



**CITY OF LEAWOOD
GOVERNING BODY
MEETING AGENDA**

Monday, October 20, 2014
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

OCTOBER 2014						
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NOVEMBER 2014						
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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

<u>Ward One</u>	<u>Ward Two</u>	<u>Ward Three</u>	<u>Ward Four</u>
Debra Filla	Louis Rasmussen	Carrie Rezac	Julie Cain
Andrew Osman	Jim Rawlings	Chuck Sipple	James Azeltine

1. **PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF AGENDA**
3. **OATH OF OFFICE ADMINISTERED TO CHUCK SIPPLE, AS WARD THREE COUNCILMEMBER TO FILL COUNCILMEMBER ROBINETT’S UNEXPIRED TERM UNTIL APRIL 2016**
4. **ROLL CALL OF NEW COUNCIL**
5. **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.
6. **PROCLAMATIONS**
7. **PRESENTATIONS/RECOGNITIONS**
8. **SPECIAL BUSINESS**
 - A. **Ordinance No. 2693**, amending Ordinance No. 2672, extending the Temporary Moratorium through May 4, 2015, on the enforcement of the Leawood Development Ordinance pertaining to containers designed to hold books or other media to be shared by members of the community [Little Free Libraries] - **Passed**

If you require any accommodation (i.e. qualified interpreter, hearing assistance, etc.) in order to attend this meeting, please notify this office at 913.339.6700 or at www.leawood.org no later than 96 hours prior to the scheduled commencement of the meeting.

- B. **Resolution No. 4330**, approving and authorizing the Mayor to execute a Third Amendment to that certain Development Agreement dated October 17, 2005, between the City and Park Place Investors, LLC, and Park Place Village L.L.C. [Project # 83196] - **Approved**
- C. **Resolution No. 4331**, approving and authorizing the Mayor to execute a Second Amendment to that certain Development Agreement dated October 15, 2007, for Use of Transient Guest Tax for Construction of Hotel Garage Improvements in the Park Place Development between the City and Park Place Investors, LLC and Park Place Village L.L.C. [Project # 83196] - **Approved**
- D. **Resolution No. 4332**, Accepting a Second Amended and Restated Petition to Amend and Reaffirm a Transportation Development District [TDD] for the Park Place Development located at the southeast corner of Town Center Drive and Nall Avenue, in Leawood, Kansas pursuant to the provisions of K.S.A. § 12-17,140 et seq. and the City's Home Rule Authority to Determine its Local Affairs and Government as Authorized by Article 12, Section 5 of the Kansas Constitution; Calling and providing for the Giving of Notice of a Public Hearing on the Advisability of Amending a Transportation Development District in the City of Leawood, Kansas, and Financing Certain Transportation Project Improvements Therein [Project # 83196] - **Approved**
- E. **Resolution No. 4333**, Accepting a First Amended and Restated Petition for Creation of a Transportation Development District [TDD] for the Park Place Development Located at the Southeast Corner of Town Center Drive and Nall Avenue, in Leawood, Kansas pursuant to the provisions of K.S.A. 12-17,140 et seq. calling and providing for the giving of notice of a public hearing on the advisability of Amending a Transportation Development District in the City of Leawood, Kansas [Project # 83196] - **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. 2014-38 and 2014-39 - **Accepted**
- B. Accept minutes of October 6, 2014 Governing Body meeting - **Accepted**
- C. Accept minutes of October 6, 2014 Governing Body Work Session - **Accepted**
- D. Accept minutes of the June 11, 2014 Public Works Committee meeting - **Accepted**
- E. Accept minutes of the September 9, 2014 Parks and Recreation Advisory Board meeting - **Accepted**
- F. Accept minutes of the September 11, 2014 Sustainability Advisory Board meeting - **Accepted**
- G. Approve Mayoral Appointment of Councilmember Chuck Sipple to Stormwater Management Committee; Budget & Finance Committee; and Gezer Sister City Committee [Co-chair] - **Approved**
- H. Approve Mayoral Appointment of Councilmember Jim Rawlings as Chair of Stormwater Management Committee - **Approved**
- I. Approve purchase in the amount of \$19,505.00 from Digital Ally for the purchase of eleven [11] body cameras for the Police Department - **Approved**

- J. **Resolution No. 4334**, approving and authorizing the Mayor to execute 2015 Employee Benefit Plan documents - **Approved**
- K. **Resolution No. 4335**, designating holidays for the year 2015 - **Approved**
- L. Approve Massage Therapy License for Sante Massage, located at 4431 W. 119th Street, in accordance with Code § 5-510 - **Approved**
- M. Approve 13th and Final Pay Request in the amount of \$5,495.00 to Mega Industries, pertaining to the Tomahawk Trail Improvement Project, on 119th Street at Tomahawk Park to 123rd Street & Mission Road [Project # 71018] - **Approved**
- N. **Resolution No. 4336**, approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$206,560.00, between the City and Sosaya & Sons Construction, Inc., for the 2014 Residential Street Reconstruction Program-Street Lights Project [Project # 80214] - **Approved**
- O. **Resolution No. 4337**, approving and authorizing the Mayor to execute an Inter-local Street Construction Agreement between the City of Leawood and the City of Prairie Village, pertaining to the Somerset Drive Improvement Project between Belinder and State Line Road [Project # 72036] - **Approved**
- P. **Resolution No. 4338**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$19,123.76, between the City and Mann Fence Company for the installation of chain link fence at Public Works Facility, 14304 Overbrook Road [Phase II] [Project # 74050] - **Approved**
- Q. **Resolution No. 4339**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$35,233.76, between the City and American Sentry Security for the installation of an Entry Gate at Public Works Facility, 14304 Overbrook Road - **Approved**
- R. **Resolution No. 4340**, approving and authorizing the Mayor to execute an Independent Contractor Agreement in the amount of \$26,312.00, between the City and Precision Concrete Cutting Midwest for a Sidewalk Trip & Fall Hazard Repair Project 2014 - **Approved**
- S. **Resolution No. 4341**, accepting a Permanent Storm Sewer Easement from Flyer Properties LLC, for Lot 19 Glen Abbey, located at 5008 W. 141st Terrace - **Approved**
- T. **Resolution No. 4342**, accepting a Permanent Sidewalk Easement from Robert M. and Deborah L. Adams, for Lot 16, Block 4, in the Royse Subdivision, located at 2300 W. 126th Street - **Approved**
- U. **Resolution No. 4343**, accepting a Permanent Storm Sewer Easement, Permanent Utility Easement, and Temporary Construction Easement from Amir A. Minoofar and Paul Jacobson, for property located at 14204 Mission Road, pertaining to the 143rd Street Improvement Project, Nall to Windsor [Project 80162] - **Approved**
- V. **Resolution No. 4344**, accepting a Deed of Dedication from Amir A. Minoofar and Paul Jacobson, for property located at 14204 Mission Road, pertaining to the 143rd Street Improvement Project, Nall to Windsor, in accordance with the GASB-34 Guidelines of Reporting Inventory of Assets [Project # 80162] - **Approved**
- W. Fire Department Monthly Report
- X. Police Department Monthly Report
- Y. Municipal Court Monthly Report

10. MAYOR'S REPORT

11. **COUNCILMEMBERS' REPORT** - Councilmember Filla referral to Public Works Committee to review and discuss external communications on major and long-term projects such as Capital Improvement Projects [CIP] and sidewalk improvements.

12. **STAFF REPORT**

Chris Claxton, P&R Director

Report regarding Leawood Foundation's Annual Appeal Letter - **Approved**

COMMITTEE RECOMMENDATIONS

13. **PUBLIC WORKS COMMITTEE**

[from the October 1, 2014 Public Works Committee meeting]

Review of Street Fees

Committee recommendation: Developer would be assessed the Street Fee when undeveloped land that is adjacent to an unimproved thoroughfare. Developer would not be assessed the Street Fee for any undeveloped land adjacent to an improved thoroughfare, [where the road has already been improved upon]. - **Discuss at November 3, 2014 Governing Body Work Session**

Staff Comment: *The implementation of the Public Works Committee recommendation would continue to result in an unfair financial situation by having some developments pay a fee for the street's construction and others not pay at all. It is the City Administrator's recommendation that developments that occur prior to the development of the street pay the Impact Fee and those developments subsequent to the street improvement pay the linear foot cost of the actual construction.*

14. **PLANNING COMMISSION**

[From the July 22, 2014 Planning Commission meeting]

A. Ordinance approving a Special Use Permit for Town Center Plaza – Macy's – Sprint Antennae and Associated Equipment, located east of Nall Avenue and north of W. 119th Street (PC 98-14) [**Roll Call Vote**] -**Continued From the September 2, 2014 and October 6, 2014 Governing Body meetings – CONTINUED TO THE NOVEMBER 3, 2014 GOVERNING BODY MEETING**

[From the September 23, 2014 Planning Commission meeting]

B. **Resolution No. 4345**, approving a Revised Final Plan for Camelot Court, located north of W. 119th Street and east of Roe Avenue (PC Case 134-14) - **Approved**

C. **Resolution No. 4346**, approving the Planning Commission's recommendation to adopt Self-Propelled Leawood, a Pedestrian and Bicycle Master Plan (PC Case 119-14) - **Approved**

D. **Ordinance No. 2694**, amending Article 9 of the Leawood Development Ordinance [LDO], entitled 'Definitions,' by amending § 16-9-90(a) and adding § 16-9-90(b), pertaining to Definitions of 'Distributed Antennae Systems or DAS' and 'Dock' (PC Case 143-14) [**Roll Call Vote**] - **Passed**

E. **Ordinance No. 2695**, amending Section 16-4-12 of the Leawood Development Ordinance [LDO], Wireless Communication Towers and Antennae, pertaining to Distributed Antennae Systems. (PC Case 105-14) [**Roll Call Vote**] - **Passed**

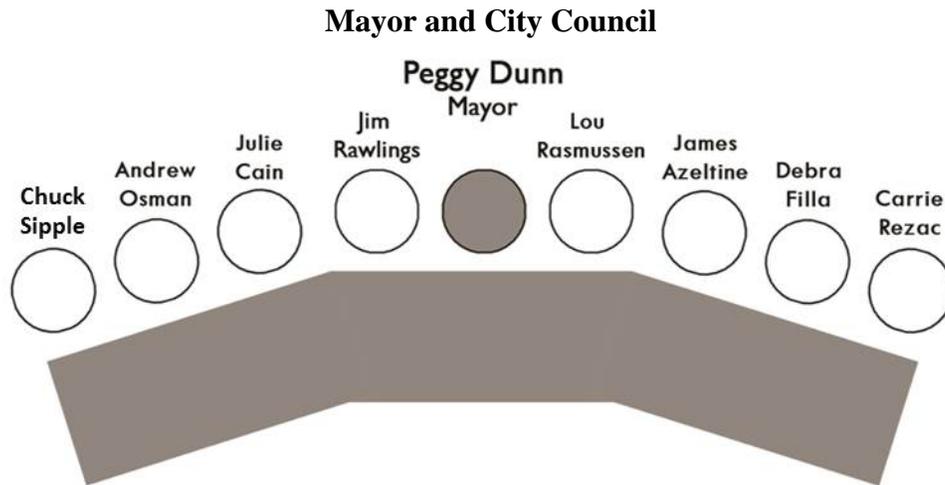
15. OLD BUSINESS

16. OTHER BUSINESS

Resolution No. 4347, approving and authorizing the Mayor to execute a Master License Agreement for Attachments to City Facilities between the City of Leawood and Extenet Systems, Inc. - **Approved**

17. NEW BUSINESS

ADJOURN



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.

2014 SCHEDULED WORK SESSIONS			
DATE	TIME	SUBJECT	LOCATION
October 20	6:00 P.M.	Discuss structures in front yards	Main Conf. Room
November 3	6:00 P.M.	Review Fee Policy; Proposed 2015 Fee Schedule	Main Conf. Room
November 17	6:00 P.M.	Holiday Lighting Ceremony	City Hall Courtyard
2015 SCHEDULED WORK SESSIONS			
DATE	TIME	SUBJECT	LOCATION
January 12	6:00 P.M.	Discuss Governing Body Short, Near & Long-Term Goals	Main Conf. Room
February 2	6:00 P.M.	Presentation of Capital Improvement Projects [C.I.P.]	Main Conf. Room
April 6	6:00 P.M.	Discuss 2016-2020 Budget Model Assumptions; and Review & Discuss 2016 Budget Presentations	Main Conf. Room
June 22	6:00 P.M.	Budget & Finance Committee	Main Conf. Room
June 23	6:00 P.M.	Budget & Finance Committee	Main Conf. Room