The City of Lee's Summit

Action Letter

City Council - Regular Session

Tuesday, February 27, 2024 6:00 PM City Council Chambers and Via Video Conference 220 SE Green Street Lee's Summit, MO 64063 REGULAR SESSION NO. 65

Notice is hereby given that the City Council for the City of Lee's Summit will meet in Regular Session on Tuesday, February 27, 2024 at 6:00 pm in person and via video conference as provided by Section 2-50 of the City of Lee's Summit Code of Ordinances, adopted by the City Council on June 15, 2021, Ordinance No. 9172. Persons wishing to comment on any item of business on the agenda, including public testimony during a Public Hearing, via video conference may do so by sending a request prior to 5:00 p.m. on Monday, February 26, 2024, to the City Clerk at clerk@cityofls.net to attend the meeting on the video conferencing platform. The City Clerk will provide instructions regarding how to attend by this method. The meeting may be viewed on the City's website at WatchLS.net, and on various cable providers (Spectrum Channel 2, AT&T U-Verse Channel 99 and Comcast Channel 7).

Preliminaries:

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

Mayor Baird called Regular Session No. 65 to order at 6:30 pm.

D. Roll Call

Present: 8 - Mayor Bill Baird

- Councilmember Fred DeMoro Councilmember Phyllis Edson Councilmember Andrew Felker Councilmember Faith Hodges Councilmember John Lovell Councilmember Mia Prier Councilmember Hillary Shields
- Absent: 1 Councilmember Beto Lopez

1. Approval of Agenda

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

- Aye: 8 Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields
- Absent: 1 Councilmember Lopez

2. Approval of Consent Agenda:

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, to approve the Consent Agenda, Items 2.A. - 2.D. The motion carried by the following vote:

Ave: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

A. <u>2024-6089</u> Approval of City Council Action Letter for February 13, 2024.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, to approve the City Council Action Letter from February 13, 2024 as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

- Absent: 1 Councilmember Lopez
- **B.** <u>2024-6130</u> Mayor's Appointment: Cultural Commission Appoint Linda Chubbuck, to replace Bruce McClain (resigned), term to expire 6-06-25.

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, to approve the Mayor's Appointments as part of the Consent Agenda. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

C.BILL NO.An Ordinance accepting Final Plat entitled, "Orchard Woods, Lots 1-34 and23-029Tract A", as a subdivision to the City of Lee's Summit, Missouri.
(First read by Council on February 7, 2023. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 24-029 be adopted and numbered Ord. No. 9852 as part of the Consent Agenda. The motion carried by the following vote:

- Aye: 8 Mayor Baird
 - Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields
- Absent: 1 Councilmember Lopez
- **D.** <u>BILL NO.</u> An Ordinance authorizing the issuance, sale and delivery of not to exceed
 <u>24-024</u> \$27,500,000 principal amount of General Obligation bonds, Series 2024A of The City of Lee's Summit, Missouri, and authorizing certain other documents and actions by the City.

(First read by Council on February 13, 2024. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 24-024 be adopted and numbered Ord. No. 9853 as part of the Consent Agenda. The motion carried by the following vote:

- Aye: 8 Mayor Baird
 - Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields
- Absent: 1 Councilmember Lopez

3. Council Roundtable

Councilmember Shields noted the Spring Open House for downtown Lee's Summit is being held this weekend, March 1 & 2, 2024.

Mayor Baird stated he and several Councilmembers attended the MML Conference last week and met with legislators and discussed thing such as the landfill, road improvements and other local concerns and felt their concerns were heard, understood and shared.

4. Proclamations:

A. <u>2024-6129</u> Proclamation: March for Meals Month - March 2024

This Proclamation was presented.

5. Public Hearings:

 A. <u>2024-6078</u> Public Hearing: Application #PL2023-319 - Preliminary Development Plan -Outlaw Harley Davidson, 3100 NE Carnegie Drive; Engineering Solutions, LLC, applicant.

Councilmember Felker recused from this Public Hearing due to a conflict of interest with his employer.

Mr. Shannon McGuire, Senior Planner, entered Exhibit A. 1-18 into the record.

Council Discussion Included:

- Berm area along Vanderbilt
- Additional Screening
- Conceptual buildings in vacant lot
- Possible office buildings close to the event space
- SUP areas outdoor display only
- Distance from properties
- Motorcycles in groups decibel level / Noise levels

Mr. Corey Henry, representative of the business property owners located close to this location that are in opposition to this application due to the several factors including that they do not feel it fits the development pattern in this area with most properties surrounding it are professional buildings and the problems this type of development would cause in this area.

Mr. Pam Chhatre, Summit Plastic Surgery Center, does surgery several times a week and could affect their business with the noise levels.

Mr. Jimmy Chouteau, property owner that rents spaces to several professionals in this area also feels this could disrupt business for his tenants.

 BILL NO. An Ordinance approving a Preliminary Development Plan for land located at 24-025
 3100 NE Carnegie Drive, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on February 27, 2024.)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 24-025 be advanced to second reading. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Lovell Councilmember Prier Councilmember Shields

Nay: 1 - Councilmember Hodges

Absent: 1 - Councilmember Lopez

Recused: 1 - Councilmember Felker

 B. <u>2024-6079</u> Public Hearing: Application #PL2023-327 - Special Use Permit for major automotive repair - Priority Auto Repair, 1020 SE Hamblen Road; Sam Digiovanni, applicant.

Mr. Shannon McGuire, Senior Planner, entered Exhibit A. 1-18 into the record.

Council Discussion Included:

• 10-year term standard

No one was present to speak in favor of or in opposition to this application.

 BILL NO.
 An Ordinance granting a Special Use Permit for a major automotive repair facility in District PI on land located at 1020 SE Hamblen Road, for a period of ten (10) years, all in accordance with Article 6 of the Unified Development Ordinance for the City of Lee's Summit, Missouri. (Note: First read by Council on February 27, 2024. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 24-026 be advanced to second reading. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

C. <u>2024-6061</u> Public Hearing: Application #PL2023-251 - Preliminary Development Plan - Jim Hubbard Insurance Office, 111 SW Raintree Plaza Drive; Bearcat Property Holdings, LLC., applicant.

Councilmember Felker recused from this Public Hearing due to a conflict of interest with his employer.

Mr. Hector Soto, Jr., AICP, Senior Planner, entered Exhibit A. 1-20 into the record.

Council Discussion Included:

• No Council discussion.

No one was present to speak in favor of or in opposition to this application.

 BILL NO. 24-027
 An Ordinance approving a Preliminary Development Plan for land located at 111 SW Raintree Plaza Drive, all in accordance with the provisions of Chapter 33, the Unified Development Ordinance, of the Code of Ordinances for the City of Lee's Summit, Missouri.

(Note: First read by Council on February 27, 2024. Passed by unanimous vote with one recusal.)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember DeMoro, that Bill No. 24-027 be advanced to second reading. The motion carried by the following vote:

- Aye:
 7 Mayor Baird

 Councilmember DeMoro
 Councilmember DeMoro

 Councilmember Edson
 Councilmember Hodges

 Councilmember Hodges
 Councilmember Lovell

 Councilmember Prier
 Councilmember Shields
- Absent: 1 Councilmember Lopez
- Recused: 1 Councilmember Felker

6. Public Comments:

Ms. Teresa Vollenweider continued to provide information from previous meetings as to the discrepancies on her property lines.

7. Presentations:

A. <u>2024-6144</u> Presentation: Update on the Downtown Market Plaza financing plan and presentation of contracting implementation items.

Council Discussion Included:

- Estimated project costs previously
- General reserve fund
- GO Bond debt
- Revenue Fund
- Annual debt service
- Trends
- Useful life of asset
- Revenue streams
- Net positive benefit to the community
- Additional benefits of project beyond revenue
- Better procurement process

 BILL NO. 24-039
 An Ordinance approving Change Order No. 1 to Guaranteed Maximum Price (GMP) 1 of the Agreement with McCown Gordon Construction Company, for the Downtown Market Plaza project, an increase of \$835,918.00 for a revised GMP of \$6,484,375.00 and authorizing the City Manager to execute the same. (Note: First read by Council on February 27, 2024.)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember DeMoro, that Bill No. 24-039 be advanced to second reading. The motion carried by the following vote:

- Aye: 7 Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Prier Councilmember Shields
- Nay: 1 Councilmember Lovell
- Absent: 1 Councilmember Lopez
- BILL NO. An Ordinance authorizing the execution of an amendment to an agreement
 between the City of Lee's Summit, Missouri and McCown Gordon Construction
 Company to set Guaranteed Maximum Price 2 (GMP 2) for the Downtown
 Market Plaza Project in the amount of \$22,506,605.00.
 (Note: First read by Council on February 27, 2024.)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Edson, that Bill No. 24-037 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Prier Councilmember Shields

- Nay: 1 Councilmember Lovell
- Absent: 1 Councilmember Lopez

 BILL NO. An Ordinance authorizing the execution of an amendment to an agreement
 between the City of Lee's Summit, Missouri and McCown Gordon Construction Company to set Guaranteed Maximum Price 3 (GMP 3) for the Downtown Market Plaza Project in the amount of \$3,065,638.00. (Note: First read by Council on February 27, 2024.)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Hodges, that Bill No. 24-038 be advanced to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Felker

> Councilmember Hodges Councilmember Prier Councilmember Shields

Nay: 1 - Councilmember Lovell

Absent: 1 - Councilmember Lopez

8. Proposed Ordinances Forwarded from Committee:

A. <u>BILL NO.</u> An Ordinance amending Chapter 29; Traffic and Motor Vehicles, of the Code of
 <u>24-028</u> Ordinances for the City of Lee's Summit, Missouri, by revising Appendix B;
 Schedule of Stopping, Standing and Parking Restrictions, for certain streets and segments of streets located in the City of Lee's Summit, Missouri. (PWC 2/12/24)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 24-028 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Edson, that Bill No. 24-028 be adopted and numbered Ord. No. 9854. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

B. BILL NO. An Ordinance awarding the bid for Project No. 759 for the South Prairie Lee
 24-029 Interceptor Sewer Improvements Project to Leath & Sons, Inc. in the amount of \$1,976,332.70, and authorizing the City Manager to execute an agreement for the same. (PWC 2/12/24)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 24-029 be second read. The motion carried by the following vote:

- Aye: 6 Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Hodges Councilmember Prier Councilmember Shields
- Absent: 1 Councilmember Lopez
- Recused: 2 Councilmember Felker Councilmember Lovell

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Edson, that Bill No. 24-029 be adopted and numbered Ord. No. 9855. The motion carried by the following vote:

Aye: 6 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Hodges Councilmember Prier Councilmember Shields

- Absent: 1 Councilmember Lopez
- Recused: 2 Councilmember Felker Councilmember Lovell
- C. <u>BILL NO.</u> An Ordinance approving Modification No. 3 to the agreement dated August 23, 2018 (RFQ No. 2018-064) between the City of Lee's Summit, Missouri and HDR, Inc. for professional engineering services for Sanitary Sewer Modeling, Hydraulic Capacity and Design Services (McClendon Ditch Sewer Improvements), for an increase of \$25,200.00 with an amended not to exceed amount of \$532,735.00, and authorizing the City Manager to enter into an agreement for the same. (PWC 2/12/24)

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 24-030 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Shields, that Bill No. 24-030 be adopted and numbered Ord. No. 9856. The motion carried by the following vote:

Aye: 8 - Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

D. <u>BILL NO.</u> 24-031 An Ordinance approving Addendum No. 3 to the On-Call Agreement for Professional Engineering Services dated January 30, 2023 (RFQ No. 2022-030) between the City of Lee's Summit, Missouri and HDR Engineering, Inc., for Professional Engineering Services for the MBC-Winnebago Excess Flow Holding Basin Study, for a not to exceed amount of \$216,570.00, and authorizing the City Manager to enter into an agreement for the same. (PWC 2/12/24)

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Bill No. 24-031 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Shields, seconded by Councilmember Hodges, that Bill No. 24-031 be adopted and numbered Ord. No. 9857. The motion carried by the following vote:

- Aye: 8 Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields
- Absent: 1 Councilmember Lopez
- BILL NO. An Ordinance approving Change Order No. 1 to the agreement with Pavement 24-032 Management, LLC for the Crack Seal FY24 Program, Project No. 815 to increase the project timeline by 18 days, and authorizing the City Manager to execute an agreement for the same. (PWC 2/12/24)

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Edson, that Bill No. 24-032 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Felker, seconded by Councilmember Hodges, that Bill No. 24-032 be adopted and numbered Ord. No. 9858. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

 F. <u>BILL NO.</u> An Ordinance approving Change Order No. 2 to the agreement with
 <u>24-033</u> Wiedenmann, Inc. for the Stormwater Improvements: SE Hackamore Drive Project, Project No. 576322-7C-1, for an increased amount of \$84,598.29 for a revised agreement amount of \$941,048.36 and authorizing the City Manager to execute an agreement for the same. (PWC 2/12/24)

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Edson, that Bill No. 24-033 be second read. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

ACTION: A motion was made by Councilmember Hodges, seconded by Councilmember Edson, that Bill No. 24-033 be adopted and numbered Ord. No. 9859. The motion carried by the following vote:

Aye: 8 - Mayor Baird

Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

G. <u>BILL NO.</u> An Ordinance approving an agreement for the construction of a metal building expansion for Water Utilities with Mar Building Solutions (sole source) in the amount of \$544,199.00, and authorizing the City Manager to execute an agreement for the same. (PWC 2/12/24)

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Hodges, that Bill No. 24-034 be second read. The motion carried by the following vote:

- Aye:
 7 Mayor Baird

 Councilmember DeMoro
 Councilmember Edson

 Councilmember Hodges
 Councilmember Hodges

 Councilmember Lovell
 Councilmember Prier

 Councilmember Shields
 Councilmember Shields
- Absent: 1 Councilmember Lopez
- Recused: 1 Councilmember Felker

ACTION: A motion was made by Councilmember Lovell, seconded by Councilmember Hodges, that Bill No. 24-034 be adopted and numbered Ord. No. 9860. The motion carried by the following vote:

- Aye: 7 Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields
- Absent: 1 Councilmember Lopez
- Recused: 1 Councilmember Felker
- BILL NO.
 24-035
 An Ordinance authorizing execution of an intergovernmental agreement for confinement of prisoners by and between the City of Lee's Summit, Missouri and Johnson County, Missouri by and through the Johnson County Sheriff's Office. (CEDC 2/14/24)

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Edson, that Bill No. 24-035 be second read. The motion carried by the following vote:

- Aye:
 8 Mayor Baird

 Councilmember DeMoro
 Councilmember Edson

 Councilmember Felker
 Councilmember Felker

 Councilmember Hodges
 Councilmember Lovell

 Councilmember Prier
 Councilmember Shields
- Absent: 1 Councilmember Lopez

ACTION: A motion was made by Councilmember Prier, seconded by Councilmember Hodges, that Bill No. 24-035 be adopted and numbered Ord. No. 9861. The motion carried by the following vote:

Aye: 8 - Mayor Baird Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields

Absent: 1 - Councilmember Lopez

9. Proposed Ordinances - First Reading:

 A. <u>BILL NO.</u> An Ordinance vacating a portion of a certain easement located at 1801 SW
 <u>24-036</u> Fountain Drive in the City of Lee's Summit, Missouri. (Note: First read by Council on February 27, 2024. Passed by unanimous vote.)

ACTION: A motion was made by Councilmember DeMoro, seconded by Councilmember Hodges, that Bill No. 24-036 be advanced to second reading. The motion carried by the following vote:

- Aye: 8 Mayor Baird
 - Councilmember DeMoro Councilmember Edson Councilmember Felker Councilmember Hodges Councilmember Lovell Councilmember Prier Councilmember Shields
- Absent: 1 Councilmember Lopez

10. Committee Reports

Councilmember Shields stated there would be a Finance and Budget Committee meeting on Monday, March 4, 2024 at 4:00pm, could be moved to 5:00pm.

Councilmember Shields noted Downtown Lee's Summit Main Street has a long list of activities they have been working to enhance the downtown experience for everyone.

11. Council Comments:

Councilmember Prier stated she would like Council and staff to look at the Procurement Process.

Councilmember Shields would like to discuss the preparations for the World Cup and possibly loosening up the Airbnb rules for this event as well.

12. Staff Roundtable

Ms. Christal Weber, Assistant City Manager, stated the Cultural and Wellness Commissions will present to Council on April 23, 2024. There has been a lot of work with Amtrak and Amtrak partners regarding the World Cup preparations. She also noted the Destination Marketing Organization will be presenting to Council in May and will also include information on the World Cup preparations.

Ms. Weber invited members of Council to meet with several groups of 3rd graders from various school in Lee's Summit over the summer. She will send more information to Council regarding this via email.

Mr. Mark Dunning, City Manager, recognized Mr. Mark Schaufler, Water Utilities Director, for 30 years of service. He also advised the Jackson County Health Department has released their community health assessment and he will provide this information to Council.

Mr. Dunning noted street crews are ready to treat roads as needed for weather tonight as needed. He also advised there are several road improvement and closures throughout the City to be aware of. Those can be found on the City's website and he will also send an email to Council with these projects.

13. Adjournment

Hearing no further business, Mayor Baird adjourned Regular Session No. 65 into Closed Session at 9:18 pm.

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 "Ismo.legistar.com"