

The Olathe City Council met in regular session at 6:30 p.m. with Mayor Copeland presiding. Councilmembers Bacon, Randall and Ryckman were present. Councilmembers Montgomery, Campbell and Vogt were absent. Also present were City Manager Wilkes and City Attorney Glinstra.

1. CALL TO ORDER

2. EXECUTIVE SESSION

Motion by Randall, seconded by Bacon, to recess into an executive session for 20 minutes under the real property acquisition and attorney-client privilege exceptions to the Kansas Open Meetings Law to consider matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement. Passed 4-0.

The meeting recessed at 6:31 p.m.

Councilmember Campbell joined the meeting at 6:35 p.m.

3. RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 7:58 p.m.

AGREEMENTS

- A. Matters which would be deemed privileged in an attorney-client relationship pertaining to a development agreement were considered.

Motion by Randall, seconded by Campbell, to accept the report of staff. YEA: Campbell, Randall, Ryckman and Copeland. NAY: Bacon. Passed 4-1.

4. BEGIN TELEVISED SESSION – 7:00 P. M.

5. PLEDGE OF ALLEGIANCE

A moment of silence was observed for the passing of retired city employee Richard Ingle.

6. SPECIAL BUSINESS

AWARDS

- A. Presentation of Kansas City Corporate Challenge Mayor's Cup to GARMIN.

Farmers Insurance is a Bronze sponsor of the Kansas City Corporate Challenge and Cliff Joyner, Communication and Events Manager for HelpPoint Operations at Farmers Insurance, joined Mayor Copeland for the presentation of the Mayor's Cup to Laurie Menard, GARMIN Vice President for Human Resources.

GARMIN finished second in their division and outpaced all other Olathe companies.

AWARDS

- B. Recognition of 2009-10 Olathe Teen Council members.

Jenny Hesseltine, Management Assistant, introduce members of the 2009 – 2010 Olathe Teen Council and Mayor Copeland presented certificates to the following members in attendance: Maggie Carter, Julie Dannen, Karla Davis, Olivia Fowler, Olivia Hargreaves, Elizabeth Stover and Raeann Whitney.

7. CONSENT AGENDA

Councilmember Campbell requested items D, F and I be considered separately.

Motion by Randall, seconded by Bacon, to approve the consent agenda with the noted exceptions. Passed 5-0.

- A. Council meeting minutes of October 6 and 13, 2009, were considered and approved.

- B. Consent Calendar

PROJECTS

1. Change Orders
 - a. None
2. Project Completion Certificates
 - a. Avignon 2nd Plat, Street Lights, Project No. 33206D, was considered and approved.
 - b. Greenwood Lane, 134th Pl. to 133rd St., Street, Storm Sewers, Waterlines, Street Lights, Project No. 3-B-031-07 & 5-B-019-07, was considered and approved.

3. Final Payment to Contractors

- a. Greenwood Lane, 134th Pl. - 133rd St., Project No. 3-B-031-07 & 5-B-019-07, was considered and approved.

Final Payment -	\$	57,693.83
Original Contract Amount -	\$	429,999.99
Paid-To-Date -	\$	348,561.73
Change Orders -	\$	(23,744.43)
Final Contract Amount -	\$	406,255.56
Contractor - Blacktop Paving		

4. Final Payment to Consultants

- a. None

LICENSES

- C. Drinking establishment licenses for LongHorn Steakhouse, Holiday Inn – Olathe, Noodles and Company and Johnny Brusco’s New York Style Pizza II and a private club license for Mulligan’s Bar and Grill were considered and approved.

PROJECTS

- D. An Engineering Agreement with BHC Rhodes to provide on-call engineering services for the Miscellaneous Stormwater projects, PN 20205C was **REMOVED FOR SEPARATE CONSIDERATION.**
- E. An agreement with the Kansas Department of Transportation (KDOT) to accept American Recovery and Reinvestment Act (ARRA) funds for the construction of South Indian Creek Trail, PN 4-C-014-09, was considered and approved.
- F. An engineering services agreement with PB Americas, Inc. for the design of the 119th Street and Strang Line Road Geometric Improvements Project, PN 3-C-082-09 was **REMOVED FOR SEPARATE CONSIDERATION.**

BONDS

- G. Resolution No. 09-1094 authorizing the issuance and delivery of general obligation temporary notes, Series 2009-B, was considered and approved.

CONTRACTS

- H. Acceptance of proposal and award of contract to the National Center for State Courts for a judicial process study for the Municipal Court, was considered and approved.
- I. Acceptance of bids and award of contracts to Olathe Ford, Diamond International, Shawnee Mission Ford, Ed Bozarth Chevrolet, Inc., and Dick Smith Ford for the purchase of vehicles for 2010 was **REMOVED FOR SEPARATE CONSIDERATION.**

ITEMS FOR SEPARATE CONSIDERATION:

PROJECTS

- Item D: Consideration of an Engineering Agreement with BHC Rhodes to provide on-call engineering services for the Miscellaneous Stormwater projects, PN 20205C.
- Item F: Consideration of an engineering services agreement with PB Americas, Inc. for the design of the 119th Street and Strang Line Road Geometric Improvements Project, PN 3-C-082-09.

Items D and F were considered together.

Councilmember Bacon expressed concern with the costs of engineering services appearing to be higher than normal and the use of engineering firms to hold public meetings regarding the projects. He stated he preferred city staff conduct the meetings.

Mary Jaeger, City Engineer, described the breakdown of costs and indicated the lack of staff availability resulted in the inclusion of conduct of meetings in the engineering

services contracts. She indicated the intent is for staff to conduct meetings whenever possible.

Councilmember Randall expressed concern with the reduction of staff creating greater out-sourcing of services and stated that we need to give careful consideration to the services being out-sourced and services being provided in-house.

The City Engineer replied those concerns are being evaluated on an on-going basis.

Mayor Copeland asked if the contracts were time sensitive. He expressed a desire to table the contracts and consider breaking up the projects to provide additional opportunities along with scheduling a review before Council for the process for acquiring professional services before considering the contracts.

The City Engineer indicated time was available for these considerations.

Motion by Copeland, seconded by Bacon, to table items D and F. Passed 5-0.

CONTRACTS

Item I: Acceptance of bids and award of contracts to Olathe Ford, Diamond International, Shawnee Mission Ford, Ed Bozarth Chevrolet, Inc., and Dick Smith Ford for the purchase of vehicles for 2010 were considered.

Councilmember Campbell expressed a desire to support Olathe companies. He said it appeared that the additional cost would only be \$4,386.00 to award Olathe Ford all bids.

Judy Meisel, Purchasing Manager, explained the procedure that resulted in the recommendations for the contracts. She described how deviating from the procurement policy could jeopardize the integrity of the bid process and other cities participating in the consortium may view it as preferential treatment.

Mayor Copeland asked if these contract were time sensitive and if it was possible to delay them for a few weeks for the Council to review the procurement policy.

The Purchasing Manager said there would be no ramifications.

Councilmember Bacon expressed concern about deviating from the policy used by the consortium of entities we've joined to identify the best prices to establish contracts and questioned how that would impact those prices.

The Purchasing Manager advised that in this case it wouldn't impact the price or our standing with the consortium because it is based on a state contract.

Councilmember Campbell said there is a common sense element that should not be viewed as preferential and should be considered for inclusion in our procurement policies when there are small margins in costs. He further expressed appreciation for the efforts of Purchasing Division staff to provide for these considerations.

Motion by Bacon to table the item for two weeks.

Mayor Copeland clarified that included in the review of the procurement policy should be the ramifications and concerns with preference and what standards are available for acceptable local preference.

The City Manager informed the Council that a study session is not scheduled next week. He suggested tabling the item for four weeks in order to provide for review of the procurement policy.

Councilmember Bacon amended his motion to table the item for four weeks until the third meeting in November.

Councilmember Campbell seconded the amended motion.

The motion passed by a vote of 5-0.

8. NEW BUSINESS – ADMINISTRATION

- A. Designation of Councilmember Bacon as the voting delegate and Councilmember Vogt as the alternate to represent the City of Olathe at the business session at the National League of Cities (NLC) 2009 Congress of Cities and Exposition, in San Antonio, Texas on November 14, 2009, was considered.

Motion by Randall to designate Councilmember Bacon as the voting delegate and Councilmember Vogt as the alternate, seconded by Campbell, to approve. Passed 5-0.

9. NEW CITY COUNCIL BUSINESS

Ben Hart, Resource Management Director, provided details regarding the issuance and delivery of general obligation temporary notes, Series 2009-B.

He indicated the City of Olathe was awarded with the highest possible short term rating available and we received a rate of .5% on the notes.

Councilmember Ryckman asked for an update on Black Bob Pool and Heritage Trail.

Kevin Corbett, Parks and Recreation Director, informed the Council on the status of the projects and advised Heritage Trail is on schedule to open in the Spring of 2010.


Mr. Ryckman also updated the audience on the changes and availability of Olathe's recycling program.

10. ADJOURNMENT OF REGULAR SESSION

The meeting adjourned at 7:50 p.m.

11. GENERAL ISSUES AND CONCERNS OF CITIZENS

None



City Clerk