and installation associated with the projects funded under the Agreement; and containing an emergency clause.

Board Member Kennedy introduced by request:

Board Bill No. 52

An Ordinance recommended and approved by the Airport Commission, Board of Public Service, and the Board of Estimate and Apportionment authorizing a Fourth Amendment to Section Six of the Airfield Projects Public Works Ordinance 65162 approved February 15, 2001, as amended by Ordinance 65626 approved August 5, 2002, Ordinance 66611 approved February 16, 2005, and Ordinance 67114 approved June 5, 2006, which authorized a multi-year public work and improvement program (the “Airfield Projects”) at Lambert-St. Louis International Airport®, authorizing the Director of Airports to make such applications and provide such data and to take whatever action necessary to seek funds under the Airport Improvement Program, the Passenger Facility Charge Program or other federal, state or local programs for Airfield Projects therein authorized where such costs or expenditures are deemed eligible and monies made available for those costs under federal, state, or local law or contract and to authorize the deposit of such funds into Ordinance 65162 as amended to reimburse the costs in part of the Airfield Projects or the payment of costs authorized therein; containing a severability clause; and containing an emergency clause.

Board Members Wessels and Conway introduced by request:

Board Bill No. 53

An ordinance pertaining to parks and the creation of a special fund to be known as the Metropolitan Park and Recreation District Capital Improvements Sales Tax Trust Fund for the purpose of funding certain park capital improvements and recreational purposes throughout the city; amending Section 9 of Ordinance 64994, and enacting in lieu thereof a new section pertaining to the same subject matter pertaining to providing for the creation of a special fund to be known as the Metropolitan Park and Recreation District Capital Improvements Sales Tax Trust Fund for the purpose of funding certain park capital improvements and recreational purposes throughout the city and the affirmative vote of a majority of all members of the Board of Aldermen; and containing a severability clause.

Board Members Wessels and Conway introduced by request:

Board Bill No. 54

An ordinance pertaining to parks and the creation of a special fund to be known as the Neighborhood Park Fund for the purpose of funding certain park capital improvements and recreational purposes throughout the city; amending Section 8 of Ordinance 67747, and enacting in lieu thereof a new section pertaining to the same subject matter pertaining to providing for the creation of a special fund to be known as the Neighborhood Park Fund for the purpose of funding certain park capital improvements and recreational purposes throughout the city and the affirmative vote of a majority of all members of the Board of Aldermen; and containing a severability clause.

Board Member Wessels and Conway introduced by request:

Board Bill No. 55

An ordinance pertaining to public safety and the annual allocation of One Million Dollars (\$1,000,000) for crime prevention programs; amending Section One (1) (v) of Ordinance 67794, and enacting in lieu thereof a new section pertaining to the same subject matter pertaining to providing for the annual allocation of One Million Dollars (\$1,000,000) for crime prevention programs and the affirmative vote of a majority of all members of the Board of Aldermen; and containing a severability clause.

Board Member Flowers introduced by request:

Board Bill No. 56

An Ordinance designating a portion of the City of St. Louis, Missouri as a Redevelopment Area known as the Taylor Carrie Redevelopment Area pursuant to the Real Property Tax Increment Allocation Redevelopment Act; approving a Redevelopment Plan and a Redevelopment Project with respect thereto; adopting tax increment financing within the Redevelopment Area; making findings with respect thereto; establishing the Taylor Carrie Special Allocation Fund; authorizing certain actions by city officials; and containing a severability clause.

REFERENCE TO COMMITTEE OF BOARD BILLS

Convention and Tourism

None.

Engrossment, Rules and Resolutions

None.

Health and Human Services

None.

Housing, Urban Development & Zoning

Board Bills No. 47 and 56.

Intergovernmental Affairs

None.

Legislation

None.

Neighborhood Development

None.

Parks and Environmental Matters

Board Bills No. 53 and 54.

Personnel and Administration

None.

Public Employees

None.

Public Safety

Board Bill No. 55.

Public Utilities

None.

Streets, Traffic and Refuse

None.

Transportation and Commerce

Board Bills No. 49, 50, 51, and 52.

Ways and Means

Board Bill No. 48.

SECOND READING AND REPORT OF STANDING COMMITTEES

Mr. Bosley of the Committee on Streets, Traffic and Refuse submitted the following report which was read.

Board of Aldermen Committee report, May 8, 2009.

To the President of the Board of Aldermen:

The Committee on Streets, Traffic and Refuse to whom was referred the following Board Bills, report that they have considered the same and recommend adoption.

Board Bill No. 33

An ordinance authorizing the Director of Streets to temporarily close, barricade, or otherwise impede the flow of traffic at the 15' wide north/south alley in City Block 2440 at a point approximately 150 feet south of Ferry Street bounded by 11th Street, Penrose Street, Randall Place and Ferry Street in the City of St. Louis, Missouri.

Board Bill No. 43

An Ordinance, recommended by the Board of Public Service of the City of St. Louis, establishing public works and improvement projects for the design and/or construction of twelve (12) American Recovery and Reinvestment Act of 2009 Projects involving various infrastructure improvements (the "ARRA Projects") including Compton Avenue Viaduct Repairs Over Union Pacific Railroad, Vandeventer Avenue Streetscape (Kingshighway to Shaw), Dr. Martin Luther King Pedestrian Lighting (City Limits to Arlington), Loughborough Avenue Bridge Widening Over Union Pacific Railroad, Manchester Avenue Pedestrian Lighting (Taylor to Sarah), Overlay and Pedestrian Improvements (Goodfellow from Delmar to Natural Bridge, and Skinker from Clayton to Page), South Grand Improvements (Arsenal to McDonald), Morgan Ford Road Signal Interconnection and Upgrades (Arsenal to City Limits), Grand Center/Grand Boulevard Streetscape (Lindell to Page), South Broadway Streetscape (Courtois to Upton), Removal of North Tucker Boulevard Bridge (Washington to Cass), and Municipal Terminal Dock Improvements (One North Market); and authorizing and directing the City of St. Louis (the "City"), by and through its Board of Public Service, to let contracts and provide for the design, construction, materials, and equipment for the ARRA Projects, authorizing the Board of Public Service to employ labor and consultants, pay salaries, fees and wages, acquire real property interests, and to enter into supplemental agreements with the Missouri Highway and Transportation Commission, Federal Highway Administration, railroads, utilities, and other governmental agencies for the ARRA Projects all in accordance with the American Reinvestment and Recovery Act of 2009, with any contract containing sections for: description of the work, material guarantees, estimated expenditure allocations, fund reversion authorization, applicable federal and state wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, and contract advertising statutes; requiring that all work provided for herein shall be carried out in accordance with detailed plans and specifications adopted and approved by the Board of Public Service before bids are advertised therefor; directing that all construction contracts let by authority of this Ordinance provide for federal and state prevailing wages requirements including prevailing wage holiday and overtime pay and compliance with all applicable statutes of the State of Missouri, the City Charter and the Revised Code of the City, as amended; requiring all specifications approved by the Board of Public Service and contracts let by authority of this Ordinance provide for compliance with the Mayor's Executive Orders on Equal Opportunity and maximum MBE/WBE/DBE utilization goals, except when superseded or prohibited by federal or state law or regulation; requiring all advertisements for bids pursuant to this Ordinance be subject to the provisions of Section 8.250 RSMo., as amended; and

appropriating the total estimated cost of the twelve (12) ARRA Projects of Thirty-two Million, Five Hundred Thirty-four Thousand, Three Hundred Ninety-five Dollars (\$32,534,395.00) from the American Recovery and Reinvestment Act of 2009; authorizing and directing the Comptroller of the City to draw warrants from time to time and disburse funds appropriated by this ordinance and to receive and disburse grant funds in accordance with the American Recovery and Reinvestment Act of 2009 upon the signature and certification of vouchers by the President of the Board of Public Service; and containing a public work emergency clause.

Alderman Bosley
Chairman of the Committee

Mr. Conway of the Committee on Ways and Means submitted the following report which was read.

Board of Aldermen Committee report, May 8, 2009.

To the President of the Board of Aldermen:

The Committee on Ways and Means to whom was referred the following Board Bills, report that they have considered the same and recommend adoption.

Board Bill No. 5

An ordinance recommended by the Board of Estimate and Apportionment authorizing and directing the Comptroller of the City of St. Louis, Missouri (the "City") to obtain a credit facility (the "Credit Facility") for the purpose of securing the outstanding City Justice Center Bonds (as defined herein), for the general welfare, safety, and benefit of the citizens of the City; authorizing the Comptroller of the City to execute and deliver a promissory note (the "Note") payable to Bank of America, N.A. (the "Bank") pursuant to which the Bank will issue the Credit Facility; authorizing the payment of certain obligations due to the Bank under the Note; authorizing the Mayor, the Comptroller, and any other appropriate City officials, if necessary, to execute any other documents related to the Note and the Credit Facility; authorizing and directing the taking of other actions and approval and execution of other documents as necessary or desirable to carry out and comply with the intent hereof; and containing an emergency clause.

Board Bill No. 28

An ordinance to provide for the borrowing of funds in anticipation of the collection of tax payment levied by the City of St. Louis, Missouri for deposit in its General Revenue Fund for the calendar year ending December 31, 2009, and remaining uncollected and other revenues remaining to be collected and deposited in the General Revenue Fund for fiscal year ending June 30, 2010, all such revenues for the General Revenue Fund in the Treasury of the City of St. Louis, Missouri through the issuance by the City of St. Louis, Missouri of its Tax and Revenue Anticipation Notes, and the acquiring of credit enhancement, if necessary, in order to lower the cost of such borrowing; prescribing the form and details of such notes; authorizing and approving certain documents and other actions; and containing an emergency clause.

Alderman Conway
Chairman of the Committee

Mr. Bosley moved to suspend the rules for the purpose of moving the following Board Bill to the Board Bills for Perfection calendar: Board Bill No. 43.

Seconded by Mr. Williamson.

Carried by the following vote:

Ayes: Flowers, Bosley, Moore, Ford-Griffin, Triplett, Young, Conway, Ortmann, Vollmer, Heitert, Wessels, Gregali, Florida, Baringer, Roddy, Kennedy, Davis, Schmid, French, Vaccaro, Waterhouse, Cohn, Williamson, Krewson and President Reed. 25

Noes: 0

Present: 0

REPORT OF
SPECIAL COMMITTEES

None.

PERFECTION
CONSENT CALENDAR

None.

BOARD BILLS FOR PERFECTION

Mr. Bosley moved that Board Bill No. 43 before the Board for perfection, be perfected as reported out of Committee with its recommendation "Do Pass".

Seconded by Mr. Williamson.

Carried unanimously by voice vote.

THIRD READING
CONSENT CALENDAR

None.

THIRD READING, REPORT OF
THE ENGROSSMENT COMMITTEE
AND FINAL PASSAGE
OF BOARD BILLS

None.

REPORT OF THE
ENROLLMENT COMMITTEE

None.

COURTESY RESOLUTIONS CONSENT CALENDAR

President Reed introduced Resolutions No. 28 and 29 and the Clerk was instructed to read same.

Resolution No. 28

Skin Cancer and UV Radiation Awareness Month

WHEREAS, the skin performs many essential tasks, such as protection from ultraviolet light, regulation of body temperature, provision of sensation, and support of metabolic functions;

WHEREAS, in 2004, the total direct cost associated with the treatment for non-melanoma skin cancer was \$1.5 billion; and

WHEREAS, one-half of all new cancers will be skin cancers and the incidence of skin cancer is more than breast, colon, lung, and prostate, and all other cancers combined; and

WHEREAS, current estimates are that one in five of all Americans and one in three of US Caucasians will develop skin cancer in their lifetime; and

WHEREAS, more than 1 million new cases of skin cancer will be diagnosed in the United States this year, and one person dies from melanoma every 65 minutes in America; and

WHEREAS, according to a national cancer database from 1975-2000, melanoma is the most common form of cancer for young adults 25-29 years old and the second most common form of cancer for adolescents and young adults 15-29 years old; and

WHEREAS, more than one blistering sunburn in childhood potentially doubles a person's chance of developing melanoma later in life; and

WHEREAS, two percent of all cancer deaths are due to excessive exposure to the sun, a statistic similar to those attributed to environmental pollutants;

WHEREAS, UV radiation that is 10-15 times natural sunlight and are associated with skin cancer and premature aging; and

WHEREAS, people that are exposed to UV radiation are 2-3 times increased risk of non-melanoma skin cancers when compared to non-users; and

WHEREAS, increased artificial UV exposure has been proposed to be related to the recent alarming increase in melanoma seen in young adult females,

WHEREAS, more than 90% of all skin cancers are caused by UV exposure, yet fewer than 35% of adults, adolescents, and children routinely use sun protection; and

WHEREAS, the Skin Cancer Foundation has deemed May as the national Skin Cancer Awareness month designed to promote awareness, prevention, and early detection of melanoma and other skin cancers; and

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen that it recognizes May 2009 as Skin Cancer and UV Radiation Awareness Month the and we further direct the Clerk of this Board to spread a copy of this Resolution across the minutes of these proceedings and make it available to the public.

Introduced on the 5th day of May, 2009 by:

Honorable Stephen M. Gregali, Alderman 14th Ward
Honorable Charles Quincy Troupe, Alderman 1st Ward
Honorable Kacie Starr Triplett, Alderwoman 6th Ward
Honorable Kenneth A. Ortmann, Alderman 9th Ward
Honorable Fred Heitert, Alderman 12th Ward
Honorable Jennifer Florida, Alderwoman 15th Ward
Honorable Donna Baringer, Alderwoman 16th Ward
Honorable Marlene E. Davis, Alderwoman 19th Ward
Honorable Craig Schmid, Alderman 20th Ward
Honorable Antonio D. French, Alderman 21st Ward
Honorable Jeffrey L. Boyd, Alderman 22nd Ward
Honorable Joseph Vaccaro, Alderman 23rd Ward
Honorable Samuel L. Moore, Alderman 4th Ward

Resolution No. 29

5th District Officer of the Year Ceremony

WHEREAS, the 5th District Business Association will sponsor its 5th District Officer of the Year Ceremony luncheon on Tuesday, May 12, 2009; and

WHEREAS, under the outstanding leadership of 5th District Commander/Captain Mary E. Edwards-Fears have the officers of 5th District continued to serve and protect the residents of the City of St. Louis in an exemplarily fashion; and

WHEREAS, police officers; William Gillen (January), Anthony Boettighemier (January), Jason Scheel (February), Nicholas Martorano (February), Jeremy Cotton (March), Rodger Gibson (April), Timothy Borstell (May), Andrew Griffin (May), Ishmael Tyson (June & August), Todd Hefele (September), William Gillen (October), Thomas Meyer (November), Kevin Newcombe (November) and Marcus Bush (December) have been recognized by their peers as "Officers of the Month for 2008"; and

WHEREAS, police officers Joseph McCloskey and Jeremy Cotton have been further deemed as "Officers of the Year 2008"; and

WHEREAS, the residents and stakeholders of the Jeff-Vander-Lou, St. Louis Place, Old North St. Louis, Near North Riverfront, Hyde Park, College Hill, Fairground, O'Fallon and

Fairground are all appreciative of the bravery and commitment of the 5th District officers and officials.

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of St. Louis that we pause in our deliberations to recognize the men and women of the 5th District for making the City of St. Louis a better place to live and work and we further direct the Clerk of this Board to spread a copy of this Resolution across the minutes of these proceedings and to prepare a commemorative copy to the end that it may be presented to our honorees at a time and place deemed appropriate by the Sponsor.

Introduced on the 8th day of May, 2009 by:

Honorable April Ford-Griffin, Alderwoman 5th Ward

Honorable Dionne Flowers, Alderwoman 2nd Ward

Honorable Freeman Bosley, Sr., Alderman 3rd Ward

Honorable Antonio D. French, Alderman 21st Ward

Honorable Joseph Vaccaro, Alderman 23rd Ward

Unanimous consent having been obtained Resolutions No. 28 and 29 stood considered.

President Reed moved that Resolutions No. 28 and 29 be adopted, at this meeting of the Board.

Seconded by Ms. Florida.

Carried unanimously by voice vote.

FIRST READING OF RESOLUTIONS

Mr. Kennedy introduced Resolution No. 30 and the Clerk was instructed to read same. Resolution No. 30

Hazardous cargoes transported by rail through St. Louis

WHEREAS, major US railroads operate through the City of St. Louis bringing freight which includes chlorine gas, anhydrous ammonia, and other hazardous cargoes of concern to federal homeland security officials; and

WHEREAS, the City of St. Louis is classified as a High Threat Urban area by the U.S. Department of Homeland Security; and

WHEREAS, liquefied chlorine gas and anhydrous ammonia rail shipments, of the highest concern to homeland security officials, total nearly 100,000 railcars per year in the US as reported by experts on chemical accident prevention; and

WHEREAS, the current routes used by major railroads pass within yards of St. Louis city residential neighborhoods, through downtown and near many potential terrorism targets including sports arenas, monuments, entertainment centers, historic buildings, city icons, government buildings and other significant areas where large numbers of people gather daily; and

WHEREAS, possible alternative rail routes could transfer the most dangerous chemical cargoes onto available non-target lines that skirt well around the City of St. Louis and other target cities and would therefore significantly reduce the risk of terrorism and the detrimental affects of accidental releases; and

WHEREAS, according to recent congressional records the Association of American Railroads testified in Congress that when railroads transporting toxic gas cargoes travel through major cities they are "risking the company" since they are uninsured for the potential \$10 Billion in damages that could result from a major release and thus asked Congress to indemnify them in the case of a release; and

WHEREAS, chlorine is classified as a Toxic Inhalation Hazard by the U.S. Department

of Homeland Security; and

WHEREAS, the Chlorine Institute estimates that one chlorine tank car can release a cloud at a potentially lethal level that extends 15 miles downwind and 4 miles wide; and

WHEREAS, recent filings with the U.S. Surface Transportation Board indicate clearly that railroads transport many chlorine gas cargoes hundreds, even thousands of miles across the US, on routes some of which no doubt routinely traverse the City of St. Louis; and

WHEREAS, a recent statement submitted to the U.S. Department of Transportation by PPG Industries of Monroeville, Pennsylvania indicates that regulations do not require competing railroads to cooperate with one another to find alternative routes available that can lower terrorism risk for chlorine shipments but that these rules allow railroads to refuse cooperating with each other to use alternative routes which can result in unnecessarily placing shipments onto routes hundreds of miles longer and through major target urban areas because of competition with one another; and

WHEREAS, immediately after the 9/11 attacks chlorine and other ultrahazardous railcars were promptly ordered off the tracks and brought to "safe havens" and since this date, according to authors and advocates on this subject, the US Surface Transportation Board filings indicate that federal agencies have been quietly meeting with railroads and shippers to try, with little success, to shorten chlorine and other ultrahazardous cargo routes to reduce terrorism risks; and

WHEREAS, in recent years, chemical releases from railcars in major cities have forced the evacuation of thousands of residents for days at a time, costing the cities hundreds of thousands of dollars during the emergency and resulting in settlements that individually cost the cities and/or railroads millions of dollars to reimburse residents and businesses harmed by the releases; and

WHEREAS, in January 2005 the derailment of a Norfolk Southern railcar in Graniteville, South Carolina released at least 90 tons of chlorine gas resulting in nine deaths, 250 injuries and the evacuation of 5400 residents for nearly two weeks; and

WHEREAS, a "Midnight Regulation" finalized by the Bush Administration's Federal Railroad Administration, effective December 26, 2008, provides that throughout 2009 each individual railroad can unilaterally analyze and select its urban hazardous cargo routes with no significant input from state and local officials, despite protests from some cities and the National Conference of State Legislatures for being cut out of major public safety decision making process; and

WHEREAS, the new rules require only that railroads "consider" using competitors' rail lines not that they actually interchange cargoes to bypass target areas, nor that railroads allow other carriers to use their tracks, nor that they consider allowing another carrier access to their customers despite requests from shippers, state and local governments as illustrated in comments of PPG Industries submitted to Congress in 2008; and

WHEREAS, local and state governments have a direct interest in protecting their communities from the threat of hazardous materials releases.

NOW THEREFORE BE IT RESOLVED that the St. Louis Board of Aldermen expresses its concern to the unnecessary rail transport of potentially toxic chlorine, anhydrous ammonia and other ultrahazardous cargoes through the City of St. Louis and that this Board urges Congress and the Obama Administration to revise the routing law and the routing rule to include requirements that railroads work together with mandated inputs from state and local officials to determine the safest and most secure routes for these cargoes that involve all carriers.

Be It Further Resolved that this Board of Aldermen urges the Chief of the City of St.

Louis Fire Department and the Director of Public Safety to contact the railroads operating through the City of St. Louis and request participation in their routing analyses, route selections and planning that impact our citizens and to assess the adequacy of the transportation security vulnerability assessments and security plans produced by the railroads for routing and storage of hazardous shipments that place our citizens at risk throughout the area and that a copy of this resolution be spread upon the minutes of this Board and that a copy be sent to those deemed appropriate by its sponsor.

Introduced on the 8th day of May, 2009 by:

Honorable Terry Kennedy, Alderman 18th Ward

Mr. Kennedy moved that Resolution No. 30 be referred to the Committee on Transportation and Commerce.

Seconded by Mr. Williamson.

Carried unanimously by voice vote.

SECOND READING OF RESOLUTIONS

None.

MISCELLANEOUS AND UNFINISHED BUSINESS

None.

ANNOUNCEMENTS

None.

EXCUSED ALDERMEN

Mr. Wessels moved to excuse the following aldermen due to their necessary absence: Mr. Villa and Mr. Boyd.

Seconded by Mr. Heitert.

Carried unanimously by voice vote.

ADJOURNMENT

Mr. Wessels moved to adjourn under rules to return May 15, 2009.

Seconded by Mr. Heitert.

Carried unanimously by voice vote.

Respectfully submitted,

David W. Sweeney

Clerk, Board of Aldermen