

**COUNCIL COMMITTEE OF THE WHOLE  
May 20, 2013**

The Council Committee of the Whole met on Monday, May 20, 2013 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Dale Warman with the following members present: Mayor Ron Shaffer, Ashley Weaver, Dale Warman, Steve Noll, Michael Kelly, Andrew Wang, Laura Wassmer, Brooke Morehead, David Morrison, Charles Clark, Ted Odell and David Belz. Staff Members present: Captain Wes Lovett; Keith Bredehoeft, Interim Public Works Director; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Nic Sanders, Human Resources Specialist; Danielle Dunn, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk.

Dale Warman asked committee members to keep the victims and first responders of the Oklahoma City tornado in their prayers.

**Presentation of City's 2012 Audit**

Lisa Santa Maria introduced Karen Linn with Berberich Trahan & Company, PA, to present the results of the 2012 Financial Audit for the City. Ms. Linn reviewed their responsibilities as auditors, the process followed and the findings of the audit as presented in their draft audit report which was distributed. She was pleased to report the city was given an unqualified opinion which is the highest available designation for the 2012 audit. The management letter reflected issues. There were no unusual transactions, recommendations for changes in processes or procedures and they found the accounting estimates and transaction adjustments to be appropriate and in line with standard accounting practices. Ms Linn commended the staff for their preparation and cooperation during the audit process.

**COU2013-20 Consider contract with Serenity Landscape Design, LLC for Weed Abatement Services**

Dennis Enslinger stated in 2009 the City began contracting out mowing of properties which have been found to be in violation of the City Weeds and Grass ordinance. The previous contract decided not to continue providing this service and the city solicited bids. Bids were received from Denis Lawn Care and Serenity Landscape Design, LLC with Serenity submitting the lowest aggregate cost bid. Mr. Enslinger noted the 2013 Codes budget contains funds for contract mowing services.

Brooke Morehead asked how the solicitation of bids was distributed, noting the receipt of only two bids. Mr. Enslinger responded the bid notice was on the city's website, sent directly to identified service providers and published in the Legal Record. He noted the past contractor is no longer providing this service.

Steve Noll made the following motion, which was seconded by Laura Wassmer and passed unanimously:

**RECOMMEND THE CITY COUNCIL ACCEPT THE LOW BID  
FROM SERENITY LANDSCAPE DESIGN, LLC AND AUTHORIZE**

**THE MAYOR TO EXECUTE AN AGREEMENT FOR WEED  
ABATEMENT SERVICES WITH SERENTIY LANDSCAPE  
DESIGN, LLC.**

**COUNCIL ACTION TAKEN  
05/20/2013**

**COU2013-19 Consider Construction Contract for Project 2013 Paving, 2013 CARS  
and 2012/2013 Drainage Projects**

Keith Bredehoeft stated this project includes work on many streets throughout the City. It is funded by the 2013 Paving Program, the 2013 CARS Program, and the 2012/2013 Drainage Programs. These streets will be rehabilitated and will include repair or replacement of the concrete and asphalt pavement. Drainage repairs are made on some streets as well with significant drainage work on 63<sup>rd</sup> Street from Delmar to Roe Avenue. Drainage Channel improvement will also be made under the bridge at 71<sup>st</sup> and Tomahawk.

The streets involved in the street projects include the following:

- 63<sup>rd</sup> Street- Delmar Street to Mission Road
- 64<sup>th</sup> Street- 64<sup>th</sup> Terrace to Hodges Drive
- 70<sup>th</sup> Street- Roe Avenue to Tomahawk Drive
- Linden Lane- 71<sup>st</sup> Terrace to 71<sup>st</sup> Street
- 72<sup>nd</sup> Terrace- Village Drive to Mission Road
- 76<sup>th</sup> Street- Briar Street to Roe Avenue
- Delmar Street- 75<sup>th</sup> Street to 79th Street
- 78<sup>th</sup> Street- Tomahawk Road to Nall Avenue
- Linden Lane- 85<sup>th</sup> Street to 83<sup>rd</sup> Terrace
- 84<sup>th</sup> Street- Roe Avenue to Fontana Road
- Somerset Drive- (Reinhardt Lane to Belinder Avenue) CARS

Those streets involved in drainage repairs include the following:

- 63<sup>rd</sup> Street- Roe Avenue to Delmar Street- Replace CMP drainage system.
- Brush Creek(71<sup>st</sup> Street and Tomahawk Drive) Replace Concrete Channel.

On May10, 2013, the City Clerk opened bids for the project. Three acceptable bids were received:

O'Donnell & Sons Construction	\$2,918,820.75
J.M. Fahey Construction	\$3,050,109.44
McAnany Construction	\$3,255,659.95
Engineer's Estimate	\$3,119,683.00

The Engineer has reviewed all bids and has recommended award of the low bid. Mr. Bredehoeft noted that O'Donnell & Sons has done several projects for the City over the past five years, including the 2009 bond projects. He added that on large projects the City will require KDOT certification in the work to be performed. One additional bid was received but it failed to meet these requirements.

Mr. Bredehoeft noted there was \$3,100,000 budgeted for this project and the contract

will be awarded for \$3,100,000. Given the bids additional streets should be able to be added to those listed above. He added the scope of work could change on an individual street such as a complete reconstruction versus a mill and overlay causing fewer funds to be available for additional streets.

Funding is available under the 2013 Paving Project (PAVP2013), the 2012 and 2013 Drainage Programs (DRAIN12x and DRAIN13x), and the 2013 CARS Project (SODR0003).

Charles Clark stated this contract is for about the amount of funds that the City should be spending on its infrastructure and will not keep the city's streets at their desired level. The city will once again begin falling further behind in maintaining its infrastructure.

Charles Clark made the following motion which was seconded by Steve Noll and passed unanimously:

**RECOMMEND THE CITY COUNCIL AUTHORIZE THE  
MAYOR TO SIGN THE CONSTRUCTION CONTRACT WITH  
O'DONNELL AND SON'S CONSTRUCTION FOR PROJECT  
2013 PAVING, 2013 CARS AND 2012/2013 DRAINAGE REPAIR  
IN THE AMOUNT OF \$3,100,000.**

**COUNCIL ACTION TAKEN  
5/20/2013**

**COU2013-18 Consider Construction Administration Agreement with TranSystems for the 2013 Construction Projects**

Keith Bredehoeft noted in 2012 TranSystems was selected to be the City's construction administration consultant for 2012, 2013 and 2014. The previously approved contract has a total construction cost of \$3,100,000. The construction administration fee negotiated with TranSystems is \$299,299.00 or 9.6% of construction costs. This percentage is similar to the percentage for recent construction administration contracts.

Funding is available under the 2013 Paving Project (PAVP2013), the 2012 and 2013 Drainage Programs (DRAIN12x and DRAIN13x), and the 2013 CARS Project (SODR0003).

Mr. Bredehoeft noted that construction administration is an area that staff will be reviewing in the future to determine if it would be more economical to provide this in-house rather than contracting it out.

Charles Clark made the following motion, which was seconded by Ted O'Dell and passed unanimously:

**RECOMMEND THE CITY COUNCIL APPROVE THE  
CONSTRUCTION ADMINISTRATION AGREEMENT  
WITH TRANSYSTEMS FOR THE 2013 CONSTRUCTION  
PROJECTS AT A COST NOT TO EXCEED \$299,299.00  
COUNCIL ACTION TAKEN  
05/20/2013**

## **COU2013-12 Consider Significant Budget Items/Priorities**

### **Presentation of Park Improvement Priorities**

Laura Wassmer stated the Park & Recreation Committee has been working over the past six months on establishing park improvement priorities. There has been a lot of discussion regarding the parks master plan, current park conditions and financial limitations. The committee tried to pick from the parks master plan the best of the best and to prioritize them over the next five years.

Danielle Dulin noted previous park priorities were based on the quality of the improvements assuming only one park would be completed at a time and not based on the availability of funds. There was an effort to pass a 3/8-cent sales tax to fund park projects in June 2012, but Council did not support sending the sales tax initiative to the public. Since that time, the committee has reconsidered and reprioritized the needs of city parks. The priority list and recommendation to include funding in the CIP for the projects on the priority list was unanimously approved at their annual park tour meeting on May 8, 2013.

Doug Pickert with Indigo Design worked with the committee to select elements from the approved parks master plan to create a revised parks priority listing focusing on needs and realistic available funding. Mr. Pickert reviewed each park as originally proposed in the Parks Master Plan and the revised priorities approved by the committee.

### **McCrum Park**

The original plan included additional parking, new play set, spray park, tryke path, perimeter path, shelter, crosswalk, sign orientation, fence along Roe, black tennis fence at a projected cost of \$420,000.

The revised plan includes a new play set and nature play area, reuse of the shelter removed from Weltner Park, tryke path, a fence along Roe and burying of the electrical power lines at a projected cost of \$148,000.

Dale Warman responded that he sees the burying of the overhead power lines as a safety issue and supports such action.

### **Prairie Park**

The original plan included toddler swings, fencing, trees and a fountain at a projected cost of \$6,000.

The revised plan includes toddler swings and moving climbing boulder to McCrum Park at a projected cost of \$5,000.

### **Taliaferro Park**

The original plan included 8' walking paths, sport field improvements, nature play area, new play set and bike rack at a projected cost of \$365,000.

The revised plan includes new nature play area, sport field improvements including a small infield area and backstop and a new play set at a projected cost of \$147,000.

David Belz questioned the significant difference in cost. Mr. Pickert responded the removed trail was a major cost and other play items were scaled back.

### **Harmon Park**

As a primary gathering place, the original plans for this park were significant including an amphitheater, Santa Fe Trail themed playground, increased parking, replacement of large shelter, patio and restrooms, 8' perimeter path, landscaping, climbing wall, skate park improvements and a sculpture garden at a projected cost of \$2,725,000.

The revised plan includes a disc golf course in the open park area, a new nature play area and new play set at a projected cost of \$130,000.

Ted Odell asked if there was a demand for disc golf. Steve Noll stated it is growing in popularity among young adult males. Laura Wassmer added the committee was seeking a feature that would bring activity to a seldom used area of the park and would not impact the Santa Fe Trail. Brooke Morehead asked about the components making up a disc golf course and if they were removable, noting the use of some of this area for the annual jazz festival. Mr. Pickert responded they could easily be removed temporarily.

Mrs. Morehead noted that a request that she receives often from residents is for an open dog play area and asked if that was considered. Ms. Wassmer stated it was not recently, but was considered as part of the Parks Master Plan.

### **Bennett Park**

The original plan included additional parking, Tryke path, 8' perimeter path, sign orientation, relocate sandbox for ADA accessibility at a project cost of \$65,000.

The revised plan includes an 8' perimeter path, new play set and nature play area at a projected cost of \$133,000.

### **Porter Park**

The original plan included 8' perimeter path and widen trails, nature play area, decorative fence, improved drainage, parking, additional play area, expanded shelter, improved ADA accessibility, relocation of tire swing and landscaping at a projected cost of \$406,000.

The revised plan includes new nature play area, improved drainage, extended trail along creek, new backstops and new play set at a projected cost of \$190,000.

Steve Noll stated this is a very popular park and that at some time in the future the City needs to look at repairing the parking lot which has suffered as a result of being used several times as a drop off point for storm and tree debris. Mayor Shafer asked if there was sufficient parking. Mr. Pickert indicated more could be added. Mr. Noll stated he would not want to see a reduction in park land for additional parking. Mr. Warman

expressed concern for children safety with parallel parking along Roe for the park as this is a narrow and busy street.

### **Windsor Park**

The original plan included 8' perimeter path, nature play area, new play set, replace shelter, landscaping, and new entry, replace/widen bridge and improve drainage at a projected cost of \$520,000.

The revised plan includes new nature play area, improved drainage, nature play area, new tables and benches at a projected cost of \$119,000.

Keith Bredehoeft reviewed the proposed priorities and estimated costs reflected below:

- 2014: **\$250,000** for improvements in McCrum (\$148,800), Prairie (\$5,000), Taliaferro (\$27,000), and Harmon (\$20,000) Parks.
- 2015: **\$225,000** for improvements in Taliaferro (\$50,000) and Bennett (\$133,000) Parks.
- 2016: **\$375,000** for improvements in Porter (\$190,000), Taliaferro (\$70,000), and Windsor (\$119,000) Parks.
- 2017: **\$135,000** for improvements in Harmon Park.
- Future: **\$200,000** for improvements in Porter and Franklin Parks and northland park development.

The \$4,507,000 remaining costs for the implementation of the 2009 Parks Master Plan have been reprioritized with an estimated cost of \$872,800 + design and inspection costs for a total cost of \$985,000 over the next five years.

Laura Wassmer stated the Park & Recreation Committee would gladly accept more funding. The proposed plan covers what they consider to be the minimum needed to maintain and improve city parks on an on-going basis. Charles Clark stated this amount should be four times what is being requested.

Keith Bredehoeft stated the Parks Ground Maintenance Operations budget for 2014 has a proposed \$12,500 increase that includes the following:

- \$5,000 - Santa Fe Pavilion stone wall repair
- \$4,000 - Turf management
- \$3,500 - Playground equipment repair

Mr. Bredehoeft reviewed a list of park maintenance items that have been identified and need to be addressed in the near future. He believes it is important to balance street infrastructure and park infrastructure needs.

Michael Kelly commended Ms Wassmer and the committee for making the concepts of the Parks Master Plan workable. He noted, although, that he has also received several requests for an open off-leash dog play area. Ms Wassmer responded those requests have not come to the committee.

Mr. Kelly noted the presentation did not include any pool accommodations. Mr. Bredehoeft stated the aquatics and tennis areas are included in the capital budget. He stated this year's budget includes a study/review of the tennis courts for repair in 2014.

Laura Wassmer noted Mr. Kelly suggested that the chairs at the pool be color coded for the different pool areas making it easy to identify moved chairs and return them to the proper area.

Brooke Morehead asked again that the committee look for an area that could be used as an off-leash area for dogs. Ms Wassmer responded she felt the open church area at 71<sup>st</sup> and Nall, which has been suggested as a park area for the northern part of the city would be a good area.

Andrew Wang thanked Ms Wassmer, Weaver and Mr. Pickert and the committee for preparing this stronger and more realistic priority listing and outlook for the on-going development of city parks.

Charles Clark moved the Council Committee directs staff to include \$985,000 in the Capital Improvement Plan (CIP) over the next four years for numerous park improvements as presented. The motion was seconded by Brooke Morehead and passed unanimously.

Dale Warman noted the Countryside East area does not have access to an area park. Laura Wassmer responded the final year of the CIP sets aside money for northland park development.

### **Discussion on Property Maintenance, Rental Licensing, Home Ownership**

As part of the 2014 budget discussions, the Council asked staff to look at the costs associated with adding staff in the area of property maintenance. Mr. Enslinger noted the current draft 2014 budget contains \$65,000 as a place holder for adding one additional FTE to the Community Development Department. Ted Odell added this staff person will enable the city to move forward on more enforcement of property maintenance codes. He is also looking at exploring interior inspections of rental properties and offering home ownership incentives.

Dennis Enslinger the proposed changes will require a culture change of the current processes followed by the City. The City has followed a very lenient, hand-holding enforcement approach requiring many follow-up visits and significant time to close a case. This is unlike the process followed on mowing violations where the required notices are sent and if no action is taken within an allotted timeframe, the City contracts the work to be done and charges the property owner.

Mr. Enslinger stated he would recommend adopting the International Property Maintenance Code which provides clearer direction. One of the current issues faced by the City is the inability to go on property without the property owners' approval. Mr. Odell feels there has been an evident decline in property maintenance in certain areas

of the City over the past 15 years and property values are being negatively impacted. Mr. Enslinger asked if the Council would be supportive of a more defined approach.

Andrew Wang noted the extensive length of time it currently takes to get resolution on a property maintenance violation. Laura Wassmer stated the city has had cases that have gone on unresolved for years trying to work with property owners. She supports a stronger property maintenance process with more teeth. Mr. Enslinger stated he sees a more formal approach with firm deadlines. If compliance is not achieved within the allotted time, it will be forward to municipal court and placed in the hands of the judge.

Ron Shaffer confirmed this would still allow for residents to apply for assistance through the Heartland Habitat Brush with Kindness Program. Mr. Enslinger noted that it takes 30 to 40 hours to coordinate one Habitat project, which limits the number that can be done. Mr. Shaffer asked if there are areas of the City's code that are weak. Mr. Enslinger responded the city's code was developed over time and is vague in some areas. The international property maintenance code provides much clearer direction. Mr. Shaffer asked how many cases are currently being processed through the courts per year. Mr. Enslinger responded 10 to 15 per year.

Ted Odell confirmed the city's current enforcement is generally complaint based. Mr. Enslinger stated the department does a general sweep of identified areas each year, but due to staffing limitations, the primary direction is taken from complaints.

Laura Wassmer stated she can drive through certain areas of the City and see properties that have had code violations for the past three years that are still not resolved. Dale Warman stated he supports a more formal program. Mr. Enslinger stated he will bring back a plan for the Council to consider.

Andrew Wang moved to direct staff to move forward with creating a more formalized code enforcement process. The motion was seconded by Laura Wassmer and passed unanimously.

Ted Odell stated he would also like to look at a more complete inspection of rental properties including an interior inspection. This revision could take many forms and is still being worked on. For example, the property owner may be required to provide proof of an interior inspection by an outside source with their application for a license. It is his hope that any increased costs would be covered by a higher rental property license fee.

Mr. Odell also would like to see the City take a more proactive approach to having more owner occupied homes in the City, particularly in high rental areas. Different options are being investigated and would be presented at a later time.

Laura Wassmer confirmed the process would not involve the loan process for home purchases.

Dennis Enslinger noted one incentive option could be offering a higher percentage rebate on the exterior home grant program or property tax rebate for owner occupied properties.

Charles Clark moved the Committee direct staff to retain the proposed \$65,000 in the 2014 budget for an additional codes department staff person. The motion was seconded by Andrew Wang and passed unanimously.

**Adjournment**

With no further business to come before the Council Committee, Council President Dale Warman adjourned the meeting at 7:25 p.m.

Dale Warman  
Council President