

Regular Meeting

THE LEAWOOD CITY COUNCIL

March 18, 2013

Minutes

DVD No. 299

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, March 18, 2013. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, Julie Cain, Gary Bussing, Debra Filla, James Azeltine, Lou Rasmussen and Carrie Rezac

Councilmembers absent: James Azeltine

Staff present: Scott Lambers, City Administrator
Chief John Meier, Police Dept.
Richard Coleman, Comm Dev. Director
Mark Andrasik, Info Systems Director
Chris Claxton, Parks & Recreation
Brian Anderson, Parks Superintendent

Franki Shearer, Asst. City Attorney
Dawn Long, Finance Director
Deb Harper, City Clerk
Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following amendments to the agenda:

- Addition of Item No. 6C – Public Hearing
- Addition of Item No. 14 – Executive Session

A motion to approve the Amended Agenda was made by Councilmember Rawlings; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

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 - None

5. PRESENTATIONS/RECOGNITIONS - None

6. SPECIAL BUSINESS

- A. **PUBLIC HEARING** Consider 2014-2018 Capital Improvement Program [C.I.P.] for the City of Leawood

Seeing no one present to speak, a motion to close the Public Hearing was made by Councilmember Rasmussen; seconded by Councilmember Rezac. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

- B. Authorize staff to issue Request for Qualifications [RFQ] for Bicycle/Pedestrian Master Plan

Mayor Dunn recognized Alicia Jennings, Chair of the Bicycle Friendly Committee.

Brian Anderson, Parks Superintendent, presented a list of Master Plan Goals from the Bicycle Friendly Committee:

- Increase the number of people that bike and walk for transportation, as well as recreation
- Improve pedestrian and bicycle access to key community destinations, such as schools, shopping centers, parks and public buildings
- Improve access to the City's existing pathway system and provide connecting links from neighborhoods to trails
- Increase safety for motorists, bicyclists and pedestrians
- Improve walk-ability and bike-ability for a more sustainable community

Criteria to consider in a successful Bicycle and Pedestrian Transportation System:

- Coherence/Understandability
- User Friendly
- Safety
- Comfortable Routes
- Feasibility

Councilmember Cain felt this was an overall good comprehensive plan that includes the City's Complete Streets Policy.

Mr. Anderson stated their goal is to have the RFQ's in by April 8th for committee review and return before the Governing Body with a consultant recommendation in May.

Councilmember Cain recommended that a City Council member be included in the RFQ selection. Councilmember Filla volunteered to serve on this selection team.

A motion to authorize staff to issue a RFQ for the Bicycle/Pedestrian Master Plan and include Councilmember Filla on the RFQ selection team was made by Councilmember Cain; seconded

by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

- *C. **Resolution No. 3991** calling for a Public Hearing to be held on Monday, April 15, 2013, regarding the proposed Community Improvement District [CID] application for Camelot Court Shopping Center, located at 119th and Roe Avenue, Leawood, Kansas

A motion to approve the resolution was made by Councilmember Rawlings; seconded by Councilmember Rezac.

Councilmember Rasmussen felt substantial public improvements were necessary to justify an increase in sales tax. He expressed concern that the Public Hearing was premature because the public wouldn't know whether they are in favor or against the CID until they are aware of where the funds are going. City Administrator Scott Lambers replied the public may express their opinions on whether they are in favor or against the sales tax increase; however, the intent of the Public Hearing is for property owners that are included in the district. Because it requires 60% participation, there may be properties that are petitioned to be included; however, may not want to participate. This gives them the opportunity to protest. The application is still in the process of meeting the City's requirements. This is a part of the process that needs to be done before the applicant can complete the final application and present it to the Governing Body. At that time, the public would know what is being proposed when it is placed on an agenda.

City Clerk Deb Harper stated the CID Policy requires that any CID sales tax be approved by an ordinance. This would be on an agenda, which would give the public an opportunity to speak.

Mayor Dunn reminded the Council they reached consensus at the work session to hold a Public Hearing to gather input from property owners within this district. Citizen comments are always allowed at their Council meetings. They had clearly stated at that work session that this does not indicate acceptance of this CID application.

The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

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. 2013-8 and 2013-9
- B. Accept minutes of the March 4, 2013 Governing Body meeting
- C. Accept minutes of the March 4, 2013 Governing Body work session
- D. Accept minutes of the October 23, 2012 Arts Council meeting
- E. Accept minutes of the February 12, 2013 Parks and Recreation Advisory Board meeting
- F. Accept minutes of the February 29, 2012 Annual Leawood Foundation meeting

- G. Approve Massage Establishment License for Gina's Massage Salon, located at 13014 State Line Road, in accordance with § 5-520(12)(b) of the Code of the City of Leawood, Kansas, 2000
- H. **Resolution No. 3992** amending the disbursement amounts of Special Alcohol Funds for the purpose of supporting the efforts of the various schools in providing a safe environment for Leawood students for after-prom and after-graduation events, and repealing Resolution No. 2572
- I. **Resolution No. 3993** approving and authorizing the Mayor to execute a Second Amendment to that certain Land Purchase Agreement dated June 18, 2012, between the City and Block Development Company, pertaining to the City real property located on 114th Street, west of Tomahawk Creek Parkway
- J. **Resolution No. 3994** approving and authorizing the Mayor to execute a Professional Service Agreement in the amount of \$155,516.00 between the City and ViroCon pertaining to conducting quality assurance processes [Commissioning Agent] for the Justice Center Construction Project to be located at 117th & Tomahawk Creek Parkway [Project # 76008]
- K. **Resolution No. 3995** approving and authorizing the Mayor to execute an Interlocal Agreement between the City of Leawood, the City of Overland Park, and the Board of County Commissioners [BOCC] of Johnson County pertaining to the College Boulevard Improvement Project between Nall Avenue and El Monte [CARS Project] [Project # 72044]
- L. **Resolution No. 3996** approving and authorizing the Mayor to execute an Interlocal Agreement between the City of Leawood, the City of Overland Park, and the Board of County Commissioners [BOCC] of Johnson County pertaining to the Roe Avenue Improvement Project between 119th Street and Tomahawk Creek Bridge [CARS Project] [Project # 72051]
- M. **Resolution No. 3997** approving a Final Sign Plan for Park Place – Sweet Pea & Company (Retail: Children's Apparel), located south of Town Center Drive and east of Nall Avenue. (PC Case 20-13) *[From the March 12, 2013 Planning Commission meeting]*
- N. **Resolution No. 3998** approving a Final Sign Plan for Mission Farms – New You (Health Studio), located south of 105th Street and east of Mission Road. (PC Case 21-13) *[From the March 12, 2013 Planning Commission meeting]*
- O. **Resolution No. 3999** approving a Final Plan for a Tenant Finish for Park Place – Clickspeed (Office: Internet Marketing Consultant), located south of Town Center Drive and east of Nall Avenue. (PC 22-13) *[From the March 12, 2013 Planning Commission meeting]*
- P. **Resolution No. 4000** approving a Revised Final Plan for Leawood Commons – S&G Family Dentistry, located north of Town Center Drive and east of Ash Street. (PC Case 26-13) *[From the March 12, 2013 Planning Commission meeting]*
- Q. Fire Department Monthly Report
- R. Police Department Monthly Report
- S. Municipal Court Monthly Report

Councilmember Cain requested to pull Item No. 7H for discussion.

A motion to approve the remainder of the Consent Agendas was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

- 7H. **Resolution No. 3992** amending the disbursement amounts of Special Alcohol Funds for the purpose of supporting the efforts of the various schools in providing a safe environment for Leawood students for after-prom and after-graduation events, and repealing Resolution No. 2572

Mr. Lambers confirmed the original \$5 per student City sponsorship for after-prom and after-graduation events has been in effect for several years. He recommended an increase to provide a base amount of \$500 for schools to anticipate each year regardless of the student graduation population and that the dollar amount per student change to \$10 with no maximum. The original amount may have been established because of limited alcohol revenues. This represents a very small portion of the City's expenditures.

A motion to approve Item No. 7H was made by Councilmember Cain; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

8. MAYOR'S REPORT

- A. Participated in the 52nd Annual Greater Kansas City Mayors' Prayer Breakfast, held in the Ball Room at Bartle Hall in Kansas City, Missouri. Their mission is to emphasize ethics, morality and spirituality in business, labor, the professions and government. The keynote address was presented by Tony Severino, Chairman of Physical Education and Head Coach at Rockhurst High School. The fund recipients were Jackson County CASA and CASA of Johnson & Wyandotte Counties.
- B. Attended the Johnson & Wyandotte Counties Council of Mayors' meeting hosted by Shawnee Mayor Jeff Meyers. Secretary of Revenue Nick Jordan and Secretary of Commerce Pat George were guests and provided presentations to all. They received updates from Overland Park and Kansas City, Kansas, lobbyists on legislative matters currently underway in Topeka.
- C. Joined Police Chief John Meier at the St. Michael's D.A.R.E. [Drug Abuse Resistance Education] Graduation. Officer Brett Leathers provides excellent leadership for this program and for the youth at St. Michael's.
- D. Attended a Leawood Chamber of Commerce Ribbon Cutting Ceremony for the newly expanded McDonald's Restaurant, located in Camelot Court. With the addition of the second drive-thru lane, they can now serve approximately 180 vehicles per hour with another 100 walk-in customers per hour. Mayor Dunn wished them continued success.

9. COUNCILMEMBERS' REPORT

- A. Councilmember Rawlings Update on Justice Center Construction Project

Councilmember Rawlings reported that the Justice Center is 61% complete. Excavation and the outside of the building is 92% complete. There have been some slight weather-related delays; however, Titan Construction has been able to move forward and stay on budget. There will be a change order for \$70,000-\$80,000 in order for the parking lot sub-soil to pass inspection. Additional rock and asphalt will be needed. There has been approximately \$120,000 in positive change orders. The furniture and work station vendor has been selected. The irrigation system is currently in the design process. Power to the building is anticipated for the first week of April. All of the windows are on-site to be installed. Move-in dates are anticipated for August/September, 2013.

Dave Walter, MC Realty Group, stated approval for the furniture order will be placed on the next Governing Body agenda.

Councilmember Rasmussen expressed concern wanting to ensure the geothermal system operates efficiently. Mr. Walters replied there has been concern the field could get saturated; however, engineers encouraged the firm that was hired to install the system to spread the well-fields for better recovery.

10. STAFF REPORT - None

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the March 12, 2013 Planning Commission meeting]

Resolution No. 4001 approving a Final Sign Plan for Pinnacle V, located south of 114th Street and west of Tomahawk Creek Parkway [PC Case 38-13]

Kevin Burman, Hofer Wysocki Architects, requested approval of a Final Sign Plan for sign criteria and monument signage for the Pinnacle V building. The proposed signage request is for three wall signs and one monument sign, which will meet the requirements in the Leewood Development Ordinance [LDO]. The signage will be located above finish floor, all at the same height. Particular tenant signage will be presented at a later date.

Community Development Director Richard Coleman confirmed the square footage of the monument sign would be in-line with what is currently in place.

A motion to approve the resolution was made by Councilmember Rasmussen; seconded by Councilmember Bussing. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

Curtis Holland, Polsinelli Shughart, confirmed City staff will be on-site to discuss saving trees and where to plant new ones, particularly on the west side.

12. OLD BUSINESS - None

13. OTHER BUSINESS - None

**** 14. NEW BUSINESS**

- A. Conduct an Executive Session immediately following the regular meeting to discuss matters related to the acquisition of real property

A motion to approve the Executive Session was made by Councilmember Rawlings; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

- B. Schedule a Governing Body Work Session at 6:00 P.M., on Monday, June 3, 2013, to discuss pre-budget and pre-budget 2014-2018 Capital Improvement Projects [CIP]

A motion to approve the work session was made by Councilmember Bussing; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

A motion to recess into Executive Session at 8:20 P.M. for a period of 15 minutes was made by Councilmember Bussing; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

The Governing Body recessed into Executive Session.

A motion to extend the Executive Session at 8:35 P.M. for a period of 10 minutes was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0. (Councilmember Azeltine absent).

The Governing Body reconvened into regular session.

There being no further business, the meeting was adjourned at 8:45 P.M.

ADJOURN

Debra Harper, CMC, City Clerk

Pam Gregory, Assistant City Clerk