

**Minutes**

Audio Tape No. 554

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chamber, 4800 Town Center Drive, at 7:30 P.M., on Monday, July 15, 2002. Councilmember Shelby Story presided in the absence of Mayor Peggy J. Dunn.

**Councilmembers present:** Scott E. Gulledge, Jim Rawlings, \* Patrick L. Dunn (arrived at 7:40 P.M.), Shelby Story, Mike Gill, Louis Rasmussen, and James E. Taylor, Sr. **Councilmembers absent:** Gary L. Bussing.

**Staff present:**

Patricia A. Bennett, City Attorney  
Randy Hill, Fire Operations Chief  
Scott Barton, Police Captain  
Jeff Cantrell, Neighborhood Serv. Admin.  
Martha Heizer, City Clerk

Diane Binckley, Planning/Development Dir.  
Chris Claxton, Parks & Recreation Dir.  
Joe Johnson, Public Works Director  
Kathy Rogers, Finance Director  
Karl Weinfurter, Info. Systems Specialist  
Deb Harper, Deputy City Clerk

**1. PLEDGE OF ALLEGIANCE**

190 **2. APPROVAL OF AGENDA**

Item 14.A., discussion about a resolution approving a policy for developing a list of engineering contractors to receive bid documents for projects in the City, and Item 14.B., direction to staff to contact the Public Works Committee to verify the current list of contractors for SMAC JB-08 project and to add any requested qualified contractors to such list and to hold the proposal date open to accommodate proposals from such contractors, were added to the agenda. On motion of Taylor, seconded by Rawlings, Council unanimously approved the agenda as amended.

\* 7:40 P.M. Councilmember Dunn arrived.

280 **3. CITIZEN COMMENTS**

G. Gordon Thomas, 10516 Mohawk Lane, commented on the upcoming August primary election.

**4. PROCLAMATIONS – None.**

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

6. **SPECIAL BUSINESS** – None.

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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. Appropriation Ordinance No. 950
- B. Minutes of the July 1, 2002, Governing Body meeting
- C. Minutes of the July 1, 2002, Governing Body Work Session meeting
- D. Minutes of the July 1, 2002, Governing Body Executive Session
- E. Minutes of the June 20, 2002, Governing Body Budget Work Session meeting
- F. Minutes of the June 19, 2002, Governing Body Budget Work Session meeting
- G. Minutes of the June 18, 2002, Governing Body Budget Work Session meeting
- H. Minutes of the June 11, 2002, Parks & Recreation Advisory Board meeting
- I. Minutes of the May 30, 2002, IRONHORSE Golf Course Committee meeting
- J. Approve Cereal Malt Beverage [CMB] Retail License to Zipz! Convenience Store located at 4821 W. 135<sup>th</sup> Street
- K. Approve Retail Liquor Store License to Zipz! Spiritz located at 4821 W. 135<sup>th</sup> Street
- L. Approve Retail Liquor Store License to Ranchmart Wine & Spirit Shoppe located at 3748 W. 95<sup>th</sup> Street
- M. First & Final Pay Request to McCorkendale Construction, Inc., in the amount of \$105,575.00, for the Creek Bank Stabilization Project at Ironhorse Golf Club
- N. Fourth & Final Pay Request to Reno Construction Company in the amount of \$2,000.00, for 119<sup>th</sup> Street Overlay between State Line Road and Roe Avenue
- O. Resolution No. 1758 approving and authorizing the Mayor to execute a Maintenance Agreement between the City and Environmental Systems Research Institute [ESRI] for an amount not to exceed \$500.00 for a new Police Department computer program for department statistical information
- P. Resolution No. 1759 approving and authorizing the Mayor to execute a Retainer Service Agreement between the City and Public Finance Consultants [PFC] for the remainder of 2002 in an amount not to exceed \$11,700.00, for consulting services for the 2003 budget [*This item was approved by the Governing Body in the budget process*]
- Q. Resolution No. 1760 approving and authorizing the Mayor to execute an Inter-local Agreement between the City and the City of Overland Park pertaining to the installation of traffic signals at the intersection of Tomahawk Creek Parkway & Roe Avenue
- R. Resolution No. 1761 approving and authorizing the Mayor to execute an Addendum to the Agreement between the City and Professional Service

- Industries, Inc., [PSI], dated July 1, 2002, pertaining to soil testings at Ironwoods Park, 14701 Mission Road, and I-Lan Park, 12601 Nall Avenue
- S. Resolution No. 1762 approving and authorizing the Mayor to execute an Agreement between the City and Intergraph Public Safety, Inc., for the purchase of Computer-Aided Dispatching [CAD], Police Records Management [RMS], Mobile Data, and Mobile [MDT] software license and integration services in order to utilize the capabilities of the new technology to be implemented by Overland Park Police Department, in conjunction with the acceptance of the Byrne Grant
  - T. Acceptance of a Sidewalk Easement from Douglas E. and Anne R. Weltner, Lot 7, Mission Farms, First Plat, located at 10400 Howe Lane
  - U. Acceptance of a Permanent Drainage Easement from the Baptist Foundation of Kansas City for St. Michael's Catholic School located at 143<sup>rd</sup> Street & Nall
  - V. Approve granting of a Sanitary Sewer Easement to Johnson County Unified Wastewater District [JCUWD], to provide sanitary sewer service to Ironwoods Park, 14701 Mission Road
  - W. Police Department Report for June 2002
  - X. Fire Department Report for June 2002
  - Y. Municipal Court Report for June 2002

On motion of Rasmussen, seconded by Gullede, Council unanimously approved the Consent Agenda.

**8. MAYOR'S REPORT** – None.

**9. COUNCILMEMBERS' REPORTS** – None.

**10. STAFF REPORT** – None.

**11. COMMITTEE RECOMMENDATIONS** – None.

530 **12. OLD BUSINESS**

- A. **Resolution No. 1763 approving and authorizing the Mayor to execute a Third Amendment to Annexation Agreement between the City and COR Development, LLC, dated July 16, 2001**

Councilmember Taylor recused himself to avoid the appearance of a conflict of interest and left his Council seat. Councilmember Gill moved to adopt the resolution, seconded by Gullede. Motion carried unanimously.

Councilmember Taylor returned to his Council seat.

690 **13. NEW BUSINESS**

- A. Resolution No. 1764 calling for a Public Hearing to be conducted on Monday, August 5, 2002, at 7:30 P.M., to consider the 2003 Fiscal Budget for the City of Leawood, Kansas**

On motion of Rasmussen, seconded by Taylor, Council unanimously adopted the resolution.

- B. Resolution No. 1765 declaring it necessary to appropriate private property for stormwater drainage pertaining to the Ironwoods Park Improvement Project located at 14701 Mission Road, in accordance with K.S.A. § 26-201**

On motion of Taylor, seconded by Rawlings, Council unanimously adopted the resolution.

#### **14. OTHER BUSINESS**

- A. Resolution approving a policy for developing a list of engineering contractors to receive bid documents for projects in the City**

**AND**

- B. Direction to staff to contact the Public Works Committee to verify the current list of contractors for SMAC JB-08 and to add any requested qualified contractors to such list and to hold the proposal date open to accommodate proposals from such contractors**

Councilmember Rasmussen proposed that the Public Works Committee, when it received a list of proposed contractors from staff, had the right to add to that list before RFPs were sent out. He moved to adopt the resolution, seconded by Taylor. Councilmember Gill wondered if the matter shouldn't be reviewed by the Public Works Committee to see if there were factors to take into account, to place some parameters on the issue. Councilmember Dunn wanted to hold the matter over to the next Council meeting in order to get a report and recommendation from staff before voting.

Mr. Rasmussen said that staff had been sending out RFPs that had not been reviewed by the Public Works Committee. He said that essentially staff made a determination as to who was going to be asked for proposals. Basically, he felt that staff should be able to do its homework, but that the review process properly belonged in the hands of the Public Works Committee, so if the Committee agreed with a list, fine, but if the Committee felt they wanted to add to the list, they should have the right to do so. Mr. Rasmussen said he would accept Mr. Gill's recommendation that the matter go to the Public Works Committee for review and recommendation only if the Council would vote to hold up the present RFPs for JB-08 which had already been sent out and were to have been returned today to give another contractor(s) time to make a proposal.

1325 Public Works Director Johnson explained that staff had never had to receive prior approval from the Public Works Committee on the consultants to whom they sent RFPs. He said that generally staff tried to “spread the wealth” among consultants so that everyone had a fair opportunity to get work with the City. He said that staff did ask the Committee for guidance on how they wanted to go about the selection process, by interview or issuance of RFPs and making a selection, and that was the way staff sent out the letters. Whatever decision was made tonight would delay staff proceeding with the selection of the RFP for JB-08.

1480 Carolyn Long, 10400 High Dr., a member of the Public Works Committee, said she was told that a particular stormwater expert would be sent a RFP for both the golf course and JB-08. There were 6 firms that were sent RFPs for JB-08 and 5 firms for the golf course. That particular company was included for the golf course but not for JB-08. It was explained to her that the “wealth had to be passed around,” and be fair. She asked that the City Council recommend a review of the procedures under which the Public Works Committee should function. She wanted to know why any proven expert on stormwater was not included in the process for a SMAC stormwater project. Why couldn’t only the most qualified companies be considered by the Public Works Committee instead of companies who were next in line for chance at Leawood’s business.

Councilmember Dunn moved to have staff send a RFP for SMAC project JB-08 to Continental Consulting Engineers and extend the time to receive RFPs back for a period long enough to allow them to respond, seconded by Taylor. Motion carried unanimously. Mr. Rasmussen and Mr. Taylor withdrew their motion and second to adopt the resolution. Mr. Rasmussen moved to refer the proposed resolution to the Public Works Committee for their comments and suggestions, seconded by Dunn. Motion carried unanimously.

1980 **ADJOURN**

There being no further business before the Council, the meeting was adjourned at 8:05 P.M.

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Martha Heizer, City Clerk