



Agenda - Final

Special Committee for Legal Review

Kevin McManus, Chair
Heather Hall, Vice Chair
Andrea Bough
Lee Barnes Jr.

Tuesday, May 9, 2023

1:30 PM

10th Floor, Council Chamber

**Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join. <https://us02web.zoom.us/j/85624825067>**

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via video conference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the video conference platform ZOOM, using this link:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/85624825067>

Director of Parks & Recreation

[230324](#)

Sponsor: Director of the Parks and Recreation Department

Calling for submission to the voters of Kansas City, at a special election to be held on August 8 or November 7, 2023, a question to remove certain city property devoted to park use in the park system generally located between N. Oak Trafficway to the west, N. Holmes to the east and north of N.E. 32nd Terrace; directing the City Clerk to notify the responsible election authorities of the election on or before May 30, 2023, for the August election or on or before August 29, 2023 for the November election; and recognizing this ordinance with an accelerated effective date.

Attachments: [Park Property Location Map N.Oak to N. Holmes @NE 32nd Ter](#)
[December Park Board Resolution #32061](#)
[TMP 2993 Docket Memo](#)

Director of the Law Department

[230383](#) Sponsor: Director of the Law Department

Approving and authorizing settlement of a lawsuit entitled *Alexander Llera v. City of Kansas City, Missouri, et al.*, Case No. 2216-CV03221 in the amount of \$281,500.00.

Attachments: [docket memo-llera](#)

Director of the Law Department

[230384](#) Sponsor: Director of the Law Department

Approving and authorizing partial, monetary settlement of a lawsuit entitled *Russell Elwood, et al. v. City of Kansas City, Missouri*, Case No. 2216-CV26061 in the amount of \$1,500,000.00.

Attachments: [docket memo-elwood](#)

HELD IN COMMITTEE

ADDITIONAL BUSINESS

1. There may be a general discussion regarding the current Special Committee for Legal review issues.
2. Those who wish to comment on proposed ordinances can email written testimony to: public.testimony@kcmo.org

Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Live Stream on the city's website at www.kcmo.gov
- Live Stream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOublg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 selects Kansas City), and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section:

http://kansascity.granicus.com/ViewPublisher.php?view_id=23 3. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

The City Clerk's Office now has equipment for the hearing impaired for every meeting. To check out the equipment, please confer with the secretary for each committee . Be prepared to leave your Driver's License or State issued Identification Card with the secretary, and she or he will give you the equipment. Upon returning the equipment, your license will be returned.

Adjournment

Adjournment



File #: 230324

ORDINANCE NO. 230324

Sponsor: Director of the Parks and Recreation Department

Calling for submission to the voters of Kansas City, at a special election to be held on August 8 or November 7, 2023, a question to remove certain city property devoted to park use in the park system generally located between N. Oak Trafficway to the west, N. Holmes to the east and north of N.E. 32nd Terrace; directing the City Clerk to notify the responsible election authorities of the election on or before May 30, 2023, for the August election or on or before August 29, 2023 for the November election; and recognizing this ordinance with an accelerated effective date.

WHEREAS, certain vacant land containing approximately 5.399 acres was obtained by the City and dedicated for park purposes (“Land”); and

WHEREAS, certain property is undeveloped wooded land with steep terrain and which is divided by existing North Cherry Street, and borders existing levee to the south.

WHEREAS, the legal description for the land is as follows: Generally located between North Oak Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace for park purposes and more specifically described as follows; A tract of land located in the Southeast Quarter of Section 11, Township 50 North, Range 33 West, in Kansas City, Clay County, Missouri, being more particularly described as follows: Sec 11-50-33 Se1/4 Braecklein's Subdivision pt Lts 6 & 15 beg 120' n of nw cor N Holmes & N.E. 32nd St, n 450, w 655, nw 632, s 100, se to pob; and

WHEREAS, pursuant to City Charter Section 1004(b), if any property is determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use, such property may be removed from the park system by a vote of the people; and

WHEREAS, on December 13, 2022, the Board of Parks and Recreation Commissioners approved Resolution No. 32061 which allows the removal of certain property from the park system in since it was deemed no longer needed for park purposes; and

WHEREAS, such removal would allow the City to dispose of the property as surplus property pursuant to City Charter Section 1210 and any disposal will be made on an open and public competition; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That an election is called on August 8 or November 7, 2023, for the purpose of submitting to the voters of Kansas City the question of removing property from the park system.

Section 2. BALLOT TITLE. The ballot title shall be:
Should the City of Kansas City remove from the park system vacant property containing approximately 5.399 acres serving as undeveloped parkland which is generally located between North Oak Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace which has been determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use?

Section 3. NOTICE OF ELECTION. The notice of election shall read as follows:

NOTICE OF ELECTION
KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called a special election to be held on Tuesday, August 8 or November 7, 2023, between the hours of 6:00 a.m. and 7:00 p.m., at which election all qualified voters residing within Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

OFFICIAL BALLOT
CITY OF KANSAS CITY

GENERAL ELECTION, August 8 or November 7, 2023

QUESTION NO. []
(Park Property)

Should the City of Kansas City remove from the park system vacant property containing approximately 5.399 acres serving as undeveloped parkland which is generally located between North Oak Trafficway to the west, North Holmes to the east and north of Northeast 32nd Terrace which has been determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use?

YES _____
NO _____

(Instructions to voters will be supplied by the election authorities.)

A full and complete copy of Ordinance No. _____(as it may be amended) submitting the above question to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where the same is open for inspection and copying.

The polling places for the election will be (INSERT LIST OF POLLING PLACES IN LAST PUBLICATION ONLY)

I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo, as amended.

Given under my hand and the official seal of the Kansas City, Missouri, this day of _____, 20__.

(SEAL)

MARILYN SANDERS
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My Commission Expires: _____

Section 4. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK. That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, on or before May 30, 2023 for the August election or on or before August 29, 2023 for the November election which shall be the authority of each election authority of the City to submit the amendment to the electors of Kansas City and to give public notice as provided by law.

Section 5. ACCELERATED EFFECTIVE DATE RECOGNIZED. This ordinance, providing for the submission of a question to the people of Kansas City, Missouri, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(A) of the City Charter, and shall take effect in accordance with Section 503.

Section 6. EFFECTIVE DATE. If a majority of the qualified voters voting at the election shall vote in favor of the approval of the question, then the authority of the Council to adopt an

ordinance implementing this grant of authority shall become effective immediately upon certification of the election results by the election authorities.

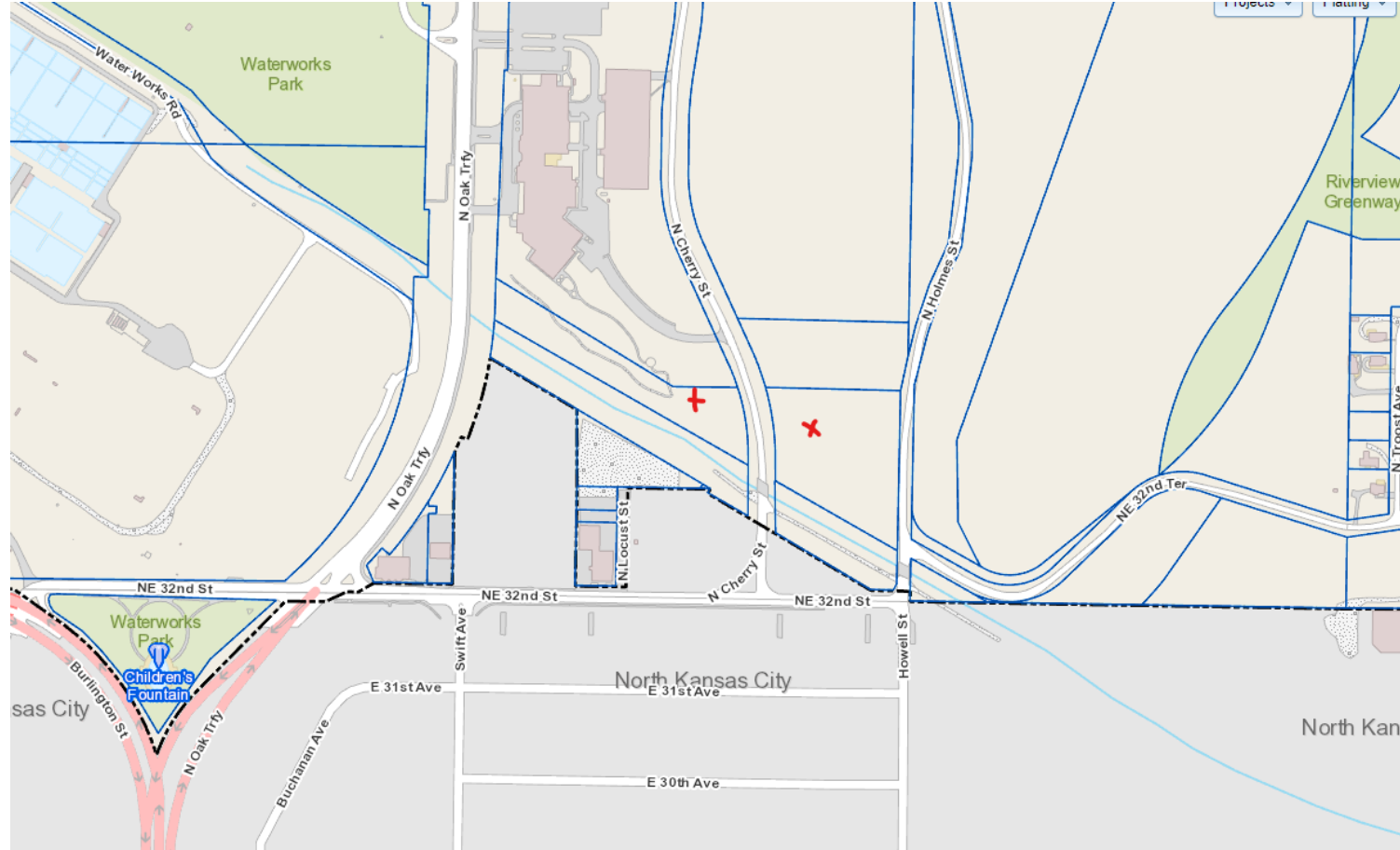
..end

Approved as to form:

Lana K. Torczon
Senior Associate City Attorney

Park Property Location Map

Area between N. Oak and N. Holmes at NE 32nd Ter.



Resolution #32061 - Removal of Park Property containing 5.399 acres of property generally located between N. Oak Trafficway and N. Holmes at 32nd Terrace

On a motion by Commissioner Wagner, duly seconded, the Board approved the Resolution for Removal of Park Property containing 5.399 acres of property generally located between N. Oak Trafficway and N. Holmes at 32nd Terr. devoted to park use and directing staff to furnish a copy of the Resolution to the City Council for an Ordinance calling for submission to the voters of Kansas City, at a special election to be held on a 2023 Ballot.

Background: Kansas City Parks and Recreation acquired an un-named parkland in 1957 when the Kansas City Annex land north of the Missouri River. The land is 5.399 acres and is located Between N. Oak Trafficway and N. Holmes at NE 32nd Ter. The park land is located north of City of North Kansas City Levee. No improvements have been made to property nor are there any plans for developing this park area.

The Board Resolution will ask for approval and recommend that the Council enact an election ordinance that would present to the voters of Kansas City on a 2023 Ballot, a question that whether 5.399 acres of property located generally located between N. Oak Trafficway. and N. Holmes at 32nd Street be removed from KC Parks System of the City of Kansas City Missouri and empowering the City to convey said real property.

RESOLUTION #32061

WHEREAS the Board of Parks and Recreation Commissioners is authorized and responsible by the provisions of the City Charter for providing lands and other resources for recreational opportunities and programs for all residents of the City of Kansas City, Missouri ("City"), and is required to approve and recommend that land be removed from the Parks system; and

WHEREAS certain land containing approximately 5.399 acres +/-, of vacant land was obtained by the City and dedicated for park purposes ("Land"); and

WHEREAS, the Land is located generally located The land is 5.399 acres and is located Between N. Oak Trafficway and N. Holmes at NE 32nd Ter. and was for park purpose; and

WHEREAS, a developer of adjacent land desires to purchase this Land because it is needed by their development for access off N. Oak, N. Cherry, and N. Holmes for grading of their site and pedestrian access. This park property is not currently used for any recreational purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PARKS AND RECREATION COMMISSIONERS:

1. That the Board does hereby approve and recommend that the Council enact an election ordinance, in substantial conformance to the copy attached and incorporated herein as Exhibit 1, that would present to the voters of Kansas City a question whether Land containing approximately 5.399 acres described as:

A tract of land located in the Southeast Quarter of Section 11, Township 50 North, Range 33 West, in Kansas City, Clay County, Missouri, being more particularly described as follows:



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #

Submitted Department/Preparer: Parks and Recreation

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Request approval and recommend that the City Council enact an election ordinance that would present to the voters of Kansas City, Missouri on an August 8, 2023 or November 7, 2023 ballot, a question about whether 5.399 acres of park property generally located between N. Oak Trafficway and N. Holmes at 32nd Terrace be removed from the Parks System of the City of Kansas City, Missouri and empowering the City to convey said real property

Discussion

City Charter Section 1004(b) reads: "If any property is determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use, such property may be removed from the park system by a vote of the people."

Kansas City Parks and Recreation acquired an unnamed parkland in 1957 when the Kansas City annexed land north of the Missouri River. No improvements have been made to the property, not are there any plans for developing this park area. The Board of Parks and Recreation Commissioners has identified this land as being appropriate to decommission.

This tract is located in the Southeast Quarter of Section 11, Township 50 North, Range 33 West, in Kansas City, Clay County, Missouri, being more particularly described as follows: SEC 11-50-33 SE1/4 BRAECKLEING'S SUBDIVISION PT LTS 6 & 15 BEG 120'N OF NW COR N HOLMES & NEW 32ND ST, N450, W655, NW632, S100,SE TO POB.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
N/A
3. How does the legislation affect the current fiscal year?
N/A
4. Does the legislation have fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
N/A
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

City of Kansas City, Missouri

Docket Memo



Office of Management and Budget Review (OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

View the [FY23 Citywide Business Plan](#)

Which CWBP goal is most impacted by this legislation?

Infrastructure and Accessibility

Which objectives are impacted by this legislation (select all that apply):

- Enhance the City's connectivity, resiliency, and equity through a safe, efficient, convenient, inclusive, accessible, sustainable and better connected multi-modal transportation system
- Develop environmentally sound and sustainable infrastructure strategies that improve quality of life and foster economic growth
- Increase and support local workforce development and minority, women, and locally-owned businesses
- Engage in efforts to strategically invest in the City's infrastructure and explore emerging technologies

Prior Legislation

On December 13, 2022 the Board of Parks and Recreation Commissioners approved the removal of certain property from the Park System via Park Board Resolution No. 32061

Service Level Impacts

This legislation will have no service level impact. The land is currently unimproved and is not programmed for recreational use.

City of Kansas City, Missouri

Docket Memo



Other Impacts

1. What will be the potential health impacts to any affected groups?
N/A
2. How have those groups been engaged and involved in the development of this ordinance?
N/A – Voters will have opportunity to vote on this question of include on the ballot. City Planning and Development was engaged in meetings on the benefits of surplussing the land.
3. How does this legislation contribute to a sustainable Kansas City?
This legislation allows for a more economical development of unused land.
4. Does the ordinance/resolution include Civil Rights antidiscrimination requirements in compliance with the Code of Ordinances (Chapter 38, titled “Civil Rights”)?
N/A
5. Has the ordinance/resolution been submitted for review of economic equity & inclusion requirements in compliance with the Code of Ordinances (Chapter 3, titled “Contracts and Leases”)?
N/A



File #: 230383

ORDINANCE NO. 230383

Sponsor: Director of the Law Department

Approving and authorizing settlement of a lawsuit entitled *Alexander Llera v. City of Kansas City, Missouri, et al.*, Case No. 2216-CV03221 in the amount of \$281,500.00.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the payment of the sum of \$281,500.00 for the settlement of claims asserted by Alexander Llera in the lawsuit styled *Alexander Llera v. City of Kansas City, Missouri, et al.*, Case No. 2216-CV03221, as recommended by the City Attorney and the Risk Management Committee, is hereby approved..

Section 2. That the City Attorney is hereby authorized to pay the sum of \$281,500.00 in settlement of said claims asserted by Alexander Llera in this lawsuit from funds previously appropriated in Account No. 24-7010-131521-B, General Liability.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy Queen
Director of Finance

Approved as to form:

Tara M. Kelly
Senior Associate City Attorney



File #: 230384

ORDINANCE NO. 230384

Sponsor: Director of the Law Department

Approving and authorizing partial, monetary settlement of a lawsuit entitled *Russell Elwood, et al. v. City of Kansas City, Missouri*, Case No. 2216-CV26061 in the amount of \$1,500,000.00.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the payment of the sum of \$1,500,000.00 for the settlement of claims asserted by Russell and Barbara Elwood, Judy Holland, Peggy Ross, Alexander Llera, and Broadway-Westport Property, Inc., in the lawsuit styled *Russell Elwood, et al. v. City of Kansas City, Missouri*, Case No. 2216-CV26061, as recommended by the City Attorney and the Risk Management Committee, is hereby approved..

Section 2. That the City Attorney is hereby authorized to pay the sum of \$1,500,000.00 in settlement of said claims asserted by Russell and Barbara Elwood, Judy Holland, Peggy Ross, Alexander Llera, and Broadway-Westport Property, Inc., in this lawsuit from funds previously appropriated in Account No. 24-7010-131521-B, General Liability.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy Queen
Director of Finance

Approved as to form:

Tara M. Kelly
Senior Associate City Attorney

