



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL H. DEVER

COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

January 27, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Chestnut, and Highberger present. Commissioner Hack was not present.

STUDY SESSION

The City Commission, Douglas County Commission, and Chamber of Commerce met in a study session from 4:00 – 6:00 p.m. to discuss Economic Development Issues and Policies.

EXECUTIVE SESSION:

At 6:00 p.m. Mayor Dever called the meeting to order. **It was then moved by Amyx, seconded by Chestnut,** to recess into executive session for approximately 45 minutes to meet with attorneys for the City on matters which are deemed privileged under the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential at this time. Motion carried unanimously.

The Commission returned to regular session at 6:45 and recessed for approximately 5 minutes.

The Mayor called the meeting back to order at 6:50 p.m.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx,** to approve the City Commission meeting minutes of January 13, 2009. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Sustainability Advisory Board meeting minutes of December 10, 2008; the Traffic Safety Commission meeting minutes of December 1, 2008; and the Hospital Board meeting minutes of December 17, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve claims to 266 vendors in the amount of \$990,963.29. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to approve the Drinking Establishment License for La Tropicana Restaurant, 434 Locust. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the recommendation of the Mayor and reappoint Dave Loewenstein and John Reeves to the Lawrence Cultural Arts Commission, to terms which will expire January 31, 2012. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to set bid date of February 17, 2009 for City Bid No. B09006, Project No. PW0816, the 2008 Sidewalk Gap Program. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to set bid date of Tuesday, February 17, 2009 for Bid No. B09007, the 2009 Fire Hydrant Painting Program. Motion carried unanimously. (2)

The City Commission reviewed the bids for Bid No. B08075, Project No. 32-AC1-604(S), UBS/O'Reilly Site Work (23rd Street Access Management Improvements). The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$90,004.20
R.D. Johnson Excavating	\$99,999.99

LRM Industries	\$108,646.60
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As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to waive Engineer's estimate and award the bid to R.D. Johnson Excavating, in the amount of \$99,999.99. Motion carried unanimously. **(3)**

The City Commission reviewed the bids for tee and anchor coupling waterline fittings for the Utilities Department, Bid No. B09001. The bids were:

Quantity	Item	Ferguson	Water Products	HD Supply	Mainline Supply
32	8"x 8"x 6" MJ Swivel/Anchor Tee w/Acc. Kit as	4,934.72	5,318.40	5,787.20	5,760.00
33	8"x 8"x 6" MJ Tee w/Acc. Kit as	4,188.69	4,514.40	4,735.50	4,917.00
98	6"x 18" MJ Anchor Coupling Swivel x Swivel	8,593.62	9,290.40	10,201.80	11,662.00
Total		\$17,717.03	\$19,123.20	\$20,724.50	\$22,339.00

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to award the bid to Ferguson Enterprises, in the amount of \$17,717.03. Motion carried unanimously. **(4)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to waive bidding requires and approve sole-source purchase (State of Kansas Contract) of 19 Motorola MW810 mobile data computers for the Police Department from TFM Communications, Inc., for \$97,944. Motion carried unanimously. **(5)**

Ordinance No. 8361, adopting the 2009 edition of the Code of the City of Lawrence, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded**

by Amyx, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Highberger. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8367, ordering the condemnation of appropriate interests in real property for use by the City for the location, construction, operation and maintenance of a public sanitary sewer pump station, sanitary sewer main and equipment and facilities appurtenant thereto, located adjacent to the existing Pump Station 25 and to the former Farmland Industries property, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Highberger. Nay: None. Motion carried unanimously. (7)

Ordinance No. 8286, for Text Amendment TA-11-24-07 for the Lawrence SmartCode and, pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Highberger. Nay: None. Motion carried unanimously. (8)

Ordinance No. 8288 for Comprehensive Plan Amendment CPA-2007-6, to amend Horizon 2020 by creating Chapter 15 – Place Making to ensure property comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Highberger. Nay: None. Motion carried unanimously. (9)

Ordinance No. 8289, for Comprehensive Plan Amendment CPA-2007-7, to amend Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan, was read a second time. As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Dever, Chestnut, and Highberger. Nay: None. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to adopt Resolution No. 6820, setting a public hearing date of March 17, 2009, to discuss the conditions of the dilapidated structure at 1207 E. 13th Street and consider declaring the structure unsafe and ordering its repair or removal within a specified period of time. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation to establish "no parking" 7am – 5pm, Monday –Friday, along the south side of Hillcrest Road and along the west side of Spencer Drive. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation to establish "no parking" along the west side of Stone Meadows Drive between Bob Billings Parkway and the south leg of Brighton Circle. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation to establish "no parking" along the west side of Louisiana Street between 18th Street and 19th Street. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to concur with the Traffic Safety Commission's recommendation, to adopt on first reading, Ordinance No. 8213, rescinding "All-Way Stop Signs" at the Kasold Drive and Peterson Road intersection and to prohibit parking on the south side of Hillcrest Road and on the west side of Spencer Drive 7am -5pm, Monday – Friday; and prohibit parking on the west side of Stone Meadows Drive between Bob Billings Parkway and the south leg of Brighton Circle and on the west side of Louisiana Street between 19th Street and 19th Street. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to receive 2008 Annual Report for the ECO² Commission. Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to authorize the City Manager to execute a Cooperation Agreement with Douglas County for use of 4-H Fairgrounds Baseball Facilities. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Chestnut, seconded by Amyx**, to receive and refer to staff and the Bicycle Advisory Committee, a request from the Lawrence Bicycle Club. Motion carried unanimously. (18)

Vice Mayor Chestnut pulled from the Consent Agenda, for separate discussion, approving continuation of the City's practice of purchasing vehicles through the sealed bid process, rather than the MACCP cooperative contract.

He said this item pertained to the City's procurement policy on City vehicles and based on the information provided, essentially in 2006, the City moved off the MACCP (Mid America Council of Public Purchasing) cooperative contract. The intent was to receive more local participation by car dealers in Lawrence. Since that time, only 5 of the 39 vehicles acquired were won by local dealers and cost the City roughly, an additional \$11,000. He said this idea was not having the impact that was intended and the City was not receiving much local participation. He said the City had to go out for bids for most of the vehicle acquisitions and most bids were awarded to Kansas City dealers. He said he would like discussion regarding going back to a cooperative contract. He said this was new news and thought Commissioner Amyx was one of the leaders in changing that policy.

Commissioner Amyx said he and the City Manager had discussions with local car dealers about bidding vehicles. One concern from local dealers was the MACCP program and the requirement of bidding on large volume of vehicles in which local dealers were unlikely to participate. He said he disagreed with Vice Mayor Chestnut and thought providing local dealers the opportunity to bid was still valid. He understood the cost, but the City Commission needed

to take into account, sales and service to help local businesses which were positive ideas for the City Commission to undertake.

Mayor Dever asked if the impact of participation in the MACCP allowed that local benefit.

Commissioner Amyx said it allowed that participation, but he understood with the number of vehicles required to be bid on, the local dealer was unable to bid because of the amount of vehicles required.

David Corliss, City Manager, said it was staff's understanding that a cooperative contract required the vendor to bid on up to 100 vehicles and local car dealers were unlikely to participate at that large of a volume, which was why it had been the Commission's direction to decline to participate in that contract.

Steve Stewart, Public Works Central Garage Superintendent, said the spreadsheet that accompanied the memo indicated the difference in prices. What the memo did not show was the last bids taken were won by Laird Noller or other local dealers. Government entities were price protected to the manufacturers to the first price concession of the year, all contracts, whether multi-agency or individual bid. The local dealers were bidding the latest prices but were now, understanding the process. In the spreadsheet provided on the 2008 price differences, the last pickup truck the City purchased came from Laird Noller and was \$24 less than what the City could have purchased from the MACCP bid which gave the City an indication that local dealers were trying to participate.

Vice Mayor Chestnut said four out of five vehicles purchased in 2008 were from local dealers.

Stewart said when the City bought multiple Crown Victoria vehicles he questioned whether a local dealer could ever win the bid because the multi-agency and state contracts were given price concession by the manufacture which was not matched to individual dealers.

Mayor Dever asked if the City had to enroll in that program and follow the results of the bidding process.

Stewart said yes, but staff could limit the City's participation in MACCP strictly to the purchase of Police Interceptors. He said they had practiced that limitation in the past with heavy trucks because the City did not have any local heavy truck dealers and the City could buy Class 7 trucks off MACCP at a reasonable price.

Vice Mayor Chestnut said based on Stewart's comments, he thought the City Commission could proceed. He said the City could narrow the cost difference and still offer the local participation where local dealers could be competitive because it sounded like in some cases, local dealers could not be competitive.

Moved by Highberger, seconded by Amyx to approve continuation of the City's practice of purchasing vehicles through the sealed bid process, rather than the MACCP cooperative contract. Motion carried unanimously. (19)

K.T. Walsh, East Lawrence Neighborhood Association pulled from the consent agenda, the Traffic Safety Commission's recommendation to deny the request to establish a "school crossing" on Connecticut Street at 11th Street. She said some young parents had attended the Traffic Safety Commission and were not familiar with the process in asking for a school crossing which involved kid counts, traffic counts, and crossing guards. The Neighborhood Association was only hoping to repaint the crosswalks at 11th. She said Traffic Safety Commissioners said her association might want to draft a traffic safety comprehensive plan for their neighborhood. The association discussed that idea, but they had quite a number of projects on their plate right now. She asked if that was an appropriate role for the neighborhood or City staff.

Mayor Dever said he did not know what the appropriate action would be. The Commission could delay this item to see if there was documentation the City needed to provide. He said painting the crosswalk was what the Neighborhood Association was after. He asked if there was any staff direction.

Chuck Soules, Director of Public Works, said the City Commission could approve this item for denial and the crosswalk could be added to the list to repaint. He said he suggested that staff work with the neighborhood association on their needs and work out those issues.

Mayor Dever said the City Commission could move forward with the denial, but asked that the crosswalk be placed on the list to be painted and work with the neighborhood to come up with a plan to be approved by the Traffic Safety Commission.

It was moved by Amyx, seconded by Chestnut, to concur with the Traffic Safety Commission's recommendation to deny the request to establish a "school crossing" on Connecticut Street at 11th Street. Motion carried unanimously. **(20)**

James Canaday, Lawrence pulled from the consent agenda for separate discussion to authorize the City Manager to enter into an agreement with Olsson Associations for Route and Schedule Design for Coordinated Transportation Services in Lawrence. He said he was an officer with the area Douglas County Chapter of the National Federation of the Blind. He said he was present because they, as a group, were really happy with how quickly things were moving regarding upgrade route improvement and merger. They wanted to recognize and commend the very hard work of City Hall staff, transit staff including Casey Toomay, and the KU on Wheels. They recognized this had taken a lot of hard work in a small amount of time and really appreciated that work. They also wanted to make sure they continue to be considered a stakeholder in the process and intended to participate fully in the process of moving forward with improvements and merger.

Mayor Dever said they would continue to follow up with some of his ideas and get those ideas put in place. He said he thought Canaday had good ideas personally and in group setting.

Moved by Chestnut, seconded by Highberger, to authorize the City Manager to enter into an agreement with Olsson Associations for Route and Schedule Design for Coordinated Transportation Services in Lawrence. Motion carried unanimously **(21)**

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said staff in the Planning and Development Services Department put quite a bit of effort into analyzing site plan processing times in 2008. It was something that was suggested by the Vice Mayor and was a worthy endeavor. He said it looked favorable as far as the City's ability to process the site plans on a reasonably average period of time and wanted to continue to engage the development community, understand their concerns and talk to others interested in the land use procedures. Speed was not the only goal as far as the community was concerned. He said it was a cooperative process between staff, the community, the City Commission, and in some cases, the applicant.

He said Scott McCullough, Planning and Development Services Director, put together a status update on the Matrix Report. The major recommendations that staff was not able to attend to were larger dollar items, such as project tracking software, similar to what they would see in the site plan processing report, but exponentially of greater value to track and find out a number of items. Staff would continue to look at and implement those recommendations.

Other items in the report were: Planning and Development staff initiated an Oread Neighborhood Plan update; the status of a text amendment related to homeless facilities; a satisfaction survey was conducted on the Ohio Street Brick Reconstruction Project; the Department of Revenue published the new sales tax rates; the proposed implementation of the Employee the On-Site Health Center was delayed; the new tax withholding rules were announced by the IRS; and Fire/Medical Department wins an award for Station No. 5 construction.

(22)

REGULAR AGENDA ITEMS:

Deferred, until February 3rd, to consider adopting on second and final reading, Revised Joint City Ordinance No. 8283/County Resolution No. _____, for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7;

(23)

Deferred, until February 10th, to consider approving Text Amendment TA-12-27-07, revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. TA-12-27-07 with revisions to Sections 20-1101, 20-1109 & 20-1701 (PC item 18; approved 7-1-1 on 7/23/08 meeting);
(24)

Receive City Auditor's report on Small Purchases.

Michael Eglinski, City Auditor, presented the staff report. He said the reason for this report was the amount of money spent for small purchases. Small purchases were defined as purchases under \$1,000 and transactions that were over \$1,000 required other levels of approval. Also, he wanted to make sure to do a project in his first year, citywide, to interact with all departments. He said the main idea was to look at a series of recommended good practices and match those up with the City's procedures and in general, the City matched all those procedures. That should reduce risks of improper purchases.

A number of those small purchases were made on Visa purchase cards. There were some real important benefits to using those cards for purchases. Visa Cards were very easy to administer, make the procurement fast and flexible, the vendors were paid very quickly, and much more quickly than a regular invoice process. He said other jurisdictions typically found that a transaction on a purchase card was \$50 - \$70 less expensive in terms of administration. It was not dollars, but staff time involved in making a purchase and a small portion of real costs.

He said he made five recommendations that were intended to improve small purchasing controls. Some of those recommendations were coming directly out of the good practices and some recommendations were things he observed.

One of the concerns was the City required a card be cancelled when an employee left, but that process was not working well. He said half of the employees who left in the last two years had visa cards that were not cancelled until after leaving the City, but that issue had been fixed right away.

An alternative to those visa cards were purchase order cards, but those types of cards did not have quite as good controls as credit cards. Finance had been interested in eliminating those types of cards for the last couple of years and moved to reduce or eliminate those cards.

One of the good practices was to provide guidance in making internet purchases and that practice would be easy to add to the procedures.

The City Manager asked that he take a look at the best practices for approval of purchases made on his card. Fortunately, this was easy as the state auditor, Barb Hinton, had done an audit that looked at that for school districts and recognized the Lawrence School District as having an exemplary procedure, which involved the approval by a member of the school board. He said the procedure adopted was to have the Mayor sign off and review.

He said lastly, he recommended continued training. It was important to keep doing the training and was a good practice to remind employees of the expectations, the rules, and the processes.

He said the City Manager's response was included in the report and the City Manager agreed with his recommendations and had taken steps immediately to implement a number of those recommendations.

He said he also identified a few areas that should be considered for future audit work. He said first was the report looked at the overall City process and took a high level view. He did not review individual transactions, but thought that would be a reasonable next step and would get some consideration in next year's audit plan.

This project was fairly narrow in that it only looked at small purchases. It might be worth taking a look at the broader procurement process.

He suggested considering looking at the \$1000 threshold. It was fairly low and had been that way for a number of years. Inflation had sort of eaten away at that threshold. Of these particular audits, he would prioritize the first one, and thought that could be a fairly small scope project that would involve testing individual transactions for the review process.

Vice Mayor Chestnut said one of the issues that came out of this report was the number of cards the City had which was 294. He asked if the policy discussed who qualified or not or was it a matter of filling out paper work or supervisor approval. He asked how that process worked.

Eglinski said staff had to have in their position the authority to make a purchase, so it had to be related to your position. It was then a supervisory and department level approval.

Vice Mayor Chestnut said it seemed like there were a big number of cardholders. He said he was sure there were good reasons. He said for those who did not use their card often, he asked why they should have that authority when those cards were not used often.

David Corliss, City Manager, said his suggestion was to ask department directors to re-justify the issuance of the credit card to the individuals and why it was needed. There were examples where people were on call and needed to go purchase something and did not know when that emergency need might arise. It sounded like a legitimate reason, but he did not think it was inappropriate for the departments to go back and re-justify who had cards. It was probably a best practice in a sense not to just assume a staff member needed a card initially and three, four or five years later still needed that card. He said he was surprised at the number as well.

Vice Mayor Chestnut said as part of a related topic, he said the City could establish different levels, \$1000 at the top, but there were different cards set at different levels and a total for a monthly cycle of purchases. He said along with that staff could review those levels of authority to make sure they seem appropriate.

Mayor Dever said something that came out of that meeting was the ability to audit or run some survey on how many cards were active and inactive. He said a lot of those cards were active, but had some idea there were not many with zero transactions. He said that would be the first level of audit which would be anyone who had no activity would be a good person to talk to initially. He said the paperwork associated with turning in the expense might preclude people

from using that card because it added to their burden of justifications. The fact the City had a process in place to make people justify the use of the card might actually decrease the likelihood of using the card as well.

Eglinski said if making a purchase for the City, paperwork was required one way or another.

Commissioner Amyx there was a growing use of the purchasing card use from \$1.5 million in 2008 from \$900,000 in 2007. He asked how the City Manager handled those types of increases.

Corliss said it started with the weekly claim which was posted every Wednesday in case someone wanted to see where the money went. He said Finance reviewed those numbers as they came in to see if there were any questions. In most cases there was a valid response and in other cases there were not and there would be an opportunity to council and/or discipline employees accordingly. One of the major changes was the Utility department's centralization of purchasing. A number of those employees had visa cards and they had designated a couple of people to be keepers of the shop. A lot of activity had been seen, the dollar amount had gone up and staff was monitoring that.

Mayor Dever said in the report there was no major increase, but a shift in the way the City paid for things.

Commissioner Amyx said one issue in Eglinski's report was a shift from a purchase order practice to the new use of the credit card. He said his question to Corliss was when that number on credit card use grew, he asked if that number was being checked against the purchase order side going down.

Ed Mullins, Finance Director, said the Visa card, from a Finance perspective, was something their department liked to encourage because transactions were less costly, had less paperwork, and was decentralized. Therefore, the Accounts Payable workload was spread throughout the entire City. He said when individuals made a purchase, a form needed to be

completed, account numbers assigned, and the data entered into the system. He said credit cards had more security in terms of the amount an employee could buy and the number of transactions. Whether an employee was making a purchase with a purchase order or credit card, those purchases were hopefully going to be in the best interests of the City which was why an employee had to go through a chain of command. He said the employee would be buying things the City needed, but would be more convenient and less costly in terms of processing.

Corliss said Eglinski indicated looking at the appropriateness and necessity of some purchases to see if there were opportunities for improvement. From the conclusion of the report, it was a reasonably well designed system, but there were things that needed to be improved. The Administrative Service Department was starting a termination checklist that went beyond timely cancelling of the cards.

Mullins said the City also received a small amount back from credit card purchases.

Corliss said staff was following through with the recommendations Eglinski pointed out in areas where things could be improved and would continue to look at purchases as well.

Commissioner Highberger said the report indicated noticing the amount the City should get back and asked if Eglinski found that amount in the budget line anywhere.

Eglinski said he did not look at that amount. The 1.5 million was a threshold and if exceeding the 1.5 million there would be a bump and if just under that amount the City would get a little less.

Mayor Dever called for public comment.

After receiving no public comment, the City Commission received the report. (25)

Consider approving the 2009 Contracted Street Maintenance Program. Authorize staff to request proposals for the engineering design of Kasold Drive from 23rd Street to 31st Street.

Chuck Soules, Public Works Director, presented the staff report. He said staff completed almost \$5 million in maintenance work. A report was attached from Steve Lashley, Project Engineer, indicating the PCI's (Pavement Condition Index) and evaluation of streets.

The report also indicated those preventative maintenance programs were effective tools in slowing the deterioration rates of City streets. The existing maintenance funds were not adequate and were not intended to reconstruct arterial streets, but adopting the infrastructure sales tax provided necessary funding. He showed the basic outline of work staff would like to complete in 2009 and information would be placed on the City's Public Works website. He said the 2009 Maintenance Plan went before the Bicycle Advisory Committee on January 20th and the plan was approved by that committee. He said a bike lane was intended to be placed on Naismith Drive, north bound lane, but the width was not adequate. Therefore, the bike lane symbol would be placed in the outside lane, to be a shared vehicle/bike lane. The same thing would be done on the south bound side of Naismith from 19th to 23rd. Staff planned on placing a bike lane on 9th Street from Iowa back to Tennessee.

Mayor Dever asked if the first use of sales tax funds would be for 9th Street.

Soules said yes. Staff tried to anticipate the revenues, but the City had made commitments for fire equipment and promises for the Burroughs Creek Rail Trail. He said the 2009 sales tax revenues would be used for the following projects:

- \$350,000 to match KDOT funds (\$500,000) for the construction of the Burroughs Creek Trail. This multi-use path is limited to a 10' wide pathway from 23rd Street to 11th Street. Amenities such as benches and water fountains are not included, and landscaping and lighting are minimal at this time. The property/easement for this trail is being acquired which will secure an easement for the existing sanitary sewer that followed the abandoned railroad right-of-way;
- \$290,000 for street maintenance. These funds will be used on the mill and overlay and curb repair of 9th Street from Iowa to Tennessee; and
- Kasold Drive from 23rd to 31st Street. This arterial street carries 15,000 + ADT. Constructed in 1971 with 10" to 12" of asphalt and untreated subgrade, Kasold is experiencing base failure. PCI ratings from 42 to 61 for various sections of the pavement. This project was submitted to KDOT in our 5-Year Plan and has been programmed. KDOT will participate up to \$1 million in the construction of the road. The plan for this project includes reconstruction of the pavement with 11" concrete, curb and gutter, storm sewer, base treatment, and connection/completion of the sidewalk around the curve to 31st Street. Estimated cost is approximately \$6 million. Staff would like to request proposals from engineering firms in February / March. Plans would be complete late 2009/early 2010 for construction in 2010.

He said the sales tax projects would be cash financed as the revenue was received with additional funding from State/Federal programs and Douglas County. The remaining projects scheduled for construction were:

Wakarusa Drive, Bob Billings Parkway to 18 th Street	2012
5 th & Maple Pump Station	2013/2014
19 th and Iowa to Naismith Drive	2013
Kasold Drive, Harvard Road to Bob Billings Parkway	2015
Wakarusa Drive, Bob Billings Parkway to Legends	2016
Bob Billings Parkway, Crestline Drive to Kasold Drive	2018
Bob Billings Parkway, Iowa to Crestline Drive	2019

Mayor Dever asked when the last time the City paved or mill and overlaid that section of Kasold.

Soules said that north half section was milled and overlaid in 1982, 1992, and 2003 and in 1985, 1995 and 2000, the south half. Currently, the work required to rehabilitate Kasold included significant full depth pavement repair, mill and overlay and some curb repair which could cost \$700,000 to \$800,000. Those repairs would not address the overall base issues and still had a pavement that would fail adjacent to repairs that would be made. Also, based on the year this road was constructed, the curb and gutter had limestone aggregate which although, in a fair condition now, would start failing as seen on many other streets. Therefore, if spending the 7 – 8 hundred thousand dollars this next year to make the needed repairs the project would look great for a couple years, but would need continual maintenance.

Commissioner Amyx asked how many miles of mill and overlay were being proposed for the 2009 project, under those three phases.

Soules said roughly 12 miles on a two lane road.

Commissioner Amyx asked if Soules believed this was the number one project, under the sales tax projects, that needed to be done.

Soules said yes, as far as reconstruction.

Commissioner Amyx said there were a number of roads in this community that had not been touched for 25 plus years because he had seen a lot of those roads in the last three or four days. He said with the \$5 million commitment from the City and \$1 million from KDOT, he asked if it would be better served to take care of other residential streets, versus improving Kasold Drive to the south of Clinton Parkway.

Soules said as an overall program yes. He said staff's goal, with the sales tax money, was to complete those projects that they could not necessarily get to with typical funding the City received.

Commissioner Amyx said KDOT was willing to split their money up over two years. He asked if it was possible to do that same thing in 2010 and 2011 or did it need to be done in 2009 and 2010.

Soules said no, it was part of the five year plan and the City would be appropriated \$1 million a year.

David Corliss, City Manager, said one of the key philosophies staff was using as a premise, and the Commission needed to correct it if not, was wanting to rebuild some of those arterial streets because that was where the City was losing its battle on maintenance. Given the additional patching with the crack sealing which was not aesthetically pleasing, they were holding their own on residential streets. He said there are not many streets that had not seen any attention. There were some streets that were pretty rough and not used a lot, but thought they were making pretty good progress on those streets, but the arterial streets that took a lot of volume of traffic and speed that moved the community around, that stretch of Kasold was a lot like the hill in that it was falling apart. Staff thought it made sense to put substantial amount of money into the reconstruction as opposed to spreading it around on a lot of residential streets where some stability was being seen on that deterioration. He said it still was not a smooth a ride as a completely overlaid street.

Soules said there were some streets that had a brick base and staff was still trying to get their arms around those streets. He said every year they planned on spending an additional \$500,000 just for the maintenance program. He said staff would like to do something like 9th Street to make a big impact on the community. He said he did not know the neighborhood streets Commissioner Amyx looked at, but when looking at the usage, there was probably less than a 1,000 trips a day versus 15,000 to 20,000 trips a day was how staff weighted that information. He said if people had questions about their street, staff would be more than willing to discuss that concern.

Commissioner Amyx said Holiday Drive was a street discussed this past summer. He said staff cold patched that street and was the first time the City had done anything to that street in 25 years.

He asked about the total price of the Maple Street Pump Station.

Corliss said \$5 million.

Commissioner Amyx said the Maple Street Pump Station was scheduled for 2013 and 2014. He said he realized rebuilding streets were extremely important, but if staff was mill and overlaying 25 – 27 miles of road this summer and if the City received KDOT's commitment of \$1 million in 2010 and 2013, since the City was cash financing those projects in rebuilding the infrastructure, he asked if it might be smarter to look at the pump station in North Lawrence.

Soules said the pump station would take a year and a half or more to develop. Staff wanted to get started on some of that work now and had to deal with the Army Corps of Engineers and the railroad which were time consuming processes. Initially, staff thought about pushing that project closer, but obviously there were some finance issues. The only way to push that project closer was to not do anything significant in the 2010 time frame. He said City could start on the 5th and Maple Pump Station, but it would take a couple of years to get to an approval point.

Commissioner Highberger asked if there was anything preventing the City from bonding that project and doing the rest with cash.

Corliss said the bonding and cash looked close to equivalent to execute the projects, but thought the City could save money by proposing temporary financing.

Commissioner Amyx said he would not want to borrow the money, but was looking for a way to retain the KDOT money and move that project which was important to North Lawrence and since there was discussion about North Lawrence in the last couple of years with development and how it would occur. If the City and State were making those kinds of investments, he asked why not continue to look at the 5th and Maple Street pump station and move that project up in the process.

Vice Mayor Chestnut said he thought the recommendations were pretty well thought out, but brought up a good point. If the City threw the flag down today with what was required with permitting, right-of-way acquisition and such, he asked where would they thought their best estimate of where they would start to expend a lot of project money fall. It might unfortunately fall a little bit closer out to where it was projected now. He thought it would be appropriate to have a project timeline and if they wanted to put this on track, needed to say where it would be. The worst thing would be that they wanted to spend the money, but were not ready to go.

Corliss asked if it was disingenuous to Commissioner Amyx's concerns if staff went ahead and started the RFP (Request for Proposals) for Kasold, 23rd to 31st Street and then come back to the City Commission with information about 5th and Maple Pump Station. He said staff talked about the pump station project to see if there were things that could be done with storm water utility money for example, to buy the property immediately adjacent to that site to lock that in now with good land prices. He said if there were internal issues that could be discussed regarding things like design to move that project forward. The bulk of that project would be construction and this was where that project landed. He said there was all this emphasis on shovel ready projects right now and North 2nd and Locust was biddable, the

Carnegie Library which had no support because there was no money right now, was biddable, but other than that, they had run out of infrastructure projects. He said there might be a few projects in utilities, but not a lot. There might be a value having plans even if they did not have this project as top priority.

He said he had very strong expectations when the design came back, that there not be a lot of design creep on this project. He said he wanted to retain the recreational trail and did not want someone coming back talking about additional lanes on that street or other things. If the engineer states those lanes were needed for safety reasons then the City Commission could look at that issue. He said his point was that he did not want to make this project expensive, but rebuild and save that street.

Mayor Dever said the money the City already put into the curbs, he remembered vividly all the work going on and he would hate to redo that work already.

Soules said he agreed.

Vice Mayor Chestnut said they were all in the MPO meeting and one thing that came to light was a compressed timeframe if there was any flow from the stimulus package and would require projects that were ready to go. He said he would hate to delay any bid letting right now because the City did not know what was going to happen and if that money would come directly to the City or MPO. If the City was prepared with some projects to put forth, the City could take advantage because it sounded like a “use it” or “lose it” situation. There was a 90 day window to get those projects deployed and the City certainly would not want to miss any opportunities.

Soules said staff would bring back a written timeline and staff could talk with consultants.

Mayor Dever asked if the order was based on priority.

Soules said yes, but staff would continue evaluating projects.

Mayor Dever said Chuck Soules and his staff had done a fine job in providing information to the City Commission.

Mayor Dever called for public comment.

After receiving no public comment, **it was moved by Chestnut, seconded by Highberger**, to authorize staff to request proposals for the engineering design of Kasold Drive from 23rd Street to 31st Street. (26)

Consider alternatives to individual bid fuel purchasing.

David Corliss, City Manager, introduced the item. He said last week staff placed information on the agenda about fuel purchases and adoption of the City's Idling Policy to continue some of the progress and staff was able to reduce some of the fuel usage in the Public Works Department and thought reducing fuel use could be done in other departments.

He said the Vice Mayor discussed the opportunity to buy contracts for fuel beyond what the City currently practiced which was a 2 or 3 week supply of fuel. Staff looked at the issue and was not trying to hedge in their recommendation, but he did not know if staff had a strong recommendation to proceed with buying a longer term contract at this point. If staff thought the price of fuel would dramatically increase, they would find some way to get into a contract, but staff could not recommend that idea. He said the City was a substantial fuel purchaser, but could not compete with large volume contracts, but benefited by the fact the City had its own fueling facility that staff maintained. Staff was also taking on the responsibility of fueling the busses as well.

Mayor Dever asked the maximum fluctuation in the guaranteed rate over a 12 month span, per gallon.

Steve Stewart, Central Garage Superintendent, said it depended on the contract. The contract staff spelled out, the pricing was received from Capitol City Oil and was roughly a .34 cent spread over the course of the year. He said that was how much that contract would fluctuate which raised quarterly. He said those estimates were based on quarters and each quarter the price increased for the contract and their counting on the fuel prices to rise accordingly all year long. There was an opus rating to monitor the oil producing information system daily and right now, the City was purchasing "at" or "below" Capitol City Oil's margin

figures that they produce daily. It made it hard to justify a contract, especially when the contract was coming in 30 or 40 cents higher than what the City was paying.

Mayor Dever asked if there was a locked in price quarterly.

Stewart said the City was locked in for the entire year. The purchase process for this contract for the City's purposes would be to commit to a purchase of 168,000 gallons of fuel over the course of the year which was 42,000 gallons per quarter. He said the City would be locked in at the quotes that were given for the first quarter which was \$2.03 per gallon for 42,000 gallons which was "use it" or "lose it." If the City was buying at rack or pipeline terminal price and had fuel left over at the end of the quarter, the City would be responsible, at least minimal for the price differential between the pipeline terminal the day they decided to terminate that quarter's contract and the contract price. No matter what the City did, even if buying 50 cents lower, at the end of the quarter the City would still be required to pay that 50 cents difference back on the contract.

Mayor Dever said it all looked great when estimating properly at a good rate, but it could go south. If the City was really efficient, they might even pay for gas the City was not using and could lose the contract price as well.

Stewart said correct. He said if looking at the opus projections for the next six months, those contract prices the City was able to obtain on this contract were too high. He said he looked at a contract yesterday from Kansas City, but Lawrence did not qualify because the volume was too great and the City would be required to purchase 42,000 gallons a month on that contract, but the contract price was right in line with what the City was paying at the pipeline terminal (Rack) now. The quote was \$1.638 for the quarter and the City's most recent purchase was at a \$1.48.

Commissioner Highberger asked if there had been any discussion about joint purchases with the County and School Board.

Stewart said staff had asked about that idea. The County did not have its own fueling infrastructure and the County had gone with the contract for the fuel lock system that Capitol Oil City had available on 19th Street. The difference was the County was able to get into a contract with several other entities that all buy fuel through the card lock system and were able to commit to only 38,000 gallons for the year. The City was in the awkward position of doing enough fuel business and it was hard to find a partner to hedge a large amount of fuel with, but small enough where the City did not qualify for the large contracts.

Corliss said the County also paid a little more because they did not have their own fueling system.

Mayor Dever called for public comment.

There was no public comment. (27)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

02/03/09 CONSENT AGENDA ITEMS:

- Adopt on first reading, Ordinance No. 8364, for Text Amendment TA-10-17-08, amendments to Section 20-804, 20-805, 20-807 and 20-815 of the joint Subdivision Regulations revising standards for Build Out Plans. Initiated by the County Commission on 10/29/08. (PC Item 5; approved 7-0 on 12/15/08)

REGULAR AGENDA ITEMS:

- Receive 2008 TASER usage report and authorize expanded deployment of TASERs by the Police Department.
- February
- Consideration of the potential impact of the proposed State of Kansas 2010 budget to local revenues and expenditures.
 - Receive staff report regarding text amendment related to homeless facilities
 - Discussion of panhandling issues.
 - Receive 2008 Lawrence Police Department Racial Profiling Report.
- 03/17/09
- Conduct public hearing to discuss the condition of the dilapidated structure at 1207 E. 13th Street and to consider declaring the structure unsafe and dangerous and ordering its repair or removal within a specified period of

time.

TBD

- Approve Text Amendment TA-06-12-08, to Section 20-810 of the Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08)
- Adopt on first reading, [Ordinance No. 8300](#), incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities. (Text Amendment approved by City Commission on 10/14/08).
- Receive minutes and recommendation from Community Commission on Homelessness discussion on homeless camping.
- Rental Registration Program.
- Consider approving revisions to Downtown Design Guidelines and adopt Ordinance No. 8363 on first reading regarding revisions to Downtown Design Guidelines. (PC Item 6; approved 8-0 on 10/20/08)

ACTION: Approve revisions to Downtown Design Guidelines and adopt on first reading, Ordinance No. 8363, regarding revisions to Downtown Design Guidelines, if appropriate.

- ***This item was deferred from the January 6, 2009 City Commission Meeting.*** Consider the following items related to Maple Leaf Square.

- a) Consider Planning Commission's recommendation to approve a request to rezone a tract of land, Z-10-17A-08, approximately 6.14 acres from RS-7 (Single-Family Residential) to RM-12D (Multi-Dwelling Residential Duplex), located at 4145 Seele Way. **Note: The applicant has submitted a request to amend the application, using the Table of Lesser Change, to replace a portion of the requested RM12D zoning with RS5 zoning per the attachments.** Submitted by Landplan Engineering PA, for Doolittle Farms, LLC property owner of record. (PC Item 3A; approved 6-2 on 12/15/08). ***Because a valid protest petition has been received, a supermajority vote (at least 4 votes) is required to approve the rezoning approved by the Planning Commission. Applicant is requesting the City Commission act on an amended zoning request permitted by code under the lesser change table. Because the lesser change would be considered contrary to the Planning Commission's recommendation, approval of the applicant's amended request also requires a supermajority vote (at least 4 votes) of the City Commission.***

ACTION: Approve the rezoning of approximately 6.14 acres (Z-10-

17A-08) from RS-7 (Single-Family Residential) to RM-12D (Multi-Dwelling Residential Duplex), located at 4145 Seele Way, and direct staff to prepare an ordinance, if appropriate.

- b) Consider approving a request to rezone a tract of land, Z-10-17B-08, approximately 3.57 acres from RS-7 (Single-Family Residential) to RS-5 (Single-Family Residential), located at 437 Seele Drive. Submitted by Landplan Engineering PA, for Doolittle Farms, LLC, property owner of record. (PC Item 3B; approved 7-1 on 12/15/08)

ACTION: Approve the rezoning of approximately 3.57 acres from RS-7 (Single-Family Residential) to RS-5 (Single-Family Residential), located at 437 Seele Drive, and direct staff to prepare an ordinance, if appropriate.

- c) Consider acceptance of dedication of easements and rights of way for PP-10-13-08, a Preliminary Plat for Maple Leaf Square, 10.24 acre subdivision consisting of 41 lots, located at 4145 Seele Way. Submitted by Landplan Engineering PA, for Doolittle Farms LLC, property owner of record. **Note: The applicant has submitted an amended plat consisting of 42 lots that will need review and approval by the Planning Commission prior to acceptance of dedication of easements and rights-of-way** (PC Item 3D; approved 6-2 on 12/15/08)

ACTION: Accept dedication of easements and rights of way for PP-10-13-08, a Preliminary Plat for Maple Leaf Square, if appropriate.

- d) Consider approval of a waiver from the requirement in Section 20-811(c)(1)(i) of the Subdivision Regulations that sidewalks be constructed on both sides of the street for Maple Leaf Square Addition; a 10.24 acre, 41 lot subdivision which is a replat of Lots 1 through 29 in Block One, Lots 1 through 12 in Block two and Tracts A and B in Doolittle Subdivision; located north of Overland Drive between Monterey Way and Eldridge St. (PC Item 3C; approved 7-1 on 12/15/08)

ACTION: Approve waiver from the requirement in Section 20-811(c)(1)(i) of the Subdivision Regulations that sidewalks be constructed on both sides of the street, if appropriate.

COMMISSION ITEMS:

Moved by Highberger, seconded by Amyx, to adjourn at 8:25 p.m. Motion carried unanimously.

APPROVED:

Michael H. Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF JANUARY 27, 2009

1. Bid Date – Feb 17, 2009, 2008 Sidewalk Gap Program.
2. Bid Date – Feb 17, 2009, 2009 Fire Hydrant Painting Program.
3. Bid - 23rd St Access Mgmt - UBS/O'Reilly Site Work to RD Johnson for \$99,999.99.
4. Bid - Tee & anchor coupling waterline fittings, to Ferguson Enterprises, \$17,717.03.
5. Bid - 19 Motorola MW810 mobile data computers, Police Dept, from TFM Comm, \$97,944.
6. Ordinance No. 8361 – 2nd Read, adopt 2009 City Code.
7. Ordinance No. 8367 – 2nd Read, condemnation - Pump Station 25.
8. Ordinance No. 8286 – TA (TA-11-24-07) Comprehensive Zoning Regs.
9. Ordinance No. 82883 – 2nd Read, Place Making comprehensive language.
10. Ordinance No. 8289 – 2nd Read, (CPA-2007-7) Horizon 2020 Ch 14, Specific Plans, add reference to Lawrence SmartCode Infill Plan.
11. Resolution No. 6820 – public hearing Mar 17 – 1207 for dilapidated structure 1207 E. 13th.
12. TSC – “No parking” – 7am-5pm, Mon-Fri, S side Hillcrest Rd & W side Spencer Dr.
13. TSC – “No parking” - W side Stone Meadows Dr btw Bob Billings Pkwy & S leg Brighton Cir.
14. TSC – “No parking” – W side of Louisiana St btw 18th St & 19th.
15. Ordinance No. 8213 – 1st Read, rescinding All-Way Stop at Kasold Dr & Peterson Road; prohibit parking on S side of Hillcrest Rd on W side of Spencer Dr 7AM-5PM Mon-Fri; prohibit parking on W side of Stone Meadows Dr btw Bob Billings Pkwy & S leg Brighton Cir & on W side Louisiana St, btw 19th St & 18th St.
16. 2008 Annual Report for ECO² Commission.
17. Cooperation Agreement – Dg Cnty for use of 4-H Fairgrounds Baseball Facilities.
18. Request – Lawrence Bicycle Club.
19. Purchasing Vehicles – Sealed bid process.
20. TSC - Deny – “School Crossing” Connecticut at 11th St.
21. Agreement – Route & Schedule Design for Transportation Svcs to Olsson Assoc.

22. City Manager's Report.
23. Ordinance No. 8283 – City/County (CPA-2004-02) Deferred until Feb 3.
24. Text Amendment – (TA-12-27-07) Protection Standards for Environmentally Sensitive Areas – Defer until Feb 10.
25. Receive City Auditor's report on Small Purchases.
26. 2009 Contracted Street Maintenance Program.
27. Alternatives to individual bid fuel purchasing.