

The City of Lee's Summit
Action Letter
City Council - Regular Session

Tuesday, April 28, 2020

6:00 PM

Via Video Conference

REGULAR SESSION NO. 55

Notice is hereby given that the Council of the City of Lee's Summit will meet in regular session on Tuesday, April 28, 2020 at 6:00 pm via video conference as provided by Section 610.015 of the Revised Statutes of the State of Missouri. Due to the ongoing Covid-19 pandemic, City Hall will be physically closed and therefore, the public is invited to attend by viewing the meeting on the City website at www.WatchLS.net, and various cable providers (Spectrum channel 2, Google TV channel 143, AT&T U-Verse channel 99 and Comcast channel 7) for those whose cable providers carry the City of Lee's Summit meetings. Additionally, persons wishing to comment on any item of business on the agenda may do so in writing prior to 5:00 p.m. on April 27, 2020, either by e-mail to: clerk@cityofls.net, by leaving a voicemail at 816-969-1005 or by leaving written printed comments in the utility payments drop boxes located in the alley behind City Hall or inside the foyer at the north end of City Hall, both located at 220 SE Green Street, Lee's Summit, MO 64063. Written comments submitted by these methods will be presented at the Council meeting.

Preliminaries:

- A. Invocation
- B. Pledge of Allegiance
- C. Call to Order

Mayor Pro Tem Lopez Called Regular Session No. 55 to order at 6:14 p.m.

- D. Roll Call

Present: 8 - Mayor Bill Baird
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Councilmember Phyllis Edson
Councilmember Diane Forte
Councilmember Bob Johnson
Councilmember Beto Lopez

Absent: 1 - Councilmember Craig Faith

1. Approval of Agenda

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, to approve the published agenda. The motion carried by the following vote:

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Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

Absent: 1 - Councilmember Faith

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

Absent: 1 - Councilmember Faith

- A. [BILL NO. 20-70](#)** An Ordinance amending Chapter 13 of the Code of Ordinances of the City of Lee's Summit, Missouri, Article III. Fire Code, to modify the approved dates and times to discharge approved consumer fireworks.
(NOTE: First reading by City Council on April 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 20-70 be adopted and numbered Ord. No. 8863 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

Absent: 1 - Councilmember Faith

- B. [BILL NO. 20-71](#)** An Ordinance awarding the bid for Project No. 548 for the Streambank Stabilization Projects: SE 2nd Street; SW 3rd Street and Cedar Creek to Tasco, LLC, in the amount of \$672,387.00, and authorizing the City Manager to execute an agreement of the same.
(NOTE: First reading by City Council on April 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney,

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that Bill No. 20-71 be adopted and numbered Ord. No. 8864 as part of the Consent Agenda.
The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

Absent: 1 - Councilmember Faith

- C. [BILL NO. 20-72](#) An Ordinance approving an agreement for Professional Engineering Services between the City of Lee's Summit, Missouri, and Transystems Corporation for the Pryor Road Improvements from Longview Road to Hook Road (RFQ No. 2020-046) for an amount not to exceed \$1,114,598.00 and authorizing the City Manager to execute an agreement of the same.
(NOTE: First reading by City Council on April 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 20-72 be adopted and numbered Ord. No. 8865 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

Absent: 1 - Councilmember Faith

- D. [BILL NO. 20-73](#) An Ordinance approving a Development Agreement between DTLs Apartments, LLC, and the City of Lee's Summit, Missouri for the Downtown Cityscape project.
(NOTE: First reading by City Council on April 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 20-73 be adopted and numbered Ord. No. 8866 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

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Absent: 1 - Councilmember Faith

- E. [BILL NO. 20-74](#) An Ordinance approving the First Amendment to the Development Agreement between United Methodist Church of Lee's Summit and the City of Lee's Summit, Missouri, for the Summit Church Development.
(NOTE: First reading by City Council on April 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 20-74 be adopted and numbered Ord. No. 8867 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Faith

Away FT: 1 - Mayor Baird

- F. [BILL NO. 20-75](#) An Ordinance authorizing the Mayor to enter into an Intergovernmental Agreement by and between the City of Lee's Summit and the Jackson County Public Water Supply District No. 13, the provision of and the termination of water service and sewer service and exchange of information.
(NOTE: First reading by City Council on April 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 20-75 be adopted and numbered Ord. No. 8868 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

Absent: 1 - Councilmember Faith

- G. [BILL NO. 20-76](#) An Ordinance approving Change Order #4 to the contract with Second Sight Systems, L.L.C. for the SCADA System improvements project, an increase of \$5,997.17 for a revised contract price of \$448,507.30.
(NOTE: First reading by City Council on April 14, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Binney, that Bill No. 20-76 be adopted and numbered Ord. No. 8869 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Away FT: 1 - Mayor Baird

Absent: 1 - Councilmember Faith

3. Council Roundtable

Councilmember Edson noted that many meetings and events have been cancelled or postponed. Among those were the graduation ceremonies for our local high schools. Those events have now been scheduled as follows: St. Michael's - June 16th; Summit Christian Academy - June 20th; Lee's Summit High School, Lee's Summit North and Lee's Summit East are all scheduled for July 25th; and, Blue Springs South is May 24th.

Councilmember Johnson asked if there was any current direction on social gathering restrictions being lifted by the County Executive. Mr. Steve Arbo, City Manager, advised the current date of reducing restrictions is May 15th for Jackson County. There has not been any direction given past that date at this time.

Councilmember Binney asked if the City was making preparations to start opening everything up again as it will take time for small businesses to create plans, order supplies, and direct employees. Mr. Arbo stated Jackson County is the expert on this information and the City is following their guidelines and regulations as best practices. There has not been any direction given on reopening at this time other than the date of May 15th to lift the stay at home orders.

Mayor Baird encouraged those involved with MARC and working with Jackson County to continue to push for more information, dates, guidelines on reopening the City so that both the City and businesses can start planning.

Mr. Mike Snider, Fire Chief, provided an update on the COVID-19 pandemic as it relates to Jackson County and Lee's Summit. He stated reopenings will be done in multiple phases and there will be more information coming forward regarding dates, social distancing guidelines, timelines, etc. It will take some time to recover from this and it will be a slow process to get to a new normal.

4. Public Hearings:

- A. [2020-3346](#) Public Hearing: Application #PL2019-391 - Preliminary Development Plan - Rader Real Estate Office, 2 SE 5th St & 417 SE Main Street; Cynda Rader, applicant.

(Note: This public hearing is continued to April 28, 2020 at 6:00pm in the City Council Chambers, or at another meeting location to be identified on the April 28, 2020 agenda when that agenda is posted by the City Clerk.)

Mr. Josh Johnson entered Exhibit A. 1 - 18 into the record.

Council discussion:

- Location
- Stormwater
- Improved Appearance

- 1) [BILL NO. 20-77](#) An Ordinance approving a preliminary development plan located at 2 SE 5th St. & 417 SE Main St. In district TNZ, proposed Rader Real Estate Office, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, or the City of Lee's Summit, Missouri.

(Note: First reading by Council on April 28, 2020. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 20-77 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Forte
Councilmember Johnson

Away FT: 1 - Councilmember Lopez

Absent: 1 - Councilmember Faith

- B. [2020-3348](#) Public Hearing: Application #PL2019-412 - Preliminary Development Plan - Sequoia, 408, 500 & 502 NW Olive Street; Orchard Park Development, LLC, applicant.

(Note: This public hearing is continued to April 28, 2020 at 6:00pm in the City Council Chambers, or at another meeting location to be identified on the April 28, 2020 agenda when that agenda is posted by the City Clerk.)

Mr. Josh Johnson entered Exhibit A. 1 - 22 into the record. He also read into the record a letter from Ms. McClintock regarding her opposition to this application.

Council Discussion:

- Orchard / Olive
- Road Improvements
- Structures
- Infrastructure
- Infill
- Stormwater
- Traffic

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- Citizen concerns

*Councilmember Faith present at 7:04 p.m.

- 1) [BILL NO. 20-78](#) An Ordinance approving a preliminary development plan located at 408, 500 & 502 NW Olive St. in district RP-2, proposed Sequoia, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City Of Lee's Summit, Missouri.
(Note: First reading by Council on April 28, 2020.)

ACTION: A motion was made by Councilmember Johnson, seconded by Councilmember Carlyle, that Bill No. 20-78 be advanced to second reading. The motion carried by the following vote:

Aye: 5 - Mayor Baird
Councilmember Binney
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Aye: 5 - Mayor Baird
Councilmember Binney
Councilmember Faith
Councilmember Forte
Councilmember Johnson

Nay: 4 - Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Lopez

Nay: 4 - Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Lopez

- C. [2020-3395](#) Public Hearing: Application #PL2020-005 - Preliminary Development Plan - Firestone, 3501 SW Market Street; FS Lee's Summit, LLC, applicant.

Mr. Josh Johnson entered Exhibit A. 1-20 into the record.

Council discussion:

- Parking Lot
- Sidewalks
- Infrastructure
- Stormwater
- Signage
- Screening

- 1) [BILL NO. 20-79](#) An Ordinance approving a preliminary development plan located at 3501 SW Market St. in District CP-2, proposed Firestone, in accordance with the provisions of Chapter 33, the Unified Development Ordinance of Lee's Summit Code of Ordinances, for the City of Lee's Summit, Missouri.
(Note: First reading by Council on April 28, 2020.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember DeMoro,

that Bill No. 20-79 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

5. Public Comments:

There were no Public Comments submitted to the City Clerk.

6. Proposed Ordinances Forwarded from Committee:

- A. [BILL NO. 20-80](#) An Ordinance approving the use of a Cooperative Contract between Omnia Partners and Office Depot, Inc. to purchase office materials and supplies as needed and authorizing the City Manager to execute and use the same by and on behalf of the City of Lee's Summit, Missouri. (F&BC 4/13/20)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 20-80 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Carlyle, that Bill No. 20-80 be adopted and numbered Ord. No. 8870. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- B. [BILL NO. 20-81](#) An Ordinance authorizing the First Amendment to a Real Property and Tower Site Lease Agreement by and between the City of Lee's Summit and New Cingular Wireless PCS, LLC, extending the lease term and increasing the annual rental payment, and authorizing the Mayor to execute the same by and on behalf of the City. (F&BC 4/13/20)

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Forte, that Bill No. 20-81 be second read. The motion carried by the following vote:

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Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

ACTION: A motion was made by Councilmember Lopez, seconded by Councilmember Carlyle, that Bill No. 20-81 be adopted and numbered Ord. No. 8871. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

- C. [BILL NO. 20-82](#) An Ordinance approving the 2020 Combat Drug Commission DARE Agreement by and between the City of Lee's Summit, Missouri and Jackson County, Missouri, and authorizing the Mayor to execute the same by and on behalf of the City. (F&BC 4/13/20)

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember DeMoro, that Bill No. 20-82 be second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 20-82 be adopted and numbered Ord. No. 8872. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

- D. [BILL NO.](#) An Ordinance approving the City of Lee's Summit Entitlement Community
[20-83](#) Development Block Grant (CDBG) 2020-2021 Annual Action Plan. (CEDC
3/11/2020)

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 20-83 be for second read. The motion carried by the following vote:

Aye: 9 - Mayor Baird
Councilmember Binney
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

ACTION: A motion was made by Councilmember Faith, seconded by Councilmember Carlyle, that Bill No. 20-83 be adopted and numbered Ord. No. 8873. The motion carried by the following vote:

Aye: 8 - Mayor Baird
Councilmember Carlyle
Councilmember DeMoro
Councilmember Edson
Councilmember Faith
Councilmember Forte
Councilmember Johnson
Councilmember Lopez

Nay: 1 - Councilmember Binney

7. Committee Reports

Councilmember Faith stated there will be a Public Works Committee meeting on May 4th via video conference.

Councilmember Johnson noted there will be a Finance and Budget Committee meeting on May 11th, also via video conference. This meeting will have the City Manager present the full budget.

8. Council Comments:

Councilmember Edson asked to have Mayor Pro Tem assign the review of infrastructure in older neighborhoods to a committee.

Councilmember Carlyle wished Councilmember Binney a happy birthday today.

Councilmember Faith also wished Councilmember Binney happy birthday and thanked Councilmember Edson for her comments and suggestion on the infrastructure in older neighborhoods.

Councilmember Binney thanked everyone for the birthday wishes. He also thanked everyone that has been working so hard to keep the city moving forward and hopes to see them continue to work towards reopening the city

and provide timelines as well as guidelines.

Mayor Baird thanked everyone for the regional decision making. He also expressed his thanks for moving the city forward and he too hopes to see more efforts in re-opening the city.

Councilmember Forte stated the Chamber of Commerce is having a virtual meeting from 11:30am - Noon to discuss more about business and their reopening in Lee's Summit.

9. Staff Roundtable

A. [2020-3441](#) Discussion of Legacy Blast Firework Contract

Mr. Steve Arbo, City Manager, reviewed information regarding Legacy Blast and the planning it takes to have this event. Due to the unknown circumstances resulting from the COVID-19 pandemic, staff is suggesting Legacy Blast be cancelled this year.

After lengthy discussion, Council agreed the event should be cancelled.

10. Adjournment

Mayor Baird again thanked everyone for everything they are doing to help in this current situation. Hearing no further business, Mayor Baird adjourned Regular Session No. 55 at 9:25 p.m.

Unless determined otherwise by the Mayor and City Council, no new agenda items shall be considered after 11:00 p.m.

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "lsmo.legistar.com"