



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
MICHAEL H. DEVER

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

March 31, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Hack, and Highberger present. Vice Mayor Chestnut 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.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval, Mayor Dever proclaimed April 6 -12, 2009 as "Public Health Week"; April 12 – 18, 2009, as "National Telecommunication's Week"; and, the month of April, 2009 as "Mathematics Awareness Month.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to receive the Destination Management meeting minutes of December 10, 2008, January 8, 2009, and January 15, 2009; the Traffic Safety Commission meeting minutes of March 2, 2009; and the Planning Commission meeting minutes of February 23, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve claims to 347 vendors in the amount of \$1,545,278.59, and payroll from March 15th, 2009 to March 28, 2009, in the amount of \$1,803,175.62. Motion carried unanimously.



As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the Drinking Establishment License for Axis, 821 Iowa; and The Barrel House, 729 New Hampshire. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the purchase of a John Deere 1445 mower and blade for Parks and Recreation Department from the John Deere Company for \$17,869.82. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve Change Order No. 8 to the construction contract with CAS Construction LLC for the Clinton Water Treatment Plant Expansion increasing the contract amount by \$38,122.21. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the selection of a proposal from P1 Group, Inc., for the installation of an infrared heating and air exchange system for the Tire Shop in the amount of \$18,500. Motion carried unanimously. (3)

The City Commission reviewed the bids for the 2009 Curb and Gutter Replacement Program (Project No. PW0905), for the Public Works Department. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$530,071.00
LRM Industries, Inc.	\$439,394.55
R.D. Johnson Excavating	\$449,999.99
Miles Excavating, Inc.	\$461,386.65
Kansas Heavy Construction, LLC	\$467,074.00
Miller Paving & Construction, LLC	\$493,020.55
Freeman Concrete Construction	\$547,580.05

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to award the bid to LRM Industries, Inc., in the amount of \$439,394.55. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to set a bid date of April 28, 2009, for the Comprehensive Rehabilitation Program at 1025 New York Street, 408 Yorkshire Drive, and 1909 Kasold Drive. Motion carried unanimously. **(5)**

The City Commission reviewed the bids for mowing service for the Utilities Department.
The bids were:

VENDOR	TOTAL BID
WASTEWATER TREATMENT PLANT	
Brayden's Lawn and Landscape	\$17,905.25
Dupree Landscape	36,805.00
Elite Lawn Management	60,928.00
Greentouch Lawn Service	28,934.00
J. Long Lawn & Landscape	50,116.00
Shawn's Lawn & Landscape	21,148.00
Tom's Mowing Service	29,300.00

Lift Stations	
Brayden's Lawn and Landscape	\$14,858.00
Dupree Landscape	24,140.00
Elite Lawn Management	28,849.00
Harrell Lawn Care	18,802.00
Rockn'C Lawn & Landscape	19,720.00
Russ Hopping	22,746.00
Shawn's Lawn & Landscape	21,739.60
Vernon's Lawn Mowing	23,086.00

KAW WATER TREATMENT PLANT	
Brayden's Lawn and Landscape	\$8,364.50
Dupree Landscape	17,188.00
Elite Lawn Management	20,290.00
Greentouch Lawn Service	13,926.00
Harrell Lawn Care	5,790.00
J. Long Lawn & Landscape	22,498.00

Rockn'C Lawn & Landscape	16,400.00
Shawn's Lawn & Landscape	11,495.90

CLINTON WATER TREATMENT PLANT	
Brayden's Lawn and Landscape	\$5,346.50
Dupree Landscape	9,724.00
Elite Lawn Management	13,197.10
Greentouch Lawn Service	6,732.00
Harrell Lawn Care	10,301.00
J. Long Lawn & Landscape	11,798.00
Rockn'C Lawn & Landscape	7,922.00
Shawn's Lawn & Landscape	6,979.86
Tom's Mowing Service	12,240.00

As part of the consent agenda, **it was moved by Amyx, seconded by Hack,** to award the bid to all locations to Brayden's Lawn and Landscape, for the total amount of \$46,474.25. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack,** to authorize the Public Works Street Division to enter into a three year lease agreement for three backhoes with The Victor L. Phillips Company for a total cost of \$105,364.39. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack,** to adopt on first reading Charter Ordinance No. 38, repealing Charter Ordinance No. 25, relating to the quorum of the Governing Body. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack,** to adopt on first reading Ordinance No. 8383, authorizing alcoholic beverages in the 8th Street Taproom, 801 New Hampshire, sidewalk hospitality area. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt on first reading Ordinance No. 8384, establishing the policy and procedures for economic development incentives, including tax abatements, for the City of Lawrence, Kansas; establishing requirements for companies receiving economic development incentives; repealing Ordinance No. 7706 and Chapter 1, Article 21 of the Code of the City of Lawrence, Kansas, 2009 Edition and amendments thereto. Motion carried unanimously. (10)

Ordinance No. 8377, amending the 2009 City of Lawrence adopted budget to include the 0.05% sales tax for transit, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt the ordinance. Aye: Amyx, Dever, Hack, and Amyx. Nay: None. Motion carried unanimously. (11)

Ordinance No. 8381, allowing the temporary possession and consumption, of alcoholic liquor at the Lawrence Public Library during the Lawrence Public Library Foundation fundraiser on Sunday evening April 19, 2009. As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt the ordinance. Aye: Amyx, Dever, Hack, and Amyx. Nay: None. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt Resolution No. 6829, authorizing City use of eminent domain authority for the Burroughs Creek Trail property acquisition and a survey of land to be condemned. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve Text Amendment (TA-1-1-09) amending various sections of Chapter 20 to reference the recently adopted Lawrence SmartCode which become effective on July 1, 2009. These amendments will not materially affect processes within the Development Code, but will instead reference the Lawrence SmartCode where necessary for certain processes and/or standards. Potential Articles that may require amending include, but may not be limited to, Article 1, 2, 6, 7,

10, 11, 13, 14 and 17; and adopt on first reading, Ordinance No. 8375 for Text Amendment (TA-1-1-09) to amend various sections of Chapter 20 of the Development Code. Motion carried unanimously. (14)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the site plan (SP-12-122-08), for a sidewalk hospitality area for Jackpot Saloon, located at 943 Massachusetts Street. Motion carried unanimously. (15)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the sidewalk hospitality license for Jackpot Saloon and Music Hall, 943 Massachusetts. Motion carried unanimously. (16)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt on first reading, Ordinance No. 8382, allowing possession and consumption of alcoholic beverage on certain city property pursuant to a Jackpot Saloon and Music Hall Sidewalk Dining License. Motion carried unanimously. (17)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to initiate rezoning of approximately 320 acres at Lawrence Municipal Airport from GPI (General Public and Institutional) to IG (General Industrial) and refer to staff for placement on a future Planning Commission agenda. Motion carried unanimously. (18)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve a unanimous recommendation from the Traffic Safety Commission to establish “no parking” along the south side of Greever Terrace between Virginia Street and Louisiana Street except in the recessed area and adopt on first reading, Ordinance No. 8385, establishing “no parking” along the south side of Greever Terrace between Virginia Street and Louisiana Street except in the recessed area. Motion carried unanimously. (19)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the request from LandPlan Engineering, on behalf of the property owner, for a variance from 19-214B of the code at Zarco 66, 2005 West 9th Street. The code states that a private sanitary sewer service line shall not be located in a City public right-of-way for a length of greater than fifteen (15) feet. Motion carried unanimously. **(20)**

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the request from Grob Engineering, on behalf of the property owner, for a variance from 19-214B of the code at Lot 1A of Maple Lawn Addition at 1824 Barker Avenue. The code states that a sanitary sewer service line shall not be located in a City public right-of-way for a length of greater than fifteen (15) feet. Motion carried unanimously. **(21)**

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to authorize City participation in the Westar rate case currently pending before the Kansas Corporation Commission, in order to respond to concerns regarding the tariff concerning street lights. Motion carried unanimously. **(22)**

Ted Boyle, President North Lawrence Improvement Association, requested second reading of Ordinance No. 8376 be pulled for separate discussion. He asked if the word “interpreting” would be up to Scott McCullough, Development Services Director, or staff in general. In other words, was it one person or a group effort interpretation and asked if they were interpreting codes already on the books.

Scott McCullough, Director of Planning and Development Services, said it was rarely one person making a decision in Planning and Development Services. The code implied that staff would interpret the development code and had processes for written interpretations. Throughout some of staff’s processes of last year, the Legal Department in conjunction with Planning Staff determined the code needed clarity on which official interpreted the code. There was always an appeal process for any interpretation that an administrative official made

pertaining to the City's development code. Sometimes the appeal process went to the City Commission, but most often to the Board of Zoning Appeals to appeal any decision the administrative official made to the development code.

Ordinance No. 8376 for text amendment (TA-1-2-09) to amend Section 20-1301 of the Development Code to specifically identify the Director of Planning and Development Services as the Administrative Official charged with interpreting and enforcing the Development Code, was read a second time. **It was moved by Highberger, seconded by Hack,** to adopt the ordinance. Aye: Amyx, Dever, Hack, and Highberger. Nay: None. Motion carried unanimously. (23)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said he would like to acknowledge the work of Lisa Patterson, Communications Coordinator, in the completion of the City wide annual report which highlighted a number of outstanding programs and progress that was underway in the community.

Also, the City's website highlighted efforts in obtaining federal funds and to follow through on President Obama's desire to make sure the stimulus funds were transparent and open to the public. Staff received information regarding the Transportation Enhancement Program, administered by the Kansas Department of Administration in which that state department received 101 applications from municipalities all across the state totaling over \$110 million and were able to award approximately \$11.4 million to worthy projects. Out of that \$11.4 million, Lawrence received \$1.75 million due to the efforts of City staff.

Other items in the City Manager's Report included that the Spring compost sale was a success; the Freedom's Frontier National Heritage Area prepared a question and answer document; APWA selected Tammy Bennett, Assistant Public Works Director, to be one of the two career profiled included in an insert; and, a donation was received from the Lawrence Preservation Alliance to help the City with a historic study that was underway. He said he

wanted to publicly acknowledge the Lawrence Preservation Alliance and the Oread Neighborhood Association's support. (24)

REGULAR AGENDA ITEMS:

Receive recommendations from PTAC regarding transit route changes.

Casey Toomay, Budget Manager/Interim Transit Administrator, introduced the item. She said at the end of last year the City and the University issued an RFP together for a firm to provide coordinated scheduling and route design for the transit systems. The goal was to better coordinate service between KU on Wheels and the City's T Transit System. The firm Olsson Associates was hired in January to begin work on that project. Their first charge was to bring recommendations that could be implemented in time for KU's fall semester in 2009. She said the Public Transit Advisory Committee held a public hearing last Tuesday to receive public comment on the recommended route changes. Public comment was received and at the end of that meeting the PTAC unanimously approved the recommendations for those routes. The City Commission would make the official approval of the routes, if appropriate.

Tom Worker Braddock, Olsson Associates, said a coordinate transit implementation plan was created and they were making six recommendations which were:

- Produce one coordinated map and timetable brochure, with increased time-points;
- Use one Information Hotline call number;
- Create a new, coordinated Route No. 11, replacing City Route No. 8 KU/South Iowa/Downtown/ KUOW Route No. 24, 31st & Iowa, and KUOW Route No. 25, Downtown;
- Modify the alignment of KUOW Route No. 26, 25th & Melrose;
- Interline City Route No. 4 North Lawrence/Downtown and City Route No. 2 HINU/Downtown, and explore assigning smaller vehicles.

He said their first recommendation was to produce one joint map and timetable brochure for both systems. Currently both systems produce one map. If a customer wanted to transfer between the two systems, that customer had to carry two maps. This would make it easier for people to use both systems at the same time.

He said the next recommendation was to create one informational hotline number. Right now, each system maintained its own informational hotline numbers. This recommendation was to help both systems be proficient in giving out scheduling information and route information on all transit options in Lawrence with the eventual goal of transitioning to one number.

He said the next recommendation was to put a new route, called Route 11, which replaced routes 8, 24 and 25. He said the route of the South Iowa alignment capitalized on the strong characteristics of both route 8 and KU on Wheels routes.

He said the next suggestion was interlining Routes 3 and 4. Currently, Routes 2 and 3 and Routes 1 and 4 were interlined. The northern routes were interlined with the southern routes, which meant that if they wanted to change any route, the entire system would be chaotic. This interlining would allow service to North Lawrence and the southern routes with one bus, which would set the system up for August 2010 implementation. If changing the service in North or South Lawrence, the service could change without messing up the system. He said they also recommended assigning smaller vehicles to this route. There was confidence that smaller vehicles could serve the existing demand, the northwest portion of Routes 3 and 4. Likewise, they were recommending interlining Routes 1 and 2, which served the southern portion of East Lawrence and were making a tentative recommendation to assign smaller vehicles at that location, but they were not sure if smaller vehicles could handle the demand.

Mark Schulp, Olsson Associates, said the last part of the discussion was the cost. Their charge was to design recommendations that were cost neutral. He said currently the City was operating 4,250 hours of service a year. Of all the changes described, the annual hours of service dropped to 4,020, reducing service slightly. They had a concern about capacity issues on the new Route 11 with the morning peak period, particularly when students were trying to get to campus, the capacity available would not be sufficient. They were also suggesting that there might be a need for trippers, or extra busses, in the morning commute period to accommodate that extra capacity. The hours they were saving in the recommendations could go toward the

cost of those trippers. The bottom line was what they were proposing, was cost neutral. He said they did not anticipate an increase in cost with those changes and the more sweeping changes they were asked to develop for next year, would also be cost neutral.

Commissioner Highberger asked if there would be a change in KU's service hours.

Schulp said no, KU's service hours and investment would remain cost neutral. Their service hours remained essentially the same.

Commissioner Highberger said he knew there was a recommendation for smaller busses on a couple of the routes. He asked if that recommendation took into consideration, the cost benefit trade off's, in terms of service life of busses.

Schulp said operating cost and capital cost investment would be looked at over the coming year. The capital cost investment was not completed, but would be evaluated over the next year, and there was cost associated with smaller vehicles. Typically the smaller vehicles fully appreciated in five years and the largest vehicles had a 12 year appreciation.

Mayor Dever asked about the use of the smaller vehicles and what areas and times of day they were talking about.

Schulp said what was observed to this point was the ridership in the northern part of Lawrence appeared to be at a low enough level to be accommodated by a smaller vehicle than what was currently operating on those routes. Obviously when they operated a smaller vehicle, the cost was a little less because of better fuel efficiency and tires cost less. The fact that the ridership appeared to be at a low enough level to be served by a smaller vehicle, they were making that recommendation and were confident the demand in the northern part of the community could be served with a smaller vehicle. They were not sure about service in the southeastern part of the City and were more tentative about that recommendation.

Mayor Dever asked if the frequency would not change initially.

Schulp said they were not proposing any other changes in those four routes involved in that interlining. To the user, it would be essentially invisible. The only user that might be

affected would be someone who was using Route 2 and making a trip to Northern Lawrence on the Route 3. Other than that, users would not notice a difference in the current service in that area.

Commissioner Amyx said the service level would remain the same and even with the possibility of 230 service hours less per year, greater service would be seen because of the new Route 11.

Schulpe said greater ridership was anticipated on Route 11 and they were more concerned about capacity in that morning period. It was part of their charge to make the service more cost effective and efficient and it could be accomplished by combining three routes into one.

Mayor Dever said this was the first phase of recommendations and hoped to achieve similar efficiencies in the future which might expand or allow more people to use routes because of how those routes were placed on the grid and moved about the City.

Schulpe said their ultimate goal was to help the City design a system, coordinate between the two systems, and create a system that seem seamless to the user. To the user he hoped it would not appear the user was moving from one system to the other, but simply using the overall community transit system which happened to be two providers providing that service. He said that was not unusual because there were a number of communities that had multiple providers.

Mayor Dever called for public comment.

After receiving no public comment, Mayor Dever said this was a good first step and it was time to move forward.

Commissioner Highberger concurred.

Commissioner Amyx said the goal was having a bus system with large ridership and making the system more efficient. He said it was a great recommendation to have extra busses on the route.

Commissioner Hack said she agreed that it was a great first step, a great start, and did exactly what the Commission hoped, as the bus system progressed.

Moved by Hack, seconded by Amyx, to approve the recommendations form PTAC regarding transit route changes. Motion carried unanimously. (25)

Receive recommendations of Mayor's Climate Protection Task Force.

Cynthia Boecker, Assistant City Manager, introduced the agenda item. She said in February 2008 the City Commission adopted a resolution creating the Mayor's Climate Protection Task Force. That group comprised of 13 members including Mayor Dever and 12 members of the public began meeting to develop the recommendations that were being presented. As part of the efforts of that group, they incorporated work of four work groups incorporating citizens throughout the community. Those work groups included energy efficiency and conservation, policy education and outreach, transportation, and waste management.

David Dunfield, member of the Mayor's Climate Task Force, said he wanted to acknowledge a number of the members of the task force and work groups present at the meeting.

Mayor Dever said he wanted to personally thank everyone who was involved in the hard work and they did a good job of meeting a deadline. He said he wanted to specifically thank Cynthia Boecker, Assistant City Manager, and Tammy Bennett, Assistant Public Works Director, for their participation.

Dunfield said they knew there was still a degree of uncertainty around the issue of climate change, but this City Commission, by establishing the task force and signing onto the Mayor's agreement, had indicated its agreement with the scientific consensus that global warming was a fact and one that needed to be confronted. He said this climate change had local impacts as well as regional, national and worldwide potential impacts. Some of the things that could be anticipated in this part of the country included higher temperatures, higher air

conditioning loads in summer, more intense storms meaning more flooding and generally a lot of strain on systems as water and energy were concerned.

He said the Mayor's Climate Accord was adopted by the Commission under the leadership of Mayor Highberger and they appreciated his establishment of the idea. Mayor Hack established the Mayor's Climate Protection Task Force, which was presided over by Mayor Dever. They appreciated the strong unanimous support of the City Commission on this issue. He said they also had a very strong group of 12 citizens, the Mayor and City staff.

City staff began by establishing base line data for carbon dioxide for carbon emissions in Lawrence. The data became the point from where they measured their future successes and shortcomings as they moved ahead to reach the goals the task force set. They were very ambitious goals and derived those goals from a good deal of scientific discussion from what some other cities and organizations had recommended. It was ambitious and would be difficult to meet and the report issued was the first step toward that continued effort.

He said the work groups were established to bring in more expertise and more knowledge from the community to expand the brain power of the task force. The work groups established priorities and strategies based on four major areas and tried to organize those priorities in terms of their impact relative to cost. He said they wanted to do the things that were easiest and would give the most return first and move from that point.

One of the conclusions they came to fairly early on in the process was that there was a need for a coordinated effort City wide and that effort needed to be directed by City staff. There was a recommendation for a dedicated staff position on this issue.

Brian Sifton, Task Force Member, said the deliberations of the task force and the writing of this document did not occur in a vacuum. It was safe to say that everyone recognized that belts were being tightened in City Halls and state capitols across the country. Falling home values had reduced property tax revenues and made investing in things like weatherization and high efficiency appliances less of a priority right now. Having said that, many of the strategies

outlined now were prime opportunities for economic and environmental interests to intersect. Additionally, many of the recommendations were goals previously identified by Commissioners in annual budgets prior to the convening of the Climate Protection Task Force.

He said he wanted to pose two questions to help frame the strategies of the Climate Protection Task Force. The first question was where do the citizens of Lawrence risk suffering a reduction of quality of life as a result of climate change. He said the answers to that question will show where they need to adapt to climate change. The second question was, because greenhouse gas emissions did not recognize political boundaries, how did they want to treat the global atmosphere at commons. He said the answers to that question showed how they should mitigate climate change by reducing the greenhouse gas emissions.

He said the first strategy was to provide dedicated staffing and adequate funding to support climate protection and sustainability initiatives. On this strategy he wanted to make two points. He said last semester he completed a thesis about municipal responses to climate change in the absence of federal efforts. Commissioner Hack and Cynthia Boecker were two people he interviewed and the project included a survey of cities and administrators who participated in the Cool Cities Program. He said two questions asked to the administrators were how long did it take to arrive at the implementation phase of the Climate Protection Plan and was any staff hired or given the task of implementing the climate protection plan. He said there was a strong correlation between cities that were implementing climate protection policies and cities were providing dedicated staffing. Many cities that had not provided staffing never made it past signing the Mayor's Climate Protection Agreement. He said the second point he wanted to make was that the task force research, found there were a number of ways that other cities have funded their positions through general fund allocations, nominal monthly utility fees, and strictly through energy savings.

He said the second strategy was to strengthen energy conservation policies and building standards. This was the prime example of the economic and environmental interests

intersecting. As energy conservation saved money while also being the most effective way to reduce greenhouse gas emissions. The nearly \$900,000 in federal stimulus funds being allocated to Lawrence for energy efficiency would be a great way to jump start this strategy. Because Lawrence was committed to reduce emissions from government and non government sources, there were a number of policy options available, which included contracting energy conservation efforts in government buildings to energy services company that guaranteed savings, codifying energy efficiency for new buildings, and working with Westar to generate participation in Kansas energy efficiency program that provided zero interest loans to homeowners for weatherization and energy efficient appliances in the existing housing stock.

He said the third strategy was to incorporate the goal of reducing greenhouse gas emissions in the land use planning. While Lawrence was supposed to have many part of the community accessible by foot, bicycle and transit, the reality was the land development policy still largely obligated automobile ownership and its intended emissions. The recent adoption of the optional SmartCode was allowed for a lot of reasons, including its focus on mixed use compact development. The inclusion of the environmental chapter of Horizon 2020 ought to give the City a mechanism with which to consider the environmental and atmospheric ramifications of planning and development. In articulating vision for land use planning that included consideration for climate change, the City had the opportunity to ensure that the developments in Lawrence were not only beneficial to the environment and the atmosphere, but also the economy, community and health.

He said the fourth strategy was to develop transportation policies and programs in an effort to consume less energy and reduce emissions. In addition to steps the City could take to land planning, there were additional steps the City could take to try and cut down the 320,000 tons of carbon dioxide emitted by the transportation sector in Lawrence in 2005. Increasing efforts to implement traffic coordination measures, ensuring the availability of efficient public transportation and introducing anti-idling policies were all steps the City could take.

He said the fifth strategy was to establish outreach and education programs on emission reduction issues. There were a number of different justifications for implementing those programs. For stakeholders like the Chamber of Commerce, developers, homebuilders and industry, dialog with the City would establish a foundation of understanding upon which to build solutions agreeable to all parties. For all citizens it would be helpful to have insight not on just the policies the City was administering, but also on what their personal choices would be on bringing the City closer to emissions reduction goals. Finally, recognizing they were educating the next generation of citizens and schools across the City and they would likely see greater impacts of climate change, they ought to ensure that the enfolding story of climate change was part of their school curriculum.

He said the sixth strategy was to expand source reduction and waste reduction programs and initiatives. Waste was implicated in climate change for two reasons. Methane was produced by organic decomposition in landfills and that was an extremely effective greenhouse gas; also, because some materials could be recycled using much less energy than processing virgin materials. The City had a number of policy options, including expending the targeted materials approached in recycling already used, instituting unit pricing for household waste to incentivize throwing out less garbage, instituting a City wide curbside recycling program with high efficiency dual collection vehicles, and changing procurement guidelines for the City.

He said the seventh strategy was for the government to exercise leadership by prioritizing efforts to reduce greenhouse gas emissions and municipal operations. The final document was full of recommendations for the City to lead by example in reducing greenhouse gas emissions in a cost effective manner. He said this brought them back to the two questions he posed in the beginning. Reducing greenhouse gas emissions will beneficially impact all populations across the globe because their source was irrelevant to their impact. The government of the Melodize Islands, a chain of islands no more than 2.5 meters above sea level

was currently looking for land to purchase for resettlement. Mitigating climate change would be good for everyone, but they must remember that Lawrence needed to adapt as well. Fortunately, resettlement was not in their future, however, there were expectations that Clinton Lake, a major source of the City's water, would experience decreased capacity as a result of siltation by the middle of the century. It seemed they should be asking themselves right now what increased rates of evaporation would play in exasperating that decreased capacity. Additionally, there was an expectation that the intensity of precipitation events would increase with higher atmospheric temperatures. It seemed they should be asking themselves now what would their engineering specifications be for infrastructure might play in ensuring safe travel on the roadways. Finally, there was an expectation that higher temperatures would cause more heat related illness, especially in the very young and very old. They should be asking themselves now if the current health care policies would be adequate in the future.

Dunfield said it was worth re-emphasizing that the City was already doing a lot in this area and the task force would have discussions about what the City was already doing. That discussion came up many times during the work of the task force. He also added that Iowa City, Iowa, was undertaking a similar process that the City of Lawrence had just been through and Iowa City had been in contact with Lawrence because they had seen Lawrence's report online and intended to make it a model for their own work. The effort in Lawrence was being noticed and a good effort was being made.

He said lowering greenhouse gases was an economic issue and could benefit the economy, yield cost savings to everyone from the family level up to the City level. It could help promote the City with future economic development. The continued leadership of the City was vital and they would need to continue this process and renew it when measuring successes and shortcoming when going down that road. He said the phrase "saving the planet" appeared in the report and he was unhappy to see that phrase because they were trying to save humans

and make sure they created and maintained an environment that supported the quality of life, productivity, happiness of future generations as well as it had supported mankind.

Mayor Dever called for public comment.

Steve Padgett, Architect and teacher at Kansas University, said he endorsed the report and congratulated the task force for their hard work, especially because much of the work was done on a voluntary basis and unpaid which was especially amazing.

He said there was about \$858,000 available in the Energy Efficiency and Conservation Block Act. The Department of Education recently made available what the states and the communities had available through this program. There was a list of things that money could be used for and one of those was, right at the top of the list, energy efficiency planning, including any technical assistance that might be paid for. This report was a great report and he did not want in any way to suggest that it was inadequate, but it was a first step and there were other things that could be done to flush it out and go even further with this kind of analysis. He said there was one thing that might have been rolled into the entire figure, but on the very back of the report there was a spreadsheet that showed the different uses of energy and areas of what happened in the City. There was one column that was left blank and must have been rolled into the total figure of water and sewage. He said where he was working currently, a lot of those reports had been done and found when dicing it up further, water and sewage was the single largest use of energy in any community. It was the one use of energy often recommended to go after first because it was the one where making small changes made the biggest effect.

Charles Gruber, Lawrence, Task Force Member, said reports were great, but what happened to those reports after being presented was the key. This report called for the very first thing to be done to have a dedicated City staffer to be hired to overlook this endeavor. He said he wanted to know from the City Commission, if that was going to happen, if there were funds, and if it was going to happen soon or eventually happen.

Michael Almon, Lawrence, said he came in thinking he might have wanted to make light of global warming and climate change considering that if things continued as they were they would have ocean front properties in Lawrence, but that was a poor joke considering what climate change really signified for all the species, including human species. He wanted to comment the Commission for undertaking this report, study and task force. It was notable that among the communities in the United States, there were not many doing this kind of thing. Lawrence had a reputation for being forward looking, and he thanked the City Commission for that along with the task force members. He said part of their work was trying to consider all the urgency of climate change and what that meant locally and what they could do locally, and balance that against economic costs, other interest in the community that did not see it as the urgency it was, and try to reach some kind of middle ground was what part of them were working toward and in a lot of ways, that had been achieved. One of the strongest sections was what the City operations and City facilities could do and could be a model for some of the other sections that applied to the public sector as well.

As a context, he wanted to point out that the target of 450 parts per million of greenhouse gas in the atmosphere, which was the number he believed the task force was working with a year ago and the number that a number of cities have identified, was severely out of date. It basically meant that they would fail if they reached that level of carbon dioxide and other greenhouse gases in the atmosphere.

Almost a year ago, James Hanson, who was NASA's chief climatologist, submitted a paper to Science Magazine saying that if humanity wished to preserve the planet similar to that on which civilization developed and to which life on earth had adapted, CO₂ would need to be reduced from its current 385 parts per million to at most 350 parts per million. It meant they had to back up and put the brakes on whereas at this time they were accelerating.

He said Bill McKibben, from an organization called 350.org, said that carbon dioxide jumped 2.4 parts per billion last year, which would have been 2006, and two decades ago it was

going up barely half that fast. Humanity was increasing the CO₂ levels and not backing off. Some of the consequences were feedback loops where the more ice that melted at the poles, the more heat absorbed by the dark ocean and increased on itself. Another was warmed up atmosphere allowed for bark beetles were encouraged by warmer temperatures already managed to kill ten times more trees, then in previous infestations. The whole process was accelerating on itself and was extremely urgent they started reversing the process. The EPA, right now, based on the Supreme Court directive, two years ago, about whether greenhouse gases posed a threat to public health and welfare because of the warming of the earth, the EPA was proposing that that was the case and representative from Massachusetts said, "Such a finding will officially end the era of denial on global warming." Part of the context their task force was working in was trying to overcome the resistance to the reality of global warming. He said that was why he believed this report was good, but too timid because it did not reach far enough or have enough mandates to accomplish what was needed in the timeframe it needed to be done. The report had a lot of emphasis on education, outreach, incentives, goals, which were all good things and things that had a very long planning horizon. The planning horizon in this report was way down the road and granted Lawrence was not going to reverse the tipping point of climate change, but the point of what Dr. Hanson and the 2,000 scientists on the governmental panel on climate change all emphasized, everyone had to do everything they could as soon as they could.

He said this report was commensurate with what a lot of people were talking about in the task force a year ago, but did not address that every report he had seen from the EPA and other credible sources that said the situation was worse than anticipated. This kind of a goal started to address that situation. He said the EPA had a section on their site called, Zero Energy Home Design, in other words homes that consume zero amount of energy by basically being very energy efficient and having energy generation facilities such as wind and solar. He said in this report there was no appendix for the building code section which was odd. He said a person

had to go back to the institutional operations part to find anything on code and all it said was “modify the international energy conservation code so they had hot water heating and space heating with high efficiency natural gas equipment.” He said that was a nice improvement, but it was still putting out CO₂ and should read “renewable energy heating.” There were communities on the coast primarily that were mandating that new construction have solar collectors, hot water collectors and solar electric collectors. He said that was one example of how that report fell short of what was needed to address the situation.

He said under land use planning, that entire section focused on transportation, which he found odd. It was a part of land use planning because it had to do with where things were located. He said they were trying to figure out a way to create nodes that were walkable, livable, workable and playable. The SmartCode was one step taken and that was what that section was addressing which was to support energy efficient means of transportation. He said pedestrian level of service standards was a very good thing to include and should be strengthened by saying they needed to aggressively, build, paint, and add bicycle lanes everywhere, but pedestrian level of standards for new developments was once again a planning horizon that was too far down the road. The rest of the land use planning somehow, did not seem to address things like south facing building lots, subdivision development code that mandated lots being east, west oriented with south facing and solar access so that neighbors did not have trees which the code needed to address. Also, height exemptions for wind generator towers because right now there was a 30 foot limit on towers, but obviously the towers had to be considered in the context of proximity to other structures and neighbors, but that should be addressed in the report along with covenant waivers for clothes lines, solar clothes dryers because some neighborhoods did not allow clothesline and that had to be addressed as well. There were a number of things in land use planning that the report could include that was not there. He said the report should be addressing the use of coal for electricity in Kansas. He said there were a number of parts in that report that he would like to

see strengthened, yet if that happened it would not happen at this point. He said this would only happen if they had someone looking at this every day, looking at operations, looking at code, and talking to the Planning Department. He knew the City was strapped with budget, but he was a member of the Peak Oil Task Force and that task force was also addressing energy issues from the perspective of the cost of energy they would need to expend to solve the problem of climate change. He said some of the planning staff could use some of their efforts right now towards this because of fewer developments happening in this City right now. There were a lot of creative ways this report could be strengthened and implemented. He said if nothing else, he wanted the Commission to come up with some way to have staff on a continual basis working on improving and strengthening this document so the document would go beyond incentives and education, into something the City would actually take leadership. He said by leadership he meant, coming up with code policies like solar mandates or solar access, or increasing bicycle lanes. He said there were so many ways that someone who was on the job everyday could come up with ways to make those improvements. That person or persons needed to be able to do that in a consistent and aggressive way.

Hubbard Collingsworth, Lawrence, said for their first step, this was a very good report. His main reason for speaking was they were embarking on a very ambitious mass transit project and had talked numerous times about traffic on 23rd Street, the cut offs and cut outs. He was interested in mass transit and how they could increase mass transit without getting into the automobile industry to increase the accessibility of other methods of transportation in the City because they were studying this from several areas. He said he would like to see an overview group that was willing to make sure there was a coordinated effort to address the transportation needs now and in the future so that they could move toward a more environmentally friendly transportation mode.

Daniel Poull, Lawrence, said he wanted to give his support to the task force finding and presentation. He recently visited a town in California he once lived in and the local supermarket

where he bought his grocery, the entire roof was photovoltaic panels and he was looking forward to seeing buildings like that in Lawrence, Kansas, too.

Sarah Hill-Nelson, Lawrence, said she was a business owner in Lawrence and wanted to talk from a business perspective of this climate protection plan. Although it was called a climate protection plan, it could be easily called the good business sense conservative thinking person's guide to saving money. She said if they took a look of everything that was recommended, there was really nothing that was radical or out there; it was just encouraging everyone to think wisely about the energy consumption and trying to help the community as a whole to be more proactive in terms of saving money in the long term on all those fronts, primarily energy use. They saw it played out in land use, transportation, and education and outreach played a huge role in this. She said although they had a great breath of opinions in the community, the report struck a good, thoughtful middle ground and made suggestions that were good, solid ideas. She encouraged the business community to take a look at it as well. She said when people heard it was called a climate protection plan, they were concerned and if they could think of it in an alternative way, it might be helpful for them as well to think seriously about it.

Mayor Dever said he would like to answer the question about what the City Commission would do to make this plan work. He said there were conversations at the task force level and with the public in response to newspaper articles and asking general questions. He said it was not about spending money, but about saving money. He and Boecker talked about ways they could plan immediately without hiring more staff members, but ultimately this needed to be someone's responsibility and saving money needed to be someone's responsibility along with reducing CO₂ emissions. As a City who was a leader, they needed to take charge of the future and ultimately the climate. He said it was about saving money for some people, but for some people it was about saving the climate. However, someone wanted to approach the issue, it was important they take a work of the people who participated in this task force, volunteers on

the subcommittees and staff members and do something as soon as possible to delegate some of the responsibilities and ultimately decide if it could be afforded through federal grants, state grants, or energy efficiency grants to have someone they could turn to help update this plan, make the plan better, and ultimately saving the community a lot of money and reduce greenhouse gas emissions.

Commissioner Hack said she wanted to thank the volunteers, staff and the Mayor for the report and work done. It was a daunting task because they did not have any parameters. This was a community of a million opinions and would find people who thought this was perfect the way it was and people who thought it was too strong and people who thought it was not strong enough, which made Lawrence, Lawrence.

She said she was concerned about the dedicated staff and would like to ask staff to do it, but had a couple of concerns. First, that decision would be made during the budget cycle of 2010, which she would not be a part. She had a hard time saying she would make a commitment for a future Commission. She said they needed to make this work now and using some of the planning staff was hard because there were 15 positions that were not filled. She wanted to get going on it as much as they could and it was important to have some point person, and as they moved toward a different situation fiscally and saw there was money being saved for this, they could move to a specific staff person. She felt a little awkward committing a future Commission to something that group might not want.

She also believed that incentives far outweighed mandates in anything and was her philosophical approach to government. She said she would like to see incentives to do certain things, but did not think mandates would get them anywhere. She said better protection and a more efficient way to run the government and saving money were the incentives and would like to see them pursue those rather than put the hammer down on things.

Commissioner Highberger said he wanted to thank all the task force members and group members for their work along with the Mayor's leadership. He said he wanted to thank Carey Maynard-Moody, Sierra Club, for bringing this forward in the first place.

The report was not perfect, but a great effort. Those were aggressive goals and the same goals the City of Berkley had adopted. Achieving those goals would take all of their efforts. He said 40% of the carbon emissions came from buildings and if they made every building in the City a zero carbon emission building, they were barely over half of their 2050 goal. It could be they needed to reevaluate the goals at some point in the future to see if they really would achieve the affects they needed to achieve to have a planet they wanted to keep living on by 2050. This was a very good aggressive first step.

He agreed that if the City did not have a dedicated staff person this effort would not happen the way it needed to. He said he rarely would suggest using one-time money for a staffing position, but if there was any way at all to use the stimulus money to get started this year, he would really encourage City staff to pursue that money. In the absence of that stimulus money, he suggested seeing what the City could do to use staff this year and put the funding in to the budget for next year. He realized they had vacant positions, but this was critical enough and had potential to pay for itself in energy savings. He said staff had done a great job in the years prior and had been doing some things right, which was greatly appreciated.

Commissioner Amyx said he wanted to thank everyone involved, but also wanted to thank Carey Maynard-Moody. He said he had the opportunity four years ago under then Mayor Highberger's watch of seeing this item brought forward. He took the opportunity to read as much as he could and it gave him the opportunity to learn more in his day to day life not only in his business but in his home to attempt to do his part.

He said there was no money in 2009 to hire an additional staff person and was an item the Commission needed to consider in the 2010 budget deliberations. In the mean time, he

suggested looking at staff right now, whether it was planning or another department to see what option was available to help implement this endeavor.

Commissioner Highberger said in addition to identifying staff available to implement it, developing and implementation plan if not for the whole report, but at least selected goals of the report would be critical for the Commission.

Mayor Dever said they had addressed some of those ideas, knowing the City could not slide a job into the 2009 budget that had already been crafted. He said he would suggest allowing staff to implement Commissioner Highberger's comment on an implement plan and perhaps a list of responsibilities that Sustainability Coordinator or Climate Protection Expert. He said he also knew the County might be interested in assisting with this plan.

Commissioner Amyx suggested staff investigate the energy efficiency grants.

Moved by Amyx, seconded by Hack, to receive the report. Motion carried unanimously. (26)

Consider adopting on first reading, Ordinance No. 8378, allowing the keeping of chickens and ducks within the City limits. Consider initiating a Text Amendment to Section 20-502 of the Development Code to allow for the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code .

Scott Miller, Staff Attorney, presented the staff report. He said several months ago hedgehogs became big news in the community and on that same evening, they also discussed chickens. Under the current law, Chapter 3 of the City Code, chickens were allowed, as all birds were, but in the zoning code they were only allowed in a couple of the larger zoning districts. The direction that evening was to come back and present an ordinance for consideration to legalize the keeping of chickens and ducks within the City of Lawrence. He said the ordinance would modify Chapter 3 of the City Code to allow the keeping of chickens or ducks. It also modified some other provisions of Chapter 3 that when staff sat down and started discussing this issue, staff thought it was important and appropriate that Chapter 3 contained the dangerous dogs provision and if chickens were running at large and attacked by a dog, the

dog should not be considered to be dangerous based upon that and what was their instinctual response. The ordinance applied to female chickens, not roosters, for obvious reasons. It would allow for one chicken or duck per 500 square feet of lot sizing anywhere within the City. It also had provisions regarding the square footage of coops or habitations for the chickens or ducks, roosts, laying boxes, things like that. All the ordinances currently in the City regarding things like animals at large, the keeping of the animals, making certain that they were kept in humane fashion, applied to the chickens and ducks as they would with any other animal. The ordinance said that they could not keep ostriches, emus, geese, peahens, and things like that for a variety of different reasons. Some were based upon the size and some based upon the temperament or disposition of the species in question.

Mayor Dever called for public comment.

Bob Gent, Lawrence, said he wanted City staff to know he appreciated the fine work staff had done in working with the chicken keepers in getting this ordinance crafted. Staff had done a fantastic job and was pleasing to get as many of the citizens needs met as possible and get a chance to speak to all the sides of story and hopefully come up with something that was workable and possible for a lot of people to practice urban agriculture in their own way. This was a movement spreading across the country. Allowing chickens and ducks in the City limits meant a lot to a number of people in the City.

Josh Nye, Lawrence, echoed Gent's comments. He said he owned four ducks and thanked everyone who worked on this to balance the interests that were represented in the last meeting on this issue. He thought this was a very good compromise between all the interests. He had not been in the conversations regarding what they could and could not keep, but had a few concerns.

He said in this ordinance, Miller noted that a lot of chicken owners wanted a provision to keep younger male chickens in the code because the code said that permitted fowl were chickens and ducks that were kept for the production of meat, eggs and feathers. To keep

chickens for meat, if you have a bunch of chicks ordered from an out of state hatchery or somehow obtained fertile chicken eggs, identifying the sex of those eggs added cost when ordering from a hatchery. He said if there was some reasonable way to keep male chickens for meat up to a broiler age or something like that, even less than the one year the memo noted, it would certainly help to encourage the keeping of chickens for meat without allowing for it to get a rooster age because he understood the concerns of keeping roosters and the noise ordinance. He said the memo said the draft ordinance did not incorporate the recommendation to keep juvenile male chickens up to the age of a year because doing so would make proving the age of an animal an element of prosecution for unlawfully keeping a rooster and make the prohibition difficult to enforce without expert testimony. He appreciated the concern but in those situations the prosecutions would not be for maleness or roosterness because the male chickens had no more effect on the flock or surrounding environment other than they were noisy, so it was double covered under the ordinance as it stood. Allowing male chickens to be kept up to a broiler age would still allow prosecutions to happen if the real intent of keeping roosters was violated, which was to prohibit excessive noise ordinance complaints. He said he would encourage the ordinance to be amended to have some reasonable standard of a cut off age where there was a clear ban on roosters. He said to keep roosters or male chickens up to a certain point, the noise ordinance was the only thing it would be prosecuted on and it would not be difficult to prove because there would be a noise complaint.

He said the possible inclusion of geese, if included in a small urban flock of either ducks or chickens, often had a protective or calming effect on the flock and could deter dogs from coming around. They were no bigger than a medium sized dog so to keep them in the city limits with their positive effects on a diverse, but small, flocks of chickens; ducks and geese would have more positive effects than negative. He suggested that they would only allow a maximum number of one to two geese that could be included with the total number of 20 birds. He suggested that one to two geese be allowed.

He said this ordinance did a great job of fixing drastic ambiguity in the City Code as it currently stood. He wanted to make sure in 3-502(a) stated that any person who owned chickens or ducks shall provide a coop or other similar shelter in adequate laying boxes and roosts for chicken or ducks and went on to say that ducks did not require roosts, but wanted to make sure that roosts were not required for ducks.

Tom Knutzen, Lawrence, said he wanted to echo the comments of Nye and also add that the ordinance as proposed would categorically ban the keeping of roosters. He understood the need for some regulation in this area, particularly on account of the noise concerns that residents might have. He agreed that regulating this particular activity under the noise ordinance would perhaps be appropriate and solve this problem, but by categorically limiting the keeping of roosters for possibility of urban keepers of ducks and chickens from maintaining its sustainable flock. He said he thought the City Commission might consider implementing a temporary permit system to keep a rooster for two weeks so people could keep a sustainable flock.

Commissioner Highberger said he was involved in those discussions to some degree. He said the issue of adult roosters versus juvenile chickens came up. The converse of the difficulty of proof was with juvenile male chickens, it was difficult to prove the sex there, too. He said the consensus of the group was that having that ambiguity in terms of actual enforcement was probably not going to be a problem. He knew there were roosters in town and heard that people actually liked roosters. He realized that was not a universally held sentiment and was comfortable leaving the rooster ban. Unfortunately, the temporary permit system would be too cumbersome to implement. He said he was open on the idea of geese, but was comfortable with the current ordinance as drafted. He would be open to making some allowance for juvenile male chickens.

Commissioner Amyx said he did not support the rooster amendment. He said he was supportive of adopting the ordinance as written. They were going out on a limb somewhat in

allowing chickens in town and it was something that had not happened in a long time. He thought the rooster side would complicate it. He knew they would probably have some trouble with dogs. If things went well, the Commission could entertain the idea of juvenile males at a later date, but they should give the proposed ordinance a chance.

Mayor Dever said he thought it was a great idea to pass this ordinance because there had been a lot of hard work put into it. He was excited to allow people to do what they need to be sustainable and grow their own food. He was in favor of passing the ordinance in its current state and thought it would be okay to revisit it in the future on the issue of juvenile roosters.

Mayor Highberger asked if they could ask Miller to tweak 3-502(a) so that it was clear that it would not require roosts for ducks.

Moved by Highberger, seconded by Amyx, to adopt on first reading, Ordinance No. 8378, allowing the keeping of chickens and ducks within the City limits. Consider initiating a Text Amendment to Section 20-502 of the Development Code to allow for the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code. Motion carried unanimously. (27)

Consider request for City approvals and support of the Tour of Lawrence, a bicycling event to be held in Downtown Lawrence on Saturday, July 4, 2009 and on the University of Kansas campus and surrounding neighborhoods on Sunday, July, 5, 2009.

Jonathan Douglas, Assistant to the City Manager, introduced the agenda item. He said the Lawrence Convention and Visitors Bureau submitted a request for City support and approvals of the Tour of Lawrence, a bicycle event scheduled for Saturday, July 4th and Sunday, July 5th. July 4th was a downtown criterion similar to the one they had a few years ago. The event would cause a number of streets to be closed downtown from noon to 10:30 p.m. The Sunday, July 5th event would be on campus and around some of the surrounding neighborhoods and that would close streets from 6:30 a.m. to 8:00 p.m. There were a number of races throughout the day. The residents on those streets would still have access to their homes and it would be controlled access.

City staff sent notification to all the residents and property addresses along the routes. He received a handful of e-mails from people, mostly concerned about being able to get to their homes, and a few people concerned about trash in their neighborhoods. The Course Marshall's and other race staff would be able to help with those problems and did not see any major difficulties.

The biggest burden to the City in supporting this event were police services on July 4th because it was already a busy weekend for the Police Department. The estimated cost of police services, which was not available at the time of the posting of this agenda, was about \$4,000.

Mayor Dever called for public comment.

Bob Sanner, Convention & Visitors Bureau, said it was a cycling event, but what they planned to do was offer more than cycling. He believed in the request he mentioned the fact that they would have activities for children with inflatable and carnival rides. They would have live music and other things they were currently working on. Their vision was to create and offer a multiple day of competitive cycling to bring in cycling for amateurs and professionals throughout the Midwest and farther than that. He received numerous inquiries about the Tour of Lawrence from professional teams as far as California, so there was quite a bit of excitement. The reasons they decided to do a Tour of Lawrence was several, but what he wanted to identify were two major reasons. The 4th of July weekend was a slow period for hotels and restaurants. Any time they looked at creating an event, they wanted to look at an open weekend because it did not make sense for them to create an event that was already on a busy weekend. The second consideration was that it was an open weekend on the cycling calendar and they wanted to avoid competition. They had put together a very exciting weekend of racing for first year event. He thought there was without question they would make Lawrence proud of their efforts and they had every intention to make this an annual event.

Commissioner Amyx asked whether cars would be towed downtown for the 4th of July event.

Sanner said they had to secure the streets that were part of the race route, which was Massachusetts Street, New Hampshire Street and Vermont. If there were cars parked in a certain spot that created a dangerous situation, they had to move those cars somehow. Through notification, posting, and the fact that July 4th was a very slow period for downtown Lawrence and with the help of the Police Department, they would try their very best to notify the owners if their car was parked in the race route.

Mayor Dever called for public comment.

After receiving no public comment, Commissioner Amyx said they needed to find out if the fireworks event was moving back to downtown and if so, it might cause a problem.

Sanner said their races would be done before it was dark enough for the fireworks to start.

Commissioner Highberger asked if they could reimburse general fund for donated services from guest tax money.

Corliss said yes.

Commissioner Hack said this would be a great event. She said she knew it required hours of work and appreciated the work Douglass had done to get this ready for the City Commission. She said it was one of the most exciting things they would see downtown because of the appreciation of the excellence of those athletes and how hard they work and train for this event. She was supportive of this and was a great way to use Guest Tax Reserve money and would approve the reimbursement of the City services as well as the use of the right-of-way permit.

Commissioner Amyx said as long as they had the opportunity to get people to neighborhood events, it was a good event. He supported the allocation of the Guest Tax money

in reimbursing services the City would provide. He said hopefully it would bring a lot of dollars into town and everyone would have a good time.

Moved by Hack, seconded by Highberger, to approve the allocation of \$5,000 from the Guest Tax Reserve Fund to the CVB in support of the Tour of Lawrence. Motion carried unanimously. (28)

Moved by Hack, seconded by Highberger, to approve a temporary use of right-of-way permit for the use of various city streets on July 4-5 for the Tour of Lawrence, pending receipt of proof of insurance. Motion carried unanimously. (29)

Moved by Hack, seconded by Highberger, to approve the donation of various city services in support of the Tour of Lawrence and to approve reimbursing the general fund from guest tax fund. Motion carried unanimously. (30)

PUBLIC COMMENT:

KT Walsh said David Corliss had informed her that the City was going to get three blocks of brick streets re-bricked in East Lawrence. She wanted to thank everyone who worked on that and appreciated bringing up the idea of a work program tossed in. One issue they had when trying to restore the brick streets that there were not people on City staff who knew how to repair City streets and sidewalks and used to be contracted out to local people. It was a skill that needed to be passed on and she suggested an apprenticeship program with the Vo Tech kids at Free State because this was a way to make money and was not difficult.

Michael Tanner said he wanted to address some issues that had already been voted on and voice his disapproval over Ordinance No. 8381, allowing the temporary possession and consumption of alcoholic liquor at the Lawrence Public Library during the Lawrence Public Library Foundation Fundraiser on Sunday, April 19, 2009. He did not think the public library was the place to have alcohol, even though it was a fundraiser. He did not approve of it and wanted to voice his disapproval.

He said he also wanted to speak on the Mayor's Climate Protection Task Force. He saw problems in the City where there was wastefulness with the power. He said from 11th and Massachusetts all the way to 7th Street or further was a row of lights where Massachusetts was overly bright. He said he thought it was wasteful to have all the lights running. He said as an entertainer on Massachusetts Street, he needed a dark spot and there were no dark spots on Massachusetts. He said he thought it would help if they cut down some of the lights on Massachusetts Street.

He said another issue he was going to address as a homeless person. Recently, he had a vehicle and wanted to speak about homeless people who had vehicles. There were homeless people who were living in their cars and people running their vehicles to keep warm. He was recently parked in a certain area and found an outlet and had some really long extension cords and ran the extension cord to the outlet. He said city officials saw him and threw the breaker on this outlet. He asked the Mayor and City Commission what would be more harmful for the environment, running a vehicle 8 hours a day to keep warm or hooking up to a City outlet. He said he wanted to know if the City Commission could find a way to let people use electricity.

FUTURE AGENDA ITEMS:

04/07/09 · City Commissioner Elections
5:00 p.m.
Meeting time

CONSENT AGENDA:

- Approve right-of-way agreement with Freenet for the use of City right-of-way near the intersection of 23rd and Harper Streets.

REGULAR AGENDA:

- Receive staff report regarding local purchasing preference policies.

ACTION: Direct staff as appropriate.

- Consider awarding bid for nine (9) police cars for the Police Department to Shawnee Mission Ford for \$196,896.

ACTION: Award bid for nine (9) police cars for the Police Department to Shawnee Mission Ford, if appropriate.

04/14/09 · Mayor's State of the City Address

- Seating of new City Commissioners
- Election of Mayor and Vice-Mayor
- Establishment of various calendar items including goals and budget study session opportunities.

04/28/09

- 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

- Initiate Text Amendments to various sections of Chapter 20 of the Development Code to address implementation issues regarding Parking, Plan Approvals/Extensions, and Site Plan Notice provisions in the Code for future public hearing at the Planning Commission.
- [Request](#) from Lawrence-Douglas County Chapter of the Kansas Equality Coalition to revise Chapter X of the Human Rights Ordinance of the City Code to include gender identity as a protected category.
- Authorize the City Manager to execute an engineering services agreement with Black & Veatch for Design Phase Engineering services in conjunction with project WW0601, improvements to the Anaerobic Digester Process at the Wastewater Treatment Plant.
- Utilities Master Plan
- ***This item was heard by the CC on 02/10/09.*** 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). TA-12-27-07 with revisions to Sections 20-701 and 20-702 to maintain consistency throughout the Code. Consider adopting [Ordinance No. 8304](#) on first reading regarding TA-12-27-07 for revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. (PC item 9; approved 7-0 on 9/24/08)

ACTION: Approve Text Amendment TA-12-27-07, revisions to Sections 20-701, 20-702, 20-1101, 20-1109 and 20-1701 of the City Development Code to revise Protection Standards for Environmentally Sensitive Areas and provide more precise definitions and adopt on first reading, Ordinance No. 8304, if appropriate.

- Receive staff report regarding transferable development rights
- 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)

- Maple Leaf Square rezonings, dedication of easements and rights-of-way, and waiver from the requirement of the Subdivision Regulations that sidewalks be constructed on both sides of the street.

COMMISSION ITEMS: None

Moved by Amyx, seconded by Highberger, to recess the regular meeting at 9:00 p.m. and reconvene on Monday, April 6, 2009 at 5 p.m., in the City Commission meeting room and meet in executive session for the purpose of discussing non-elected personnel matters. Motion carried unanimously.

On April 6, 2009 at 5:00 p.m., the City Commission reconvened in regular session at which time, **it was moved by Amyx, seconded by Hack**, to recess into executive session for 90 minutes to discuss non-elected personnel matters. The justification for the executive session is to discuss the City Manager's performance evaluation. The regular meeting of the City Commission will reconvene at approximately 6:30 p.m. Motion carried unanimously.

At 6:35 p.m. the City Commission returned to regular session, at which time, **it was moved by Hack, seconded by Amyx**, to authorize staff to prepare an addendum to the City Manager's contract to allow the accumulation of up to 600 hours of vacation leave. Motion carried unanimously.

Moved by Hack, seconded by Amyx, to adjourn the meeting at 6:36 p.m. Motion carried unanimously.

APPROVED:

Michael H. Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF MARCH 31, 2009

1. Mower Purchase – from John Deere Co for \$17,869.82 for Parks & Rec.
2. Change Order No. 8 – Clinton Water Treatment Plant Expansion – to CAS Construction for \$38,122.21.
3. Infrared heating & air system - from P1 Group for \$18,5000 for the Tire Shop.
4. Bid – 2009 Curb & Gutter Replacement to LRM for \$439,394.55 for Pubic Works.
5. Bid Date Set – Comprehensive Rehab Program at 1025 NY, 408 Yorkshire Dr & 1909 Kasold, April 28th.
6. Bid – Mowing for Wastewater/Kaw/Clinton Water Treatment Plants to Brayden's for \$46,474.25.
7. Three Year Lease Agreement – 3 backhoes with Victor L. Phillips for \$105,364.39.
8. Charter Ordinance 38 – Quorum, repeal Charter Ord 25.
9. Ordinance No. 8383 – 1st Read, allow alcohol in sidewalk hospitality area for 8th St Taproom, 801 New Hamp.
10. Ordinance No. 8384 – 1st Read, Policies & procedures for economic development incentives including tax abatements.
11. Ordinance No. 8376 – 2nd Read, TA-1-2-09, Identify Planning Director as Administrative Official charge with interpreting & enforcing the Development Code.
12. Ordinance No. 8377 – 2nd Read, Amend 2009 City budget to include .05% sales tax for transit.
13. Ordinance No. 8381 – 2nd Read, allow temp consumption of alcoholic liquor Lawrence Public Library.
14. Resolution No. 6829 – Burroughs Creek Trail property acquisition – eminent domain.
15. Ordinance No. 8375 – 1st Read, TA-1-1-09 – SmartCode process and/or standards.
16. Site Plan – (SP-12-122-08) sidewalk hospitality area for Jackpot Music Hall, 943 Mass.
17. Sidewalk hospitality license for Jackpot Music Hall, 943 Mass.
18. Ordinance No. 8382 – 1st read, possession & consumption in sidewalk dining area for Jackpot Music Hall, 943 Mass.
19. Rezone – Lawrence Municipal Airport from GPI to IG, 320 acres.
20. TSC – “No parking” – S side of Greever Terr between Virginia & Louisiana Streets.

21. Variance – private sanitary sewer service not located in r-o-w length greater than 15' for Zarco 66, 2005 W 9th.
22. Variance – private sanitary sewer service not located in r-o-w length greater than 15' for Grob Engineering, Lot 1A Maple Lawn Add, 1824 Barker Ave.
23. Westar Rate Case – City to participate to respond to tariff concerning street lights.
24. City Manager's Report.
25. Transit Route Changes - PTA.
26. Mayor's Climate Protection Task Force.
27. Ordinance No. 8378 – 1st Read, chicken & ducks within City limits, TA for Section 20-502.
28. Tour of Lawrence Event - \$5,000 from Guest Tax to CVB.
29. Tour of Lawrence Event – Temp use of R-O-W for various streets on July 4th & 5th.
30. Tour of Lawrence Event – Donation of City services.