



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

June 2, 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 Chestnut presiding and members Amyx, Cromwell, and Johnson present. Commissioner Dever was absent due to his visit to Eutin, Germany, one of the City's, Sister Cities.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve the City Commission meeting minutes of May 19, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to receive the Hospital Board meeting minutes of April 15, 2009; the Historic Resources Commission Action Summaries from January 15, 2009, February 19, 2009, March 26, 2009, and April 16, 2009; and the Board of Plumbers and Pipe Fitters meeting minutes of January 21, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve claims to 1,073 vendors in the amount of \$1,782,969.29. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to authorize payment to Douglas County, Kansas, for \$566,174.04, for the City of Lawrence's participation in the Douglas County Southeast Area Sanitary Sewer Benefit Districts Nos. 1, 2 and 3. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve reimbursement to Caspian Group, 746 Massachusetts Street (Tellers Restaurant) for



costs associated with fire sprinkler system installation for \$41,000 in accordance with the Downtown Sprinkler System Incentive Program. Motion carried unanimously. (2)

Ordinance No. 8405, pertaining to the use and occupancies of buildings and structures with nonflammable medical gas systems, inhalation anesthetic systems, and vacuum piping systems to reflect that Certificates of Occupancy shall not be issued until all verification and testing records required by NFPA 99C have been provided to the building official and the responsible facility authority shall provide a statement to in writing to the building official that all inspections and testing have been successfully completed. As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (3)

Ordinance No. 8406, incorporating by reference, TA-04-03-08, to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve a Cooperative Agreement of Understanding between the City of Lawrence/Lawrence Transit System, Kansas Department of Transportation (KDOT), and the Lawrence-Douglas County Metropolitan Planning Organization (L-DC MPO) for the Regional Transportation Planning Process in Douglas County. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to receive status update on the 6th Street ITS Project. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Amyx, seconded by Johnson**, to approve as a sign of community interest, a request from Downtown Lawrence, Inc., to hang a banner promoting the Downtown Film Festival which would hang on the north wall of the

downtown parking garage located on New Hampshire Street, between 9th and 10th Street, being displayed June 3 – August 28, 2009. Motion carried unanimously. (7)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said Roger Zalneraitis, Economic Development Coordinator, prepared a report on local government economic development activities and funding, which was a high priority of the City Commission; information on the City's web site and the top ten visited pages; and, volunteers continued to assist the Parks and Recreation Department in planting efforts in various areas of the City.

Vice Mayor Amyx said he noticed under guest tax, in the economic development report, that Olathe and Lenexa used a portion of their guest taxes for economic development. He said he thought there were specific rules on how those taxes were used which was to promote more people coming to communities and did not realize those guest taxes could be divided and used in other areas, especially economic development.

Corliss said it was common practice, for local communities, to use a portion of their guest taxes for economic development. The City Commission would see information on guest tax and guest tax rates in the coming weeks, but local communities were allowed to adopt charter ordinances that exempted those communities from the state statute that spelled out with some specificity on how those funds were to be used. The requirements in state law, let alone what might show up in a local charter ordinance, relied upon the governing body's judgment on what furthered tourism and visitors to a community. It was not just about the marketing part that encouraged people to come to a community, but it could also be funds to general services that provided the foundation for visitors to come to a community.

Vice Mayor Amyx asked if chartering out from the law gave flexibility on the use of guest tax.

Corliss said it did, but the language in the statute was fairly broad as well.

He said using the guest tax for economic development was a surprise, especially in the amount of money Olathe and Lenexa used from guest tax. (8)

REGULAR AGENDA ITEMS:

Consider adopting on first reading, Joint Ordinance 8402/County Resolution No. approving CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use as recommended by the Planning Commission at their April 22, 2009 meeting.

Amy Miller-Brown, Long Range Planner, presented the staff report. She said this item had a lengthy history as it moved through the process and since there were new Commissioners, she wanted to highlight some of that process. The amendment was originally initiated in 2004 and approved unanimously by all three governing bodies. The ordinance/resolution was approved by the City Commission and ultimately denied by the Board of County Commissioners in October 2007. At that time in the fall 2007, the two main issues for the City Commission and County Commission was that the chapter should be made more positive and flexible, especially considering the location of future industrial sites. Since October 2007, staff had taken the time to rework the chapter as a whole to meet those concerns.

She said staff initially held multiple public meetings in front of the planning Commission and worked to receive input from numerous groups regarding revisions to Chapter 7 that were made by staff. The Planning Commission forwarded a recommendation of approval for the chapter to the governing bodies in May 2008.

She said since May 2008, both the City Commission and the Board of County Commissioners held numerous meetings regarding this amendment with the majority of the discussion being centered around how to handle possible protections for high quality agricultural land. The Board of County Commissioners approved the chapter as recommended by the Planning Commission in November 2008, then repealed that decision and approved the document with the word "soil conserving" added in reference to agri-industries that appeared on page 7-8. In March 2009, the City Commission referred the item back to the Planning

Commission giving specific direction to define soil conserving agri-industries and how that worked with the protection of Class I and II soils.

She said the Planning Commission held a meeting on April 22, 2009 where they forwarded a recommendation of approval by unanimous vote with changes that reflected the City Commission direction to the second sentence of the last paragraph on page 7-8 that referenced high quality agricultural land. That sentence now read, "Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land by either utilizing it for agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. This language encouraged utilization and protection of high quality agricultural land, which was defined as capability Class I and II soils as defined by National Resources Conservation Service."

She said staff recommended the City Commission consider adopting the joint Ordinance 8402 and County Resolution approving CPA 2004-02 to Chapter 7 Industrial Land uses as recommended by the Planning Commission at the April 22nd meeting. She said if the City Commission chose to adopt this ordinance/resolution after second reading, it would be forwarded to the Board of County Commissioners for their consideration.

Mayor Chestnut called for public comment.

Charles Novagradic, Lawrence, said he owned some of the high capacity land in the vicinity of the airport. Two years ago when development was suggested as a potential at that location, he asked some of the City Planning staff if there was any weighting towards agricultural uses for high quality agricultural land and was told there was nothing in the Planning documents of the City. He had been advocating some kind of recognition of agricultural land since then and was happy to stand in support of the proposed language and without this kind of language there would be no ability to argue that agricultural industry ought to be recognized as a use in this area over a building type industry. He urged the City Commission to take the

suggestions seriously and open their minds to reserving the best agricultural lands to the industry of agriculture.

Ted Boyle, North Lawrence Improvement Association, said he and the North Lawrence residents were pleased to see this language added to Chapter 7 of Horizon 2020. Even though there was only 3% of that type of soil in Douglas County, the majority of that soil was north of the river. They would like to see this language be permanent so there was a reference and guideline to help future development in North Lawrence and north of North Lawrence. He encouraged the City Commission to adopt this amendment.

Barbara Clark, Lawrence, said in the last two years, she had been trying to bring in information before the City Commission concerning those soils. She was grateful that there was such language being brought forward now. It was always her contention that industrial development and preservation of capability Class I and II soils were not mutually exclusive. If they began to look at those soils as an economic development resource also, it would be a benefit and win-win situation for everyone. She said Capability Class I soils in Douglas County composed of 2.8% of all the soils and when adding on Capability Class II, it was 8.2%, which was a total of 11% of all soils in the Douglas County and were predominantly held in the Kaw River Valley north of North Lawrence. There was a benefit to containing those soils in a large continuous mass and would be a great asset for the community for the potential of local food system which was the reason those soils should be preserved.

Mayor Chestnut said there had been a lot of input on this chapter and even though it had taken a lot of time, he thought they arrived at the right place. This item had been before the City Commission six times since he had been on the commission and there had been some wordsmithing. He said everyone understood the spirit of what the Commission was trying to do which was creating the right balance. He was in support of the language and wanted to thank the Planning Commission as well because they spent a lot of time on this item taking in a lot of

public comment and input in trying to integrate that into a document that everyone would have a consensus on, which had proven to be somewhat of a challenge.

Vice Mayor Amyx said he wanted to thank Planning staff and the Planning Commission for their time involved in public hearings in making sure public comments were heard on this item. He said there was a fine line between the rights of a property owner and the rights of the community. He said he realized the importance of preserving those properties in looking to the future of the agricultural business. He said he liked the idea of County Commissioner Thellman's recommendation of a simple language change, as well as the Planning Commission's specific language which served the intent of the City and County Commissions.

Commissioner Cromwell said he would echo the kudos to both staff and the public for their hard work and input on this item. This community was situated as one of few communities who had this rich soil which put Lawrence on the forefront. The community was recognizing those soils as a job opportunity and economic development and looking toward the future when food might cost more and this item dealt with preservation and allowed the community to recognize a different type of progress in the future. He supported this amendment.

Commissioner Johnson said he appreciated all the time put into this amendment. He said when talking about the airport property, the community could have industrial development as well as taking care of soils.

Moved by Cromwell, seconded by Amyx, to adopt on first reading, Ordinance No. 8402/County Resolution No.____ approving Comprehensive Plan Amendment (CPA-2004-2) to Horizon 2020, Chapter 7. (9)

Consider authorizing the Mayor to sign ARRA Agreement for 2nd and Locust Streets intersection reconstruction, State Project No. 23 U-2041-01.

Chuck Soules, Public Works Director, presented the staff report. He said this project was located at 2nd and Locust for reconstructing the intersection of the Kansas River bridges to the railroad underpass. Presently, there were four lanes with two lanes in each direction and

had safety issues at that intersection. The project included widening and reconstruction of the intersection. He said because of the location of the existing business in that area, the road would be shifted to the east, about 12 feet, to accommodate a turn lane. The intersection at Elm Street would be reconstructed to prohibit left turns from southbound North 2nd Street due to the lack of sight distance for those motorists. He said the project also included the replacement of the waterline at that intersection and stormwater improvements.

The City was successful in receiving \$2 million in stimulus funding and staff originally had this project on the schedule to bid in 2008, but received no bids. Contractors indicated to City staff that the storm sewer line that ran from the tracks to the levy was 27 feet deep and the only waterline to North Lawrence was directly on top of that sewer line. The contractors would have difficulty getting that deep, as well as maintaining the only water source in North Lawrence. Traffic also needed to be maintained in two directions, keeping half the roadway open and they would be building next to traffic that was moving. Also, the project needed to be completed in four months because of a KTA project that would close intersections which made it a pretty tough project.

He said regarding funding of this project, in addition to the \$2 million stimulus funds, KDOT through the Surface Transportation Program has budgeted \$1 million dollars in which the City was required to match the STP of \$250,000.

He said the project was out for bid and they were looking at a June 17th bid date.

The City Commission action was to authorize the Mayor to sign a cancellation of the original agreement and to sign a second agreement, City/State Agreement with KDOT that included both funding sources which were the Stimulus and STP funding.

He said changes were made to the contract in which the waterline was moved further east so that line was not directly on top of the storm sewer line, three lanes of traffic would be closed and had one lane going south bound. North bound traffic would detour at Elm Street.

Also, the contractor had until November to complete Phase I which included three lanes on the east side and had until March to finish up the remaining lanes and all other incidental work.

He said the Fire Department developed an emergency operations plan which included dual response, dispatching a crew north on 2nd Street and to the KTA, for access to North Lawrence.

The City's Traffic Division would install an opticom signal pre-emption systems at Lyon Street and could be activated by the Fire Department which would stop southbound traffic at Lyon and allow emergency crews to go north through the underpass.

Commissioner Johnson said he noticed in the memo, specific to the ARRA funds, the contractor was allowed to work at any time, 24 hours a day and asked if the neighbors and businesses were notified.

Soules said that staff just recently found out about that requirement and staff would notify the public. Typically, contractors did not work after dark and there was sufficient time to work during normal business hours.

Vice Mayor Amyx asked about the waterline being moved to the east and asked if the storm sewer connected right under the railroad tracks.

Soules said the storm sewer would be the south where the City hooked on under the railroad tracks.

Vice Mayor Amyx asked if there would be a problem with the railroad bridge.

Soules said the retaining wall would be removed on the east side. The depot property would be impacted, but there were plans for landscaping and a new irrigation system.

Mayor Chestnut called for public comment.

Ted Boyle, North Lawrence Improvement Association, said their improvement association was disappointed last year when the project did not happen, but he was glad because the City received \$2 million in stimulus money which their association helped acquire in conjunction with the City, in a letter. They were anxious for this project to get underway.

He said hopefully at the completion of this project, the 20 acres behind Johnny's Tavern, would be developed with commercial development such as a hotel, restaurant, or a grocery store, as well as residential. As a result, traffic would increase tremendously at that intersection within the next couple of years, and the timeline was right on for this project. He said the only drawback was the Fire/Medical Department.

He said previously, a first responder was stationed in North Lawrence, north of the tracks for two hours in the morning and in the evening during rush hour. During a meeting with the City Manager and Fire Department, a statement was made by a firefighter that if there was an emergency on the south side of the river, it would take too long to respond from the north to the south side of the river. He said he thought it was the same distance to go from north to south as south to north. He said Fire Station No. 1 had an excellent response time and several people on Elm Street had been assisted in the past. He said was it cheaper to run six pieces of fire equipment with a full crew to North Lawrence, instead of one pumper truck at two to four firemen at the Recycling Center on Industrial Lane. The residents of North Lawrence did not like the emergency plan.

He said he had not heard the response time from the KTA and he was not notified, even if the KTA ran a test run at peak traffic time.

Mayor Chestnut said the staff memo addressed the response time with the KTA route.

Vice Mayor Amyx said City staff had the opportunity to meet with the residents of North Lawrence, in the past, with projects that affected the bridge or North 2nd Street and were able to look at the emergency response time. During the peak times of the day, North Lawrence residents were concerned that when emergencies arise, whether the City could respond in a timely manner. He said the memo from City staff addressed response time, but he would like a cost comparison in having one emergency vehicle at that location, four hours a day, and compare it with the entire community, North Lawrence included.

David Corliss, City Manager, asked the Vice Mayor if the emergency vehicle would only leave that location if there was a response needed in North Lawrence or if there was a response needed, south of the railroad tracks, and did that vehicle come back to other portions of the community.

Vice Mayor Amyx said he was sure with City staff, staff could respond and make everything work. He said if the City was spending twice the money, he asked if there was a cost that could be measured that satisfied what could potentially be a problem in North Lawrence because of the volume of traffic at that location.

Corliss said staff would get additional information to the City Commission. It was staff's understanding that if they placed a vehicle in North Lawrence, there was no guarantee that vehicle would be at that location during a North Lawrence call because the vehicle might need to go elsewhere in the community to respond to an emergency. He said he recalled that in the 1990's, during a construction project, a vehicle was stationed north of the railroad tracks for a few weeks. He did not think it was for the length of construction, but he would get that information.

Mayor Chestnut said Vice Mayor Amyx was looking for some type of information on some scenario other than what had been proposed by emergency staff and secondly, a history relative to what the City had done in the past with other projects such as the timeline. He said within this construction project too, if that was a scenario, what needed to be considered when that area was actually down to one lane and they needed to look at the project plan.

Boyle said they were not asking for an emergency vehicle to be available 24 hours a day, but during high peak traffic time, which was approximately two hours in the morning (6:00 am to 8:00 am) and two hours in the evening (4:00 pm to 6:00 pm). He said he and the residents of North Lawrence wanted to know the response time from the 6th Street Fire/Medical Station to North Lawrence. The rest of the time traffic would be minimal so the response vehicles could get across the river in a timely manner. He said when going across the bridge

and a vehicle had to merge into one lane on Elm Street, it was said instead of turning to the right, turn to the left onto on-coming traffic. He asked how long would it take for that traffic, during peak rush hours, to clear, from Lyon Street to Elm Street.

Corliss said traffic would not be making a left turn onto Locust, but right through on south and Fire Chief Bradford had a comfort level that would still allow for the emergency vehicle to go north. It was important that in the Fire Chief's mind, how quickly his staff could get to everyone in the community. He said staff knew the roads would be a challenge at that location and was why a plan was devised. The concern was that there would be no guarantee that the vehicle that would be at that location, during peak time, would not be dispatched to another location. Again, staff would provide more information.

Mayor Chestnut said by the City Commission authorizing the Mayor to sign the agreements, they could certainly discuss the emergency response at a later date.

Corliss said that item would be placed on a future agenda relatively soon when staff could provide information and response times.

Moved by Amyx, seconded by Johnson, to authorize the Mayor to sign the cancellation of the original agreement and to authorize the Mayor to sign ARRA Agreement for the 2nd and Locust Street intersection reconstruction project. Motion carried unanimously. **(10)**

Consider awarding City Bid No. B09032, Project No. PW0906, West 9th Street, Iowa to Tennessee Street, Rehabilitation Project.

Chuck Soules, Director of Public Works, presented the staff report. He said the project included removal and replacement of curb and gutter sections, milling, patching, and asphalt overlay to restore structural capacity, proper drainage, and ride quality to the pavement. Also, the project included improvements to the intersection of Avalon Road along with adding a left turn lane.

Staff recommended the low bid from RD Johnson in the amount of \$678,211.19 and authority for an additional \$70,000 in contingency.

He said for the new Commissioners, the contract included an escalator specification for asphalt because of oil fluctuations over the last few years. The escalator specification allowed that for every \$10.00 of asphalt oil increase, the City increased their price of \$0.50 per ton. He said KDOT and other communities were also practicing price adjustments due to oil fluctuations.

He said a question was raised at the last City Commission meeting regarding bicycle lanes and the City Engineer provided a memo explaining the improvements to the West 9th Street project.

In January 2009, City staff discussed this project with the Bicycle Advisory Committee and at that time, the Bicycle Advisory Committee agreed that adding bicycle lanes to 9th Street was beyond the scope of the project.

Mayor Chestnut called for public comment.

Michael Tanner, Lawrence, said this was a bid to rehabilitate 9th Street from Tennessee to Iowa and to make this street repair a priority. He said he drove up and down 23rd Street every day and there were bumps in the road that nearly took the front end off of his vehicle. He said that street was in worse shape than 9th Street. He said why the City should give priority to that section of 9th Street when other roads in the City were in terrible disrepair.

He said the maintenance crew had not been on the ball in terms of street repair and the process used to repair those streets did not work for very long. There were certain techniques used to properly repair streets and thought City workers did not have that experience.

Michael Almon, Lawrence, said last week he brought up the issue that had been a concern with a number of people in the community for about 12 years now and had been officially on the City documents and radar for about 10 years, bicycle lanes on 9th Street.

He said bicycle accident data from 1992 to 1997 was part of the bicycle compatibility index study if not just slightly predating it, but it was used for justification in that study to recommend that bicycle lanes be included on 11 streets in Lawrence which the bicycle

compatibility index indicated would work. Prior to that, the only working document the City of Lawrence had was the Pedal Plan, which was written in 1976 and updated in 1980 and probably since then, the mid 1980's. There had been virtually no movement on bicycle planning since the Pedal Plan was written until the Bicycle Compatibility Index was drawn up, which closely thereafter followed the Bicycle Work Program which laid out procedures and plans for implementing what was decided in the Bicycle Compatibility Index. The Bicycle Compatibility Index showed accident rates and 9th Street indicated it was the highest incident of bicycle accidents between the years 1992 and 1997. There were 11 accidents at that location, one accident that resulted in the death of John Hermes who was riding home from work and a dump truck turned right in front of him. It was that incident that prompted the City to take notice that they had not done anything for Bicycles since the Pedal Plan was drawn up. Because of that incident, Lawrence commissioned the Bicycle Compatibility Index. Most of the projects in the Bicycle Compatibility Index over the years have been implemented, other than Naismith, but at the recent Bicycle Advisory Committee, they recommend that be included. The most important street, the number of highest accidents was 9th Street and was beyond him why after 10 years it kept being put off. It had been on the capital improvement plan since 2003 and he submitted the request in 2002. No one in the City was considering putting that street on that plan, so he did and had been on there ever since. Public Works knew it was on the plan and evaluated it every year with other projects. The plan called for a 60 foot cross section, downsizing the travel lanes from 12 feet to 11 feet, which was in compliance with the National Highway Administration Guidelines, two options of parking removal on both sides and 8 foot bicycle lanes. The other option would be parking removal on one side with a four foot bicycle lane and 12 foot shared parking and bicycle lane.

He said there were several ways the project could be done, but first wanted to point out how the federal highway looked at those kinds of projects. Within the urban setting when trying to retrofit bicycle lanes, it was not the ideal situations and often times took creativity and

cleverness. Their policy was to increase non motorized transportation to at least 15% and simultaneously reduce the number of non motorized users killed in traffic crashes by at least 10%. He said he doubted if Lawrence bicycle combined with pedestrian uses was even 10%, much less 15% and certainly reducing accidents, the other part of the policy, would apply to 9th Street. The policy also embodied, spirit and intent of federal surface transportation law and policy. Furthermore, a number of things were listed that would meet the guidelines which was part of the "Guide for Development of Bicycle Facilities" commonly referred to as the AASHTO Guide (American Association of State Highway and Transportation Officials). Federal Highway rights did consider bicycle and pedestrian needs, a presumption that bicyclist to be accommodated in the design of new and improved transportation facilities and be included as a matter of routine and the decision to not accommodate bicyclist should be the exception, rather than the rule. He said this was also federal highway policy.

He said he knew that Public Works was aware of this policy and last week both the Director of Public Works and City Manager said that they tried to be cognizant of this as much as they could and to accommodate this within the bicycle planning. He said he saw a number of instances and pointed out creative ways that bicycles could be incorporated in on going projects, but Public Works rejected it. He said Massachusetts Street from 13th to 23rd Streets, there were ways the lanes could be configured, but Public Works rejected those ideas. He said at 15th Street, there was no intent to put in bicycle lanes until he pointed out that it was one of the eleven in the Bicycle Compatibility Index. He said being cognizant, he wondered how extensive that really was and did not seem to be on their front burner. Being cognizant of the level of automobile accidents, on the 9th Street hill, was very important and fully agreed and was full of potholes and dangerous to avoid those holes, but based on federal bicycle policy, it should be of equal importance and should be proactive to increase that percentage user rate and reduce the accident rate. He said Public Works should be proactive about this issue.

He said he did not find it a wise use of staff time to be presenting projects one after another and having those kinds of issues sidelined or overlooked unless someone like a citizen made it an issue. It should be part of staff's job description to be following federal policy. He said City staff indicated that they follow federal policy, but too often he saw instances like this arise.

He said by pointing out that the Bicycle Advisory Committee (BAC) seemed to think that this was not important, was a dodge. If Public Works were pursuing this issue aggressively, and proactively, he did not think they would be ignoring the fact that it was on the Capital Improvement Plan for 6 years and part of the Bicycle Compatibility Index for 10 years and federal policy called for this kind of priority. Instead, Public Works went to the Bicycle Advisory Committee. He appreciated the Bicycle Advisory Committee's opinion, but they were not the final arbitrator of what the City did with any given project. He said for Public Works to fall back on that committee, for their excuse, was disingenuous. He said by relying solely on the Bicycle Advisory Committee for the direction of this project was a mistake because BAC were avid bicyclist and recreational bicyclist for the most part.

The Bicycle Advisory Committee's perspective for the use of bicycles in Lawrence was colored by the fact that they were racers, in Ironman competitions and the race in downtown Lawrence. Their perspective was bicycles as recreation and that was the very issue that plagued the implementation of utilitarian bicycles since day 1, since the Pedal Plan and on.

The bicycle program, historically, until not too long ago was within the purview of the Parks and Recreation Department for a reason because Lawrence considered bicycles as a toy, not a tool. He said that has evolved and Public Works was involved with partnership with Parks and Recreation, but it still colored a lot of how the City viewed the bicycle policy and feared the Bicycle Advisory Committee furthered that kind of outlook. Relying on the Bicycle Advisory Committee, exclusively, to recommend or not, whether utilitarian bicycle use on a City street as opposed to a circumferential trail around Lawrence, was not wise. He said he wanted to point

out some options if choosing to be creative and look at what more than one committee said at one meeting.

According to Federal Highway, there were a number of ways to do streets with or without parking. In this case, the one that most closely resembled 9th Street which had parking permitted without parking stripe or parking stall. If it did, it called for a 12 foot lane and if it was not striped between parking and the bicycle lane, 11 feet could be used. They could do it either way, but still fit within the 60 foot cross section of 9th Street. He said if they did 11 foot combined, parking and bicycle lane that left 5 feet for a bicycle lane on the south side, which was standard and 4 feet was the minimum allowed.

He said as far as the entire area of 9th Street, once again he was still not quite sure why there was so much resistance for ten years and with this project to incorporate bicycle lanes at this location. He said and why in the Capital Improvement Plan (CIP), it kept being placed to the furthest date possible each cycle of the CIP. He said what they were talking about was one-third of a mile, 4 blocks and was not a huge undertaking. The project itself from Iowa Street to Tennessee was 15 to 20 blocks and was only talking about 4 blocks and even those 4 blocks, not all of the 4 block would be striped because mid-block between Illinois and Mississippi there was no parking to Mississippi and was travel and turn lanes. He said the same applied at Tennessee and were talking about 3 blocks total.

He said as far as the use on that street, there were 3 banks most of which was drive-through and no on-street parking, 3 gas stations, laundry mat, and the businesses along that area had parking lots or did not need parking lots. The one business that did not have much parking was the Water's Edge, and that business had signed the petition, supporting that project. He said he mentioned, last week, that the 901 Building did have parking requirements on 9th Street and did not want to loose that parking which was out of the purview of that project because they were located by Kentucky Street. He said when a poll was taken along 9th Street

the following merchants signed the petition: the Community Mercantile, 9th and Mississippi; Cathy's Alterations, 701 9th Street; Pyramid Pizza; and Jayhawk FoodMart.

Mayor Chestnut said Almon was reading a petition from year 2000, which was nine years ago and many of those merchant's might have changed.

Almon said that was a correct statement, but he challenged the City to have any data that would counter this poll and if passing a petition at this time, there would be very similar support, particularly at Jensen's Liquor and Owens Florist the businesses that needed parking and yet supported this project because parking was allowed on the north side.

He said when this issue was taken to the Traffic Safety Commission and after the Bicycle Compatibility Index was completed, City staff presented only option No. 1 which was parking removal on both sides of the street which was a red flag for any business owner, particularly the people on the north side and the church that used parking. Obviously, that idea failed with the TSC opposition. It had nothing to do with a 60 foot cross section and there was no documentation in any City materials found that said the 60 foot cross section was an obstacle. The only thing that was brought up was the TSC in 2000 recommended denial because it was misrepresented by staff. The people that signed the petition, the adjoining neighborhoods when they became cognizant of that petition said they supported having bicycle lanes if parking was retained on the north side. If it had been presented to the TSC accurately, there would have been support of the merchants and the adjoining neighborhoods. He said that was why this whole issue was stymied 10 years ago. It was sidetracked by a misrepresentation at the TSC meeting. He said given that information, accident rate, and use rate, it met with the guidelines and policy of federal highway. Also, given they were talking about 3 blocks total of bicycle lanes and it would not impede the project itself of repaving, milling and overlaying, cross section accommodated it and the cross section lane widths met federal highway guidelines, he saw no reason not to accommodate bike lanes. He said he was not asking to reconstruct the street as he thought it was necessary last week, but to re-stripe the street.

He said City Manager Corliss said, "Let's take a look at stripping bicycle lanes and see if we can." Also, Chuck Soules, Public Works Director, said the City might potentially be able to stripe that street, but he did not know. Shoeb Uddin, City Engineer, had been tasked with reviewing mill and overlay projects and he would check with Uddin to see and Mayor Chestnut said he did not know if striping was an opportunity there, it might or might not be, but it was something the City should look at. He said he did not know why this was such a big deal and did not know why he had to keep coming back again and again, when people were killed on the street and people signed a petition. He said it would be simple to add to this project.

Vice Mayor Amyx said since the mid 1980's he had listened to comments Almon made and process was important to Almon. He said staff's intention in 2000 would be a guess and it could be that the recommendation was to redo the street with bike lanes on both sides, but current staff did a great job representing the intentions of the City Commission and community to improve this community. It was true that this project had been on the CIP program since 2003. He said he could understand why the decision was to look at this project as just a maintenance project.

He said he appreciated the work performed by every member the Mayor appointed to the City's advisory boards. He said in this case BAC could be comprised of recreational or professional bicycle riders, but that committee did a good job in making recommendations to the City Commission.

He said if Almon ever thought about presenting this item to the Traffic Safety Commission again and asking for the removal of parking on the south side of the street.

Almon said he was glad that Vice Mayor Amyx brought up the issue of due process because as far as this project being simply a mill and overlay project, the Bicycle Compatibility Index recommendations and Bicycle Works Program specifically said that they did not want to independently fund bicycle lanes as their own project. The appropriate and recommended time was when a street was being mill and overlaid or rebuilt. He said he assumed in good faith as

projects came in on the pipeline that were within those plans, that if staff followed those plans, they would recognize those streets as an opportunity to stripe because it was supposedly what the plans and process called for. He never felt the need to bring it up to the Traffic Safety Commission as its own item until something came along which this project happened in January and was overlooked and then he realized the process did not work and the plan was not looked at thoroughly at the mill and overlay stage. What was presented to the Bicycle Advisory Committee, according to the City memorandum, was that they were presented with the issue that the cross section of the street was not wide enough and staff recommended putting it on a future plan when the street was rebuilt. According to the plan, with the mill and overlay and a 60 foot cross section was the opportunity to do it.

David Corliss, City Manager, asked if 9th Street could be re-striped to put in bicycle lanes.

Shoeb Uddin, City Engineer, said the options Almon suggested were all contingent upon parking being removed on the south side; until that happened, that street could not be re-striped.

Commissioner Johnson said if striping those three blocks as bike lanes, where would those lanes go.

Uddin said Mississippi had a bike route and could potentially go toward Mississippi. Many times people bike on the street even though there was no bike route or lane, but by providing a bike lane, people were encouraged or being led a certain way; beyond that point, if there was no bike lane or route, it would not be a wise thing to do.

Commissioner Cromwell asked if there was an option to change the lane width.

Uddin said a typical traffic lane width was 12 feet, the narrowest traffic lane was 11 feet, and turn lanes were sometimes 10 ½ feet.

Commissioner Cromwell said how wide the traffic lane on 9th Street was.

Uddin said the street was 60 feet wide and the lanes were 11 feet with parking on each side and were already at the minimum. The determination that was made at the Bicycle Advisory Committee was based on the existing situation that parking was on each side and there was no room for a bike lane. The striping of a bike lane could only be entertained as a feasible option only if parking was removed on one side, if not both sides.

Vice Mayor Amyx asked if staff had an idea of how many parking spaces were between Tennessee and Mississippi because there were not a lot of markings to show parking spaces.

Uddin said he did not know the number of parking spaces. The total length was 700 feet and a typical parking length was 20 feet. He said 700 feet divided by 20 feet was 35, but after taking out the intersections, he estimated roughly 50 parking spaces.

Mayor Chestnut said the Commission needed to discuss options. He said he also had some belief in process and if they were going to consider taking away parking, that parking issue needed to go through the Traffic Safety Commission. In fairness to the property owners, a public hearing was needed concerning their potential loss of those parking spaces. The question was if the Commission was willing to move forward and talk about potential options as far as how long until the project was completed and striping began, could there be a process that moved in parallel when the TSC met next, a notice for public hearing needed to be provided to have this issue appropriately heard at the right level, and have property owners notified and represented.

Uddin said within that 60 feet cross section, if assuming the TSC had approved removing parking from the south side, 60 feet would be left of cross section from the face of the curb to the face of the curb because it was a mill and overlay project and they were not widening the footprint. He said within that 60 feet cross sections, lanes, and parking with the curb and gutter and inlets long the way, out of a four foot bike lane, there would be a foot and a half in the gutter pan.

Mayor Chestnut asked when the next Traffic Safety Commission meeting was scheduled.

Uddin said the first Monday in July.

Mayor Chestnut said as far as this project, kicking off with the bids and the mill and overlay process was started, he asked if it would affect any of the design and the striping and when did that need to be known in order for the project to be completed August 1st.

Soules said staff intended the project was to be completed by the time school started, which was the specific deadline in the contract. The overlay work would take place later and staff was meeting with the contractor to find if they would start on the on the east or west side. Overlaying was usually the last thing to happen, but was usually done with striping.

Mayor Chestnut said at the joint meeting with the TSC and the BAC, he said if it was practical to have some presentation or proposal on what the striping would look like with the biking lanes taking into consideration the guttering which was an important point and the Bicycle Advisory Committee had the ability to look at a proposal to see if it was feasible or not. At that point, the TSC could take action on the parking. He said he realized it was a coordination of a lot of people. He said he also wanted to include the property owners to discuss the adverse impact of loosing parking.

Uddin said the BAC met on the 3rd Tuesday of every month.

Mayor Chestnut said the Commission would like to make the request that the BAC adjust their monthly schedule in order to meet this need.

Vice Mayor Amyx said he appreciated Uddin bringing up all the work that was currently happening on 9th Street, on the south side, and looking at those inlets for storm sewers. He said he that extra two and a half feet for a bicycle lane and curb and gutters taking up a foot and a half would not be a safe situation.

Almon said the configuration he was suggesting was a five foot bicycle lane on the south side, standard width and those were the new style inlets that from the curb line, juttied out from the pavement.

Soules said staff needed to look at the cross section.

Mayor Chestnut said all the facts needed to be gathered and this venue was not going to be the venue to try and solve those problems because they were talking about speculative information.

He said his recommendation was for the TSC to take this bicycle issue on in conjunction with the BAC, direct staff to look at the possibilities of stripping, and come up with a collective recommendation which would come back to the City Commission the next night.

Almon said he would appreciate if City staff would allow him to suggest the eleven foot lane on the north side and the five foot lane on the south side as being the safer option.

Mayor Chestnut said any member of the public could make suggestions.

Commissioner Cromwell said he suggested that Almon get an updated property owner petition.

He said he drove 9th Street every day and that street was really rough, so it was wonderful they were moving forward. He said no matter what the City did with all the curb cuts, it still would not be the safest road to be on, but the City could help with safety on that road. The City Commission needed to take a look at bicycle and pedestrian safety on all City projects when moving forward.

Commissioner Johnson said as long as it did not jeopardize or put the project in a situation of not being completed on time, he was willing to explore it.

Vice Mayor Amyx said the City was fortunate enough to have the funding available and it was time to do this project. He said trying to maneuver through some of the soft spots on that road was tough, even with repairs to that road. The left hand turn lane on Avalon was a critical

area. He said he appreciated City staff and the public for trying to make 9th Street a safer roadway.

Mayor Chestnut said he was in support and appreciated the comments from the public. He had some concern about accusations of misrepresentation and competency and he would cast his lot with City staff. The City had a very professional staff in Public Works and had a pavement index that graded every street in the City and there was a scorecard that determined which stretches of road that needed to be paved and thought that this was one that was important to the community. He said he wanted to support the fact that they had a number of advisory boards and number of people who put a lot of effort into community service and respected their opinions.

Moved by Cromwell, seconded by Amyx, to award the bid for West 9th Street, Iowa to Tennessee Street, rehabilitation project to RD Johnson for a total project cost of \$748,211.19 and directed staff to come up with possible bicycle lane striping options in conjunction with the Bicycle Advisory Committee for presentation at the July Traffic Safety Commission meeting. Motion carried unanimously. (11)

Consider the following items related to the Street Sprint portion of the Tour of Lawrence bicycle race, to be held downtown on Friday, July 3, 2009.

a) **Consider approving a temporary use of right-of-way permit for specified portions of 7th Street, the 600 and 700 blocks of Vermont Street, the 600 and 700 blocks of Massachusetts Street, and the alley east of the 600 block of Massachusetts Street for the Street Sprint, July 3, 2009 from 5:30 p.m. to 10:00 p.m.**

b) **Consider authorizing the temporary sale, possession, and consumption of alcoholic beverages as part of the Street Sprint bike race in downtown Lawrence, July 3, 2009, 5:00 p.m. – 12:00 a.m. on the south half of the 600 block of Massachusetts Street and the north half of the 700 block of Massachusetts Street, and adopt on first reading, Ordinance No. 8414, authorizing the possession and consumption of alcoholic beverages on July 3, 2009 on the south half of the 600 block of Massachusetts and north half of the 700 block of Massachusetts from 5:00 p.m. – 12:00 a.m.**

Jonathan Douglas, Assistant to the City Manager, presented the staff report. He said this event was related to the Tour of Lawrence Bike Race, which the City Commission had

already approved aspects of the event for July 4th and 5th. This particular portion of the event was a short sprint scheduled for Friday, July 3rd. He said Massachusetts Street just south of the entrance to the M & M Office Supply driveway would be blocked at 5:30 p.m. and traffic would be allowed to turn around at that point. People could remain parked in that area, but no cars would be allowed until those cars that were parked left that area. At 7:00 p.m., the rest of the streets would be barricaded at 8th Street coming north on Massachusetts Street. Again, parking would still be allowed and cars could come in as others left, but would be barricaded at the intersection to detour cars from that area. Traffic would be routed through the Library parking lot and on the 600 block of Vermont Street traffic would be rerouted from the driveway of the post office. He said the organizers of the event had permission from the library and post office to route traffic in those areas. Kentucky Street and New Hampshire Street would not be blocked in any way.

The Convention and Visitors Bureau was also requesting the sale, possession, and consumption of alcohol on the northern section of the 700 block of Massachusetts and the southern section of the 600 block of Massachusetts. In the coming weeks, the City Commission would see a special event permit for the empty lot next to the Eldridge Hotel for a small outdoor music event.

Vice Mayor Amyx asked if all of the downtown parking would be available on July 5th.

Douglass said correct. The July 5th event would take place around campus.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Johnson, seconded by Cromwell**, to approve a temporary use of right-of-way permit for specified portions of 7th Street, the 600 and 700 blocks of Vermont Street, the 600 and 700 blocks of Massachusetts Street and the alley east of the 600 block of Massachusetts Street for the Street Sprint, July 3, 2009 from 5:30 p.m. to 10:00 p.m. Motion carried unanimously.

Moved by Johnson, seconded by Cromwell, to Approve the temporary sale, possession, and consumption of alcoholic beverages on July 3, 2009 from 5:00 p.m. – 12:00 a.m. and adopt on first reading, Ordinance No. 8414, authorizing the possession and consumption of alcoholic beverages on July 3, 2009 on the south half of the 600 block of Massachusetts and the north half of the 700 block of Massachusetts from 5:00 p.m. – 12:00 a.m. Motion carried unanimously. **(12)**

PUBLIC COMMENT:

Michael Tanner said he wanted to comment about Ordinance No. 8406, regarding defining and permitting homeless facilities and asked if this pertained to the facility on 13th Street.

Mayor Chestnut said this was an ordinance that created some structure around the different proposals on homeless facilities; not only permanent, but temporary facilities. It was a regular agenda item last week where the City Commission took public comment and was on 2nd reading this week. When an item was placed on the consent agenda, members of the public had a choice to remove that item for separate comment, which was the normal process.

Tanner said somehow he always missed those items, but it was stated in the paper that this was the facility the Homeless Shelter was looking at on 13th and Massachusetts.

Mayor Chestnut said this ordinance did not specifically reference that address.

Tanner asked when that issue was coming up.

Mayor Chestnut said it was being considered by the County Commission tomorrow. Since the County owned the building, the County Commission had to make the recommendation. The fact was that that issue might not come to the City Commission simply because the County Commission did not recommend the use of that building in that way, then it would not be considered by the City Commission.

Tanner said even though that facility was a County building, the building had to pass City Code and would not pass City Code because the facility had problems and wanted to report that to the City Commission. He said even though Brian Jimenez was not here to defend himself, he wanted to make a comment about building inspections. He said the Drop-In Center was leased from James Dunn and alleged that building was in violation of City Code under hazardous materials, since that building was leased. He said the type of air ducts, underneath the floors, were banned years ago. When the toilets would overflow in the bathrooms, the waste would go into the air duct system and people were breathing contaminated air. He said he reported this violation and other violations regarding James Dunn's property, but nothing was ever done. He said James Dunn was an upstanding citizen in this town, but it did not mean he was above the law or City ordinances. He said he questioned Jimenez's integrity and ability to do his job.

He said another issue he wanted to address was with Parks and Recreation. He said Ernie Shaw, Director of Parks and Recreation, was proposing to charge people to use the cardio room, which he saw as another attack against homeless people. He said Shaw heard his story about how he rehabilitated himself in that cardio room and got the use of his leg back when police officers in Kansas City assaulted him and broke his leg. If the City Commission allowed Parks and Recreation to start charging for use of the cardio and weight rooms, the next step was that the City would start charging people to use the shower at that location. He said he already won the battle because he had a shack that he had built after the City destroyed his city down by the river.

He said he was opposed to any homeless facility the City opened up because the City was enabling people to be homeless. When he built his City on the river, he encouraged people to do something about their homelessness, but unfortunately two boys died in his city and he was punished for it. He asked the City Commission if they read the USA Today article about homeless camps.

Mayor Chestnut said he had the right to make comments, but not question the City Commission. He said this was not a question and answer period.

Tanner said the city built by the river made the USA Today and when word got around about his city on the river, other cities opened up homeless camps nationwide. He said he was happy the City bulldozed his city because he knew because of their accomplishments in that city and because of their efforts; homeless camps were popping up nationwide. He said it seemed like every time he came to the City Commission meeting to speak, someone put an obstacle in his way and was distracting him and his train of thought. Every time someone distracted his train of thought, it would cause him to take time to regain his thoughts, which was why he spoke for a long time.

He said he had a problem with officials running the Drop-In Center. The City Commission was approving money for Loring Henderson, Director, Lawrence Community Shelter, but Henderson already received large donations from politicians and other people across the nation. He said he wanted to know why the public did not know what was being done with the money that was donated.

Finally, regarding bicycle riding, for the most part, the public was very considerate of bicycle riders in this town. He said the amount of money for improvement to 9th Street could be spent somewhere else.

FUTURE AGENDA ITEMS:

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| Monday
06/08/09 | · City Commission Study Session – 3:00 – 5:00 p.m. Topic: Budget |
| 06/09/09 | · Receive from City Auditor a proposed annual audit work plan. |
| | · Consider approving Comprehensive Plan Amendment CPA-2008-6, amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to and incorporate the West of K-10 Plan and consider adopting on first reading, Joint City Ordinance No. 8391 /County Resolution No. 09-16, by approving and incorporating by reference, CPA-2008-6. (PC Item 10; approved 6-0 on 03/25/09) |

ACTION: Approve CPA-2008-6, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, and adopt on first reading, Joint City Ordinance No. 8391/County Resolution No. 09-16, if appropriate.

- 06/16/09 · Receive public comment on 2010 budget issues.
- 06/23/09 · Consider accepting dedication of easements and rights-of-way for PP-04-01-08, a Preliminary Plat for Fifth Street Bluff Subdivision, a 0.29 acre subdivision consisting of one lot, located at 427 Country Club Court. Submitted by JMC Construction, Inc., property owner of record. (PC Item 1; approved 7-0-1 on 5/18/09)
- Conduct a public hearing on a request by , for a waiver of the restriction of the sale and serving of alcoholic liquor within 400 feet of a school or church, pursuant to section 4-113(a) of the Code of the City of Lawrence, Kansas regarding the temporary sale of alcoholic beverages at the Americana Music Festival at South Park on Saturday, July 18, 2009 from Noon-10 pm; and consider the adoption, on first reading, of [Ordinance No. 8410](#), authorizing the temporary sale, possession and consumption of alcoholic beverages at South Park related to the event.

ACTION: Conduct public hearing, find that the proximity of the Americana Music Festival and temporary sale, possession and consumption of alcoholic beverages, is not adverse to the public welfare or safety; approve the distance restriction waiver request; and adopt, on first reading, Ordinance No. 8410, authorizing the temporary sale, possession and consumption of alcoholic beverages on specified city property, if appropriate.

- 06/30/09 · City Commission Meeting canceled due to fifth Tuesday.
- Monday
07/13/09 · City Commission Study Session – 3:00 – 5:00 p.m. Topic: City Manager's Recommended Budget.
- 07/21/09 · Authorize publication of the 2010 Budget Summary and establish August 11, 2009 as the public hearing date.
- 08/11/09 · Conduct public hearing on the proposed 2010 City budget.
- 08/18/09 · Adopt on second reading, Ordinance No. ____, adopting and appropriating by fund the 2010 budget for the City of Lawrence.
- TBD · Discussion of City Commission meeting protocols.
- Adopt on first reading, Ordinance No. 8397, amending Section 4-103.1 of the City Code related to unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage.
- Adopt on second and final reading, Ordinance No. 8387, for the Rezoning

(Z-2-2-09) of 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip), until such time as the contract purchaser commits to close on the purchase of the property, or September 15, 2009, whichever is sooner.

Moved by Cromwell, seconded by Amyx, to adjourn at 8:50 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF JUNE 2, 2009

1. Douglas Co. SE Area Sanitary Sewer Benefit District Nos. 1, 2 & 3 - \$556,174.04.
2. Reimbursement – Caspian Group, 746 Mass, \$41,000, Downtown Sprinkler System Incentive Program.
3. Ordinance No. 8405 – 2nd Read, Use & occupancies of bldgs & structures with nonflammable medical gas sys, inhalation anesthetic sys, & vacuum piping sys.
4. Ordinance No. 8406 – 2nd Read, TA-04-03-08, define & permit various homeless facilities.
5. Cooperative Agmnt of Understanding – KDOT, L-DC MPO, Regional Trans Planning.
6. Status Update – 6th St ITS Project.
7. Sign of Community Interest – Downtown Film Festival.
8. City Manager's Report.
9. Joint Ordinance No. 8402/County Resolution No. _____, CPA-2004-02, Horizon 2020, Chapter 7: Industrial & Employment Related Land Use.
10. ARRA Agreement – 2nd & Locust St intersection reconstruction.
11. Bid – W 9th St, Iowa to Tennessee St, Rehabilitation project.
12. Temporary Use of ROW - Street Sprint portion of Tour of Lawrence bicycle race.
13. Temporary Sale of Alcohol – Tour of Lawrence – July 3, 2009, 5:00 pm to midnight, 600 blk of Mass