

COUNCIL COMMITTEE  
August 1, 2011  
6:00 p.m.  
Council Chambers

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

- COU2011-37      Consider Purchase of Equipment for Accessibility Improvements to City Swimming Pools  
Bruce McNabb
- \*COU2011-38      Consider Construction Contract with Linaweaver Construction, Inc. for Projects 190894 -  
2011 Cambridge Street Improvements and 190661 - Weltner Park 2011 Improvement  
Project  
Keith Bredehoeft
- \*COU2011-39      Consider Construction Administration Agreement for Project 190894 - 2011 Cambridge  
Street Improvements, Project 190661 - Weltner Park 2011 Improvement Project and  
Project 190880 - Nall Avenue 75<sup>th</sup> to 79<sup>th</sup> (CARS) Project with Transystems  
Keith Bredehoeft
- Discussion regarding city election cycle shift  
Katie Logan

\*Council Action Requested the same night

**COUNCIL COMMITTEE OF THE WHOLE**  
**August 1, 2011**

The Council Committee of the Whole met on Monday, August 1, 2011 at 6:00 p.m. The meeting was called to order by Council President Dale Beckerman with the following members present: Al Herrera, Ruth Hopkins, Steve Noll, Michael Kelly, Charles Clark, Diana Ewy Sharp, David Belz and Mayor Shaffer. David Morrison arrived late. Staff Members present: Captain Wes Lovett; Bruce McNabb, Director of Public Works; Keith Bredehoeft, Project Manager; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

**COU2011-37 Consider Purchase of Equipment for Accessibility Improvements to City Swimming Pools**

Bruce McNabb reported on September 15, 2010 the U. S. Department of Justice (DOJ) published revised final guidelines implementing the Americans with Disabilities Act (ADA). One area of application for these guidelines is public aquatic facilities, such as the City's Aquatic Complex. There are specific requirements about the number of handicapped access points to swimming and diving pools based on the size of the pools. According to these guidelines, the City must add the additional access points by March 15, 2012.

City staff has reviewed the guidelines and related information. Improvements are necessary at two pools: two additional access points are needed at the lap pool and one additional access point is needed at the diving pool. After looking at various alternatives staff thinks that chair lifts are the best option at each additional access point. Photos of the proposed equipment were presented. Mr. McNabb noted different equipment models are needed at each pool.

City staff received telephone bids from three different suppliers. The lowest quote is from Spectrum Products of Missoula, MT with a total cost of \$21,630. Staff proposes to install this equipment this fall after the pool closes for the season. The 2011 City Budget includes a project for Americans with Disabilities Act (ADA) Compliance in the CIP. The current balance of funding for this project is \$ 66,933.00

Ruth Hopkins made the following motion, which was seconded by Michael Kelly and passed unanimously:

**MOVE THE GOVERNING BODY APPROVE THE PURCHASE OF EQUIPMENT TO ADD THREE ADDITIONAL ACCESS TO CITY POOLS FROM SPECTRUM PRODUCTS OF MISSOULA, MONTANA AT A COST OF \$21,630 WITH FRUNDING FROM THE CIP BUDGET FOR ADA COMPLIANCE.**

**COUNCIL ACTION REQUIRED  
CONSENT AGENDA**

**\*COU2011-38 Consider Construction Contract with Linaweaver Construction, Inc. for Projects 190894 - 2011 Cambridge Street Improvements and 190661 - Weltner Park 2011 Improvement Project**

Keith Bredehoeft reviewed the scope of these two projects with the committee. The Cambridge Street Improvements relocate Cambridge Street to the west allowing for the realigning of the Booth, Cambridge, and 79th Intersection. The Weltner Park Improvements follow the recommendations of the Parks Master Plan and include a play area, new shelter, concrete path and additional parking.

On July 22, 2011, the City Clerk opened bids for this project. The following eight bids were received:

Linaweaver Construction, Inc.	\$820,211.00
Mega Industries Corporation	\$863,046.30
Freeman Concrete Construction	\$863,667.85
Miles Excavating	\$882,518.19
McAnany Construction, Inc.	\$891,088.88
Orr Wyatt Streetscapes	\$903,447.15
J.M. Fahey Construction	\$995,000.00
Pyramid Excavation and Const.	\$1,078,480.20
Engineer's Estimate	\$910,380.50

Mr. Bredehoeft noted the contract recommendation of \$827,311.00 includes two bid alternates for the park project. One alternate, costing \$4,000.00, is the installation of a decorative fence along the west side of the play area creating a defined separation from Cambridge Street. The other alternate, costing \$3,100.00, adds two pole lights in the play area. Both items increase safety at the park. Staff is recommending they be included.

The Engineer has reviewed all bids and verified references for Linaweaver Construction Inc. The bid for the combined project is \$90,169.50 or 10% below the engineer's estimate which reflects a continued very good bid environment.

This project combines two City projects, the Cambridge Street Project and the Weltner Park Improvement Project. Funding for these two projects is from separate sources. Cambridge Street is funded using the 2010 Bond Funds while Weltner Park is funded using 2011 Park CIP funds. The construction costs based on the low bid and the funding levels are shown below for each project.

	<u>Funding</u>	<u>Cost based on low bid</u>
Cambridge Street	\$680,000	\$511,627.50
Weltner Park	\$250,000	\$308,587.30

- Keith Bredehoeft presented three options to address the funding shortfall for Weltner Park:
1. Utilize City Contingency to cover the additional costs. The recommended amount would be \$85,000.00 which would cover the construction costs with the two bid alternates, construction inspection, and allow \$10,000 for contingency during construction.
  2. Transfer \$85,000.00 from Parks CIP and delay trail project from Porter Park to the Village Shops.
  3. Remove elements from the park project such as perimeter ledge stone,

landscaping, and column wraps for the shelter to complete the project within budget.

Staff recommended Option 1. Mr. Bredehoeft noted the project will be completed this fall with Cambridge Street to be open to traffic by October 1, 2011 with the final completion of the entire project by November 1, 2011. Cambridge Street will be closed during construction so traffic in the area will be detoured during construction. A resident traffic control meeting is tentatively scheduled for August 9, 2011 from 5:00PM to 7:00PM in the Community Center. Cambridge Street won't be closed until after this meeting is held.

Funding is available under Project 190894 for the Cambridge Street Improvements. Funding is available under Project 190661 for the Weltner Street Improvements with \$85,000 transferred to this account from City Contingency.

Diana Ewy Sharp asked Quinn Bennion for the balance of the contingency fund. Mr. Bennion responded there is currently a balance of \$500,000; however, there has been committed the following expenditures from the fund: \$23,000 for new emergency sirens and \$479,000 for the geothermal project. The geothermal expenditure is a temporary transfer of funds that will be returned to the contingency fund once bonds are issued. Staff is comfortable with the transfer of \$85,000 for this project.

David Belz doubted the entire \$479,000 for the geothermal project would not be required before October 1<sup>st</sup>. Mr. Bennion noted there are two additional funding sources for the project that will be used for the initial expenditures on this project.

Diana Ewy Sharp confirmed that staff is comfortable with Linaweaver Construction as the contractor. Mr. Bredehoeft responded he had worked with them previously and the City of Leawood gave them positive references for the recent street work they did.

Charles Clark noted that it is routine for contractors to bid on street projects, but it is not as common for park projects. He feels this impacted the higher bid for the park portion and does not feel the project costs will come in as high as the bid.

Steve Noll asked what impact option 2 would have. Diana Ewy Sharp responded this would delay the project to an unknown time when funding was available. Dale Beckerman added the current funding is from the unused KDOT grant match that was budgeted but not used when the grant was not awarded.

Charles Clark made the following motion which was seconded by David Belz and passed by a vote of 7 to 1 with Ruth Hopkins voting "nay".

**MOVE THE GOVERNING BODY AUTHORIZE THE MAYOR TO EXECUTE THE CONSTRUCTION CONTRACT WITH LINAWEAVER CONSTRUCTION, INC. IN THE AMOUNT OF \$827,311 AND APPROVE THE TRANSFER OF \$85,000 TO PROJECT 190661: WELTNER PARK 2011 IMPROVEMENT PROJECT FROM THE CITY CONTINGENCY FUND**

**COUNCIL ACTION TAKEN  
08/01/2011**

**\*COU2011-39 Consider Construction Administration Agreement for Project 190894 - 2011 Cambridge Street Improvements, Project 190661 - Weltner Park 2011 Improvement Project and Project 190880 - Nall Avenue 75<sup>th</sup> to 79<sup>th</sup> (CARS) Project with Transystems**

Keith Bredehoeft noted that TranSystems is our current consultant performing inspection duties for our Bond project and therefore the City proposes to use them for these projects as well and have negotiated a contract to inspect these additional projects.

This contract allows for \$10,000 to be used for Weltner Park inspection. City inspectors will perform some of the inspection duties for the Weltner Park Project. The remainder of the contract is for the Cambridge Street project and the Nall Avenue project. The fee is approximately 9% of construction costs for those two projects.

These contracts are cost not to exceed contracts so we will only be billed to the amounts necessary to complete the work. Mr. Bredehoeft noted that funding is available in the CIP projects 190894, 190661, and 190880.

Charles Clark made the following motion, which was seconded by David Belz and passed unanimously:

**MOVE THE GOVERNING BODY APPROVE THE CONSTRUCTION ADMINISTRATION AGREEMENT WITH TRANSYSTEMS FOR PROJECT 109894: 2011 CAMBRIDGE STREET IMPROVEMENTS, PROJECT 190661: WELTNER PARK 2011 IMPROVEMENT PROJECT AND PROJECT 190990: NALL AVENUE 75<sup>TH</sup> TO 79<sup>TH</sup> (CARS) PROJECT.**

**COUNCIL ACTION TAKEN  
08/01/2011**

### **Discussion on City Election Cycle**

City Attorney Katie Logan noted that during 2012 budget discussions she was asked to investigate the procedure for changing the election of councilmember's from the current cycle of April of even numbered years to April of odd numbered years. The reason for this change is that the statutory election cycle for municipal and certain other local officials is odd numbered years and accordingly Johnson County does not charge the City for general elections held in odd numbered years.

Ms Logan stated cities have home rule authority to change their election cycles to even number years as Prairie Village did by Charter Ordinance No. 14 approved in 1990. However, since this cycle deviates from the statutory cycle, Johnson County charges the city for general elections held in even numbered years. She noted, the County charges the City for primary elections if there are no other local primary elections required in the odd year cycle.

The City incurred the following costs for recent even year elections: 2006 - \$25,125; 2008

- \$15,229 and 2010 - \$30,069.

Under its Home Rule Authority, by Charter Ordinance, the City may revert to the odd year cycle. It was noted the City of Shawnee did this in 2009. This change would result in the Mayoral election occurring the same election cycle as half of the City Council.

Ms Logan noted for this change to be accomplished the terms of council members elected in the next two even years (2012 and 2014) would be shortened to 3 years (i.e. those elected in 2012 would expire in 2015 and those elected in 2014 would expire in 2017). After that, the terms of office would thereafter revert to 4 years.

Dale Beckerman asked what the chances were of the County choosing to charge for these elections in the future. Quinn Bennion responded that if they did, the costs would be shared with several other entities holding elections such as the school district, community college and water district.

Ruth Hopkins noted the change was made to allow a councilman to seek election for Mayor without giving up their council seat. Mayor Shaffer noted this would only impact half of the Council. He added the term length was increased from 2 years to 4 years at the same time.

Steve Noll stated he did not support changing the election cycle for cost savings reasons, noting the savings was less than a third of the increase just approved by the Council to add new amenities to Weltner Park.

Michael Kelly favored the change if the larger election would get more voters to the polls.

David Belz felt making the change for cost savings was merited. Ruth Hopkins questioned if it was fair to the six council members who would not be able to run for Mayor without giving up their council seat. Mr. Belz noted that was a consideration each person would need to make.

The City Clerk noted that in discussions on this issue in 1990 one of the concerns expressed was that the City elections would be overshadowed by elections for other larger jurisdictions.

Katie Logan noted this is a discussion item and that no action is necessary at this time.

Charles Clark expressed concern with the low voter turnout and felt that if holding the election at a time when there were more issues on the ballot would get more voters, he would be supportive.

Diana Ewy Sharp asked if all council terms could expire at the same time. Katie Logan stated it would be possible and noted under that scenario the individuals with the two highest vote counts would be elected and noted it would also impact primary elections.

Michael Kelly questioned the need for 12 council members for a city the size of Prairie Village.

Katie Logan said she could continue to investigate ways to address the concerns raised. Quinn Bennion stated the item would be returned on a future committee agenda.

Councilman David Morrison arrived.

## **STAFF REPORTS**

### **Public Safety**

- Captain Wes Lovett reported on the upcoming “Paws in the Pool” event planned by the Community Service Officers for the day following Labor Day from 5 to 7 p.m.

Quinn Bennion noted that this event was approved by staff and was not taken to the Parks & Recreation Committee due to timing and the committee doesn’t meet until September. There will be some costs to the City for hiring lifeguards. Al Herrera noted that previously this was not allowed because of potential damage to the pool filter system. Bruce McNabb responded at the end of the season the filters are cleaned and removed. He is ok with the event occurring after the pool closes. Several Council members supported the event and felt staff approval was appropriate.

### **Public Works**

- Bruce McNabb reported the projects at Nall 63<sup>rd</sup> to 67<sup>th</sup> Street and at Somerset are nearly finished. He shared an e-mail received from a resident complimenting the City on the Somerset improvements.
- Public Works crews are focusing on work near school facilities to ensure their completion prior to the start of school.

Steve Noll asked about recent water main breaks. Mr. McNabb responded they have been a greater problem this year with the high temperatures. His staff is tracking breaks and making sure they are appropriately repaired when they are in city right-of-way.

### **Administration**

- Katie Logan reported that oral arguments will be heard on the Morrison vs. City of Prairie Village lawsuit appealing the ruling on the charter ordinance on September 20<sup>th</sup> at 2:30 p.m. in the federal district building in Kansas City, Kansas. The opinion should be issued by the end of the year.
- Chris Engel reported the pool numbers are very strong reflecting an increase of approximately 2% over last year.
- The emergency sirens have been received and should be installed next week at the northwest corner of the pool and on 83<sup>rd</sup> Street on the north side between Commerce Bank and Arby’s.
- The geothermal installation is going well with approximately 2.5 wells completed per day.
- Lisa Santa Maria presented the second quarter financial report to the committee. She noted the report would be available to the public on the city’s website.
- Work continues on the bond issue. Staff hopes the bond issuance will be completed before any downgrading of bond ratings from the financial concerns in Washington.
- Quinn Bennion reported city staff has selected a phone vendor for the new phone system. The agreement for purchase will come before the Council Committee on August 15<sup>th</sup> with Council action on September 6<sup>th</sup>.

### **Finance Committee Report**

David Belz reported the Finance Committee met to discuss refunding scenarios with the City's Bond Counsel and Financial Advisor. The committee agreed that option 3 as described in the Finance Committee minutes was the preferred refunding option. The primary advantage of this option is the immediate availability of \$3.6 million for street project and would also include \$500,000 in funding for the geothermal project.

Lisa Santa Maria clarified that option 3 adds \$4.1 million in new debt. Quinn Bennion noted that city staff is working with bond counsel and Columbia Capital to prepare the necessary documents for the bond issuance. At the next Council meeting, the Council will need to amend the main trafficway ordinance. The actual bond sale will take place at the first meeting in October.

### **Environment/Recycle Committee**

Ruth Hopkins reported the committee would like to participate in a Recycling Challenge issued by MARC. MARC staff is coordinating a competition for glass recycling for the month of November. Mrs. Hopkins noted that Prairie Village hosts the current top glass recycling bin at Corinth and as such Prairie Village is being asked to issue the challenge. Committee members agreed to participate and Mayor Shaffer stated he would gladly issue the challenge.

Michael Kelly asked if the Environment/Recycle Committee had discussed asking for LEED certification for projects within the City. Mrs. Hopkins stated the committee has done some investigation on certification and she would discuss the issue with the committee. Mr. Kelly stated he felt this would be a good time to pursue requiring LEED certification.

### **JazzFest Committee**

Steve Noll reported the vendor contracts are on the consent agenda for approval, fundraising continues and plans for the 2012 Prairie Village Jazz Festival are moving along well.

### **Mayor's Report**

Mayor Shaffer reported he attended the following events representing the City:

- Ribbon cutting for the Urban Table restaurant on August 1<sup>st</sup> at 4 pm
- Telephone conference call with Congressman Yoder and other area mayors regarding the economic issues under consideration in Washington.

### **ADJOURNMENT**

With no further business to come before the Council Committee of the Whole, Council President Dale Beckerman adjourned the meeting at 7:15 p.m.

Dale Beckerman  
Council President