

City of Westwood, Kansas
City Council Meeting
4700 Rainbow Boulevard
October 8, 2020 – 7:00 p.m.
Held Remotely Via Zoom

Council Present: David E. Waters, Mayor
Jeff Harris, Council President
Lisa Cummins, Councilmember
Jason Hannaman, Councilmember
Laura Steele, Councilmember
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Greg O'Halloran, Chief of Police
John Sullivan, Director of Public Works
Ryan Denk, City Attorney
Michelle Ryan, City Treasurer

Call to Order

Mayor David E. Waters called the meeting to order at 7:00 p.m. on October 8, 2020. The City Clerk called the roll. A quorum was present.

Proclamation: World Day of Remembrance for Road Traffic Victims

Mayor Waters read the World Day of Remembrance for Road Traffic Victims proclamation. He thanked Councilmember Steele for bringing this matter to the attention of the Council.

Appointment of City Treasurer

Mayor Waters invited Ms. Herring to introduce this appointment. Ms. Herring read from the staff report and introduced City Treasurer nominee Michelle Ryan. Mayor Waters moved to appoint Ms. Ryan City Treasurer and have Ms. Herring administer the oath of office. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote. Ms. Herring administered the oath of office to Ms. Ryan.

Appointment of Alternate to Johnson County Stormwater Management Advisory Council: Leslie Herring

Mayor Waters invited staff to introduce this appointment. Mr. Sullivan provided background and stated support for the appointment of Ms. Herring as the City's alternate appointee. Councilmember Cummins moved to appoint Chief Administrative Officer/City Clerk Leslie Herring to serve as alternate to Public Works Director John Sullivan on the Johnson County Stormwater Management Advisory Council. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Appointment of Alternate to Johnson County Assisted Road Systems (CARS) Technical Review Committee: Leslie Herring

Mayor Waters invited staff to introduce this appointment. Mr. Sullivan provided background and stated support for the appointment of Ms. Herring as the City's alternate appointee. Councilmember Cummins

moved to appoint Chief Administrative Officer/City Clerk Leslie Herring to serve as alternate to Public Works Director John Sullivan on the Johnson County County Assistance Road System (CARS) program Technical Review Committee. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Comment on Non-Agenda Items

Any comments for the Governing Body on non-agenda items were to be submitted to Ms. Schneeweis by 5:00 pm on Thursday, October 8, 2020 to be shared during the meeting. Comments were to be limited to five minutes in length, as read.

Jayme Tebow, 4952 Norwood Street, submitted a written comment, the full comments are attached in Appendix A of these recorded minutes.

Mayor Waters invited Council conversation about Ms. Tebow's comments. Ms. Steele inquired as to the process for residents requesting use of City facilities. Mayor Waters responded that there isn't currently a formal process. There was some discussion amongst Council about Ms. Tebow's requested Halloween event.

Margot Herster, formerly of Westwood, submitted a written comment, the full comments are attached in Appendix A of these recorded minutes.

Mayor Waters informed the Council that the allegations in Ms. Herster's comments are being investigated and are being taken seriously. He further stated that responses to the KORA requests are being provided to Ms. Herster. He opened the topic up for Council questions or discussion, if any. Mr. Harris asked how, generally, complaints like Ms. Herster's are handled. Mr. Denk provided a description of how these processes work in other jurisdictions, as complaints like this are not common in Westwood. Mayor Waters stated that the legal aspects of this matter will be discussed in executive session as a subject of attorney-client privilege.

Approval of September 10, 2020 City Council Meeting Minutes

Minutes from the September 10, 2020 Council meeting were included in the agenda packet. Motion by Councilmember Harris to approve minutes as submitted. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

Treasurer's Report

Mayor Waters invited City Treasurer Michelle Ryan to share the reports and appropriations ordinances included in the packet. Ms. Ryan presented the new appropriations ordinance format. She also walked through the new format of the treasurer's report and shared general details on the City's finances for the months of August and September. As there was no treasurer's report nor appropriations ordinance presented at the September meeting, and since there was no appropriations ordinance presented at the August meeting, those report and ordinances were presented at this time. Mayor Waters invited representatives of the Administration and Compensation Committee to make comment on the new reports or transition. Mr. Hannaman offered that the new software allows staff to easily access, and provide to Councilmembers, detail not included in the treasurer's report in between meetings.

Motion by Councilmember Hannaman to approve Appropriations Ordinance No. 717 for July 2020 as submitted. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Motion by Councilmember Hannaman to approve Appropriations Ordinance No. 718 for August 2020 as submitted. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Motion by Councilmember Hannaman to approve Appropriations Ordinance No. 719 for September 2020 as submitted. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

City Attorney Report

Mr. Denk had nothing to report.

Administrative Report

Ms. Herring referred to the report included in the packet.

Consider Service Agreement with IBTS for Back-up Building and Codes Services

Ms. Herring referred to the staff report in the packet and offered to answer any questions. Motion by Councilmember Harris to allow the Mayor to execute a service agreement with Institute for Building Technology and Safety (“IBTS”) for an initial two-year term of October 8, 2020 – October 8, 2022.. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Public Safety Report

Chief O’Halloran referred to the October 2020 Public Safety report and offered to answer any questions.

Chief O’Halloran noted Westwood City Hall hosted a meeting with local religious leaders and local law enforcement agencies and the event was a great success.

Chief O’Halloran noted also that the police department and municipal court clerk participated in a biased-based police training at Westwood City Hall and that it was a very valuable opportunity.

Consider Agreement with Westwood Hills for Public Safety Services

Chief O’Halloran provided background on the item and offered to answer questions. Mr. Hannaman asked how long the current rate has remained unchanged. Chief O’Halloran responded that this rate has been active for the last three years. Ms. Cummins moved to authorize the Mayor to execute the Public Safety Agreement with Westwood Hills, Kansas, to take effect January 1, 2021 for an initial period of one (1) year. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

Consider Binding Cyber Liability Coverage for the City of Westwood through Beazley

Chief O’Halloran provided background on the item and offered to answer questions. Mayor Waters invited questions from the Council. None were heard. Ms. Cummins moved to authorize Boulevard Insurance to bind coverage of cyber liability insurance with Beazley Insurance Company, Inc., at premium of \$1,250 a year for an initial term of one year. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Consider Service Agreement with Johnson County Department of Technology and Innovation (DTI)

Chief O’Halloran provided background on the item and offered to answer questions. Mayor Waters invited questions from the Council. Ms. Cummins requested clarification on the term of the contract. The term follows the calendar year and will expire December 31, 2021. Councilmember Wimer moved to authorize the Mayor to sign the contract with Johnson County DTI to continue to provide services in 2021 to the Westwood Police Department after the final price is determined. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

Public Works Report

Mr. Sullivan commended the team working on migrating over to the new financial system and expressed his satisfaction with Ms. Ryan as City Treasurer. He then referred to the October 2020 Public Works report and offered to answer any questions. He noted that the new crosswalk on Rainbow Blvd at KU is installed and has been a welcome addition for pedestrian safety.

Consider Accepting Quote of Guier Fence Co. for Installation of a Fence at 5050 Rainbow Blvd.

Mr. Sullivan presented this item and the quote and offered to answer any questions. Ms. Wimer asked for clarification on the installation timeline. Mr. Sullivan stated the contract allows for 90 days but it will likely be closer to six to eight weeks. Mr. Hannaman asked whether there will be additional landscaping added around the fencing. Mr. Sullivan stated that he welcomes direction from the Council. Councilmember Wimer moved to authorize the Mayor to accept the quote of Guier Fence Co. for installation of a fence at 5050 Rainbow Blvd. in an amount not to exceed \$14,060.00. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

Consider Accepting Estimate of Golconda Group, LLC for Concrete Repairs at Five Separate Locations

Mr. Sullivan presented this item and the quote and offered to answer any questions. Mayor Waters invited questions from the Council. None were heard. Councilmember Harris moved to authorize the Mayor to accept the estimate of Golconda Group, LLC for work as detailed above in an amount not to exceed \$25,930.00. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Confirm the Selection Committee's Recommendation of GBA as the Design Consultant for the 2022 W. 47th Street/Avenue Complete Streets Project

Mr. Sullivan presented this item and the quote and offered to answer any questions. Mayor Waters invited questions from the Council. None were heard. Councilmember Steele moved to authorize the Mayor to enter into an agreement with George Butler Associates, Inc. for design-engineering services for the 47th St. Complete Streets project for services as outlined in their proposal dated September 15, 2020. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote.

Consider accepting quote of Temp Con, Inc. for HVAC replacement at City Hall

Mr. Sullivan presented this item and the quote and offered to answer any questions. Mayor Waters attested that the building has been cold and invited questions from the Council. Ms. Cummins recalled that a couple other units were replaced previously for a much higher price and wondered if they are substantially different units or if we are getting a good deal. Mr. Sullivan stated that those were different units but that we also did get a good price on this unit, less than had been estimated. Councilmember Hannaman moved to authorize the Mayor to accept the quote of Temp-Con, LLC for replacement of the HVAC unit at City Hall in an amount not to exceed \$12,534.77. Second by Councilmember Cummins. Motion carried by a 5-0 voice vote.

Consider professional services agreement with Uhl Engineering for design services and bid documents for the 2021 mill & overlay program

Mr. Sullivan presented this item and the quote and offered to answer any questions. Mayor Waters clarified that this item is for design services only and is not for construction costs. Mr. Sullivan affirmed and also stated that there will also be limited cost sharing with Westwood Hills and Kansas City, MO and interlocal agreements are being drafted now for future use. Mayor Waters invited questions from the Council. Mr. Harris asked whether this planned work will interact with the active construction plans of Midwest Transplant Network, located near the project area. Mr. Sullivan and Ms. Herring jointly responded that this project shouldn't be of impact to that project. Mr. Hannaman sought clarification on

the contract cost; he anticipated the cost to be less than what is presented given the typical relationship between construction costs and design costs. Mr. Sullivan acknowledged that these costs are a little higher than he expected, too. Mr. Sullivan offered to get more information and bring back a response before the Council acts on the item. Mayor Waters offered to table the item and have it come back to the Public Works Committee prior to Council action. The Council arrived at consensus to take that course of action.

Committee Reports

a. Administration & Compensation Committee

Councilmember Hannaman had nothing to report.

b. Business & Community Affairs Committee

Councilmember Cummins reported that the committee is hosting a virtual business luncheon and invited Ms. Steele to provide the details, as she has spear-headed the effort. Ms. Steele provided such details. Mayor Waters thanked the committee and encouraged councilmembers to share the details with neighbors and local businesses.

c. Public Safety Committee

Councilmember Harris reported that the committee has an upcoming meeting to discuss current, relevant topics; build relationships with Westwood Hills and Mission Woods; and to encourage an interactive conversation amongst the three communities with regard to public safety.

d. Public Works Committee

Councilmember Steele invited Ms. Herring to present the topic. Ms. Herring presented the PowerPoint included in the packet and also the resolution and policy document as drafted. Ms. Steele provided additional comments. Mayor Waters invited questions from the Council. Ms. Cummins stated her appreciation for how this topic was presented and thanked the Public Works Committee for working on it. Mr. Harris noted the impact of this policy on private development. Mayor Waters commented that the relationship between private projects and public streets and infrastructure will be likely be focused on the physical connection between properties. Councilmember Cummins moved to approve Resolution 85-2020 adopting the Complete Streets policy. Second by Councilmember Steele. Motion carried by a 5-0 voice vote. Mayor Waters noted that this will go next to the Planning Commission with a request that they consider appending it to the Comprehensive Plan.

e. Parks & Recreation Committee

Councilmember Wimer noted the Kansas City Symphony will be performing in the parking lot at City Hall on Sunday, October 11th at 6pm and thanked Ms. Steele for her assistance with marketing the event.

Mayor's Report

Mayor Waters noted that the Northeast Johnson County Chamber of Commerce is hosting a virtual event this year and encourages councilmembers to attend. The City is a sponsor.

Mayor Waters also noted that the Shawnee Mission School District Foundation is hosting a virtual event this year and encourages councilmembers to attend. The City is a sponsor.

Executive Session – Attorney-client relationship

Mayor Waters noted that an executive session has been requested for consultation with the City Attorney which would be deemed privileged in the attorney-client relationship. He requested input on

how much time would need needed for executive session and also whether a short recess should be called prior to convening in executive session. Ms. Herring recommended the Council recess until 9:35 PM, convening at that time in executive session. Mayor Waters recommended 15 minutes for the executive session. Councilmember Cummins moved to convene executive session for matters deemed privileged in the attorney-client relationship and personnel matters until 9:50 PM. Second by Councilmember Harris. Motion carried by a 5-0 voice vote.

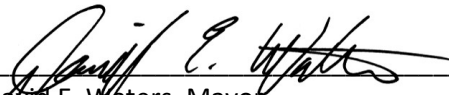
The Council reconvened at 9:50 PM.

Councilmember Harris moved to reconvene executive session for matters deemed privileged in the attorney-client relationship and personnel matters until 10:15 PM. Second by Councilmember Hannaman. Motion carried by a 5-0 voice vote.

The Council reconvened at 10:15 PM.

Adjournment

Motion by Councilmember Cummins to adjourn the meeting. Second by Councilmember Wimer. Motion carried by a 5-0 voice vote. The meeting adjourned at 10:17 PM.

APPROVED:  _____
David E. Waters, Mayor

ATTEST:  _____
Leslie Herring, City Clerk

October 5, 2020

Dear members of the Westwood City Council and Staff,

I requested permission to have a drive-by ONLY event for two hours at the City Hall parking lot on Halloween night to pass out Halloween goody bags to elementary age children. The first response from our City Clerk, Leslie Herring, was "great idea." I was asked to contact Holly Wimer, chairperson of our Parks and Recreation Committee. Her response was "awesome idea."

I was informed several days later that the "Team" had denied my request based on safety concerns. It was also suggested that I hold the event at Olivet Baptist Church parking lot. What a disaster that would be trying to direct traffic in and out of the church lot along busy Mission Road.

I was actually shocked that my request was denied when other events by Westwood residents had already taken place at the City Hall parking lot: Car show/swap meet which used City Hall public facilities (restrooms and water fountain) with food provided and served without any repercussions; a shredding event with another scheduled on October 10, plus the Kansas City Symphony concert on October 11. This Halloween event will be safer than those events. I was never asked for additional information or more details thereby working together to satisfy all concerns.

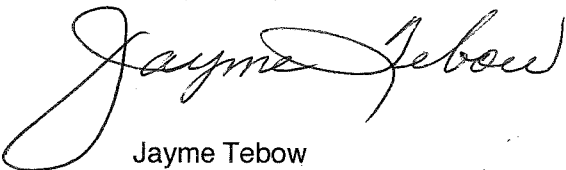
The KDHE has discouraged door-to-door trick or treating. They have encouraged alternate options such as Movies in the Park, car parades, etc. This event is exactly in line with KDHE recommendations. According to an article in the Shawnee Mission Post, there are at least SIX of our Northeast JoCo neighboring cities hosting Halloween events ON CITY PROPERTY. Why not Westwood?

My top priority is our children's safety. I am disappointed in our City's decision to deny our children this opportunity to enjoy as they look forward to this holiday all year. My hope during this pandemic was to bring a little joy and happiness to our young children.

- This will be a drive-thru only event.
- It will be held for two hours: 5:00-7:00pm on Saturday October 31st. (NEGOTIABLE)
- Volunteers from the Westwood Women's Club will pass out goody bags while adhering to CDC guidelines.
- Entrance and Exit directional signs would be in place.

I think this was a hasty decision. I was attempting to retain some sense of community spirit during this stressful time for Westwood parents and children alike. I hope all of you will agree to reconsider my request. Thank you in advance for your time.

Respectfully



Jayme Tebow
President, Westwood Women's Club
4952 Norwood St

Abby St. Paul

RECEIVED
CITY OF WESTWOOD

From: Margot Herster <margot@bureauofchange.org>
Sent: Thursday, October 8, 2020 4:38 PM
To: Abby Schneweis <abby.schneweis@westwoodks.org>
Cc: jeffharriswwcc@gmail.com
Subject: Revised Public comment for 10/8 City Counsel Meeting.

Abby,

Please replace the public comment I sent you yesterday with the revised version below.

Please read the following below, in purple text to include 1) my statement on the City's inadequate responsiveness to reports of discriminatory police misconduct, and my 10/6 email to the Mayor, as my public comment.

I have a civil rights complaint about an incident involving Westwood Police and Woodside that occurred in August. I have received no substantive response to my 10/6/2020 email to Mayor Waters.

Today, I learned that Westwood PD, with knowledge of Chief Hallahan because he was copied on emails, allowed the offending officer to handle requests for information that I sought related to his own misconduct.

Westwood PD has been aware of it's misconduct since day one.

During my arrest and transfer at least one officer behaved professionally and expressed her discomfort with the arresting officer. A female officer present noted misconduct, verbalized, *I don't want anything to do with this*, then relieved herself of duties.

While I appreciate a response today, months late and suspiciously prior to it's announcement in a public meeting, the Chief's response includes a run-around excuse...*we tried to call but your mailbox was full*.

Anything other than a swift, assertive answer that admits and denounces the misconduct, implements consequences for officers involved, and is followed by systemic changes in department culture and policy is insufficient. Without this, police misconduct perpetuates, harm to victims escalates, and public trust disintegrates.

I am requesting the support of the City of Westwood to resolve my complaint of police misconduct, as well as Woodside's improper and undo influence on the Westwood police force.

October 8, 2020

Mayor David Waters
City of Westwood
4700 Rainbow Blvd
Westwood, KS 66205

Dear Mayor Waters,

I am writing to seek your assistance with a troubling incident involving Woodside Club, Woodside Village North apartments and the Westwood Police Department.

Woodside engaged the Westwood police department in retaliation against me for complaints I made and for organizing with other tenants regarding violations of tenant-landlord rights and consumer protection law at Woodside. I also reported unsafe conditions at the Club and apartments such as Covid-19 order violations, fallen parking lot lights with broken glass at doors to where kids were playing tennis, and exposed electrical hazards on the grounds and inside club facilities.

It's not surprising that Woodside had a Covid-19 outbreak; it was violating the state's public health order.

As retribution and to intimidate and silence me, Woodside senior management called on Westwood police. Senior management made a malicious and frivolous police call and false criminal report, then directed a Westwood police officer to arrest me. This is a common tactic used by corporate entities against prospective litigants, whistleblowers and activists. It is a form of harassment akin to swatting.

Led by a member of Woodside senior management, Woodside employees first tried to falsely imprison me themselves. One senior manager ran after me and lunged at me making me fear she was trying to grab, tackle and forcibly detain me herself after she and two other employees physically attempted to block with their bodies and trap me in the Woodside spa.

Prior to this incident, after I reported violations of law at Woodside, I noticed Westwood police surveilling me. After my arrest, Woodside police continued to harass me by surveilling and questioning me while I was photographing public safety hazards at Woodside.

I am a domestic violence victim and active target of intimate partner abuse by my ex-husband who has been engaged in prolonged financial, medical and legal abuse via my divorce proceedings, misappropriating my stimulus check, and marital financial fraud assisted by members of his family. Perhaps notably, my abusive ex-husband's family is also associated with both Woodside Club and their law firm, Polsinelli.

I need to feel safe and rely on law enforcement and city officials to protect me in emergencies. I do not feel safe at all in Westwood.

During my unlawful arrest at the direction of a Woodside Club employee, Westwood PD violated my civil rights and lawful criminal procedure. For one, the arresting officer forcibly disrobed me full frontal naked while arresting me on the sidewalk and in the parking lot in front of a crowd at Woodside Club. This is sexual assault.

The arresting officer failed to ask questions, collect evidence, investigate or read me my rights prior to arresting me. He simply followed instruction of a Woodside employee. There was no threat, I did nothing that could have been perceived as dangerous and I had no weapons. I obeyed all instructions of the officer and did not resist arrest. There is no reason that could have justified this conduct.

The officer proceeded to treat me roughly and injure me, apparently not taking seriously the severity of my pelvic condition for which I was undergoing treatment and physical therapy and that I informed him of. I sought medical care while detained at Westwood. Instead of help, the officer locked me in a freezing cold holding cell without proper clothes, aside from my soaking wet bathrobe. In addition to way below room temperature, the holding cell was unsanitarily dirty with a filthy toilet. I received no medical help until transferred to Olathe, where I was placed in the medical wing. However, I repeatedly requested pain and anti-inflammatory medicine and a medical assessment of my pelvic injury to no avail. At no time at Westwood or at Olathe did I receive a phone call or opportunity to access an attorney after asking repeatedly and asserting my right to remain silent. Despite this, the Woodside officer continued to interrogate me.

The Westwood arresting and booking officers also refused to take my report of assault, false imprisonment, and making malicious police reports with false claims of criminal activity by Woodside senior management.

Since my arrest and detainment from August 13 to August 14, 2020, I contacted the Westwood PD multiple times to request my police report and to inquire about charges.

It's been almost two months, and I have still haven't received my police report nor any response from the Westwood police department in compliance with my rights as an arrestee or the Kansas Open Records Act.

I am very concerned about the City of Westwood's and the Westwood police department's history of inappropriate relationships with Blair Tanner and Woodside, by supporting exploitative corporate profit via tax deals and racially discriminatory policing near Woodside. Now your police department has sexually assaulted me and violated my civil rights in yet another incident involving Woodside.

My understanding is that your administration is new and different. I am requesting your assistance to intervene on my behalf to remedy the misconduct of your police department.

Respectfully,

A handwritten signature in black ink, appearing to read "Margot Herster". The signature is stylized and cursive.

Margot Herster