



City of Lawrence

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CITY COMMISSION

MAYOR
SUE HACK

COMMISSIONERS
MICHAEL H. DEVER
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

January 8, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 5:30 p.m., in the City Commission Chambers in City Hall with Mayor Hack presiding and members Amyx, Dever, Chestnut and Highberger present.

EXECUTIVE SESSION

It was then **moved by Chestnut, seconded by Dever**, to recess into executive session for approximately 45 minutes to discuss non-elected personnel matters. The justification is to maintain confidentiality of personnel matters. Motion carried unanimously.

The Commission returned to regular session at 6:15 p.m. at which time the Commission took a short break until 6:35 p.m.

The regular meeting resumed in the City Commission Room at 6:35 p.m.

RECOGNITION/PROCLAMATION/PRESENTATION

With Commission approval Mayor Hack proclaimed January 15 – January 22, 2008 as "Dr. Martin Luther King, Jr." week; and a presentation was given from the Sister Cities Advisory Board and Friends of Hiratsuka student delegation trip to Hiratsuka.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the City Commission meeting minutes from December 18, 2007 and December 27, 2007. Motion carried unanimously.



As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the Hospital Board meeting minutes of November 28, 2007. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve claims to 464 vendors in the amount of \$3,093,356.04 and payroll from December 23, 2007 to January 5, 2008 in the amount \$1,810,102.25. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve the Drinking Establishment License for Buffalo Wild Wings Grill and Bar, 1012 Massachusetts; Salty Iguana Mexican Restaurant, 4931 West 6th Street; Louise's West; 1307 West 7th Street; and The Bourgeois Pig, 6 East 9th Street; and approve the Taxi Cab License to Zippy Taxi Cab. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to concur with the recommendation of the Mayor and appoint Allen Humphrey to the Citizen Advisory Board to a position which will expire March 1, 2009; appoint Quinn Miller to the Neighborhood Resources Advisory Committee to a position which will expire September 30, 2008; reappoint May Davis to the Public Transit Advisory Committee to a term which will expire December 31, 2010; reappoint Kathleen Hodge and Jon Josserand to the Sister Cities Advisory Board to terms which will expire December 31, 2010; and appoint Brian Sifton to the Sustainability Advisory Board to a term which will expire December 31, 2009. Motion carried unanimously.

The City Commission reviewed the bids cleaning and maintenance of transit shelters for the Public Transit. The bids were:

Routine Services	Jani-King	Mike Lohman	SS Window	Smart Building	Window Guy
Routine bi-weekly service by unit price	4.50	12.50	12.99	18.75	50.00
Total price (cost*40	\$4,680.00	\$13,000.00	\$13,509.60	\$19,500.00	\$52,000.00

shelters*26 weeks)					
Trash removal every 14 days by unit price	2.10	5.95	5.49	17.25	8.00
Total price (unit cost*40 shelters*26weeks)	\$2,184.00	\$6,188.00	\$5,709.60	\$17,940.00	\$8,320.00
Total Annual Cost for Routine Services	\$6,864.00	\$19,188.00	\$19,219.20	\$37,440.00	\$60,320.00
Supplemental Services					
Deep cleaning of pad	15.00	10.00	15.00	15.25	35.00
Graffiti & removal of other undesirables	15.00	10.00	15.00	20.00	35.00
Touch up paint shelter frames	15.00	10.00	15.00	15.00	35.00
Epoxy/secure loose retaining wall stones	20.00	10.00	15.00	15.00	35.00
Trash can installation	15.00	12.50	15.00	15.00	35.00
Decal removal/installation	4.00	10.00	15.00	13.00	15.00
Total supplemental cost	84.00	62.50	90.00	93.25	190.00
Average supplemental cost	\$14.00	\$10.42	\$15.00	\$15.54	\$31.67

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to award the bid to Jani-King in the amount of \$6,864. Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to set bid date of February 12, 2008 for Ohio Street, 6th Street to 8th Street, Brick Street Reconstruction. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to set bid date of February 5, 2008 for K-10 and O'Connell Road, eastbound right-turn lane, geometric and waterline improvements (Section 1), and K-10 and O'Connell road, westbound left-turn lane, state highway improvements (Section 2). Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to adopt on first reading Ordinance No. 8222, adopting swimming pool regulations as approved by the City Commission on December 18, 2007. Motion carried unanimously. **(4)**

Ordinance No. 8212, adopting the Code of the City of Lawrence, Kansas, January 1, 2008 edition as authorized by Ordinance No. 8211, was read a second time. As part of the

consent agenda, **it was moved by Amyx, seconded by Chestnut**, to adopt the ordinance.

Aye: Hack, Dever, Amyx, Highberger, and Chestnut. Nay: None. Motion carried unanimously.

(5)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut** to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the request for rezoning (Z-09-19-07) a tract of land located at 851 North Folks Road; and place on first reading, Ordinance No. 8219, rezoning approximately 9.656 acres for Pump Station 48, from A (Agriculture) to GPI (General Public and Institutional). Motion carried unanimously.

(6)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to concur with the Planning Commission's recommendations to adopt the findings of fact and approve the request for rezoning (Z-11-29-07); and place on first reading Ordinance No. 8224, rezoning approximately 50 acres, from RS7 (Single Dwelling Residential) to GPI (General public & Institutional), located at the Douglas County Fairgrounds, 1910, 2110, 2120 Harper Street. Motion carried unanimously.

(7)

As part of the consent agenda, **it was moved by Amyx, seconded by Chestnut**, to approve a variance request from Landplan Engineering, acting on behalf of the University of Kansas, from Section 19-214 of the City Code regarding a fire line and water main connection for the proposed KU Boathouse located in Burcham Park. Motion carried unanimously.

(8)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said Commissioner Amyx had asked for some background information regarding emergency shelter operations in Lawrence and Douglas County. Jonathan Douglas, Assistant to the City Manager, drafted a report that responded to answering those questions and outlined where emergency shelters were put in place and the efforts of public notification undertaken by staff. If there were additional questions

in the future, the City Commission should advise staff because it was an important operation that Douglas County Emergency Management and the Red Cross and others undertook.

He said a report was also drafted regarding the Matrix Consulting report on Planning and Development Services Department efforts.

He said his report also addressed sewer line cleaning. One important issue he stressed with operational departments in Public Works and Utilities was the understanding of the state of the City's infrastructure and how infrastructure would be maintained, in the future, in a systematic way. The departments responded and provided data that showed what the City was doing. Also, the report included line breakages that staff had traditionally not responded to, but made substantial effort last year to respond.

Also, on a future agenda, the City Commission would see an ordinance that would step up some of the enforcement the City had regarding some establishments as they disposed grease and what it did in terms of the City's operational concerns. He said it would take some time to process and make sure the different stakeholders were familiar with the ordinance. It was a basic City service staff wanted to make sure they were effectively and efficiently providing.

He said Cliff Galante, Public Transit Administrator, provided data regarding a survey conducted in November that showed top destinations for the T-Lift in a sample week in November.

Finally, a report was drafted regarding an update on transportation planning activities and in the coming weeks, the City Commission would be seeing a finalization of that report.

Commissioner Amyx thanked staff for putting together the report regarding emergency shelters because there was a lot of good information.

Commissioner Chestnut said concerning the update on the Matrix Report, he said in the findings there was a recommendation about forming a group of stakeholders to look at the processes and asked if that group had been formed yet.

Corliss said no. He said staff was going to look at a more systemic way to form that group. He said he would talk to the members of the development community about some of the growth issues that were seen as the City planned its infrastructure in the next couple of years. He said wastewater capacity issues would be discussed and could be a way to discuss the best way to communicate system issues through the development process. (9)

REGULAR AGENDA ITEMS:

Conduct public hearing to consider the vacation of all 8' utility easements running along the side and rear lines of Lots 1, 2, 15, 16, and 17 in Block 4, West Hills Addition, except the south and east lines of Lot 15, the south line of Lot 2, and south 4' of the east 4' of Lot 16, as requested by Robert Lewis, Jerry Nossaman, and Scott Watson.

Mayor Hack called a public hearing to consider the vacation of all 8' utility easements running along the side and rear lines of Lots 1, 2, 15, 16, and 17 in Block 4, West Hills Addition, except the south and east lines of Lot 15, the south line of Lot 2, and south 4' of the east 4' of Lot 16.

Chuck Soules, Public Works Director, presented the staff report. He said there were no utilities located in the area. Staff had no objections to the vacation and recommended approval of the vacation.

Mayor Hack called for public comment

Upon receiving no public comment, **it was moved by Highberger, seconded by Dever,** to close the public hearing. Motion carried unanimously.

It was then **moved by Amyx, seconded by Chestnut,** to approve the request to vacate the utility easements located between lots 1, 2, 15, 16, and 17, Block 4, West Hills Addition. Motion carried unanimously. (10)

Consider approval of dedication of easements and rights-of-way for PF-09-25-06, a Final Plat for Wakarusa Place Addition No. 2 located at the NW corner of 6th Street and Wakarusa Drive, North side of Highway 40.

Sheila Stogsdill, Assistant Director of Planning and Development Services, said this Final Plat came to the City Commission because it began its process under the old version of the

subdivision regulations. The final plat replatted the property that was located between Wakarusa and Congressional Drive and bounded by Overland Drive on the north and 6th Street on the south. The final plat included 7 lots and vacated numerous easements that had been platted previously and dedicated new easements for the sanitary sewer water lines related to the proposed development at that intersection. The final plat was unanimously approved by the Planning Commission.

Commissioner Amyx asked if Lot 7 was where the retention would be located and if the design plans were submitted to the Planning and Development Services Office.

Stogsdill said yes. She said that area was zoned OS (Open Space) and a site plan would be administratively processed after the plat was approved for the detention pond that served that area and also served the property on the west side of Congressional.

Commissioner Amyx asked if there would be a utility easement on the east side of lot number 7.

Stogsdill said the entire Lot 7 was all drainage easement and the utility easement was outside of the lot so that water and sewer were not traversing the drainage easement.

Mayor Hack called for public comment

Commissioner Amyx said his comment was in reference to Lot 7 to make sure the retention was going to be held on that particular side. He said the Planning Commission's discussion was thorough regarding the dedication of easements and rights of way. He said he visited with the City Manager regarding enough right-of-way easement along the southern part of the lot on 6th Street and was assured there was more than enough adequate right-of-way in that area.

David Corliss, City Manager, said he did not see the expansion of 6th Street as anything on the horizon. He said KDOT acquired the rights-of-way and easement for the 6th Street expansion with that project and staff had not seen the need for any type of expansion in that area.

It was moved by Chestnut, seconded by Dever, to accept the dedication of easements and rights-of-way for the Final Plat (PF-09-25-06) for Wakarusa Place Addition No. 2, located at the northwest corner of 6th Street and Wakarusa Drive, north side of Highway 40; and subject to the following conditions:

1. Provision of the following fees and documentation:
 - a) A current copy of a paid property tax receipt.
 - b) Recording fees made payable to the Douglas County Register of Deeds.
 - c) A completed Master Street Tree Plan in accordance with Section 21-708a.3.
 - d) A Temporary Utility Agreement.
2. Pinning of the lots in accordance with Section 21-302.2 of the Subdivision Regulations.
3. Submittal of Public Improvement Plans to the Public Works and Utilities Departments for street/sidewalk, stormwater, sanitary sewer, and waterline improvements.

Aye: Amyx, Chestnut, Dever, and Hack. Nay: Highberger. Motion carried. (11)

Consider adopting Resolution No. 6750, ordering a public hearing on February 5, 2008, on the advisability of the construction of improvements at the intersection of Congressional Drive and 6th Street, including property acquisition, subgrade stabilization, traffic signals, traffic calming devices south of 6th Street along Congressional Drive to the southern most point of Tracts 9 and 10.

John Miller, Staff Attorney, presented the staff report. He said staff was proposing the creation of an improvement district for the signalization of the intersection of 6th and Congressional. Staff was attempting to create an improvement district in which each corner of the intersection would be assessed 1/9th of the cost of the intersection improvements. The additional 5/9ths of the cost would be born by the City and the City would enter into an agreement with 6Wak and Wal-Mart to pay for the City's 5/9ths of the cost. He said the resolution would establish a public hearing on February 5th and at that time, the issue would be discussed in more detail and then proceed if the City Commission desired. Also, staff was asking the City Commission to authorize the City Manager to enter into an agreement with 6 Wak and Wal-Mart to pay for the 5/9 cost. The reason for the uniqueness of this approach was because as part of the development plan for the Wal-Mart proposal for the northwest corner of 6th and Wakarusa because as part of the development plan were required to pay for 2/3 of the cost of the signalization improvements at 6th and Congressional and for other improvements,

200 feet south along Congressional up to the southern most points of Tracts 9 and 10. Because that condition was part of the development plan, staff had to come with another way that met the statutory requirements of the improvement district and also address the overall 2/3 cost. The 5/9 cost to the City, they would enter into agreement with 6Wak and Wal-Mart plus the cost for their assessment on the northeast corner of 6th and Congressional, came up to 2/3 cost for the signalization improvement.

Mayor Hack said the City Commission's action was to adopt the resolution ordering the public hearing and asked if the resolution indicated authorization to enter into the agreement with 6th Wak as well.

Miller said the authorization to enter into the agreement was outlined in his memo.

Commissioner Amyx asked if 100% of the City cost would be born by the property owners in and around this site.

Miller said yes.

David Corliss, City Manager, said unless the City was unsuccessful in the establishment of the benefit district. Staff thought they had agreements not-to-protest that held for a majority of the property owners and would be successful in establishing a benefit district. If they were not successful in establishing a benefit district, the Wal-Mart/6Wak property was online to pay for 2/3 of the cost and the City-at large needed to pay 1/3 of the cost. Staff was trying to have the adjoining property owners pay 100% of the cost through the mechanism of the Wal-Mart/6Wak property paying 2/3 of the cost and the remaining three sides be allocated to pay the rest.

Miller said staff would know more after the public hearing and if staff drafted a resolution of findings and determinations, staff would know then, statutorily, whether or not the City would receive a valid protest.

Mayor Hack called for public comment.

Bill Newsome, 6Wak Land Investment, said they did not own the northwest corner of 6th and Congressional, but when they received that approval, there was an agreement not-to-protest and he assumed that agreement would carry with the land.

Corliss said staff was talking with the property owner for confirmation. He said the benefit district had not been approved yet because after that resolution was published, there was a 20 day protest period. He did not want to promise a valid benefit district, until going through those procedures, but staff thought there would be a valid benefit district.

Commissioner Amyx said he would like to see 100% of those costs paid for by that area.

Moved by Amyx, seconded by Chestnut, to adopt Resolution No. 6750, ordering a public hearing on February 5, 2008 for the 6th Street and Congressional Drive Improvement District and authorize the City Manager to enter into an agreement with Wal-mart and 6WAK Land Investments, LLC to pay for the City's five-ninth (5/9) share of the cost of the improvements. Motion carried unanimously. (12)

Consider the following items related to the Southeast Area Plan:

- a) **Consider approval of the Southeast Area Plan.**
- b) **Consider approving CPA-2007-04 an amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Southeast Area Plan.**
- c) **Consider adopting on first reading joint City Ordinance No. 8221/County Resolution No. _____, regarding the Southeast Area Plan and CPA-2007-04.**

Michelle Leininger, Planner, presented the staff report. She said the process began in 1997 with various drafts of land use plans that were brought before the different Commissions. She said Option one showed quite a bit of industrial area on the east side of the planning area and Option two added residential area. The City Commission and County Commission directed staff to use the future land use map draft to continue with the planning process.

She said the basic plan outline with the introduction the existing conditions and recommendations which included land use, map policies and implementation. A public meeting

was held in October 2007. Staff had discussions with residents that lived south on 31st Street extended to try and address concerns and answer questions.

She said the neighborhood had a number of homes and acreage and should be taken into consideration once the engineering started and also consider a frontage road to help minimize the access to 31st Street.

She said this area was identified in Horizon 2020 as neighborhood commercial and staff was proposing to change that area to a community commercial area and also add in a small neighborhood commercial area in the center of the planning area.

She said the Planning Commission recommended approval by 9-0 vote and included the CPA which would amend it to Horizon 2020.

Mayor Hack called for public comment.

Karen Heeb said the neighborhood hoped 31st Street could become the frontage road and the principle arterial road be moved to the north so that it could accommodate both situations in an appropriate fashion. When the neighborhood visited with the Planning Commission, they shared that information with that Commission and discussed making it more specific keeping it a frontage road and move the principle arterial road to the north. However, through the Planning Commission's discussion, they also stated the plan was a general plan and it could not be done at this point. She said she appreciated being kept informed and wanted to stay involved.

Steve Glass, LRM Industries, said he had been present for all 10 years of this process and hoped they were nearing the end. He encouraged the City Commission to support the plan as currently proposed. It represented compromises by everyone involved in the process and was a workable plan.

Mayor Hack said it was always good to see a neighborhood continue to be involved in the process.

Commissioner Chestnut said since many discussions took place in the North 1300 Road area in looking at options, he asked about the timing to receive information about those options.

Corliss said staff had discussions on the scope refinement with Wilson and Company to get the contractor started on the design contract. The design contract was an important priority so the City Commission could review the contract, approve the contract if appropriate, and get moving on that design work. He anticipated that within this calendar year would be the time when that firm would be engaged for looking at alternatives for 31st Street alignment. One of the things the City was not paying for was for the extension of 31st Street further east than O'Connell Road. The City had a limited budget, but clearly that alignment and how it connected to O'Connell affected the area Commissioner Chestnut identified. He anticipated that this year, around spring time, was when public meetings would take place regarding conceptual alignments and those kinds of things.

Chuck Soules, Director of Public Works, said they were working with the residents of the area and once they had something established, the Commission would be the first to know.

Commissioner Amyx said this issue had gone on for a very long time and when looking back at the history of the Southeast Area Plan and started thinking about the amount of industrial or employment center opportunities that existed, through good planning and working with the neighbors in the area, they would end up with good plans. The balance between industrial and open space, and housing and commercial seemed to work well. He said from past City Commission members and future Commission members, there would be the opportunity for input on how this road would work. He said 31st Street extended from Haskell to O'Connell Road was going to be an integral part of making sure that this worked. The City had a City Commission that was willing to work together to make sure it was a very successful project.

Commissioner Highberger said he realized this issue had been through a number of different iterations and this was one of the better versions seen. He still had some concerns

about it, but realized nothing was ever going to be perfect. He thought it did find the right balance between industrial land and residential. One aspect of the preliminary version was the mixed use area of the plan and appreciated the neighborhood and commercial section left on the current version. He applauded the Parks Department for being forward thinking although he thought the park land was not located in the most ideal place for the residences. He said the Horizon 2020 chapter on parks called for walkable parks, but the vast majority of people indicated it would not be a walkable park.

He said as far as 31st Street, he appreciated the neighbors talking to the City Commission on what they wanted in that area for the future. He said he was not sure he could support it because it used up so much land and thought it could be designed to where it minimized the impact on property. This plan did not go into that much detail so it was not a decision they had to make until later.

Commissioner Amyx said in response to Commissioner Highberger's concerns about walkable parks in the area, he said much work had gone into this plan in keeping the drainage areas and incorporating some of the public uses. He opposed the quarter mile radius of parks because things changed somewhat in order to make it work. He said if they were able to incorporate enough open space in areas throughout those sections, they would be able to make it work. The park at the southeast corner was quite a distance away from the residences and might not be utilized to a certain degree, but currently there were a number of the smaller parks throughout the community and it might be questioned how much those parks were being utilized by people in the area. He said they were attempting to make sure the green space was at that location.

Vice Mayor Dever said the City Commission needed to make sure whoever was involved in that process was thinking along those lines of putting in a walking trail. He did like the fact that it all led to the park and thought it was a great design and the percentages seemed to work well. He said he was happy with the plan.

Mayor Hack said she agreed with Vice Mayor Dever that it gave a lot of opportunities for walking trails and connectivity.

Moved by Dever, seconded by Amyx, to approve the Southeast Area Plan; Approve CPA-2007-04, amending Horizon 2020, Chapter 14 Specific Plans, and place on first reading, Ordinance No. 8221/County Resolution No._____, an amendment to Horizon 2020, Chapter 14 and repealing the existing section and incorporating by reference the "Southeast Area Plan." Motion carried 4-1 (Highberger voted no). (13)

Consider adopting Resolution No. 6749, establishing February 12, 2008 as the date for a public hearing regarding the establishment of a redevelopment district for the 12th and Oread Project.

Gary Anderson, Gilmore & Bell, Bond Counsel, said the City Commission's action was to call for a public hearing for February 12, 2008 which was the first official step in the TIF process. The TIF process was a two phase process. Phase 1 was the creation of the redevelopment district and phase 2 was the approval of the redevelopment project plan. This resolution was to call a public hearing for the first phase, which would be on February 12th. The public hearing would be held and if the Commission desired, consider the ordinance that would create the redevelopment district. After that process was complete, assuming the City Commission decided to complete it, then a redevelopment project plan was prepared and the second phase of the process started. Once the redevelopment project plan was filed, it would go to the Planning Commission for a finding that the project plan was consistent with the City's Comprehensive Plan for that area. The City would then call a public hearing on the project plan. There had to be 30 days separation between when they would adopt the resolution calling a public hearing and the date of the public hearing. The calendar at this point showed that second hearing on April 1st, 2008. If the City Commission desired at that meeting, they would consider approval of the project plan and also the redevelopment agreement which was the contract with the developer as to the business points. In order for the project plan to be

approved, it had to be approved by 2/3 of the members elect. The other thing to remember was that once the public hearing was held, assuming it was held on February 12th and closed on that same date, the 30 day veto period for the County and School District commenced after that date. They would have 30 days where they could exercise the unlimited veto of the project. The calendar the City Commission saw in their packet assumed on April 1st the second phase was completed and assumed that everything went perfectly and there were no delays, etc. Typically those projects always seemed to take longer than anyone anticipated and there were more issues than people anticipated as they go through the process. The action for this evening was to simply call a public hearing on February 12th on the district plan and the proposed creation of the redevelopment district.

Commissioner Amyx asked about the February 12th meeting and said, if the City Commission opened and closed the hearing after comments on February 12th, would that then start the 30 day calendar for the County Commission and the School Board to consider their veto opportunity of this development district being established. He also asked if a simple majority was all that was needed by either board to veto the project.

Anderson said yes a majority of either board could veto the project. They had to take affirmative action in order to veto it. They did not have to approve the project and could take no action and the project would proceed, but if either one had a majority that approved the resolution vetoing it, it would stop the project.

David Corliss, City Manager, asked if they would veto their participation or veto the project.

Anderson said they would veto the project. TIF could not proceed if one would exercise their veto. Once they would pass that 30 day period of time, their veto power would have expired.

Corliss said staff had a productive meeting with the City's advisor with Springsted where the advisor began his data collection and analysis on the feasibility study. The consultant

understood the deadlines the City was under because at the February 12th meeting, the City Commission wanted to see that feasibility study. He said staff was hopeful to get the study sooner and were committed to two weeks from today to get the draft document. Hopefully, staff would review the study to make sure everything was complete and answer questions. The developer could look at the study for confirmation and staff could possibly have the study out sooner than the 12th.

Commissioner Amyx said once the feasibility study was completed, he asked when Corliss would schedule this item on the agenda.

Corliss said the way he would look at it was February 12th was Oread Inn night. Staff would try and get all the information to the City Commission ahead of time and already had a lot of the comments and information from the Historic Resources Commission which that information was posted on the City's website. He said when looking at calendaring items, he discussed the airport project, February 5th was the date it could come back on the agenda. He wanted to make sure when the City Commission was looking at the feasible and prudent decision, the Commission made sure they knew most of the questions to deliberate on and make the decision appropriately.

Mayor Hack called for public comment.

Matthew Gough, Barber Emerson Law Firm on behalf of Triple T, said they were present to answer any questions the City Commission had for them.

The Commission asked no questions of Gough.

Moved by Amyx, seconded by Chestnut, to adopt Resolution No. 6749, establishing February 12, 2008 as the date for a public hearing regarding the establishment of a redevelopment district for the 12th and Oread Project. Motion carried unanimously. **(14)**

Consider authorizing staff to advertise a Request for proposals (RFP) for design and construction phase engineering services for the Kaw Water Treatment Plant Disinfection Conversion from chlorine gas to sodium hypochlorite liquid.

Philip Ciesielski, Assistant Director of Utilities, said currently gas chlorine was used as the disinfectant and the request was for engineering services for both design and construction phase to switch that disinfection to a liquid, sodium hypochlorite, which was an industrial type bleach. They currently used sodium hypochlorite at the Wastewater Treatment Facility to disinfect the discharge. He said also as part of expansion, at the Clinton Water Treatment Plant, to make a switch from the gas chlorine to the liquid.

This project had been contemplated since authorized to change from gas to liquid at Clinton. It was part of their evaluation of Risk Management. It was a safer workplace and area in the environment. While chlorine had been a safe chemical in the water and wastewater industry, it did carry significant risk being a gas and leaving the site if there was an accident. The liquid was very well contained in a containment structure.

As part of the services, they would be procuring for both the design for a structure to contain the bulk storage tanks, which was what they were getting from the design firm as well as a design memo to the Kansas Department of Health and Environment, notifying them the change of disinfection. Staff had done some pilot testing in-house at the Kaw Water Treatment Plant and had data to hand off. Staff would get assistance from the engineering firm for site plan activities and Historic Resources Review. The Kaw Plant was in the environs of a historic structure at 3rd and Indiana. They would bid the actual construction of the containment structure and relocation of some of the on site utilities. City staff would provide quite a bit of the work in-house and act as the general contractor and procure all the storage containers, the pump systems, and all the control systems would be built, programmed and installed with in-house resources. The cost was estimated at \$500,000 - \$600,000 total for the design construction and the in-house work. He said this project would also free up space where the existing gas

chlorine facilities were so they could expand and modernize some of the other chemical feed facilities there at that plant.

Vice Mayor Dever asked if Ciesielski could highlight the operation and maintenance cost difference between chlorine gas and liquid chlorine or sodium hypochlorite.

Ciesielski said when they did the evaluation for the Clinton Plant the actual cost for the chemical was slightly higher. What it did not have was the continuation of the risk management plan and emergency response plans for equipment chlorine which was a risk factor not only to staff, but to the folks off site should chlorine leave the site. If improvements were made to the area in terms of the amount to store or new location for the storage, the facility needed to be brought up to code with a fire sprinkler system as well as a scrubber, which was an enclosed room that would go under vacuum if there was a leak and pull through, strip the chlorine, and discharged clean air. He said he did not have a firm number to those costs, but the cost was fairly significant and still did not get out of the risk management aspect, which was some of the trade off. Operationally, it was a little more expensive because of the cost of the chemical, but there was a trade off in risks and improvements they would have to do and still maintain the gas system.

Vice Mayor Dever said operationally speaking, piping gas versus liquid, would cost less with liquid than gas.

Ciesielski said there was less equipment because they would not be able to pump the liquid as it was out of the bulk containers and have KDHE maintain what was used per day. There were facilities with the chlorine gas where it had to be combined with water before pumping out into the treatment system. It was a more simple set up. They would have a couple of transfer pumps from the bulk containers, to the day tank, and the metering pumps to the disinfection points in the treatment system.

Mayor Hack called for public comment.

After receiving no public comment, **it was moved by Dever, seconded by Chestnut**, to authorize staff to advertise a Request for Proposals for design and construction phase engineering services for the Kaw Water Treatment Plant disinfection conversion from chlorine gas to sodium hypochlorite liquid. Motion carried unanimously. (15)

Consider approval of free parking on the top level of the New Hampshire Street parking garage.

David Corliss, City Manager, said he and the Mayor along with other City staff members met with members of Downtown Lawrence, Inc. and talked about a number of items, one being the parking survey that Teri Pierce, Parking Control, and other staff members provided. One of the issues that was highlighted in the report was the under utilization of the top floor, the fourth floor, of the New Hampshire Street parking garage. Staff continued to receive comments about downtown parking and a number of people said it depended on how far people wanted to walk in parking in the downtown area. He said he would like to try and see if they could make that floor of the garage free parking. He said 24 hour vehicle storage would not be allowed, but thought free parking might be used by downtown employers and employees. Staff thought it was worthwhile to try and better utilize those spaces. Those spaces were probably the least desirable, but were exposed places like other places downtown. The cost would be pretty minimal, such as changing the signs. A reduced permit fee was discussed, but after investigating it would not be a cost beneficial amount.

Mayor Hack said they had discussions with Downtown Lawrence, Inc. regarding educating people about this possibility and encouraging downtown merchants to ask their downtown employees to park on the top level of the parking garage. The largest concern was the two hour lots on Vermont and Massachusetts were being taken by employees.

Commissioner Amyx said he did not have a problem with trying this idea, because they have only 4 out of 135 top level spaces taken up on a daily basis, but there had to be more

reason people were not parking on the top floor other than the fact it was not covered and it was a parking garage. One thing he heard people talk about was safety in that area.

Corliss said one reason why that top level parking lot was not utilized was because there were covered spaces available and it was still cheap parking. People could be risky and get a \$2 ticket, which was still cheap parking. Staff would look at lighting and other safety issues as well and see if it was in good shape.

Commissioner Amyx asked if staff suggested trying this idea for a year.

Corliss said that was his suggestion. At the end of the year, staff would bring the issue back to the City Commission to see what the year brought and if it looked great, proceed on.

Commissioner Highberger said if this idea did not work out, he suggested free parking on the top level for special events.

Corliss said free parking for special events could be done as well.

Commissioner Chestnut said one issue that came to mind was trying to do something on sidewalk sale day to make that parking for employees since people arrive downtown at 5:30 a.m. or 6:00 a.m.

Mayor Hack called for public comment.

Hubbard Collingsworth, Lawrence, said he was in favor of this proposal. He said the security issues concerned him, but thought it could be used as a parking hub for increased ridership on the "T" and asked if that could be discussed with Cliff Galante, Public Transit Administrator. The City could advertise as "Drive Your Car Downtown, Park, and Ride the "T".

Moved by Chestnut, seconded by Amyx, to approve free parking on the top level of the New Hampshire Street parking garage. Motion carried unanimously. **(16)**

FUTURE AGENDA ITEMS:

01/15/08

Commissioners will be participating in Kansas Open Meetings Act training from 4:00 – 6:00 p.m. Location: City Commission Room.

Consider the following items related to The Links at Lawrence, a Planned Residential Development containing 40 multi-dwelling buildings

with 12 dwelling units per building for a total of 480 dwelling units, located at the intersection of Queens Road & Wakarusa Drive.

- a) Consider approval of the requested annexation of approximately 81.13 acres for A-11-07-07 for The Links at Lawrence, located at the intersection of Queens Road & Wakarusa Drive. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC et al, property owner of record. (PC Item 4A; approved 8-1 on 12/17/07)

ACTION: Approve requested annexation (A-11-07-07) of 81.13 acres located at the intersection of Queens Road & Wakarusa Drive, and adopt on first reading, Ordinance No. 8225, providing for the annexation of approximately 81.13 acres, if appropriate.

- b) Consider approval of the requested rezoning Z-11-28A-07, a request to rezone a tract of land approximately 80 acres, from A (Agricultural) to RM12 (Multi-Dwelling Residential). The property is located at the intersection of Queens Road & Wakarusa Drive. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC et al, property owner of record. (PC Item 4B; approved 7-2 on 12/17/07)

ACTION: Approve requested rezoning (Z-11-28A-07) of approximately 80 acres located at the intersection of Queens Road & Wakarusa Drive, from A to RM12 and adopt on first reading, Ordinance No. 8226, providing for the rezoning of approximately 80 acres from A to RM12, if appropriate.

- c) Consider approval of the requested rezoning Z-11-28B-07, a request to rezone a tract of land approximately 80 acres, from A (Agricultural) to RM12-PD (Multi-Dwelling Residential Planned Development Overlay). The property is located at the intersection of Queens Road & Wakarusa Drive. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC et al, property owner of record. (PC Item 4C; approved 7-2 on 12/17/07)

ACTION: Approve requested rezoning (Z-11-28B-07) of approximately 80 acres located at the intersection of Queens Road & Wakarusa Drive, from A to RM12-PD and adopt on first reading, Ordinance No. 8227, providing for the rezoning of approximately 80 acres from A to RM12-PD, if appropriate.

- d) Consider approving, subject to conditions and use restrictions, PDP-11-06-07, a Preliminary Development Plan for The Links at Lawrence, located at the intersection of Queens Road & Wakarusa Drive. Submitted by JEO Consulting Group, Inc. for Lindsey Management Co., Inc., contract purchaser, and Turner Douglas LLC

et al, property owner of record. (PC Item 4D; approved 7-2 on 12/17/07)

ACTION: Approve, subject to conditions and use restrictions, PDP-11-06-07, if appropriate.

Receive status report regarding the timing and scope of sanitary sewer projects, and consider the following items:

- a) Consider authorizing staff to advertise a Request for Proposals (RFP) for engineering services to review the scope and timing of the Wakarusa Water Reclamation Facility and perform a watershed sewer service plan.

ACTION: Authorize staff to advertise a Request for Proposals (RFP for engineering services to review the scope and timing of the Wakarusa Water Reclamation Facility and perform a watershed sewer service plan, if appropriate.

- b) Consider authorizing staff to distribute a Request for Proposals for a Construction Management Agreement for the expansion of the wet weather storage capacity at Pump Station 09 (Four Seasons).

ACTION: Authorize staff to distribute RFP, if appropriate.

- c) Consider authorizing the City Manager to enter into an Engineering Services Agreement with Professional Engineering Consultants, in the amount of \$285,680, for completion of the design and construction phase services for the West Baldwin Creek Interceptor Sewer and initiation of condemnation proceedings, if appropriate.

ACTION: Authorize the City Manager to enter into an Engineering Services Agreement with Professional Engineering Consultants, in the amount of \$285,680, for completion of the design and construction phase services for the West Baldwin Creek Interceptor Sewer and initiation of condemnation proceedings, if appropriate.

Consider authorizing staff to apply for a Federal Transit Administration Section 5316 Job Access/Reverse Commute (JARC) Grant through the Kansas Department of Transportation. Grant funds will be used for the purpose of replacing two fixed-route vehicles and funding will be sought in the total amount of \$520,000. The grant application deadline to KDOT is

January 25, 2008.

01/22/08

Airport business park land use and public financing issues. ***Because valid protest petitions have been received, a super-majority vote (4 votes) would be needed regarding the rezoning items.***

- (a) Consider approval of the requested annexation of approximately 144.959 acres and direct staff to draft an ordinance for A-06-05-07, for Airport Business Park No. 1, located at E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16A; approved 5-2 on 10/24/07)
- (b) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-09-07, a request to rezone a tract of land approximately 99.31 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District with use restrictions. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16B; approved 6-1 on 10/24/07)
- (c) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-10-07, a request to rezone a tract of land approximately 43.48 acres, from A (Agricultural) and B-2 (General Business) Districts to IL (Limited Industrial) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16C; approved 6-1 on 10/24/07).
- (d) Consider approval of the requested rezoning and direct staff to draft an ordinance for Z-06-11-07, a request to rezone a tract of land approximately 26.22 acres, from A (Agricultural) & B-2 (General Business) Districts to IL-FP (Limited Industrial-Floodplain Overlay) District. The property is located at the intersection of E 1500 Road and US Hwy 24/40. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16D; approved 6-1 on 10/24/07).
- (e) Consider accepting dedication of easements and rights-of-way for PP-06-07-07, a Preliminary Plat for Airport Business Park No. 1, located at E 1500 Road & US Hwy 24/40. The Planning Commission will also consider a number of waivers from the Development Code with this request. Submitted by Landplan Engineering, for Roger Pine, Pine Family Investments, LC, and Kathleen and Brian Pine, property owners of record. (PC Item 16E; approved 6-1 on 10/24/07).

TBD

Possible modifications to sidewalk dining laws

Fire/Medical Department Apparatus Replacement Plans

Receive follow-up staff report on sales tax options

Public Incentives: Evaluation of public incentives and procedures for review of incentive proposals.

Access Management including Traditional Neighborhood Design Code issues

Presentation of Transportation 2030 Plan

——City Commission consideration of revised Preliminary Development Plan for Bauer Farm development at 6th and Wakarusa, submitted by the applicant on November 29, 2007.

Consideration and discussion of proposed Neighborhood Revitalization Act plans. The Lawrence Association of Neighborhoods has indicated an interest in establishing a task force to review NRA applications.

Consider amendments to Sections 20-804, 20-805, 20-808, and 20-815 of the Development Code for TA-09-21-07 to clarify that access shall be taken from a hard-surfaced road. (PC Item 13; approved 8-2 on 10/22/07. Approved by County Commission on 11/14/07.)

Consider approval of a plan to deploy Electronic Immobilization Devices (Tazers) for the Lawrence Police Department.

Consider approving request from Aquila, Inc., to transfer its franchise to Black Hills/Kansas Gas Company, LLC, and authorize the Mayor to sign the Franchise Transfer Consent Letter.

Proposed City of Lawrence – DMI agreement for Convention and Visitors Bureau services.

Receive staff report regarding Douglas County request concerning special assessments at East Hills Business Park.

Presentation by Northern Flyer Alliance regarding intercity passenger rail service.

Discussion of City/County funding relationships

Request from Sustainability Advisory Board to present a proposal to the City Commission after the first of the year on energy related items.

Consider the following items related to the Farmland Industries Redevelopment Plan:

- a) Consider approval of the Farmland Industries Redevelopment Plan. (PC Item No. 14; approved 9-0 on 11/28/07)

ACTION: Approve Farmland Industries Redevelopment Plan, if appropriate.

- b) Consider adopting on first reading joint City Ordinance No. 8218/County Resolution No. ____ regarding the Farmland Industries Redevelopment Plan and CPA-2007-05, amending Horizon 2020, Chapter 14 Specific Plans.

ACTION: Adopt on first reading joint City Ordinance No. 8218/County Resolution No. ____, if appropriate.

Consider the following items related to the Proposed Oread Inn project (12th and Oread): *Following commission discussion at the December 27, 2007 City Commission Meeting, the land use findings will be considered after the completion of the financial feasibility service study.*

- a) The public hearing on the appeal of the Historic Resources Commission determination for DR-07-93-07 was conducted on November 13, 2007. Additional public comment from the applicant and the public in response to recently submitted material would also be appropriate.

ACTION: Receive public comment.

- b) Consider making a determination on the appeal of the Certified Local Government Review under K.S.A. 75-2715 – 75-2726, as amended:

ACTION: Make a determination based on a consideration of all relevant factors that there is no feasible and prudent alternative to the proposed demolition of the structures located at 1140 Indiana Street, 1142 Indiana Street, 1144 Indiana Street, and 618-620 West 12th Street and the new construction proposed for the site, if appropriate.

ACTION: Make a determination that the proposed project includes all possible planning to minimize harm to the listed properties, if appropriate.

- c) Consider making a determination to issue a Certificate of Appropriateness for the demolition of the structures located at 1140 Indiana Street, 1142 Indiana Street, 1144 Indiana Street, and 618-620 West 12th Street and the new

construction proposed for the site.

ACTION: Make a determination to issue a Certificate of Appropriateness for the demolition of the structures located at 1140 Indiana Street, 1142 Indiana Street, 1144 Indiana Street, and 618-620 West 12th Street and the new construction proposed for the site, if appropriate.

- d) Consider approval of the requested rezoning and direct staff to draft ordinance for Z-07-13-07, a request to rezone a tract of land approximately .746 acres, from CN1 (Inner Neighborhood Commercial) & RM32 (Multi-Dwelling Residential) to PCD-2 (Planned Commercial Development). The property is located at 618 W 12th Street. Submitted by Paul Werner Architects, for Triple T, LLC, property owner of record. (PC Item 6A; approved 9-1 on 10/22/07)

ACTION: Approve rezoning, Z-07-13-07, and direct staff to draft ordinance for 618 W 12th Street, if appropriate.

- e) Consider approval, subject to conditions and use restrictions, PDP-07-03-07, a Preliminary Development Plan for Oread Circle (Oread Inn), located at 618 W 12th Street. The plan proposes mixed use residential and commercial development. Submitted by Paul Werner Architects, for Triple T, LLC, property owner of record. (PC Item 6B; approved 9-1 on 10/22/07)

ACTION: Approve, subject to conditions and use restrictions, PDP-07-03-07, if appropriate.

COMMISSION ITEMS:

Moved by Chestnut, seconded by Highberger, to adjourn at 8:10 p.m. Motion carried unanimously.

APPROVED:

Sue Hack, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF JANUARY 8, 2008

1. Bid- Cleaning and maintenance of transit shelters, Jani-King, \$6,864.
2. Bid Date- Feb 12, 2008, Ohio St., 6th St. to 8th St., Brick St Reconstruction.
3. Bid Date- Feb 5, 2008, K-10 & O'Connell Rd, eastbound right-turn lane & improvements.
4. Ordinance No. 8222 – 1st Read, swimming pool regulations.
5. Ordinance No. 8212 – 2nd Read, adopt Code of City of Lawrence, Kansas, Jan. 1, 2008 ed.
6. Ordinance No. 8219 – 1st Read, rezone (Z-09-19-07) approx. 9.656 acres from A to GPI, 851 N Folks.
7. Ordinance No. 8224 – 1st Read, rezone (Z-11-29-07) approx. 50 acres from RS7 to GPI, Douglas Cnty Fairgrounds..
8. Variance Request – Landplan Engineering, fire line & water main connection for KU Boathouse in Burcham Park.
9. City Manager's Report.
10. Public hearing- Vacation of all 8' utility easements in Lots 1, 2, 15-17, West Hills Addition.
11. Final Plat (PF-09-25-06) Wakarusa PI Add No 2, NW corner 6th & Wakarusa Dr, N side Hwy 40.
12. Resolution No. 6750- Public Hearing Feb 5, 2008, on construction improvements at intersection of Congressional Dr & 6th St.
13. Ordinance No. 8221/County Res No.____ - 1st Read, Southeast Area Plan
14. Resolution No. 6749 – Public Hearing Feb 12, 2008, est of redevelopment district for 12th & Oread project.
15. RFP- Design & construction phase engineering services Kaw Water Treatment Plant Disinfection Conversion.
16. Free parking on top level New Hampshire St parking garage.