

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Monday, April 16, 2012
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

| APRIL 2012 | | | | | | |
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| MAY 2012 | | | | | | |
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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

**National Volunteer Week, April 15-21, 2012
National Arbor Day, April 27, 2012**

5. PRESENTATIONS/RECOGNITIONS

6. OATHS OF OFFICE ADMINISTERED TO COUNCILMEMBERS-ELECT LOU RASMUSSEN, GARY BUSSING, DEBRA FILLA, JULIE CAIN [TERMS EXPIRE 2016] AND CARRIE REZAC [TERM EXPIRES 2014]

7. ROLL CALL OF NEW COUNCILMEMBERS

8. SPECIAL BUSINESS

A. Public Hearing: Pre-Budget Public Hearing for 2013 Fiscal Budget for the City of Leawood, Kansas

- B. **Resolution No. 3783**, accepting proposed assessments for construction of certain public and private road and parking lot related improvements and other such transportation related improvements approved by the City, located within One Nineteen Development District, within the City of Leawood, Kansas; and authorizing and directing the City Clerk to give notice thereof to the owners of properties within the District by publishing Notice thereof and providing written notice to owners of property of such proposed assessments [One Nineteen Transportation Development District] [TDD] [Project # 80456] - *Approved*
- C. **Resolution No. 3784**, accepting proposed assessments on lots, pieces, and parcels of ground in the City of Leawood, Kansas, for the purpose of paying for construction of improvements to Nall Avenue, 117th Street, Town Center Drive and Roe Avenue and construction of storm water improvements within the City of Leawood, Kansas; and authorizing and directing the City Clerk to give notice thereof to the owners of properties within the District by publishing notice thereof and providing written notice to owners of property of such proposed assessments [Park Place Development] [Project # 83196] - *Approved*
- D. Approve selection of Titan Built Construction as the General Contractor for the Leawood Justice Center to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008] - *Approved*

9. **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. 2012-13 - *Accepted*
- B. Accept minutes of the April 2, 2012 Governing Body meeting - *Accepted*
- C. Accept minutes of the April 2, 2012 Governing Body Work Session - *Accepted*
- D. Accept minutes of the January 26, 2012 Leawood Foundation meeting - *Accepted*
- E. Accept minutes of the November 21, 2011 Leawood Arts Council meeting - *Accepted*
- F. Approve bid in the amount of \$12,970.00 to Victor L. Phillips, for the purchase of Asphalt Planer Attachment - *Approved*
- G. Approve 3rd and Final Pay Request in the amount of \$8,955.00 to Premier Contractors pertaining to the roof replacement located at Ironwood Park, 14701 Mission Road [Project # 74045] - *Approved*
- H. Approve Change Order No. 2 in the amount of \$9,653.04, to C.V. Anderson, Inc., pertaining to repairs to city facilities [Project # 74045] - *Approved*
- I. **Resolution No. 3785** approving and authorizing the Mayor to execute an extension of services for the purchase of office supplies with National Joint Powers Alliance [NJPA] [f/n/a National Intergovernmental Purchasing Alliance Company [NIPA] with Staples Advantage [f/n/a Corporate Express] - *Approved*
- J. **Resolution No. 3786** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$1,598,554.90, between the City and Miles Excavating, Inc., pertaining to the 2012 Residential Street Reconstruction Project [Project # 80212 & 73003] - *Approved*

- K. **Resolution No. 3787** approving and authorizing the Mayor to execute an Inter-local Agreement between the City and Board of County Commissioners of Johnson County [BOCC], pertaining to Dykes Branch 82nd and Wenonga Stormwater Improvement Project [DB-04-026] Stormwater Management Advisory County [SMAC] Project [Project # 73003] - *Approved*
- L. **Resolution No. 3788** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$594,830.36 between the City and Hayes Brothers Construction, for the improvements to North Lake and Trail located adjacent to Tomahawk Creek Parkway [Project # 71006] - *Approved*
- M. **Resolution No. 3789** approving and authorizing the Mayor to execute Amendment No. 1 to that certain Professional Engineering Service Agreement, dated November 7, 2011, in the amount of \$15,500.00, between the City and Continental Consulting Engineers, Inc., pertaining to the improvements to North Lake and Trail located adjacent to Tomahawk Creek Parkway [Project # 71006] - *Approved*
- N. **Resolution No. 3790** requesting participation from Johnson County, Kansas, in the City of Leawood's 5-year Capital Improvement Program through the 2013-2017 County Assistance Road System [CARS] - *Approved*
- O. **Resolution No. 3791** approving a Final Plan for a tenant finish for One Nineteen – Orvis, located south of 119th Street and east of Roe Avenue (PC Case # 17-12) [from the March 27, 2012 Planning Commission meeting] - *Approved*
- P. Fire Department Monthly Report
- Q. Police Department Monthly Report
- R. Municipal Court Monthly Report
- S. Declaration of Surplus Property; 2007 Ford Crown Vic last 4 VIN/4047; [1] drill [1] plate compactor; office chairs - *Approved*

10. MAYOR'S REPORT

11. COUNCILMEMBERS' REPORT

- A. Councilmember Filla- Referral to Stormwater Committee for discussion of Cost-Share Program regarding installation of stormwater treatment structures - *Approved*
- B. Councilmember Bussing-Request staff initiate meeting between Arts Council, Justice Center architects, and staff regarding potential art placements at future Justice Center, to be located at 117th & Tomahawk Creek Parkway [Project # 76008] - *Approved*

12. STAFF REPORT

COMMITTEE RECOMMENDATIONS

13. STORMWATER COMMITTEE

[From the February 29, 2012 Stormwater Committee]

Recommendation regarding Leawood Heritage storm drainage study as potential SMAC project [from the August 16, 2010 Governing Body meeting] - *Approved*

14. PLANNING COMMISSION

[From the February 28, 2012 Planning Commission meeting]

- A. **Resolution No. 3792** approving a Revised Final Plan for Park Place – Building F Expansion Roof Screen, located at the northeast corner of 117th Street and Nall Avenue (PC Case # 30-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings - Approved*

[From the February 28, 2012 Planning Commission meeting]

- B. **Ordinance No. 2527** approving a 2-year extension of a Special Use Permit [SUP] for STC Five, L.L.C., for the continued use of a wireless communication tower and associated equipment located north of 135th Street and west of Briar, Leawood, Johnson County Kansas (PC Case # 18-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings [Roll Call Vote] - Passed*
- C. **Ordinance No. 2528** approving a 2-year extension of a Special Use Permit [SUP] for Verizon Wireless [VAW] LLC, d/b/a Verizon Wireless [Verizon Wireless] for the continued use of wireless communication antennae and associated equipment located north of 135th Street and West of Briar, Leawood, Johnson County, Kansas (PC Case #19-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings [Roll Call Vote] - Passed*
- D. **Ordinance No. 2529** approving a 2-year extension of a Special Use Permit [SUP] for New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility [AT&T Mobility] for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #20-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings [Roll Call Vote] - Passed*
- E. **Ordinance No. 2530** approving a 2-year extension of a Special Use Permit [SUP] for Cricket Communications, Inc., [Cricket] for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #21-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings [Roll Call Vote] - Passed*
- F. **Ordinance No. 2531** approving a 2-year extension of a Special Use Permit [SUP] for Sprint Nextel Corporation [Sprint Nextel] for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #22-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings [Roll Call Vote] - Passed*
- G. **Ordinance No. 2532** approving a 2-year extension of a Special Use Permit [SUP] for T-Mobile Central LLC [T-Mobile] for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #23-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings [Roll Call Vote] - Passed*
- H. **Ordinance No. 2533** approving a 2-year extension of a Special Use Permit [SUP] for Clear Wireless LLC [Clearwire] for the continued use of wireless communication antennae and associated equipment located north of 135th Street and west of Briar, Leawood, Johnson County, Kansas (PC Case #24-12) *Continued from the March 19, 2012 & April 2, 2012 Governing Body meetings [Roll Call Vote] - Passed*

[From the February 22, 2011 Planning Commission meeting]

- I. Resolution approving a Final Sign Plan for Ranchmart – U.S. Bank, located north of 95th Street and east of Mission Road (PC Case #18-11) ***Continued From The March 21, 2011, March 5, 2012, March 19, 2012, and April 2, 2012 Governing Body Meetings [CONTINUED TO THE MAY 7, 2012 GOVERNING BODY MEETING]***

[From the March 27, 2012 Planning Commission meeting]

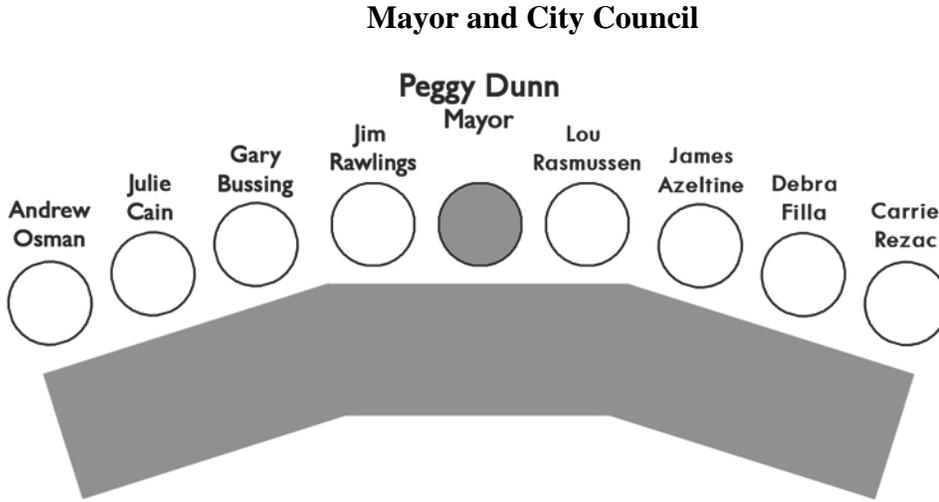
- J. **Resolution No. 3793** approving the Planning Commission’s recommendation of denial of a Special Use Permit for Parkway Plaza – Retirement Homes, located at the northwest corner of 135th Street and Roe Avenue (PC Case # 92-11) **[PROTEST PETITION RECEIVED]** - *Approved*

[From the March 27, 2012 Planning Commission meeting]

- K. **Resolution No. 3794** approving the Planning Commission’s recommendation of denial of a Preliminary Plan and Preliminary Plat for Parkway Plaza – Retirement Homes, located at the northwest corner of 135th Street and Roe Avenue (PC Case # 92-11) **[PROTEST PETITION RECEIVED]** - *Approved*
- L. **Ordinance No. 2534** amending Article 9, Section 16-9-257, of the Leawood Development Ordinance [LDO], entitled ‘Signs’ pertaining to signage within drive-thrus and menus (PC Case # 49-12) **[Roll Call Vote]** - *Passed*
- M. **Ordinance No. 2535** amending Section 16-4-6 of the Leawood Development Ordinance [LDO], Sign Regulations, pertaining to signage within drive-thrus and menus (PC Case # 50-12) **[Roll Call Vote]** - *Passed*
- N. **Ordinance No. 2536** approving a Special Use Permit for Camelot Court – McDonalds, located north of 119th Street and east of Roe Avenue (PC Case #126-11) **[Roll Call Vote]** - *Passed*
- O. **Ordinance No. 2537** approving a Preliminary Plan and Final Plan for Camelot Court – McDonalds, located north of 119th Street and east of Roe Avenue (PC Case #126-11) **[Roll Call Vote]** - *Passed*
- P. **Ordinance No. 2538** approving a Preliminary Plan for Christ Community Evangelical Free Church – Phase III, located north of 143rd Street and west of Kenneth Road. (PC Case # 34-12) **[Roll Call Vote]** - *Passed*
15. **OLD BUSINESS**
16. **OTHER BUSINESS**
17. **NEW BUSINESS**
- A. **Ordinance No. 2539C** amending § 1-602 of the Code of the City of Leawood, 2000, pertaining to Leawood Arts Council Membership Terms and Qualifications **[Roll Call Vote]** - *Passed*

- B. Schedule a Joint Governing Body/Planning Commission Work Session at 6:00 P.M., on Tuesday, May 1, 2012, to discuss future planning issues - *Approved*

ADJOURN



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:** ¾ 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.

| DATE | TIME | SUBJECT | LOCATION |
|--------------------|------------------|---|------------------------|
| | | 2012 Work Sessions | |
| April 16 | | NO WORK SESSION | |
| May 1 | 6:00 P.M. | Joint Governing Body/Planning Commission to discuss future planning issues | Hereford House |
| May 7 | 6:00 P.M. | Discuss public input on budget; and Continued Discussion of Establishment of a Community Improvement District [CID] for redevelopment [previous Oct. 17, 2011 Work Session] | Main Conf. Room |
| May 21 | 6:00 P.M. | Discuss expansion of Transportation Development District [TDD] Issuance of Bonds for One Nineteen Development [Project # 80456] | Main Conf. Room |
| June 18 | 6:00 P.M. | Pre-budget; 2013-2017 CIP Discussion; and Discuss Parks & Recreation Cost Recovery Study | Main Conf. Room |
| June 25 | 6:00 P.M. | Budget & Finance Committee Work Session | Main Conf. Room |
| June 26 | 6:00 P.M. | Budget & Finance Committee Work Session [<i>if needed</i>] | Main Conf. Room |
| July 16 | 6:00 P.M. | Discuss amending Code § 4-937 of the Code of the City of Leawood, 2000, entitled ‘International Residential Code for One- and Two-Family Dwellings, Table R301.2(1), Climatic and Geographic Design Criteria, as it pertains to Ice Barrier Underlayment Requirement | Main Conf. Room |
| September 4 | 6:00 P.M. | Executive Session; Personnel Matter; City Administrator’s 6-month Review | Main Conf. Room |