

OVERLAND PARK CITY COUNCIL MEETING

May 10, 2010

Mayor Carl R. Gerlach called the Overland Park City Council meeting to order at 7:30 p.m. The following members were present, constituting a quorum:

Mr. Dave Janson, Council President; Mr. Terry Goodman; Mr. George Kandt; Mrs. Terry Happer Scheier; Mr. David White; Mr. Jim Hix; Mr. Fred Spears; Mr. John Skubal; Mr. Curt Skoog; Mrs. Donna Owens; Mr. Dan Stock; and Mr. Paul Lyons.

Also present were: Mr. John M. Nachbar, City Manager; Mr. Bob Watson, City Attorney; Mr. Bill Ebel, Director of Planning and Development Services; Mr. Tony Cosby, Acting Director of Recreation Services; Mr. Greg Ruether, Acting Director of Parks Services; Mr. John Douglass, Police Chief; Mr. Bart Budetti, Senior Assistant City Attorney; Mrs. Vicki Irely, Director of Information Technology; Mr. Mike Casey, Deputy Fire Chief; Mrs. Kristy Stallings, Deputy City Manager; Mr. Doug Brown, Director of Public Works; Mr. Mike Garcia, Acting Director of Human Resources; Mr. Dave Scott, Chief Financial Officer; Mr. Sean Reilly, Communications Manager; Mr. Brian Shields, City Traffic Engineer; Mr. David Price, Senior PC Technician; and Ms. Pamela Blaszyk, Recording Secretary. Approximately 20 people were in the audience.

PLEDGE OF ALLEGIANCE

Mayor Carl R. Gerlach led the audience in the Pledge of Allegiance.

Mayor Gerlach announced that, in the future, the Council would no longer be meeting on the second Mondays of the month. They would be meeting on the first and third Mondays of the month.

Mayor Gerlach recognized students from the Government class of Shawnee Mission West High School. He also recognized a Boy Scout from Troop No. 459 sponsored by Colonial Presbyterian Church.

Mrs. Donna Owens introduced Mr. Marcello Rava, an exchange student from Italy, who had been attending Shawnee Mission South High School. The program was sponsored by Rotary International. During the school year, he lived with his host family, Mr. and Mrs. Dan Foster. Mrs. Owens invited Mr. Rava to come forward and address the Council.

Mr. Marcello Rava, said he came to the United States in August 2009, and he would be returning to Italy in June 2010. Mr. Rava indicated that he enjoyed attending high school in the United States. He especially liked the school spirit and the extracurricular activities. He also appreciated being able to stay ten months with his host family. Mayor Gerlach asked about the extracurricular activities in which Mr. Rava participated. Mr. Rava indicated that he participated in cross country track, swimming and tennis.

Mr. Fred Spears asked what Mr. Rava would miss the most when he goes back to Italy. Mr. Rava replied that he would miss the wonderful people that he met in this country and the school.

Mrs. Owens added that Mr. Bill Gochis was Mr. Rava's counselor through the Rotary this year.

MAYOR CARL R. GERLACH

No report.

CITY MANAGER JOHN NACHBAR

No report.

CONSENT AGENDA:

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT

STAFF ITEMS:

EXPENDITURE ORDINANCE NO. 4B – Outlining the expenditures from the General Operating Fund for April 14 through April 27, 2010.

CAPITAL PROJECTS EXPENDITURE ORDINANCE NO. 5A – Outlining the expenditures from the Capital Projects Fund for April 29 through May 5, 2010.

Mr. Dave Janson moved to approve the Consent Agenda items. The motion was seconded by Mr. George Kandt and carried with a roll-call vote of 12 to 0.

REGULAR AGENDA:

PUBLIC WORKS

COMMITTEE REPORT: Terry Happer Scheier, Chair

Mrs. Terry Happer Scheier announced that there would be a Special Public Works Committee meeting on May 17, 2010, at 7 p.m. in Conference Room No. 1 at City Hall. The agenda item would be the consideration for approval of the Federal Transit Administration Memorandum of Agreement for the Transportation Investment Generating Economic Recovery (TIGER) Grant project for the Metcalf/Shawnee Mission Parkway bus corridor.

STAFF REPORT:

BID TABULATION – KLINK 1R Resurfacing Project – FY2010 (Metcalf, 75th Street to 645 feet south of Shawnee Mission Parkway; and Metcalf, 86th Street to 99th Street).

BID TABULATION – 2010 Street Improvement (Overlay).

Director of Public Works Doug Brown indicated that staff was recommending acceptance of the low bid from O'Donnell and Sons Construction Co., Inc., for the KLINK 1R Resurfacing Project for Fiscal Year 2010 (Metcalf from 75th Street to 645 feet south of Shawnee Mission Parkway; and Metcalf, 86th Street to 99th Street), in the amount of \$1,593,038.30.

Mr. Brown added that staff was recommending acceptance of the low bid from O'Donnell and Sons Construction Co., Inc., for the 2010 Street Improvement Overlay Project in the amount of \$2,829,875.60.

Mrs. Happer Scheier moved to accept the low bids for the referenced projects as presented by staff. The motion was seconded by Mr. Paul Lyons and carried with a vote of 12 to 0.

FINANCE, ADMINISTRATION AND ECONOMIC DEVELOPMENT

COMMITTEE REPORT: Jim Hix, Chair

No report.

STAFF REPORT:

No report.

PUBLIC SAFETY

COMMITTEE REPORT: George Kandt, Chair

Mr. Kandt announced that Police Chief John Douglass would be presenting a report entitled "The Changing Nature of Overland Park and its Potential Affect on Crime Trends" at the May 12, 2010, Public Safety Committee meeting. He encouraged the entire Council to attend the meeting.

STAFF REPORT:

No report.

COMMUNITY DEVELOPMENT

COMMITTEE REPORT: Terry Goodman, Chair

No report.

STAFF REPORT:

AGREEMENT – Johnson County Parks and Recreation District to provide a Community Development Block Grant in the amount of \$35,290 to provide scholarship assistance for income-eligible Overland Park families in the District's summer day camp program.

AGREEMENT – Safehome, Inc., to provide a Community Development Block Grant in the amount of \$21,174 to purchase and install two water heaters in the shelter facility.

AGREEMENT – Catholic Charities of Northeast Kansas, Inc., to provide a Community Development Block Grant in the amount of \$4,241 to provide income-eligible Overland Park families rental and utility assistance.

AGREEMENT – Head Start of Shawnee Mission, Inc., to provide a Community Development Block Grant in the amount of \$21,174 for childcare scholarship assistance for the Early Head Start Program for income-eligible Overland Park families.

Director of Planning and Development Services Bill Ebel presented four Agreements for the 2010 Community Development Block Grant (CDBG) Program. The first Agreement was with Johnson County Parks and Recreation District to provide a Community Development Block Grant in the amount of \$35,290 to provide scholarship assistance for income-eligible Overland Park families in the District's summer day camp program. The second Agreement was with Safehome, Inc., to provide a Community Development Block Grant in the amount of \$21,174 to purchase and install two water heaters in the shelter facility. The third Agreement was with Catholic Charities of Northeast Kansas, Inc., to grant a Community Development Block Grant in the amount of \$4,241 to provide income-eligible Overland Park families rental and utility assistance. The fourth Agreement was with Head Start of Shawnee Mission, Inc., to provide a Community Development Block Grant in the amount of \$21,174 for childcare scholarship assistance for the Early Head Start Program for income-eligible Overland Park Families. Staff was recommending approval of all four Agreements.

Mr. Spears observed that one of the Agreements provided \$21,174 for two water heaters. He asked if they are special water heaters, since the cost seemed to be high. Mr. Ebel replied that the water heaters are special from the standpoint that this facility serves almost 50 to 75 people at one time. They are not the typical residential water heaters.

Mr. Terry Goodman moved to approve the four referenced Agreements as presented by staff. The motion was seconded by Mr. Curt Skoog and carried with a vote of 12 to 0.

RECOMMENDATIONS FROM THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA:

SPECIAL EVENT PERMIT NO. 2010-194 – 8045 Santa Fe Drive. A special event permit is requested to allow off-site signage and advertising for a Strang Era Historical Homes and Sites Trolley Tour on May 22, 2010. Application made by Florent Wagner, representing the Overland Park Historical Society.

Mayor Gerlach provided an opportunity for members of the audience to discuss Special Event Permit No. 2010-194. There was no response, and the hearing was closed.

Mr. Janson moved to approve the Planning Commission Consent Agenda as presented. The motion was seconded by Mr. Dan Stock and carried with a roll-call vote of 12 to 0.

PLANNING COMMISSION REGULAR AGENDA:

SPECIAL USE PERMIT NO. 2010-6 – 11417 West 95th Street. A special use permit is requested for a ten-year period of time to allow an arcade. This property is currently zoned CP-2, Planned General Business District. Application made by Sachin Agrawal. The Planning Commission will hear this item on May 10, 2010; therefore, staff will present the recommendation at the Council meeting. Proposed Ordinance No. Z-3449.

Mr. Ebel stated that this item would have been on the Consent Agenda; however, it was just presented to the Planning Commission this afternoon. The Planning Commission approved the application with a vote of 11 to 0. Staff was recommending approval of Special Use Permit No. 2010-6 for a ten-year period of time to allow an arcade.

Mr. Goodman asked if they typically grant a special use permit for a ten-year period when it is the initial request for an arcade. Mr. Ebel replied that the initial application for a special use permit to allow an arcade is typically granted for a one-year period of time. However, the ordinance allows for extended consideration by staff depending on the location. If the arcade is located within an enclosed shopping center of 400,000 square feet, staff can recommend approval for a longer period of time.

Mr. Sachin Agrawal, applicant, 20070 West 154th Street, Olathe, said that the arcade is designed to provide entertainment for small children and families.

Mayor Gerlach opened the public hearing regarding this request. There was no response, and the hearing was closed.

Mr. Janson moved to approve Ordinance No. Z-3449 (Special Use Permit No. 2010-6), for a ten-year period of time to allow an arcade. The motion was seconded by Mr. Stock and carried with a roll-call vote of 12 to 0.

OLD BUSINESS:

No report.

NEW BUSINESS:

MID-AMERICA REGIONAL COUNCIL REPORT.

Mr. Skoog indicated that he and Mrs. Owens attended the Mid-America Regional Council meeting last week. They voted on the Transportation Outlook 2040 Draft Policy Statement, and no percentages were included in the document. The policy statement was then forwarded to the technical committee for review with direction for the technical committee to report back to the full board with a recommendation for addressing the transportation policies. Community Planning and Services Manager John Rod is involved with the technical committee. Mr. Rod has indicated that the discussions are going well, and he is more comfortable with the analysis and the end product. Mr. Skoog indicated that he would report on the Transportation Outlook 2040 Draft Policy Statement after the technical committee presents a report to the board. Mr. Skoog added that the MARC.org Web site is advertising an open house to

discuss the Transportation Outlook 2040 Draft Policy Statement. He encouraged the Councilmembers to attend the open house.

Mr. Jim Hix clarified that the technical committee has been assigned to establish any percentages that are to be included in the goals. He asked if the committee's recommendation will require a vote of the full MARC board. Mr. Skoog replied in the affirmative. He added that the product is going to be a technical forecast that will be updated every two years in the future. The policy statement will come back to the board for review and approval.

NON-AGENDA ITEM:

Mr. Janson moved to add a non-agenda item relating to the operation of the Downtown Overland Park Farmers' Market to the agenda. Mr. Spears seconded the motion, which carried with a vote of 12 to 0.

At 7:55 p.m., Mr. Janson moved that the Governing Body recess into an executive session for a period of 15 minutes for the purpose of discussing matters subject to the attorney-client privilege relating to the claim of Mr. George Dragush. The motion was seconded by Mr. Spears and carried with a vote of 12 to 0.

At 8:10 p.m., the Council reconvened into a regular session. Mr. Janson moved to extend the executive session for an additional 15 minutes. The motion was seconded by Mr. Spears and carried with a unanimous vote.

At 8:25 p.m., the Council reconvened into a regular session. Mr. Janson moved that the City Manager be directed to review all aspects of the operation of the Downtown Overland Park Farmers' Market. The motion was seconded by Mrs. Happer Scheier.

Mr. Hix stated that this motion was being prompted by recent events that have been publicized at the Downtown Overland Park Farmers' Market, which is managed under contract by the Downtown Overland Park Partnership. He would support the motion. However, the Farmers' Market is a subset of a broader umbrella of the Downtown Overland Park Partnership and its operation and relationship with the City. While the immediate need and the motion on the table has only to do with the promotion and operation of the Farmers' Market, he was of the opinion that it would be appropriate to expand the review to include the entire inter-relationship between the City and the Downtown Overland Park Partnership.

Mr. Hix moved to amend the motion to expand the review to consider the entire relationship between the City and the Downtown Overland Park Partnership. The motion was seconded by Mr. Lyons.

Mr. Hix added that this item has an economic development impact and a community impact. The amendment expands the original intent for broader reasons.

The motion to approve the amendment to the motion carried with a vote of 12 to 0.

The motion, as amended, was to direct the City Manager to review all aspects of the operation of the Downtown Overland Park Farmers' Market, and also to review all aspects of the relationship of the City with the Downtown Overland Park Partnership, Inc.

The motion carried with a vote of 12 to 0.

At 8:30 p.m., Mr. John Skubal moved to adjourn the meeting. After a second by Mr. David White, the motion carried with a unanimous vote. Minutes transcribed by Pamela Blaszyk.

Carl R. Gerlach, Mayor

ATTEST:

Marian Cook, City Clerk