

COUNCIL COMMITTEE
August 15, 2011
6:00 p.m.
Council Chambers

AGENDA

DALE BECKERMAN, COUNCIL PRESIDENT

AGENDA ITEMS FOR DISCUSSION

- *COU2011-40** **Consider adoption of the 2011 Standard Traffic Ordinance for Kansas Cities and the 2011 Uniform Public Offense Code for Kansas Cities**
Sgt. Carney

- COU2011-41** **Consider approval of a Second Amendment to the Cellular Tower Lease with New Cingular Wireless, PCS, LLC (AT&T)**
Dennis Enslinger

- COU2011-42** **Consider approval of agreement with Mitel for the purchase and installation of a phone and voicemail system for all City facilities**
Nic Sanders

- COU2011-43** **Consider Ordinance 2242 related to the upcoming bond issue for public improvements designating main trafficways**
Quinn Bennion

- *COU2011-44** **Consider Approval of a Funding Agreement with MVS LLC. (RED Development) for the Completion of Public Engagement Process Related to the Development of a Comprehensive Plan Amendment**
Dennis Enslinger

***Council Action Requested the same night**

COUNCIL COMMITTEE OF THE WHOLE
August 15, 2011

The Council Committee of the Whole met on Monday, August 15, 2011 at 6:00 p.m. The meeting was called to order by Council President Dale Beckerman with the following members present: Al Herrera, Dale Warman, Ruth Hopkins, Steve Noll, Andrew Wang, Laura Wassmer, Charles Clark, Diana Ewy Sharp, David Belz and Mayor Shaffer. David Morrison arrived late. Staff Members present: Wes Jordan, Chief of Police; Sgt. James Carney; Bruce McNabb, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Nic Sanders, Human Resources Specialist; Chris Engel, Assistant to the City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

***COU2011-40 Consider adoption of the 2011 Standard Traffic Ordinance for Kansas Cities and the 2011 Uniform Public Offense Code for Kansas Cities**

On an annual basis, the City receives the latest edition of the UPOC and the STO from the League of Kansas Municipalities. Prior to the request for incorporation, the offense codes and traffic ordinances were reviewed against current City ordinances for any discrepancies. Any deletions or additions were reviewed and approved by the City Prosecutor.

Sgt. James Carney reviewed the significant changes in the Standard Traffic Ordinance which allow bicycle and motorcycles to proceed after stopping at a red light and waiting for a reasonable time. Also public works vehicles during snow can now possess a traffic control signal device to enable them to continue plowing. There were also changes made to the Driving under the Influence (DUI) provisions and the seat belt violation charge was set at \$10. In the Uniform Public Offense Code changes were made regarding the buying and selling of scrap metal, the use of all tobacco products and harassment using electronic communications. Sgt. Carney also noted state statute revisions related to bias based policing and the creation of a special event CMB permit.

Ruth Hopkins made the following motion, which was seconded by Charles Clark and passed unanimously:

**MOVE THE GOVERNING BODY ADOPT ORDINANCE 2240
INCORPORATING THE UNIFORM PUBLIC OFFENSE CODE (UPOC)
AND ORDINANCE 2241 INCORPORATING THE STANDARD
TRAFFIC ORDINANCE (STO), 2011 EDITION, PREPARED AND
PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES
WITH CERTAIN SECTIONS DELETED AND ADDITIONAL AND
SUPPLEMENTAL SECTIONS**

**COUNCIL ACTION TAKEN
08/15/2011**

COU2011-41 Consider approval of a Second Amendment to the Cellular Tower Lease with New Cingular Wireless, PCS, LLC (AT&T)

In 1992, the City of Prairie Village entered into a lease agreement with AT&T to install wireless facilities on the City-owned cellular tower at 7700 Mission Road. The original lease agreement set a monthly rental fee of \$200. It was noted that AT&T constructed the existing tower at its cost as part of the original lease agreement.

In 2008, the City of Prairie Village approved an amendment to the original lease agreement which changed the fee structure and eliminated provisions for the City receiving cell phones and minutes. At that time there was considerable discussion related the lease structure and the length of the term of the agreement. As noted in 2008, the lease term was originally approved by the City Council and was not a consideration at that time.

Dennis Enslinger stated AT&T is currently requesting some modifications to the antenna structure and the leasing area within the compound. The Planning Commission has approved the proposed modifications as per zoning code regulations. As part of this process, staff recognized an opportunity to revisit the current lease and has been negotiating with AT&T on the existing rent structure based on comments presented in 2008.

AT&T has agreed to modify the existing rent structure. AT&T has not agreed to modify the term of the original lease which has an expiration date of 2017 with a 25 year renewal (until 2042) at the discretion of AT&T.

The Second Amendment to the original contract provides for a new rent structure over the life of the lease agreement increasing the month fee to \$1800. In addition, the Amendment covers several of the provisions related to the installation of a new generator in the existing compound of the tower facility.

Mr. Enslinger compared the existing rent structure and the proposed rent structure initiated and negotiated by City staff. There is no funding required for this lease agreement. The proposed lease amendment will provide approximately \$750,000 more in revenue dollars over the life of the lease agreement with the new monthly fee being \$1800.

Ruth Hopkins **made** the following motion, which was seconded by Al Herrera and passed unanimously.

**MOVE THE GOVERNING BODY APPROVE THE SECOND
AMENDMENT TO THE CELLULAR TOWER LEASE WITH NEW
CINGULAR WIRELESS, PCS, LLC. (AT&T) AND AUTHORIZE
THE MAYOR TO EXECUTE SAID AMENDMENT
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2011-42 Consider approval of agreement with Mitel for the purchase and installation of a phone and voicemail system for all City facilities

Nic Sanders stated the current phone system is a Nortel Option 11 that was leased by the City in 2002; lease expired in 2009 at which time the City purchased the used system for \$15,410. The current phone system has reached end-of-life and will have minimal support. Replacement equipment is not readily available and it is becoming more difficult to secure used parts. In September 2010, the Governing Body approved an agreement with Swartz Consulting, LLC to review the state of the City's current telecommunications systems. The assessment found that, "the City's telecommunications infrastructure is outdated and at increasing risk of failure. Such a failure would have a negative impact on the City's ability to conduct necessary business; a failure at the public safety facility could be very serious."

In early 2011, the City solicited proposals for City-wide phone systems. Responses included various technologies as the basis of their phone systems; digital phones (current phone system technology), voice over internet protocol (VoIP), and a hosted solution. After a review of the responses, a committee comprised of City staff and representatives from Swartz Consulting participated in demonstrations of four vendors proposed solutions in June. Of those vendors, City staff requested further information from two vendors on their proposed solution and participated in additional demonstrations held at their respective offices.

Based on these demonstrations and information from on-site visits and discussions with other users, City staff recommends using Mitel for the purchase and installation of a new phone system. The Mitel solution provides complete telecommunication capabilities and overall system reliability and support, in addition to good pricing. The new phone system will allow the City to:

- Capitalize on the technological infrastructure by integrating the City's e-mail and voicemail system
- Utilize presence for all users that shows the status of all users
- Allows for desk and cellular phone twinning
- Provides new technology for voicemail
- Provide access to three way calling
- System includes one hundred (100) new phones

The estimated cost for the purchase of the Mitel solution is \$108,252 based on phone types. Currently, the City budgets \$30,000 annually for phone system leases, maintenance and hardware replacement. With the Mitel solution, maintenance is free for the first year, with an average of \$5,700 per year for years two through five.

Nic Sanders reported the Equipment Reserve Fund has a budgeted amount of \$125,000 for the replacement of the City's phone and voice-mail system as staff recognized the current system would need upgrades or replacement and budgeted funds in the Equipment Reserve Fund over the past years.

Andrew Wang asked what technology the new phones used and would they be leased or purchased and why a hosted solution was not selected. Nic Sanders responded the new phones used the VOIP technology and would be purchased. The hosted solution was not chosen primarily due to cost.

Ruth Hopkins asked if separating the phone systems had been considered. Mr. Sanders responded it had not and noted the proposed phone system can route from either City Hall or Public Works providing an immediate backup in case of loss of power.

Quinn Bennion added staff spent considerable time exploring all options. The preferred route was to upgrade the existing system and replacing the voicemail system; however, it was determined that that would be a short-term solution and costly. The proposed solution addresses long term needs and the calculations showed it was a better investment of funds to purchase the system rather than lease. He also noted the significant savings on existing maintenance costs.

Dale Beckerman asked what the projected lifespan for the proposed system. Mr. Sanders replied it is anticipated to be 10 years.

Steve Noll made the following motion, which was seconded by Andrew Wang and passed unanimously:

**MOVE THE GOVERNING BODY APPROVE THE AGREEMENT
WITH MITEL FOR THE PURCHASE AND INSTALLATION OF A
PHONE AND VOICEMAIL SYSTEM FOR ALL CITY FACILITIES,
PENDING REVIEW BY THE CITY ATTORNEY.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

COU2011-43 Consider Ordinance 2242 related to the upcoming bond issue for public improvements designating main trafficways

Quinn Bennion reported that staff has been working with Bond Counsel and the Financial Advisor to begin preparing the documents for the bond issue. As part of the process, the City's Bond Council recommends approval of a main traffic way ordinance.

The proposed ordinance designates certain streets and avenues within the City as main trafficways and trafficway connections. The ordinance provides the City's authority to issue general obligation bonds for certain street projects in accordance with KSA 12-685. The ordinance lists specific streets that could be funded by the bond proceeds. However, Mr. Bennion stressed that not all of the streets listed would be constructed. The number of streets constructed will depend on how far the bond proceeds go based on the bids received.

The following additional Streets Designated as Main Traffic ways or Main Traffic ways Connections are identified by the proposed ordinance:

Street	From	To
63 rd St	Mission Rd	Roe Ave
64 th St	Delmar Dr	Granada Dr
71 st St	Cherokee Dr	Mission Rd
71 st Terr	Belinder Ave	Cherokee Dr
72 nd St	71 st Terr	Cherokee Dr

72 nd Terr	Mission Rd	Village Dr
73 rd Terr	Falmouth Dr	Windsor St
Canterbury Dr	Windsor St	74 th Terr
Fonticello St	67 th St	71 st St
Linden Ln	83 rd Terr	85 th St
Windsor St	Cherokee Dr	75 th St

Quinn Bennion advised that any bond issue-related costs incurred by the City's consultants are reimbursed by the bond proceeds.

Charles Clark noted the concern expressed at the past meeting regarding a potential increase in bond rates has been addressed by the recent ruling by the Federal Reserve Board that there will be no increases in rates.

David Belz made the following motion, which was seconded by Laura Wassmer and passed by a vote of 10 to 1 with Diana Ewy Sharp voting in opposition.

**MOVE THE GOVERNING BODY ADOPT ORDINANCE 2242 AN
ORDINANCE AMENDING ORDINANCE NO. 2205 AND DESIGNATING
CERTAIN STREETS AND AVENUES WITHIN THE CITY OF PRAIRIE
VILLAGE, KANSAS AS MAIN TRAFFICWAYS AND TRAFFICWAY
CONNECTIONS**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Consider Approval of a Funding Agreement with MVS LLC (RED Development) for the completion of public engagement process related to the development of a Comprehensive Plan Amendment.

At the August 1, 2011 Council Committee meeting, the Council directed City staff to work with RED Development to develop a process to conduct a Comprehensive Plan Amendment Process related to the Mission Valley Middle School site. Council consensus was that RED Development would conduct the public participation process and the City would engage the services of Lochner, the City's Planning Consultant, to complete the actual comprehensive plan document. The study area for the comprehensive plan amendment will encompass the area between 83rd Street and the southern boundary of Mission Valley Middle School from Mission Road to Somerset.

Mr. Enslinger stated the RED Development has selected Consensus Consulting and Streetworks to conduct the study. The public participation process will consist of a series of focus groups with pre-selected individuals, two open forums, a workshop and a meeting to present the plans developed as part of the process and are spelled out in detail in the funding agreement. The public emotion involved with the closing of a school was noted and both parties want significant public involvement in the process to determine the best and most appropriate future uses for this site. Mr. Enslinger noted the goal is to reach consensus between the City and the developer on the best land use for this property. It is anticipated that a portion of the site will include a senior living component.

City staff will then work with Lochner to complete the comprehensive plan document. It is anticipated the amendment would be presented to the Planning Commission and City Council in March 2012.

Mr. Enslinger noted the funding for the Comprehensive Plan Amendment would come from the Economic Development Fund. The City's portion of the project is 25% of the total cost with a cap of \$45,000. The entire process is estimated to cost approximately \$200,000. The City's anticipated costs would be \$45,000 for the public engagement portion and \$20,000 to \$30,000 for the comprehensive plan amendment for a total cost of \$65,000 to \$75,000. He noted the larger scope of the project has added additional costs.

Charles Clark noted it is very important to involve the neighbors to the south and west.

Quinn Bennion stated City Staff have met with the two consultants selected by RED, StreetWorks and Consensus Consulting. Both are well qualified firms with a strong background in the development of mixed use properties.

Dale Beckerman noted there are some issues related to the development that the City cannot control and stressed the importance of reaching consensus.

Diana Ewy Sharp asked how it was determined that the site would not be used for park development. Mr. Enslinger noted during discussions regarding possible purchase of the property the Council consensus was to take no action. Mrs. Sharp asked if it was appropriate to discuss comments made an executive session. Katie Logan stated information discussed in executive session is confidential; but noted individuals may express their views outside of executive session.

Charles Clark noted the topic of discussion now is the approval of the funding agreement, but hoped there would be the opportunity for more input in the future. Dennis Enslinger responded there would be a joint City Council/Planning Commission worksession on the development plan.

Ruth Hopkins made the following motion, which was seconded by Al Herrera and passed unanimously:

MOVE THE GOVERNING BODY AUTHORIZES THE MAYOR TO EXECUTE A FUNDING AGREEMENT WITH MVS, LLC (RED DEVELOPMENT) FOR THE COMPLETION OF A PUBLIC ENGAGEMENT PROCESS RELATED TO THE DEVELOPMENT OF A COMPREHENSIVE PLAN AMENDMENT, SUBJECT TO REVIEW BY LEGAL COUNSEL AND FURTHER, AUTHORIZE THE USE OF AN AMOUNT NOT TO EXCEED \$45,000 FROM THE ECONOMIC DEVELOPMENT FUND TO PAY FOR THE CITY'S PORTION OF THE SERVICES PER THE FUNDING AGREEMENT.

**COUNCIL ACTION TAKEN
08/15/2011**

STAFF REPORTS

Public Safety

- Chief Jordan handed out information distributed by the Shawnee Mission East and Indian Hills Middle School regarding traffic patterns for student pick-up/drop-off.
- The date for the Dog Swim has been changed to Friday, September 9th.
- Officer Shipps has been invited to the Attorney General's office to discuss the city's Crisis Intervention Team (CIT) program.
- Sgts. Roberson and Ward will be attending a 10 week staff & command training course offered by Northwestern University
- Chief Jordan noted the Mission Hills Public Safety agreement and budget were on the consent agenda for approval. He briefly reviewed the formula used to determine costs noting that with a decrease in crime in Mission Hills the contract cost decreased.

Public Works

- Bruce McNabb noted the purchase of a new dump truck also on the consent agenda is being done differently due to the high cost the initial purchase will be for the cab and chassis with the additional components purchased later in the year with contingency.
- The public information meeting held last week on the Cambridge/Weltner Project was well attended. The contractor has begun work.
- Bids were opened for the 2012 CARS program Nall Avenue 75th to 79th Street. The low bidder is a new contractor for the City and references are being checked. The contract will come before the Council at the next meeting.

Administration

- Dennis Enslinger provided an update on the MARC Smart Lights for Smart Cities and the MARC sustainability grants
- The June/July Village Voice was late in being distributed and the City will not be charged for the Villagefest insert.
- Chris Engel provided an update on the Geothermal Project - drilling is completed, work will begin on connecting lines next.
- The pool is on abbreviated hours opening at 4:30 p.m. on weekdays.
- Mr. Engel provided an update on the installation of the new emergency sirens.
- Quinn Bennion announced that a committee will meeting later this week to discuss a possible placement of a holiday light display on city property.

Mayor's Report

Mayor Shaffer reviewed his activities over the past two weeks representing the City including homes association events, ribbon cuttings, Greg Colston Memorial Service, Urban Table opening, Reception for Ukraine foreign exchange student, Chamber meetings, meetings of the Johnson County Charter Commission and Johnson/Wyandotte County Mayors.

JazzFest Committee Report

Steve Noll reported the committee is preparing for the September 10th Jazz Festival. He announced the Dolyana Jazz Group will not be attending due to visa difficulties and the line-up has been adjusted with a local jazz artist. The committee's final fund raising event will

be a beer tasting held at Johnny's on Saturday, August 27th from 6 to 8. He encouraged Council members to attend and noted JazzFest will also receive a percentage of the proceeds from food sales that day.

Yard signs advertising jazz fest have arrived and are available from the City Clerk.

Community Center Committee Report

David Belz reported that although the committee has not met recently, a sub-committee met with representatives of the Shawnee Mission School District last week to discuss possible scenarios for the proposed project and what their level of support and participation would be. A similar meeting will be held with representatives of the Johnson County Park District in the next few weeks. After these meetings the committee will meet to discuss options and report back to the City Council.

ADJOURNMENT

With no further business to come before the Council Committee of the Whole, Council President Dale Beckerman adjourned the meeting at 7:05 p.m.

Dale Beckerman
Council President