

CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Tuesday, January 22, 2013
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:30 P.M.

JANUARY 2013						
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		

FEBRUARY 2013						
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		

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

Martin Luther King Day, January 21, 2013

5. PRESENTATIONS/RECOGNITIONS

Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2011 [CAFR]

6. SPECIAL BUSINESS

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. 2012-48, 2012-49, 2012-50, 2012-51, 2012-52, 2012-53, 2013-1 - *Accepted*
- B. Accept minutes of the December 17, 2012 Governing Body meeting - *Accepted*
- C. Accept minutes of the December 17, 2012 Governing Body Work Session - *Accepted*

- D. Accept minutes of the December 11, 2012 Parks & Recreation Advisory Board meeting - *Accepted*
- E. Approve renewal of Cereal Malt Beverage [CMB] license to Bogey's Bar & Grill, located at 12924 State Line Road - *Approved*
- F. Approve renewal of Cereal Malt Beverage [CMB] license to Hen House, located at 11721 Roe Avenue - *Approved*
- G. Approve payment in the amount of \$17,355.77 to League of Kansas Municipalities, for 2013 Dues and Subscriptions - *Approved*
- H. Approve Change Order No. 5, in the amount of \$28,664 to Titan Built Construction, pertaining to the Leawood Justice Center Project to be located at Town Center Drive & Tomahawk Creek Parkway [Project # 76008] - *Approved*
- I. **Resolution No. 3957** approving and authorizing the Mayor to execute an Extension to that certain Professional Service Agreement dated October 6, 2008, between the City and Rubin Brown, LLP, pertaining to audit services through December 31, 2015, in the amount of \$34,000 per year and an amount not to exceed \$5,000 per program requiring audit - *Approved*
- J. **Resolution No. 3958** approving and authorizing the Mayor to execute a Third Amendment to that certain Lease Agreement dated November 4, 2002, between the City of Leawood, and T-Mobile Central, LLC, successor in interest to Voicestream of Kansas City, Inc., [f/k/a APT], ["T-Mobile"], to lease certain city property for the continued use of a wireless communication antennae on an existing city-owned cellular tower, located at the Leawood Police Department, 9617 Lee Boulevard - *Approved*
- K. **Resolution No. 3959** approving and authorizing the Mayor to execute a Construction Agreement between the City and Martin Underground in the amount of \$174,788.72, pertaining to the Fiber Optic Ring Project for the Justice Center [Project # 76029] - *Approved*
- L. **Resolution No. 3960** approving and authorizing the Mayor to execute a Fiber Installation Agreement between the City and the City of Overland Park, in the amount of \$13,784.00, pertaining to the Fiber Optic Ring Project for the Justice Center [Project # 76029] - *Approved*
- M. **Resolution No. 3961** approving and authorizing the Mayor to execute a Fiber Connectivity Agreement between the City and the City of Overland Park, pertaining to the Fiber Optic Ring Project for the Justice Center [Project # 76029] - *Approved*
- N. **Resolution No. 3962** approving and authorizing the Mayor to execute a Fiber Optical Cable Installation Agreement between the City and the Board of County Commissioners of Johnson County [BOCC], pertaining to the Fiber Optic Ring Project for the Justice Center [Project # 76029] - *Approved*
- O. **Resolution No. 3963** approving and authorizing the Mayor to execute an Information Services Agreement between the City and the Board of County Commissioners of Johnson County [BOCC], in the amount of \$2,500.00, pertaining to the Fiber Optic Ring Project for the Justice Center [Project # 76029] - *Approved*
- P. **Resolution No. 3964** accepting New Public Infrastructure for property located on Wenonga from Somerset to 83rd Street; for property located on 81st Terrace west of Wenonga; for property located on 82nd Street, west of Wenonga; and property located on 82nd Terrace, Wenonga, west 200 feet, pertaining to the 2012 Residential Street Reconstruction Project - *Approved*

- Q. **Resolution No. 3965** approving and authorizing the Mayor to execute an Inter-local Agreement in the amount of \$1,866,303.00, between the City of Leawood, the City of Overland Park, and the Board of County Commissioners of Johnson County [BOCC] pertaining to the Arterial Mill & Overlay Improvement Project on 119th Street between State Line Road and Roe Avenue [Project # 72017 CARS PROGRAM] - *Approved*
- R. **Resolution No. 3966** approving and authorizing the Mayor to execute Amendment No. 5 to that certain Professional Architectural Service Agreement, dated December 20, 2010, in the amount of \$4,700.00, 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] - *Approved*
- S. Declaration of Surplus Property, Public Work Units, 450, 456, and 459 - *Approved*
- T. Fire Department Monthly Report
- U. Police Department Monthly Report
- V. Municipal Court Monthly Report

8. MAYOR’S REPORT

Acceptance of the Cloisters Homes Association holiday gift in the amount of \$1,875.00 to Leawood Fire and Police Departments - *Accepted*

9. COUNCILMEMBERS’ REPORT

- A. Councilmember Rawlings Update on Justice Center Construction Project
- B. Councilmember Cain Discussion of Facebook possibilities for City of Leawood
- *Withdrawn*

10. STAFF REPORT

COMMITTEE RECOMMENDATIONS

11. PLANNING COMMISSION

[from the December 11, 2012 Planning Commission meeting]

Ordinance No. 2608 approving a Rezoning from SD-NCR [Planned Neighborhood Retail] to SD-CR [Planned General Retail] and Preliminary Plan for Camelot Court, located at the northeast corner of 119th Street and Roe Avenue [PC Case 151-12] [Roll Call Vote] - *Passed*

Staff Comment:

This application proposes to change the zoning of the Camelot Court shopping center from SD-NCR (Planned Neighborhood Retail) to SD-CR (Planned General Retail) and to approve a Preliminary Plan for the existing center with no changes. The applicant has also filed a Revised Preliminary Plan for modifications to the center along with Special Use Permits for a drugstore with a drive-thru and a dry cleaner with a drive thru that are only permitted within the SD-CR district. In addition, the applicant has filed an application with the Board of Zoning Appeals for variances to requirements of the SD-CR district. The SD-CR zoning must be approved before the Board of Zoning Appeals can consider an application for variances to the SD-CR district requirements, and the Board of Zoning Appeals must rule on the requested variances before the Planning Commission and Governing Body can consider the Revised Preliminary Plan.

12. OLD BUSINESS

Ordinance No. 2609 amending § 2-109 of the Code of the City of Leawood, 2000, entitled ‘Limitations on Ownership [Special Animal Permits] [Roll Call Vote] - *Passed*

13. OTHER BUSINESS

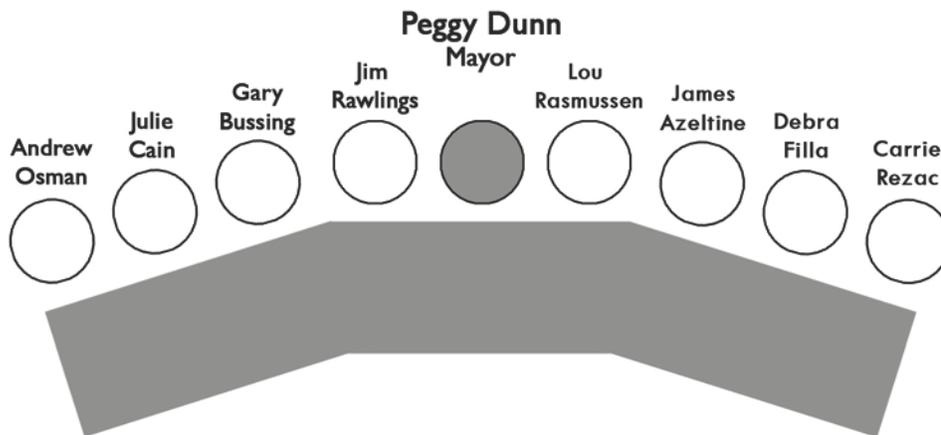
14. NEW BUSINESS

A. **Ordinance No. 2610** granting to Zayo Group, LLC, [formerly American Fiber Systems, Inc.,] a Franchise Contract to construct, operate and maintain a Telecommunications System in the City of Leawood, Kansas, and prescribing the terms of said Franchise Contract and repealing Ordinance No. 2371 [Roll Call Vote] - *Passed*

B. **Resolution No. 3967** approving and authorizing the Mayor to execute a renewal to that certain Public Lands Use Agreement between the City and Zayo Group, LLC, [formerly American Fiber Systems, Inc.,] dated November 3, 2008, pertaining to the installation and maintenance of communications facilities within existing conduit - *Approved*

ADJOURN

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:** 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.

2013 SCHEDULED WORK SESSIONS			
DATE	TIME	SUBJECT	LOCATION
January 22	6:00 P.M.	Discuss potential amendments to LDO signage ; and Continued discussion on Review of Community Improvement Development [CID] Application for Ranchmart	Main Conf. Room
February 4	6:00 P.M.	Presentation of Capital Improvement Projects [CIP]	Main Conf. Room
March 4	6:00 P.M.	Discussion on review of Community Development [CID] Application for Camelot Court Shopping Center, located at 119 & Roe	Main Conf. Room
March 18	6:00 P.M.	Discuss 2014-2018 Budget Model Assumptions; Review and Discuss 2014 Budget Presentations	Main Conf. Room
March 25	6:00 P.M.	Executive Session; Personnel Matter; City Administrator's Annual Review	Main Conf. Room
April 1	6:00 P.M.	Discussion of Proposed Utilization of Social Media for City Park and Recreation Activity	Main Conf. Room
April 15	6:00 P.M.	Discuss Public Input- <i>Tentative</i>	Main Conf. Room
June 17	6:00 P.M.	Pre-Budget 2014-2018 C.I.P. Discussion	Main Conf. Room
June 24	6:00 P.M.	Council/Budget & Finance Committee	Main Conf. Room
June 25	6:00 P.M.	Council/Budget & Finance Committee	Main Conf. Room