



Office of  
**Mary Jo Spino**  
Clerk of the County Legislature

# Jackson County Missouri

## JOURNAL

### County Legislature

Jackson County Courthouse  
415 East 12th Street, 2nd floor  
Kansas City, Missouri 64106  
(816)881-3242

*Dennis Waits (3rd) Chairman, Greg Grounds (5th) Vice Chairman,  
Theresa Garza Ruiz (1st AL), Crystal Williams (2nd AL), Fred Arbanas (3rd AL),  
Scott Burnett (1st), James D. Tindall (2nd), Dan Tarwater III (4th),  
Bob Spence (6th)*

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**Monday, August 8, 2011**

**2:30 PM**

**Thirty-First Regular Meeting**

**Independence Courthouse Annex, 308 West Kansas, Ground Floor, Legislative Chambers**

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Dennis Waits, Chairman, called the meeting of the Jackson County Legislature to order.

**1 ROLL CALL**

Present: Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence

**2 THE PLEDGE OF ALLEGIANCE**

Recited.

*Bob Spence, County Legislator was present via telephone.*

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**3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING**

Dan Tarwater moved to approve the journal of the previous meeting held on 8/1/2011.  
Seconded by Theresa Garza Ruiz.

**The motion passed by a voice vote.**

**(APPROVED)**

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**4 HEARINGS**

*None.*

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**5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE**

*Randy Wisthoff, Kansas City Zoo Director, was present to speak about the Kansas City Zoo and Ordinance #4344 which is on the agenda.*

*Mike Sanders, County Executive, said the attorneys for the Zoo at Blackwell Sanders Law Firm will be working with Stephen Nixon, Jackson County Counselor, regarding the legality of the ordinance.*

*Greg Grounds, County Legislator, said he would like the case law regarding the legality of the language in the ordinance.*

*Stephen Nixon, said he will write a legal opinion and also provide a copy of the state statute pertaining to this matter to members of the County Legislature.*

*Resolution #17629 was discussed and adopted at this time. See page 3 for details.*

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**6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE**

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[4322](#)

AN ORDINANCE vacating a recorded easement for the establishment of a future public road.

*(Land Use Committee - 4th. Perfection)*

*The Land Use Committee will have a public hearing regarding Ordinance #4322 on Tuesday, August 9, 2011 at 1 P.M. at Fleming Hall.*

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[4324](#)

AN ORDINANCE repealing section 1072., Jackson County Code, 1984, relating to construction projects, and enacting, in lieu thereof, one new section relating to the same subject.

*(Legislature As A Whole - 3rd. Perfection)*

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[4329](#)

AN ORDINANCE granting a conditional use permit (CUP) in District A (Agricultural) for a period of fifteen years to continue to operate a child day care center, subject to specified conditions, as to a .49 ± acre tract.

*(Land Use Committee - 1st. Perfection)*

*Fred Arbanas moved to waive the reading of Ordinance #4330. Seconded by Theresa Garza Ruiz.*

*The motion passed by a voice vote.*

*(APPROVED)*

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[4330](#) AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing a certain 3 ± acres tract from District A (Agricultural) to District RE (Residential Estates) and creating a one lot subdivision to be know as "Freer's Place."

*(Land Use Committee - 1st. Perfection)*

*The Land Use Committee will have a public hearing regarding Ordinances #4329 and #4330 on Wednesday, August 24, 2010 at 1 P.M. at Fleming Hall.*

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## 7 FINAL PASSAGE OF PROPOSED ORDINANCES

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[4327](#) Consent Agenda.

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## 8 RESOLUTIONS IN COMMITTEE

Dennis Waits opened the floor for nominations to the Jackson County Sports Complex Authority.

Dan Tarwater nominated Deron Cherry.  
Greg Grounds nominated Steven Krueger.  
James D. Tindall nominated Nathan Garrett and Marc Radasky.

Dan Tarwater requested nominations cease.

Fred Arbanas moved to add the names of Deron Cherry, Nathan Garrett and Stephen Krueger to Resolution #17629, as they received the highest number of votes. Seconded by Crystal Williams.

The motion passed by a voice vote. (APPROVED)

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[17629](#) Fred Arbanas moved the passage of Resolution #17629, nominating candidates for appointment to the Jackson County Sports Complex Authority, for a term to expire July 15, 2016. Seconded by Crystal Williams.

Yes: 9 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater, Greg Grounds and Bob Spence

(ADOPTED)

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[17638](#) Public Works Committee moved do pass. Consent Agenda.

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[17639](#) Justice and Law Enforcement Committee moved do pass. Consent Agenda.

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[17640](#) Public Works Committee moved do pass. Consent Agenda.

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[17641](#) Public Works Committee moved do pass.

*Theresa Garza Ruiz objects to the Consent Agenda.*

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[17641](#) Fred Arbanas moved the passage of Resolution #17641, awarding a contract on Bid No. PW 07-2011 for the MyARTS Roof Replacement Project, No. 3148, to Delta Innovative Services of Kansas City, KS, at an actual cost to the County not to exceed \$151,495.00, and authorizing the Director of Public Works to approve line item adjustments under this contract at no additional cost to the County. Seconded by James D. Tindall.

Yes: 6 - Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds

No: 2 - Theresa Garza Ruiz and Crystal Williams

Absent: 1 - Bob Spence

(ADOPTED)

[17642](#) Public Works Committee moved do pass. Consent Agenda.

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## 9 CONSENT AGENDA

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[4327](#) AN ORDINANCE enacting sections 4052., 4154., 4249., and 4320., Jackson County Code, 1984, relating to the payment of property taxes.

(ADOPTED)

[17638](#) A RESOLUTION awarding a twenty-four month term and supply contract with two twelve-month options to extend for the furnishing of door and restroom partition replacement, repairs, maintenance, and associated services for use by various County departments to DH Pace Company, Inc., d/b/a Overhead Door Company of North Kansas City, MO, under the terms and conditions of Invitation to Bid No. 36-11.

(ADOPTED)

[17639](#) A RESOLUTION awarding a twelve-month term and supply contract for the furnishing of on-line legal publications and legal research services for use by the Prosecuting Attorney's Office, the County Counselor's Office, and the Department of Corrections to Thompson West (West Group) of Eagan, MN, as a sole source purchase.

(ADOPTED)

[17640](#) A RESOLUTION awarding a contract on Bid No. PW 06-2011 for the Colbern Road Pipe Bore Culvert Installation Project, No. 3140, to Precision Construction & Contracting, LLC, of Lone Jack, MO, at an actual cost to the County not to exceed \$181,239.00, and authorizing the Director of Public Works to approve line item adjustments under this contract at no additional cost to the County.

(ADOPTED)

[17642](#) A RESOLUTION transferring \$24,800.00 within the 2011 Special Road and Bridge Fund and awarding a contract for the furnishing of a chip spreader for use by the Public Works Department to G.W. Van Keppel Company of Kansas City, KS, under the terms and conditions of Missouri Department of Transportation Contract No. 3-091112, an existing government contract, at an actual cost to the County not to exceed \$242,963.00.

(ADOPTED)

To adopt Ordinance 4327. To adopt Resolutions 17638, 17639, 17640, 17642.

Dan Tarwater moved the passage of the consent agenda. Seconded by Scott Burnett. The motion passed by a roll call vote:

Yes: 8 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds  
Absent: 1 - Bob Spence

## 10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

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[4331](#) James D. Tindall moved to perfect Ordinance #4331. Seconded by Dan Tarwater.

**The motion passed by a voice vote.** (PERFECTED)

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[4331](#) James D. Tindall moved to suspend the rules to consider final passage of Ordinance #4331. Seconded by Dan Tarwater.

**The motion passed by a voice vote.** (APPROVED)

- [4331](#) James D. Tindall moved the passage of Ordinance #4331 as perfected, appropriating \$11,822.00 from the fund balance of the 2011 Special Road & Bridge Fund in acceptance of insurance proceeds for the replacement of a vehicle for use by the Sheriff's Office. Seconded by Dan Tarwater.
- Yes: 8 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds  
Absent: 1 - Bob Spence
- (ADOPTED)
- Discussion regarding Ordinances #4332 and #4333.*
- [4332](#) Dan Tarwater moved to perfect Ordinance #4332. Seconded by James D. Tindall.
- The motion passed by a voice vote.** (PERFECTED)
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- [4332](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #4332. Seconded by James D. Tindall.
- The motion passed by a voice vote.** (APPROVED)
- [4332](#) Dan Tarwater moved the passage of Ordinance #4332 as perfected, appropriating \$61,215.00 from the fund balance of the 2011 Anti-Drug Sales Tax Fund in acceptance of the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) for use by the Jackson County Drug Task Force. Seconded by Scott Burnett.
- Yes: 8 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds  
Absent: 1 - Bob Spence
- (ADOPTED)
- [4333](#) Dan Tarwater moved to perfect Ordinance #4333. Seconded by James D. Tindall.
- The motion passed by a voice vote.** (PERFECTED)
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- [4333](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #4333. Seconded by James D. Tindall.
- The motion passed by a voice vote.** (APPROVED)
- [4333](#) Dan Tarwater moved the passage of Ordinance #4333 as perfected, transferring \$86,721.00 within and appropriating \$260,163.00 from the fund balance of the 2011 Anti-Drug Sales Tax Fund in acceptance of the U.S. Department of Justice Edward Byrne Justice Assistance Grant (JAG) for use by the Jackson County Drug Task Force. Seconded by James D. Tindall.
- Yes: 8 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds  
Absent: 1 - Bob Spence
- (ADOPTED)

[4334](#) Submitting to the qualified voters of Jackson County, at a special election to be held on Tuesday, November 8, 2011, a question authorizing Jackson County to impose a countywide sales tax at the rate of one-eighth of one percent for the benefit of the Kansas City Zoological District for the support of zoological activities within the district.

*(Legislature As A Whole)*

*The Legislature as a Whole will have a public hearing regarding Ordinance #4334 on Monday, August 15, 2011 at 1:30 P.M. in the Kansas City Legislative Assembly Area.*

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## 11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

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[17643](#) Theresa Garza Ruiz moved the passage of Resolution #17643, congratulating Flossie Hern on the occasion of her 104th birthday celebration, August 13, 2011. Seconded by James D. Tindall.

Yes: 8 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds

Absent: 1 - Bob Spence

(ADOPTED)

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[17644](#) Awarding a twenty-four month term and supply contract with three twelve-month options to extend, on Electronic Solicitation No. BB201119 for the furnishing of inmate clothing for use by the Corrections Department to Bob Barker Company of Fuquay Varina, NC, Charm-Tex of Brooklyn, NY, Uniforms Manufacturing, Inc., of Scottsdale, AZ, Shoe Corporation of Birmingham, AL, and Robinson Textiles of Gardena, CA.

*(Finance and Audit Committee)*

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[17645](#) Scott Burnett moved the passage of Resolution #17645, declaring certain property within the Information Technology Department as surplus unusable personal property and authorizing its disposal. Seconded by Crystal Williams.

Yes: 8 - Theresa Garza Ruiz, Crystal Williams, Fred Arbanas, Scott Burnett, James D. Tindall, Dennis Waits, Dan Tarwater and Greg Grounds

Absent: 1 - Bob Spence

(ADOPTED)

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## 12 COUNTY EXECUTIVE ORDERS

*None.*

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**13 UNFINISHED BUSINESS**

None.

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**14 NEW BUSINESS**

None.

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**15 ADJOURNMENT**

Dan Tarwater moved to adjourn the meeting. Seconded by Scott Burnett.

**The motion passed by a voice vote.**

(APPROVED)

*Meeting adjourned until Monday, August 15, 2011 at 2:30 P.M. in the Kansas City Legislative Assembly Area.*

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