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## 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. EXECUTIVE SESSION

Consideration of motion to recess into an executive session to discuss the following items:

- A.** For preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the acquisition of property in west Olathe, and for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a real estate contract.

Motion by Randall and seconded by Bacon, to recess into an executive session for preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the acquisition of property in west Olathe, and for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a real estate contract for 25 minutes, and resuming in the City Council Chamber.

**Yes:** Bacon, Randall, McCoy, Vogt, and Copeland

**Absent:** Brownlee, and Campbell

- B.** For preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6).

Motion by Randall and seconded by Bacon, to recess into an executive session for preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the Mahaffie Circle Improvements Project, PN 3-C-107-17 for 25 minutes, and resuming in the City Council Chamber.

**Yes:** Bacon, Randall, McCoy, Vogt, and Copeland

**Absent:** Brownlee, and Campbell

Councilmember Campbell and Councilmember Brownlee arrived at 6:32 P.M.

**3. RECONVENE FROM EXECUTIVE SESSION**

The meeting reconvened at 6:55 p.m. in the Council Chambers.

Executive Session item A - Motion by Randall, seconded by Bacon, to authorize the City Attorney to finalize and the Mayor to execute a real estate contract for the acquisition of certain real property in west Olathe, and further authorize the City Attorney to finalize and the Mayor to execute a First Amendment to a Real Estate Contract with First Street Development, LLC. Motion passed 7-0.

Executive Session item B - Motion by Randall, seconded by Bacon, to authorize staff to acquire the public right-of-way and easements necessary to construct the Mahaffie Circle Improvements Project, PN 3-C-107-17, as directed by the Governing Body. Motion passed 7-0.

**4. BEGIN TELEVISED SESSION – 7:00 P. M.**

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A.** Recognition of Luke Nelson for receiving the Boy Scouts of America Heroism Award.

Mayor Copeland presented Life Scout Luke Nelson of Troop 459 with a recognition certificate for receiving the Boy Scouts of America's National Court of Honor Heroism Award for saving the life of his grandfather and uncle from drowning during a boating accident.

**7. PUBLIC HEARINGS**

- A.** Consideration of a public hearing to hear comments regarding the proposed City of Olathe 2020 Budget.

Budget Manager Matt Randall completed a brief presentation covering the 2020 budget.

Mayor Copeland opened the public hearing.

Nikki McDonald, 14506 S. Darnell St., complimented the Governing Body and Staff on the work they do for the community. Ms.

McDonald pointed out areas she feels the City could improve in, such as passing a non-discrimination ordinance as well as combating poverty in our city. Ms. McDonald hopes the City will invest in those who continue to struggle in our community.

Hearing no further 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

## **8. CONSENT AGENDA**

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

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

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

- A.** Consideration of approval of City Council meeting minutes of July 9 and July 16, 2019.  
Approved
- B.** Consideration of a new drinking establishment application for Aoyama Ramen, located at 14960 W. 119th Street and renewal applications for Texas Roadhouse of Kansas, LLC, located at 11973 Strang Line Road and K Macho's Mexican Restaurant, located at 1229 E. Santa Fe.  
Approved
- C.** Consideration of Resolution No. 19-1052 consenting to the assignment of a portion of the benefits of Resolution No. 18-1020 determining the intent of the City to issue industrial revenue bonds from Ace Properties LLC to Hunt Investments, LLC.  
Approved
- D.** Consideration of a detachment agreement with the Northwest Consolidated Fire District of Johnson County.  
Approved
- E.** Consideration and Approval of 2020 Community Development Block Grant (CDBG) funding recommendations.  
Councilmember McCoy asked what the initials JCDS stood for and

what their request is for.

Housing and Transportation Division Manager, Kathy Rankin, stated JCDS stands for Johnson County Developmental Support. Ms. Rankin stated JCDS requested funds to install a rail in one of the group homes for use in lifting individuals that need to be moved from one room to another, which is considered construction and rehab.

Motion by Randall and seconded by Bacon to approve consent item E. The motion carried by the following vote:

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

**F.** Consideration of Consent Calendar.

Approved

**G.** Consideration of Amendment No. 2 to the Agreement with McCown Gordon Construction, LLC for construction of the Park Maintenance Facilities Improvements Project, PN 6-C-001-18.

Approved

**H.** Consideration of an Agreement with Johnson County for design of the Mill Creek, Prairie to Cedar, Phase 1, Stormwater Improvements Project, PN 2-C-030-18.

Approved

**I.** Consideration of a Professional Services Agreement with Olsson, Inc. for design of the 127th Street Arterial Mill and Overlay Project, PN 3-P-002-20, Cedar Creek Parkway Arterial Mill and Overlay Project, PN 3-P-003-20, and Ridgeview Road Arterial Mill and Overlay Project, PN 3-P-004-20.

Approved

**J.** Acceptance of bid and consideration of award to Ingram Content Group for library materials for the Olathe libraries.

Approved

**K.** Consideration of renewal of contract to Titan Protection & Consulting, Inc. for security services for the Olathe libraries.

Approved

**L.** Acceptance of bid and consideration of award to Master's Transportation, Inc. for the replacement of one passenger shuttle bus for the City's Parks & Recreation Department.

Approved

- M.** Consideration of renewal of contract to SFG Road Maintenance for the purchase of BEET 55 for the Field Operations Divisions of Public Works.  
Approved
- N.** Consideration of renewal of contract to Paving Maintenance Supply for the purchase of crack repair material for the Field Operations Division of Public Works.  
Approved
- O.** Acceptance of proposal and consideration of award of contract to Faster Asset Solutions for the purchase of a Fleet Management Information System for the Vehicle Maintenance Section of Public Works.  
Approved

**9. NEW BUSINESS-PUBLIC WORKS**

- A.** Consideration of Ordinance No. 19-41, RZ19-0008, requesting approval for a rezoning from R-2 District to D (Downtown Mixed Use) District and preliminary site development plan for My Child Advocate containing 1 lot on 0.26± acres; located at 313 N. Chestnut Street. Planning Commission recommends approval 5-0.  
Public Works Senior Planner in the Planning Division, Emily Carrillo, completed a presentation.  
Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-41, RZ19-0008. The motion carried by the following vote:  
**Yes:** Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland
- B.** Consideration of Ordinance No. 19-42 (ANX19-0001) annexing approximately 1.24± acres located at 15032 W. 155th Terrace into the corporate boundaries of the City of Olathe.  
Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-42, ANX 19-0001. The motion carried by the following vote:  
**Yes:** Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland
- C.** Consideration of Ordinance No. 19-43 (ANX19-0002) annexing approximately 39.41± acres located approximately ¼ mile east of S. Moonlight Terrace and ½ mile north of W. 119th Street into the corporate boundaries of the City of Olathe.  
Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-43, ANX 19-0002. The motion carried by the following vote:  
**Yes:** Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

**10. NEW BUSINESS-ADMINISTRATION**

- A.** Consideration of Ordinance No. 19-44 approving the issuance of health facility revenue bonds in the amount of \$30,000,000 on behalf of Olathe Medical Center, Inc.  
Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-44. The motion carried by the following vote:
- Yes:** Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland
- B.** Consideration of Ordinance No. 19-45 levying assessments to collect city expenditures for weed mowing and debris removal.  
Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-45. The motion carried by the following vote:
- Yes:** Bacon, Brownlee, Randall, McCoy, Vogt, and Copeland
- No:** Campbell
- C.** Consideration of Ordinance Nos. 19-46 and 19-47 amending Chapters 6.18 and 12.21 of the Olathe Municipal Code concerning certain fines and Ordinance No. 19-48 adding the offense of Operating a Vessel Under the Influence of Alcohol or Drugs to the Olathe Municipal Code.  
Motion by Randall, seconded by Bacon, to approve Ordinance No. 19-46, Ordinance No. 19-47 and Ordinance No. 19-48. The motion carried by the following vote:
- Yes:** Bacon, Brownlee, Campbell, Randall, McCoy, Vogt, and Copeland

**11. NEW CITY COUNCIL BUSINESS**

Councilmember Brownlee commented on the passing of Elaine Tatham.

Councilmember Cambell stated Ms. Tatham would be missed.

Councilmember's Bacon and Randall stated they would agree with the comments of Councilmember's Brownlee and Campbell concerning Ms. Tatham.

Councilmember McCoy stated he appreciated the comments from Ms. McDonald during the public hearing about what is going on in the community.

**12. END OF TELEVISED SESSION**

**13. GENERAL ISSUES AND CONCERNS OF CITIZENS**

Mayor Copeland stated there are seven persons signed up to speak, which means each will get four minutes to speak to stay within the thirty minute limit.

Kate Guimbellot, 11236 S. Race St., spoke in support of a non-discrimination ordinance and asked the Council to pass this.

Randy Powell, 14481 W. 122 St., spoke in opposition to a non-discrimination ordinance.

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

Wendy Budetti, 17446 W. 161 St., spoke in support of a non-discrimination ordinance.

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

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

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

Mayor Copeland stated we have received an enormous response from the community during the open comment period and staff is in the process of cataloguing those.

City Manager Michael Wilkes stated the information is being catalogued and will be provided to the Council.

**14. 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. Quarterly Procurement Report.**

The report was accepted and no presentation was given.

## **15. ADDITIONAL ITEMS**

Councilmember McCoy stated the last Olathe Live was held at the Community Center. Mr. McCoy stated the groups were tremendous and probably one of the largest crowds he has seen. Mr. McCoy stated this is a way we are giving back to the citizens and believes we could see concerts at Lake Olathe in the future.

Councilmember Vogt asked when the housing study would come before the Council. Ms. Vogt stated affordable housing has become an issue and heard that Wells Fargo has a one billion dollar grant program for cities and counties. Ms. Vogt asked that staff look into this.

Mr. Wilkes stated the study would come back within the next thirty to sixty days.

Councilmember Randall stated he is hearing good comments about Lake Olathe.

Councilmember Bacon stated he was surprised we are charging seven dollars to access the beach at Lake Olathe and was not aware we were going to do this.

Mr. Wilkes stated this was part of the plan as we have costs such as lifeguards and beach upkeep.

Councilmember Brownlee stated she would echo what Councilmember Bacon said as some of the fees to use the park amenities can add up for a family.

## **16. ADJOURNMENT**

The meeting adjourned at 8:17 p.m.

David F. Bryant III, MMC  
Deputy City Clerk