

**Regular Meeting**

**THE LEAWOOD CITY COUNCIL**

**April 1, 2013**

**Minutes**

DVD No. 300

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, April 1, 2013. Mayor Peggy Dunn presided.

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

**Councilmembers absent:**

**Staff present:** Scott Lambers, City Administrator  
Chief John Meier, Police Dept.  
Chief Dave Williams, Fire Dept.  
Patty Bennett, City Attorney  
Lovina Freeman, HR Director  
Richard Coleman Comm Dev. Director  
Mark Andrasik, Info Systems Director

Chris Claxton, P&R Director  
Dawn Long, Finance Director  
Deb Harper, City Clerk  
Joe Johnson, PW Director  
Mark Klein, Planning Official  
Pam Gregory Assistant City Clerk

- 1. PLEDGE OF ALLEGIANCE, led by Troop 10**
- 2. APPROVAL OF AGENDA**

The following amendments were made to the agenda:

- Item No. 11 moved to the April 15, 2013 meeting
- Item No. 7P in the Consent Agenda should reflect an approved amount of \$15,800, instead of \$16,421.

**A motion to approve the amended agenda was made by Rawlings; seconded by Azeltine. The motion was approved with a unanimous vote of 8-0.**

**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.**

Dave King, 2108 Condolea Circle, Leawood, KS, appeared before the Governing Body and made comments after reading information on the City's website.

**4. PROCLAMATIONS** **Fair Housing Month, April, 2013**

Mayor Dunn proclaimed April, 2013 as Fair Housing Month.

**5. PRESENTATIONS/RECOGNITIONS** – None.

**6. SPECIAL BUSINESS**

**Public Hearing Pre-Budget Public Hearing for 2014 Fiscal Budget**

**As no one was present to speak, a motion to close the Public Hearing was made by Councilmember Rezac; seconded by Councilmember Rasmussen. The motion carried following a unanimous vote of 8-0.**

**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. 2013-10
- B. Accept minutes of the March 18, 2013 Governing Body meeting
- C. Accept minutes of the March 18, 2013 Governing Body Work Session
- D. Accept minutes of the October 25, 2012 Ironhorse Advisory Board meeting
- E. Accept minutes of the November 13, 2012 Historic Commission meeting
- F. Approve purchase in the amount of \$20,238.25, from Ed Roeher Products for the purchase of police tasers and related equipment
- G. Approve purchase in the amount of \$36,244.76 from KC Bobcat for the purchase of a skid loader
- H. Approve Request for Proposals [RFP] for Justice Center Technology Systems
- J. **Resolution No. 4002**, approving and authorizing the Mayor to execute Amendment No. 6 to that certain Professional Architectural Service Agreement, dated December 20, 2010, in the amount of \$3,575.00, between the City and Hoefer Wysocki Architects, LLC [HWA] pertaining to the Leawood Justice Center Construction Project to be located at 117th & Tomahawk Creek Parkway [Project # 76008]
- L. **Resolution No. 4004**, approving and authorizing the Mayor to execute an Independent Contractor Agreement for the purchase, delivery and installation in the amount of \$96,782.96 between the City and John A. Marshall Company, for furniture pertaining to the Leawood Justice Center Construction Project to be located at 117th & Tomahawk Creek Parkway [Project # 76008]
- M. **Resolution No. 4005**, approving and authorizing the Mayor to execute an Independent Contractor Agreement for the purchase and delivery in the amount of \$4,940.47 between the City and Scott Rice Office Works, for furniture pertaining to the Leawood Justice Center Construction Project to be located at 117th & Tomahawk Creek Parkway [Project # 76008]
- N. **Resolution No. 4006**, approving the 2014-2018 Capital Improvement Program [C.I.P.] for the City of Leawood

- O. **Resolution No. 4007**, approving and authorizing the Mayor to execute a Fourth Amendment to that certain Right-of-Way Maintenance Agreement dated April 6, 2009, in the amount of \$42,549.12, between the City and Kansas Land Management, LLC, pertaining to mowing and trimming of traffic medians and right-of-way [ROW] maintenance
- P. **Resolution No. 4008**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$15,800.00, between the City and Overland Concrete Construction, pertaining to improvements to Driving Range located at Ironhorse Golf Course, 15400 Mission Road
- Q. Declaration of Surplus Property; PW [1] Bobcat S300 Skidloader, last 6 VIN/707038

**A motion to approve the amended Consent Agenda (Items I and K pulled for discussion) was made by Councilmember Filla; seconded by Councilmember Cain. The motion was approved with a unanimous vote of 8-0.**

- I. Approve Change Order No. 6 in the amount \$37,951.00, to Titan Built Construction, pertaining to the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008]

Dave Walter, Project Manager, confirmed with Councilmember Rezac that Item # 23 was a design change to the mansard roofs to get the mansard roof on the court building to match that of the police station so they would carry the same aesthetic profile. Additionally, on Item # SCP24-R2, had two revisions, so it went through three iterations: the original plus two revisions. It was actually discovered during construction before the pipe was installed. Then, between Titan and the design team, everyone agreed to wait and resolve the problem. Somehow, during the course of that, the vendor still came back and installed it based on Revision 1. Titan Construction agreed that we had asked not to install the pipe, so they took the cost associated with the install out.

**A motion to approve Item No. 7I – Change Order #6 - from the Consent Agenda was made by Councilmember Rezac; seconded by Councilmember Filla. The motion was approved with a unanimous vote of 8-0.**

- K. **Resolution No. 4003**, approving and authorizing the Mayor to execute an Independent Contractor Agreement for the purchase, delivery, and installation in the amount of \$431,025.05 between the City and Encompas for furniture pertaining to the Leawood Justice Center Construction Project to be located at 117th & Tomahawk Creek Parkway [Project # 76008]

Mr. Walter confirmed with Councilmember Osman that fourteen [14] firms requested bids, only five [5] bids were received. Councilmember Osman commended Mr. Walter on the process, and the low cost for amount of furniture purchased.

**A motion to approve Item No. 7K was made by Councilmember Osman; seconded by Councilmember Rawlings. The motion approved with a unanimous vote of 8-0.**

**8. MAYOR'S REPORT**

- A. Leawood lost a very good friend in the past couple weeks: J. Paul Duffendack passed away on March 24, 2013 after a long illness. There will be a memorial service for him this coming Friday, April 5<sup>th</sup> at 2:00 p.m. at Church of the Resurrection, Wesley Covenant Chapel. *Mayor Dunn read a portion of his obituary.* We would like to extend our sincere sympathies to his wife, Jan, to his two sons, John and Steve and their families.
- B. Attended the Johnson County Public Policy Committee sponsored State of the County address last week, delivered by Johnson County Commission Chairman Ed Eilert. Councilmembers Rasmussen, Rawlings, Rezac and Azeltine joined me, along with our City Administrator Scott Lambers and all of our department heads. The report was very positive and illustrated the reasons Johnson County is a remarkable place to live and work.
- C. Participated in the Leawood Chamber ribbon cutting for Parisi Café in Park Place, their second retail location in the community, the first being at Union Station. We wish them much success.
- D. The Leawood Stage Company has two upcoming events: April 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup>, Friday and Saturday night at 8:00 P.M., in the Oak Room, a Broadway Musical Review will be held with cabaret style seating for tables of four. On Sunday, April 7<sup>th</sup> will be a 2:00 P.M., matinee with theater style seating. On Sunday, April 21<sup>st</sup> at 1:30 P.M., will be *Taking Tea with Shakespeare*, presented by the Leawood Stage Company. Space is limited, and this event sells out quickly.
- E. April 2<sup>nd</sup> is Election Day, and reminded all to participate in one of our greatest privileges. Exercise your right to vote. Good luck to all the people on the ballots.

**9. COUNCILMEMBERS' REPORT – None.**

**10. STAFF REPORT – None.**

***COMMITTEE RECOMMENDATIONS***

**11. PLANNING COMMISSION**

*[From the March 12, 2013 Planning Commission meeting]*

- A. Resolution approving a Final Plan for Tomahawk Creek Sculpture Garden – “Variance” Sculpture, located along Tomahawk Creek Parkway between Town Center Drive and 114<sup>th</sup> Street (PC Case #40-13)

Ann Kenney, 9814 Overbrook Court, Leawood, KS, appeared before the Governing Body and made a presentation. The art piece is stainless steel, and unpainted. Currently, he has painted a mockette, which is in cardboard, to show what the piece will look like.

Dr. Kenney confirmed with Mayor Dunn the art piece, ‘Growing,’ would be lower because this is 17 feet, and then it will be on a pedestal.

Dr. Kenney confirmed with Councilmember Rasmussen that the negotiated price is \$160,000. This is a reasonable price for this type of art piece, and additionally, the City would be getting all the publicity of the nine months it is on Park Avenue. It will be installed in July and on Park Avenue through November. It will be noted that it is property of the City of Leawood, Kansas.

This will be installed on the northern end of the southern lake across the street from the area between Town Center Drive and 115<sup>th</sup> Street.

**A motion to approve the resolution was made by Councilmember Bussing; seconded by Councilmember Cain. The motion carried following a unanimous vote of 8-0.**

Councilmember Bussing stated as a side note for the Council, per the Council's instruction, the Arts Council is working on an amendment to change the selection process to bring the Governing Body into the review and approval process for identifying art much earlier in the process.

- B. **Ordinance No. 2615**, approving a Rezoning from RP-3 [Planned Cluster Attached Residential District] to RP-2 [Planned Cluster Detached Residential District] and Revised Preliminary Plan for Tuscany Reserve Village, located generally northwest of 137<sup>th</sup> Street and Chadwick (PC Case 16-13) [Roll Call Vote]

Brick Owens, NSPJ Architects, 3515 W. 75<sup>th</sup> Street, Prairie Village, KS, gave a brief presentation. This project is addressing a piece of property that has not been very successful. It is located at 137<sup>th</sup> Street and Chadwick, just north of Tuscany Reserve, which is a single-family detached development. The property currently has two large townhomes on it that were built in 2007 and 2008, but they were not successful. Mark Simpson is known for his upscale villa projects: White Horse Villas, Villas at Ironhorse, Lionsgate Villas, Villas at Chapel Green and also the Club Villas at Lionsgate Golf Course. Their goal is to do well-designed architecture in a small enclave with the village idea in a multi-family living style. The interior of the development would be open space, maintained by the maintenance company. These would have similar architecture with stucco, tile roofs and stone highlights. It will include one-story, 1 ½-story and reverse 1 ½-story architecture. They will repeat all the materials on the ground as well. The streets are private, and they will do pavers in the street just as the east cul-de-sac has done. They already have interest in this type of development. A number of issues have been worked out with staff, and they agree with all the stipulations.

Mr. Owens confirmed with Councilmember Cain the structures will be sold instead of leased, and sidewalks, driveway, streets, amenities open space and gazeboes will be taken care of, as the streets will be private.

Mayor Dunn stated the Planning Commission had an extensive discussion on these sidewalk connections.

Mr. Owens stated they were working with staff to try to go back to an enclave and eliminate the connectivity, so to speak. There is a real estate phenomenon that seems to be prevalent that people don't like other people walking between their houses. In working with staff, they were able to widen a gap to facilitate a walkway between two houses. Owners in the townhomes had written a petition that they agreed this was a good idea as far as land use, but they would prefer not to have very many connections through their neighborhood. They would prefer not to have any connections, but staff has asked to provide a connection. They have worked out a way to make it happen, and would like to propose that it go in that way or not at all.

Mark Klein confirmed with Councilmember Rezac about the ingress/egress within the building setback adjacent to 137<sup>th</sup> Street. He stated this is a common stipulation that has been included on a lot of developments that border 133<sup>rd</sup> St. and 137<sup>th</sup> St. The intent is that individual homes don't create their own pathways down to 137<sup>th</sup> St.

Mr. Klein confirmed with Councilmember Rasmussen this will be the reverse collector street that accesses the developments along 135<sup>th</sup> Street, and it will have apartments on it as well, with a hike/bike trail along 137<sup>th</sup> on the north side.

Mr. Owens confirmed with Councilmember Cain they are currently looking at what to do with the other empty pieces. They are currently under design for a triplex, but side-by-side living versus vertical living.

**A motion to approve the Ordinance was made by Councilmember Azeltine; seconded by Councilmember Bussing. Motion carried following a unanimous roll call vote of 8-0.**

- C. Ordinance amending § 16-4-6.3 of the Leawood Development Ordinance [LDO] entitled, 'Office, Commercial and Industrial Signage in Planned Districts,' and § 16-4-6.14 of the Leawood Development Ordinance [LDO] entitled, 'Permitted Signs by Type,' pertaining to Administrative Approval of permanent signage (PC Case 28-13) [Roll Call Vote]

Mark Klein stated this application is Leawood Development Ordinance amendment with regard to approving signage administratively. In Section 16-4-6.3(A)4 states that as long as a sign comes through the Planning Commission, the sign is within a development with approved Sign Criteria and meets all the requirements of the LDO, the Planning Department could approve it administratively. If the development did not have approved Sign Criteria, it could not be approved administratively and would have to come before Planning Commission and City Council. If there is a disagreement in interpretation of whether the sign met the LDO or Sign Criteria, it would also come before the Planning Commission and City Council.

The table on Section 16-4-6.1(4). The only change there is in the footnote that refers back to the section we just talked about. It indicates which signs would be eligible for approval administratively.

**A motion to approve the Ordinance was made by Councilmember Rasmussen; seconded by Councilmember Osman. The motion carried following a unanimous roll call vote of 8-0.**

Mayor Dunn reiterated her request for the planning staff to provide weekly logs of any administrative approvals to Planning Commission and Governing Body.

**12. OLD BUSINESS - None**

**13. OTHER BUSINESS – None**

Councilmember Osman wanted to extend his sincere appreciation to the Fire Department. He had two unfortunate circumstances on his block and at his house over the past two months. By the time he hung up the phone with 911, they heard the engine roar down the street. The staff could not have been more professional. In one instance, he worked with HAZMAT of Overland Park, and they were there in record time. His entire family is most appreciative of the Leawood Fire Department.

Councilmember Bussing extended best wishes to the Police Officer who was rear-ended and sustained a head injury after stopping a vehicle at College and Tomahawk Creek Parkway.

**14. NEW BUSINESS**

Schedule a Governing Body Work Session at 6:00 P.M., on Monday, May 6, 2013 for Discussion on Review of Community Improvement Development [CID] applications for Hy-Vee Food Store and Leawood Plaza, located at 12200 State Line Road.

**A motion to approve was made by Councilmember Filla seconded by Councilmember Rawlings. The motion carried following a unanimous roll call vote of 8-0.**

**ADJOURN**

There being no further business, the meeting was adjourned at 8:40 P.M.

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Debra Harper, CMC, City Clerk