

# CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, August 15, 2011  
Council Chamber  
4800 Town Center Drive  
Leawood, KS 66211  
7:30 P.M.

AUGUST 2011						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER 2011						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

## \*\*\*ACTION AGENDA\*\*\*

(This agenda is subject to changes, additions or deletions at the discretion of the City Council)

Mayor Peggy Dunn

Councilmembers

Ward One

Debra Filla  
Andrew Osman

Ward Two

Louis Rasmussen  
Jim Rawlings

Ward Three

Gary Bussing  
Carrie Rezac

Ward Four

Julie Cain  
James Azeltine

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

4. PROCLAMATIONS

**Shawnee Mission Medical Center ASK-A-NURSE  
Day August 19, 2011**

5. PRESENTATIONS/RECOGNITIONS

6. SPECIAL BUSINESS

A. PUBLIC HEARING

Consider the 2012 Fiscal Budget for the City of Leawood

B. Resolution No. 3634, adopting the Fiscal Year 2012 Annual Budget for the City of Leawood, Kansas - *Approved*

C. Ordinance No. 2504, authorizing and providing for the issuance and delivery of \$2,055,000 principal amount of General Obligation Temporary Notes of the City of Leawood, Kansas, to provide funds to finance the cost of certain public improvement projects within the City; and making certain covenants with respect thereto - *Passed*

- D. **Resolution No. 3635**, authorizing the issuance and delivery of \$2,055,000 principal amount of General Obligation Temporary Notes of the City of Leawood, Kansas, for the purpose of financing a portion of the costs of certain public improvements in the City; and prescribing the terms and details of said notes and certain covenants and agreements with respect thereto - *Approved*
- E. **Ordinance No. 2505**, authorizing the issuance and delivery of \$5,155,000 principal amount of Taxable General Obligation Improvement Bonds, Series 2011-A of the City of Leawood, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and making certain covenants with respect thereto - *Passed*
- F. **Resolution No. 3636**, prescribing the form and details of and authorizing the delivery of \$5,155,000 principal amount of Taxable General Obligation Improvement Bonds, Series 2011-A, of the City of Leawood, Kansas, authorized by Ordinance No. 2505 of the City; providing certain covenants and agreements with respect thereto; and providing for execution of certain agreements in connection therewith - *Approved*
- \*\* G. **Resolution No. 3637** approving and authorizing the Mayor to execute a Second Amendment to that certain Development Agreement, dated October 15, 2007, between the City and Park Place Partners, LLC, for property located at 117<sup>th</sup> and Nall Avenue, pertaining to the Park Place Improvement Project [Project # 83196] - *Approved*
- \*\* H. **Resolution No. 3638** approving and authorizing the Mayor to execute a First Amendment to that certain Development Agreement, dated October 15, 2007, between the City and Park Place Developers, LLC, for use of Transient Guest Tax for the construction of hotel garage improvements located within the Park Place Development, located at 117th and Nall Avenue, pertaining to the Park Place Improvement Project [CIP # 83196] - *Approved*

**7. CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2011-29 and 2011-30 - *Accepted*
- B. Accept minutes of the June 27, 2011 Budget & Finance Committee Work Session - *Accepted*
- C. Accept minutes of the July 18, 2011 Governing Body meeting - *Accepted*
- D. Accept minutes of the July 18, 2011 Governing Body Work Session - *Accepted*
- E. Accept minutes of the August 1, 2011 Governing Body meeting - *Accepted*
- F. Accept minutes of the June 14, 2011 Parks and Recreation Advisory Board meeting - *Accepted*
- G. Accept minutes of the June 9, 2011 Sustainability Advisory Board meeting - *Accepted*
- H. Accept minutes of the May 10, 2011 Historic Commission meeting - *Accepted*
- I. Accept minutes of the May 19, 2011 Ironhorse Advisory Board meeting - *Accepted*
- J. Approve Cereal Malt Beverage [CMB] license for Gordon Biersch Brewery Restaurant, located at 11642 Ash Place - *Approved*
- K. Approve Retail Liquor License for ZSpiritz Pointe, located at 4821 W. 135<sup>th</sup> Street - *Approved*

- L. Fifth and Final Pay Request in the amount of \$7,761.92 to Total Electric Company, pertaining to the installation of traffic signals at 133rd Street and Roe Avenue [Project # 72040] - *Approved*
- M. **Resolution No. 3633** approving acceptance of the traffic signals located at the intersection of 133<sup>rd</sup> Street and Roe Avenue as Public Infrastructure Improvements, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets - *Approved*
- N. **Resolution No. 3639** approving and authorizing the Mayor to execute a Community Service Agreement between the City and Blue Valley Unified School District No. 229, pertaining to the assignment of School Resource Officers [SRO] - *Approved*
- O. **Resolution No. 3640** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$469,784.73 between the City and Miles Excavating, Inc., pertaining to the 2011 Storm Sewer Rehabilitation Project [Project # 77111] - *Approved*
- P. **Resolution No. 3641** approving and authorizing the Mayor to execute a Professional Services Agreement in the amount of \$40,000 between the City and RTI Consultants in connection with consultation, bidding, design and oversight of roofing repair/replacement at various Leawood facilities [Project #74043] - *Approved*
- Q. **Resolution No. 3642** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$23,800.00 between the City and McAnany Construction, pertaining to the Tomahawk Park Baseball/Soccer Field Renovation Project [Project # 71010] - *Approved*
- R. **Resolution No. 3643** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Fire District No. 2, pertaining to fire services - *Approved*
- S. **Resolution No. 3644** approving a Revised Final Sign Plan for Ironhorse Centre - Revised Sign Criteria, located at the southeast corner of 151<sup>st</sup> Street and Nall Avenue (PC Case 79-11) [from the July 26, 2011 Planning Commission meeting] - *Approved*
- T. **Resolution No. 3645** approving a Final Sign Plan for Ironhorse Centre – Paddy O’Quigley’s, located at 5317 West 151<sup>st</sup> Street (PC Case 53-11) [from the July 26, 2011 Planning Commission meeting] - *Approved*
- U. Fire Department Monthly Report
- V. Police Department Monthly Report
- W. Municipal Court Monthly Report

**8. MAYOR’S REPORT**

**9. COUNCILMEMBERS’ REPORT – Councilmember Rasmussen**

- A. Approve referral request to the Stormwater Management Committee - *Removed*
- B. Approve referral request to the Parks and Recreation Advisory Board – *EXPLORE THE POSSIBILITY OF ALLOWING DOGS TO SWIM IN THE GREENWAY AREA AT CITY PARK AND IRONWOODS PARK AND REVIEW FEE SCHEDULE FOR SAME AND PROCEDURE FOR ENFORCEMENT*

**10. STAFF REPORT**

Request to assign to Stormwater Management Committee selection of Design Consultant for replacement of box culvert under Mission Road at 87<sup>th</sup> Street [Stormwater Project # 77011] - *Approved*

## **COMMITTEE RECOMMENDATIONS**

### **11. PLANNING COMMISSION**

*[from the January 25, 2011 Planning Commission meeting]*

- A. Resolution approving the Planning Commission's recommendation for denial of a Final Sign Plan for Town Center Plaza – AMC 20 IMAX, located at 11701 Nall Avenue (PC Case # 01-11)—**CONTINUED FROM THE FEBRUARY 21, 2011 GOVERNING BODY MEETING**

**Staff Comment:** *Staff is recommending this item be continued to the February 20, 2012 Governing Body meeting – CONTINUED TO THE DECEMBER 5, 2011, GOVERNING BODY MEETING*

*[from the July 26, 2011 Planning Commission meeting]*

- B. **Ordinance No. 2506** approving a Special Use Permit for a wireless antenna and associated equipment on an existing tower for Cingular Wireless d.b.a. AT&T Mobility, located north of 135<sup>th</sup> Street and west of Briar (PC Case # 61-11) [Roll Call Vote] - *Passed*

*[from the June 28, 2011 Planning Commission meeting]*

- C. **Resolution No. 3646** approving a Final Site Plan for a Tenant Finish for Park Place – Park Place Office, located at the southeast corner of Town Center Drive and Nall Avenue. (PC Case 70-11) – **CONTINUED FROM THE AUGUST 1, 2011 GOVERNING BODY MEETING - Approved**
- D. **Resolution No. 3647** approving a Revised Final Plan for a Tenant Finish for Cornerstone – Talk of the Town Grill & Bar, located at 5201 W. 135<sup>th</sup> Street (PC Case 75-11) - *Approved*
- E. Resolution approving a Revised Final Plan for One Nineteen – Fo Thai Restaurant, located at the southeast corner of 119<sup>th</sup> Street and Roe Avenue (PC Case # 77-11)

**Staff Comment:** *The City Administrator recommends denial of the Revised Final Plan for the reasons expressed by Planning Commissioner Elkins which led him and Planning Commissioner Neff-Brain to vote against the Revised Final Plan – Denied – SUBMIT ANOTHER APPLICATION WITH RECOMMENDED CHANGES AND FURTHER REVIEW OVERHEAD DOOR*

### **12. OLD BUSINESS**

- A. Schedule a Governing Body Work Session at 6:00 P.M., on November 21, 2011, to discuss potential financing source(s) for Curb Repair & Replacement Project – **CONTINUED FROM THE JULY 18, 2011 GOVERNING BODY MEETING - WITHDRAWN**

**Staff Comment:** *Staff recommends that no work session be conducted on November 21<sup>st</sup>, due to the Scheduled Lighting Ceremony at 6:00 P.M., and is requesting this topic be rescheduled at 6:00 P.M., on December 5, 2011 – See 12B*

- B. Schedule a Governing Body Work Session at 6:00 P.M., on December 5, 2011, to discuss potential financing source(s) for Curb Repair & Replacement Project - *Approved*

**13. OTHER BUSINESS**

**14. NEW BUSINESS**

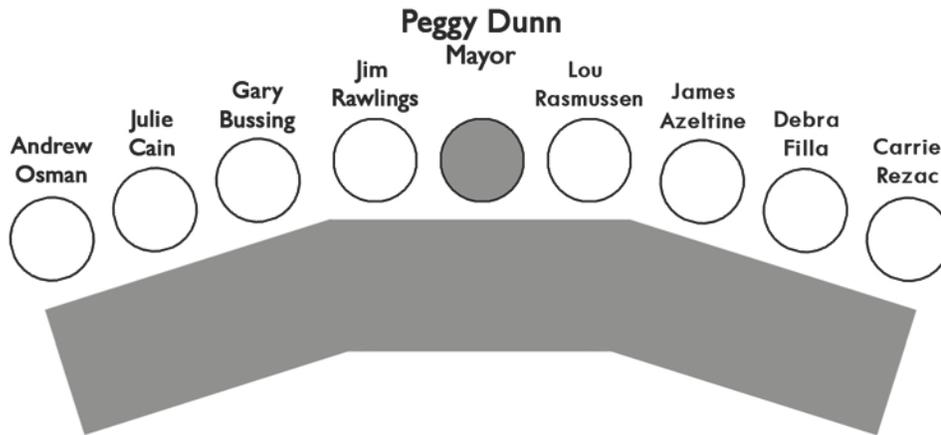
**Resolution No. 3648** waiving the bidding process, in accordance with Charter Ordinance No. 32, pertaining to the construction of the Leawood Justice Center to be located at 117th & Tomahawk Creek Parkway

*Staff Comment: This item is a request to modify the bidding process for the Justice Center. Staff desires to modify the process in which a contractor is selected to construct the Justice Center. Due to the type of construction required on the Justice Center, staff wants to develop a short list of contractors that will only be allowed to bid on the project. -  
Approved*

**ADJOURN**

<b>DATE</b>	<b>TIME</b>	<b>SUBJECT</b>	<b>LOCATION</b>
<b>August 15</b>	<b>5:30 P.M.</b>	<b>Further discuss Governing Body 2011 Goals &amp; Objectives</b>	<b>Main Conf. Room</b>
<b>September 6</b>	<b>6:00 P.M.</b>	<b>Personnel Matter; City Administrator's annual review</b>	<b>Main Conf. Room</b>
<b>September 19</b>	<b>6:00 P.M.</b>	<b>Discuss Final Plans &amp; Specifications for Justice Center</b>	<b>Main Conf. Room</b>
<b>October 3</b>		<b>No Work Session Scheduled</b>	
<b>October 17</b>	<b>6:00 P.M.</b>	<b>Discuss establishment of a Community Improvement District [CID] for redevelopment</b>	<b>Main Conf. Room</b>
<b>November 7</b>		<b>No Work Session Scheduled</b>	
<b>November 21</b>		<b>No Work Session Scheduled</b>	
<b>December 5</b>	<b>6:00 P.M.</b>	<b>Discuss potential financing source(s) for Curb Repair &amp; Replacement Project</b>	<b>Main Conf. Room</b>
<b>December 19</b>	<b>6:00 P.M.</b>	<b>Discuss Trail Repair at 123<sup>rd</sup> Street along Mission Road to Tomahawk Creek Park</b>	<b>Main Conf. Room</b>
		<b>2012 Work Sessions</b>	
<b>January 3</b>	<b>6:00 P.M.</b>	<b>Discuss Parks &amp; Recreation Cost Recovery Study</b>	<b>Main Conf. Room</b>
<b>January 17</b>	<b>6:00 P.M.</b>	<b>Discuss potential revisions to existing Transportation Development District [TDD] Policy</b>	<b>Main Conf. Room</b>
<b>February 6</b>	<b>6:00 P.M.</b>	<b>Discuss potential purchase of City-leased street lights from Kansas City Power &amp; Light [KCP&amp;L]</b>	<b>Main Conf. Room</b>
<b>March 26</b>	<b>6:00 P.M.</b>	<b>Executive Session; Personnel Matter; City Administrator's Annual Review</b>	<b>Main Conf. Room</b>
<b>September 4</b>	<b>6:00 P.M.</b>	<b>Executive Session; Personnel Matter; City Administrator's 6-month Review</b>	<b>Main Conf. Room</b>

## Mayor and City Council



Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Leawood operates under a Council/Mayor form of government, with a separately elected mayor and 8 council persons. Council members are elected on a non-partisan basis from 4 wards. The Council develops policies and provides direction for the professional city administration. Regular meetings of the Leawood City Council are held the first and third Mondays of each month beginning at 7:30 PM. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

### Number of Votes Required:

**Non-zoning Ordinances:** Majority of the members-elect of the City Council [5]

**Charter Ordinances:** 2/3 of members-elect of Governing Body [6]

### Zoning Ordinances and other Planning Commission Recommendations:

- **Passage of Ordinances Subject to Protest Petition:**  $\frac{3}{4}$  majority of members of Governing Body [7]
- **Approving Planning Commission Recommendation:** Majority of the members-elect of the City Council [5]
- **Remanding to Planning Commission:** Majority of the members-elect of the City Council [5]
- **Approving, Overriding, Amending or Revising Recommendation after Remand:** Majority of the members-elect of the City Council [5]
- **Overriding, Amending or Revising Recommendation:** 2/3 majority of membership of Governing Body [6]

**Note:** Mayor may cast deciding vote when vote is one less than required.