



1. CALL TO ORDER

Present: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

Others in attendance were City Manager Wilkes, Assistant City Manager Sherman and City Attorney Shaver.

2. BEGIN TELEVISED SESSION – 7:00 P. M.

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

A. Consideration of Resolution No. 19-1049 appointing a member to the Planning Commission.

Dean Vakas, Planning Commission Chairman, introduced Planning Commission appointee Shirley Allenbrand. Mayor Copeland presented Ms. Allenbrand with a certificate of appointment.

Motion by Randall and seconded by Bacon to approve Resolution No. 19-1049 appointing Shirley Allenbrand as a member to the Planning Commission. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

B. Presentation of Service Award to John Andrade.

Mayor Copeland presented John Andrade with the Barton Service Award, Olathe's highest service award, for his many years of service on multiple boards and committees for the City of Olathe.

C. Proclamation recognizing Aug. 6, 2019 as National Night Out.

Mayor Copeland presented Police Sergeant Logan Bonney and Police Community Outreach Specialist Beth Wendel with the proclamation.

5. PUBLIC HEARINGS

- A. Consideration of a public hearing to consider levying assessments to collect unpaid city expenditures for weed mowing and debris removal.

Mayor Copeland opened the public hearing and invited comments.

Hearing no public comments, Mayor Copeland entertained a motion to close the public hearing.

Motion by Randall, seconded by Bacon, to close the public hearing. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

6. CONSENT AGENDA

Councilmember McCoy requested item "M" be removed for separate consideration and vote.

Motion by Randall, seconded by Bacon to approve the consent agenda with the exception of item "M". The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- A.** Consideration of approval of the City Council meeting minutes of June 18, 2019.
Approved
- B.** Consideration of a new drinking establishment license for Courtyard by Marriott and renewal applications for Houlihan's, Applebee's Neighborhood Grill & Bar, 153rd Street Chipotle and 119th St. Chipotle.
Approved
- C.** Consideration of a pawnbroker/precious metal dealer license application for The Keil Group, LLC, d/b/a Alpha Pawn & Cash, located at 115 S. Clairborne Rd. Suite F.
Approved.
- D.** Acceptance of proposal and consideration of award of contract to Lockton Companies, LLC for a Benefit Plan Management Consultant for the Resource Management Department.
Approved
- E.** Consideration of Resolution No. 19-1050 authorizing the execution of a cooperative agreement with Sedgwick County, Kansas and Shawnee County, Kansas (Issuers) authorizing the Issuers to exercise, on behalf of the City of Olathe, the authority and powers conferred by the Kansas Local Residential Housing Finance Law.
Approved

- F.** Consideration of Resolution No. 19-1051 expressing the intent to issue health facility revenue bonds in the amount of \$30,000,000 on behalf of Olathe Medical Center, Inc.
Approved
- G.** Consideration of authorization for Mayor Copeland to attend the Iowa, Kansas, Missouri, Nebraska & Oklahoma Regional White House Conference in Washington, D.C. July 25, 2019.
Approved
- H.** Consideration of authorization for the City Manager to attend the 2019 ICMA Conference in Nashville, TN, October 20-23.
Approved
- I.** Consideration of approval for 2019 Audit Plan.
Approved
- J.** Consideration and approval of an addendum to the Subrecipient Agreement with Kansas City Area Transportation Authority for Group Trips.
Approved
- K.** Request for the acceptance of the dedication of land for public easements and street right-of-way for a final plat for Willow Crossing East Replat (FP19-0009) containing 1 common tract and public right-of-way on 0.40± acres; located along the south side of W. 143rd Street at its intersection with Parkhill Street. Planning Commission approved this plat 7-0.
Approved
- L.** Consideration of Consent Calendar.
Approved
- M.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to O'Donnell & Sons Const. Co., Inc. for construction of the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16. Councilmember McCoy commented on the various agencies involved with this project and appreciated the proposed bid coming in under the budgeted amount.
Motion by Randall and seconded by Bacon to approve consent item "M". The motion carried by the following vote:
Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland
- N.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Wiedenmann, Inc. for construction of the Little Cedar Creek (Park to Elm) Phase 1 Stormwater Improvements Project, PN

2-C-001-14.

Approved

- O.** Consideration of a Professional Services Agreement with HNTB Corporation for design of the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18.
Approved
- P.** Consideration of a Professional Services Agreement with Olsson, Inc. for an Advanced Traffic Management Traffic System (ATMS) Master Plan, PN 3-C-037-19.
Approved
- Q.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to O'Donnell & Sons Const. Co., Inc. for construction of the 119th and Pflumm Geometric Improvements Project, PN 3-C-071-18.
Approved
- R.** Consideration of a Grant of Permanent Communications Easement from the City of Olathe to Comcast of Missouri, LLC for the Santa Fe Street and Ridgeview Road Geometric Improvements Project, PN 3-C-083-15.
Approved
- S.** Consideration of an Intergovernmental Agreement with Water District No. 1 of Johnson County for the Woodland Road, K-10 to College Boulevard, Improvements Project, PN 3-C-041-18.
Approved
- T.** Consideration of a Relocation and Reimbursement Agreement with ATMOS Energy Corporation for the Woodland Road, K-10 to College Boulevard, Improvements Project, PN 3-C-041-18.
Approved
- U.** Consideration of a Utility Agreement with Kansas City Power & Light Company for the Woodland Road, K-10 to College Boulevard, Improvements Project, PN 3-C-041-18.
Approved
- V.** Acceptance of bids and consideration of award of contract to Construction Management Services Inc. for the replacement of all the acoustic ceiling tiles and grids in Parkview Manor.
Approved
- W.** Acceptance and consideration of award of contract to Carahsoft for the purchase of Qualtrics Software, licensing and services to be utilized by all departments and managed by the Customer Experience Program housed within the Customer Service Department.
Approved
- X.** Consideration of renewal of contract with Ceres Environmental for

emergency debris removal and reduction services.

Approved

- Y.** Consideration of renewal of contract with Cisco Systems, Inc. for the purchase of Cisco products and professional services for the IT Department.

Approved

- Z.** Consideration of renewal of contract with Ted Systems, LLC. for Lenel building security systems and services.

Approved

- AA.** Acceptance of bid and consideration of award to Optrics, Inc. for the purchase of Manage Engine software licenses.

Approved

- BB.** Acceptance of bid and consideration of award of contract to ConvergeOne for the purchase of new library network for use in the Indian Creek Library.

Approved

- CC.** Acceptance of bid and consideration of award of contract to NetSpot for the purchase of a laptop vending unit for the new Indian Creek Library.

Approved

- DD.** Acceptance of bid and consideration of award of contract to FE Technologies for the purchase of Radio Frequency Identification (RFID) equipment for the new Indian Creek Library.

Approved

- EE.** Consideration of renewal of contracts with C&C Group and Electronic Technology Inc for public safety, maintenance, and replacement of security camera equipment and services.

Approved

- FF.** Consideration of renewal of contracts with Johnson County Aggregates and APAC-Kansas for rock products for the Public Works and Parks and Recreation Departments.

Approved

- GG.** Consideration of renewal of contracts with O'Donnell & Sons Construction Co., Inc., Asphalt Sales Co., and Vance Brothers, Inc. for the purchase of hot and cold mix asphalt and liquid asphalt for the Streets Division of Public Works.

Approved

- HH.** Acceptance of bids and consideration of award of contracts to Shawnee Mission Ford and American Equipment Co. for the replacement of a cab & chassis and replacement and installation of a vehicle body for 2019 City's fleet.

Approved

- II.** Consideration of renewal of contract to Five-Star Trucking, LLC for the rental of tandem trucks with operators for the Field Operations Division of Public Works.

Approved

- JJ.** Consideration of renewal of contract with Tyler Technologies to provide Permitting Software for the City.

Approved

- KK.** Acceptance of bid and consideration of award of contract to Downing Sales and Service, Inc., for the purchase of an all-weather cab bulk collection truck for the Solid Waste Division of Public Works.

Approved

- LL.** Consideration of renewal of contract with nTherm, LLC for natural gas.

Approved

- MM.** Consideration of renewal of contract to Grainger for industrial supplies for various City Departments.

Approved

- NN.** Consideration of renewal of contract to Fastenal for fasteners and tools for various City departments.

Approved

7. NEW BUSINESS-PUBLIC WORKS

- A.** Consideration of Ordinance No. 19-39, RZ19-0007, requesting approval for a rezoning from R-1 and CTY RUR to M-2 District and preliminary site development plan for Olathe Facilities Expansion containing 1 lot on 70.51± acres; located in the vicinity of Old US-56 Highway and S. Robinson Drive. Planning Commission recommends approval 7-0. Dan Fernandez, Planner II in the Planning Division of the Public Works Department, completed a presentation for this item.

Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-39, RZ19-0007. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- B.** Request for the acceptance of the dedication of land for public easements for a final plat for Olathe Facilities Expansion (FP19-0011), containing 1 industrial lot on 70.51± acres; located in the vicinity of Old US-56 Highway and S. Robinson Drive.

Motion by Randall, seconded by Bacon, to approve the dedication of land for public easements for a final plat. The motion carried by the

following vote:

Yes: Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

- C. Consideration of Ordinance No. 19-40, UDO18-0002A: Requesting approval regarding proposed amendments to Chapter 18.40 of the Unified Development Ordinance. Planning Commission recommends approval 7-0.

Aimee Nassif, Chief Planning and Development Officer in the Planning Division of the Public Works Department, appeared to address questions of the Governing Body.

Councilmember Campbell thanked Ms. Nassif and her staff for all the hard work they have put into this with the development community. Mr. Campbell stated he would like to approve this as is, with the exception they take the preliminary site development from a 5 year expiration to 7 years as it would be helpful for the development community.

Councilmember Vogt asked Ms. Nasiff how this might impact what was discussed with Council previously.

Ms. Nassif stated in the eighties and nineties we had in our code an expiration period that was several years in length. Ms. Nassif stated when they started this process in June of last year they determined best practice would be to have all plans and plats with the same time period for consistency, which would be two years. After discussion and collaborations with the stakeholder group they determined they would recommend five. Ms. Nassif stated they would still recommend five years, however, included in the language we can do administrative exceptions at any time and there is no limited time period. Ms. Nassif also stated on a case by case basis where justified, they can come before the Governing Body and request any time period they like. Ms. Nassif stated they would recommend leaving the date at five years.

Councilmember Vogt asked about the amount of paperwork and cost associated with an extension.

Ms. Nassif stated there is no application fee for the request. For administrative review a letter to staff is required letting them know they can meet code requirements at the later date.

Councilmember Vogt asked if this was a contentious item with the developers involved.

Ms. Nassif stated it was as they all had different ideas for the time period. Ms. Nassif also stated during this process staff wrote in the allowance that they could come before the Governing Body on a case by case basis asking for whatever time period they would like. Ms. Nassif stated they could also do this during zoning, or plan review.

Councilmember Vogt asked for the rationale for the five year.

Ms. Nassif stated early on in their meetings with the group that they felt the five year could work for them.

Councilmember McCoy stated he concurs with Councilmember Campbell in terms of seven years versus the five years because it could give the developers a better idea of what they can plan for into the future.

Councilmember Randall asked if the developer needed more time they could come to the Governing Body as a resort requesting more time.

Ms. Nassif stated that was correct and they can come to staff for one year administrative approvals with no cap on the number of times they can request those. If they want something longer, they can come before the Governing Body.

Councilmember Bacon asked if there is any notice that goes out to the adjacent property owners about an extension request.

Ms. Nassif stated that was not added in as it would add additional layers of time for the development community. Ms. Nassif stated

that requirement is only required for zoning changes. Ms. Nassif stated they did not want to overburden things.

Councilmember Campbell commented that probably ninety-five percent of these are not going to five years anyway such as the smaller ones. Mr. Campbell stated we are really talking about the large developments costing millions and millions of dollars. Mr. Campbell commented when they make the money decision and have a lender ready to go, they could change the game plan rules on us in five years, which is what we are talking about. With some of the larger developments they take time and asked if that was a fair statement.

Ms. Nassif stated it was.

Councilmember Cambell stated he would like to make a motion to approve ordinance no. 19-40 with the exception that we take the preliminary site development expiration from five years to seven years.

Councilmember Bacon asked for clarification of the change asking if this is for Section G, under scope of approval for item 1 in the ordinance and if we are changing the five years to seven years. Mr. Bacon asked if this is the only change in the ordinance.

Ms. Nassif stated that is correct.

Motion by Cambell and seconded by McCoy to approve ordinance 19-40 with the exception they take the preliminary site development from five years to seven years expiration. The motion carried by the following vote:

Yes: Bacon, Brownlee, Campbell, McCoy, and Copeland

No: Randall, and Vogt

8. NEW CITY COUNCIL BUSINESS

Councilmember McCoy thanked the City public safety staff for showing up at the Briarwood Homes Association event as well as the concert in the park at

Frontier Trails Park.

Councilmember Randall also commented on the concert as well as a benefit for the Olathe Trailblazers Special Olympics held at Frontier Trails Park. Mr. Randall thanked the various organizations that helped.

Councilmember Brownlee extended her personal thanks to John Andrade for his service to the community. Ms. Brownlee stated we lost former Congresswoman Jan Meyers recently and expressed her condolences. Ms. Brownlee also commented on the tremendous work the City has done for the upcoming public library and newly opened Lake Olathe park.

9. END OF TELEVISED SESSION

10. GENERAL ISSUES AND CONCERNS OF CITIZENS

Mayor Copeland reminded speakers of the rules concerning addressing the Governing Body this evening. Mr. Copeland noted there are eighteen people signed up to discuss the potential non-discrimination ordinance. Mr. Copeland stated since this item is on the agenda as part of our planning session tonight, we will not enforce the thirty minute limit this evening as our policy requires. Mr. Copeland further stated each individual will still need to stay within their allotted five minutes. Mr. Copeland stated all comments on the proposed ordinance will happen under this portion of the agenda and not during the upcoming planning session.

Brandon Becker, 616 N. Rogers Road, Builders Stone Masonry business owner. Mr. Becker stated he was present to dispute some of the findings presented at the June 18 City Council meeting for a land use study prepared by a consultant for 118th Street and Renner Boulevard.

Kate Guimbellot, 11236 S. Race St., spoke in support of a non-discrimination ordinance.

Jacob Swisher, 1308 E. 152 St., spoke in opposition to a non-discrimination ordinance.

JoAnn Klaassen, 14520 S. Shannon, spoke in opposition to a non-discrimination ordinance.

Rosemary Bowden, 1717 E. Sleepy Hollow Dr., spoke in opposition to a non-discrimination ordinance.

Kevin Gilmore, 16367 S. Kaw St., spoke in opposition to a non-discrimination ordinance.

Veronica Malone, 14405 S. Lucille Ct., spoke in support of a non-discrimination ordinance.

Robynn Andracsek, 11526 S. Roundtreet St., spoke in support of a non-discrimination ordinance.

Gary Kendall, 12417 S. Ellsworth St., spoke in opposition to a non-discrimination ordinance.

Nikki McDonald, 14506 S. Darnell St., spoke in support of a non-discrimination ordinance.

Carolyn Finken-Dove, 601 N. Persimmon Dr., spoke in support of a non-discrimination ordinance.

Mike Jensen, 1257 E. Butterfield Pl., spoke in opposition to a non-discrimination ordinance.

Phil Walsh, 1613 E. Sheridan St., spoke in opposition to a non-discrimination ordinance.

Sheila Worcester, 601 S. Sherman Ave., spoke in opposition to a non-discrimination ordinance.

John Newson, 904 S. Clearwater Creek Dr., spoke in opposition to a non-discrimination ordinance.

Alan Marston, 14563 S. Constance St., spoke in support of a non-discrimination ordinance.

Lisa Lero, 410 E. Cedar St., spoke in support of a non-discrimination ordinance.

Brett Hoedl, 17446 W. 161st St., spoke in support of a non-discrimination ordinance.

Mayor Copeland asked City Manager Wilkes to indicate how those that did not get a chance to speak before the City Council may communicate their comments.

Michael Wilkes, City Manager, stated persons that would like to make comments for the public record may go to the City website and under the Council's page there will be a link to submit comments starting July 17 and running through July 30. Mr. Wilkes stated the comments will be submitted onto the public record to the City Council.

11. CONVENE FOR PLANNING SESSION

Reports are prepared for informational purposes and will be accepted as presented. There will be no separate discussion unless a Councilmember requests that a report be removed and considered separately.

A. REPORTS

1. Report regarding an ordinance adding Chapter 2.43 to the Olathe Municipal Code pertaining to Unlawful Discrimination.
The report was accepted and no presentation was given.

Councilmember Bacon asked if this item would return to a future agenda.

Mayor Copeland stated we would get the citizen feedback first.

2. Report on proposed amendments to the Olathe Municipal Code concerning certain fines and a proposed Ordinance adding the offense of Operating a Vessel Under the Influence of Alcohol or Drugs to the Olathe Municipal Code.
The report was accepted and no presentation was given.
Mayor Copeland stated this item would return to a future Council meeting.

3. Report on 2020 Community Development Block Grant (CDBG) funding recommendations.
The report was accepted and no presentation was given.

B. DISCUSSION ITEMS

1. Municipal Court Activities and Initiatives. (15 mins)

A presentation of Municipal Court Activities and Initiatives was completed by Judge Katie McElhinney and Court Administrator Kristi Orbin.

12. ADDITIONAL ITEMS

Councilmember McCoy thanked Parks and Recreation for their work on the fourth of July. Mr. McCoy also commented on the City's efficient trash collection.

Councilmember Vogt thanked staff for their responsiveness to Council on items.

Councilmember Campbell inquired of staff if the 119th Street and Renner report possibilities Mr. Becker had concerns with was just for the possibilities and not accepted.

Aimee Nassif, Chief Planning and Development Officer in the Planning Division of the Public Works Department, stated the Renner study was accepted at the last Council meeting.

Councilmembers shared concerns about the study and opportunities to address questions they may have.

Michael Wilkes, City Manager, stated he thought there is a misconception about this and the study was started before this issue ever came up. Mr. Wilkes stated the study was done to see if the redevelopment of that corner, based on the comprehensive plan was valid. Mr. Wilkes stated all we did was initiate a study to see if the direction of the comprehensive plan was still valid in terms of market forces, which is what the study addressed.

Councilmember Brownlee stated on another study item she wanted to register that she does not agree with the report they received on the NDO. Ms. Brownlee believes that some of the information is not factual from what she knows. Ms. Brownlee felt like there was not an opportunity to register that and was important to communicate that publicly. Ms. Brownlee stated we need to figure out where to go from here.

13. ADJOURNMENT

The meeting adjourned at 9:40 p.m.

David F. Bryant III, MMC

Deputy City Clerk