



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

November 17, 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, Dever, and Johnson present.

RECOGNITION/PROCLAMATION/PRESENTATION: None.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve City Commission meeting minutes of October 13, 2009 and October 20, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to receive the Board of Zoning Appeals/Sign Code meeting minutes of May 7, 2009, June 4, 2009, July 2, 2009, September 3, 2009 and October 1, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve all claims to 252 vendors in the amount of \$ 1,062,367.58. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to approve the Drinking Establishment Licenses for Encore, 1007 Massachusetts Street, and the Retail Liquor License for Cork & Barrel, 901 Mississippi Street. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to concur with the Mayor and reappoint Linda Hyler, Bob Schumm and Bob Moody to the Sister Cities Advisory Board to additional terms that would expire December 31, 2012, and to reappoint Brian



Sifton and Sarah Hill-Nelson to the Sustainability Advisory Board to additional terms that would expire December 31, 2012. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to waive bidding requirements and authorize the purchase of parts for the repair and maintenance of Unit 5201, a tub grinder, for the Parks and Recreation Department, from Vermeer Sales and Service for \$48,520. Motion carried unanimously. **(1)**

The City Commission reviewed the bids for The Heating, Ventilation, and Air Conditioning Maintenance Agreement/Service for the Lawrence Police Department Investigations and Training Center. The bids were:

Bidder	Annual Cost	Quarterly	Year 2 (est. max)	Year 3 (est. max)
P1 Group, Inc.	\$26,568	\$6,642	\$27,400	\$28,300
Johnson Controls	\$25,000	\$6,250	\$25,875	\$26,780
Central Mech.	\$18,900	\$4,725	\$19,560	\$20,240

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As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to award the bid for the Heating, Ventilation, and Air Conditioning Maintenance Agreement/Service for the Lawrence Police Department Investigations and Training Center to P1 Group, in the amount of \$26,568 for 2010, with an option to renew for two additional one-year periods. Motion carried unanimously. **(2)**

Ordinance No. 8475, for the rezoning (Z-8-12-09) of approximately .189 acre located at 504 Locust Street from IG (General Industry) to CS (Commercial Strip), was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (3)

Ordinance No. 8476, for the rezoning (Z-8-13-09) of approximately .063 acre located at 500-500 1/2 Locust Street from IG (General Industry) to CS (Commercial Strip), was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (4)

CITY MANAGER'S REPORT:

During the City Manager's report Cynthia Wagner, Assistant City Manager, said that staff continued to work on the acquisition of the Santa Fe Station from BNSF with the appraised value of the structure at \$56,000. It was confirmed with KDOT that the City could still apply for the TE Grant, even if ownership had not yet been obtained; the City's website for October received 61,595 visits with Parks & Recreation receiving three positions in the top 10 most visited on lawrenceks.org.; yard trimming collection saw a record number of set outs this Fall season; and, the Community Commission on Homelessness developed "Conflict Resolution Protocols/Guidelines" to be used for issues related to homelessness. (5)

REGULAR AGENDA: None.

PUBLIC COMMENT:

Nicole Manriquez, a member of the Lawrence community, said there were many people in town that were completely against the proposed ban on panhandling. The current ban was perfect, but to ban panhandling completely would take away so much from this town. The compassion of this town was built on more than who had money. The community would be taking away the right that "giving" was a choice of free will. Many people felt that music on the

street was important and taking away that freedom of expression, and the right to free speech, was completely unacceptable and were opposed to the new ordinance. It did not matter if one was in high dollar clothes or in clothes that had not been washed for months, it was all about the love and unity of this town. For those people on Massachusetts who were asking for a buck or two, she asked what was wrong with asking for money for help.

She said she understood aggressive conduct was the cause of problems downtown, but there was no law enforcement stopping this behavior. Now that there was less people downtown at least 4 police officers were present all day in the downtown area.

The people that came to Lawrence that stated were afraid of panhandlers, did not love this community, but came to Lawrence for KU basketball and that was not what this town was about. She said if passing this ban, a big part of the soul of Lawrence would be taken away and Lawrence would not be as beautiful and wonderful place to live any longer.

She said she strongly disagreed with the ban on panhandling and did think the ban should take place as well as many other people in the community and she felt like this issue was worth fighting for.

Dale Willis said Manriquez had a lot of good points, but he could carry any sign he wanted because this was America, as long as he did not infringe upon anyone else's rights. He said there were people fighting overseas and dying right now, for him to have the right to carry a sign. Again, it was a constitutional right and this was America.

Carmel (last name unknown) said everyone, for the most part, was nice. She liked downtown because people were doing their own thing and playing their instruments. She said even though she found panhandling pretty annoying, she liked the freedom. She said she was not obligated to give money to someone asking for money, if she did not want to.

Carly (last name unknown) said she recently moved to Lawrence to attend school, from Coffeyville, a town located at the southeast corner of Kansas on the Oklahoma border. She said their town had policies against aggressive panhandlers. She said she liked that people

were able to ask for money, cigarettes or leftovers, but no one had to give anything to anyone. Since the City already had a ban on aggressive panhandling, that ban was sufficient. The ban being proposed was not only an unnecessary measure, but harming the creativity that was a part of Lawrence.

If thinking about this issue from a sympathetic point of view, people asking for money did not necessarily have a choice and by taking away their right to ask for help and charity, was harming their personal human rights. She said from an economical standpoint, a person giving money to someone asking for money, would be helping the local economy. Part of the reason some of these people were out on the streets was because of the recession felt for nearly two years now.

Angie Shanehair said she moved to Lawrence in September to start school at KU. She said she was a street performer and played the accordion. She said from her personal experience, it had been a wonderful experience. Numerous people thanked her for playing and told her this was why they loved Lawrence. She said if the worst inconvenience for a person was turning their head the other way from a person who might not be able to eat, the City needed to re-think and prioritize what actually was important, especially with the homeless shelter and less space available for those people. The barrier between the wealthy and those who did not have enough money to buy food needed to be lessened. She said she was begging the City Commission to reconsider this issue.

Chelsea Donahue, Lawrence resident, said the current ban dealt with aggressive panhandling and she was personally in favor of panhandling, but not aggressive panhandling. She said the enforcement of aggressive panhandling was what needed to be addressed.

Michael Tanner, spokesman for the Coalition of Street Musicians, said they were in opposition of the taskforce. He said it would have a negative impact on businesses in town to make people apply for a permit to perform on the street. He said he would present a petition in opposition to this taskforce to protect their rights.

(5)

FUTURE AGENDA ITEMS:

- 11/24/09 · Adopt on first reading the following ordinance(s):
- a) Ordinance No. 8471, for the annexation (A-8-3-09) of approximately 34.38 acres and adjacent right-of-way for Wesleyan Church Development, located southeast of 31st and Kasold Drive. (PC Item 4A; approved 9-0 on 10/26/09)
 - b) Ordinance No. 8472, for the rezoning (Z-8-14-09) of approximately 30.14 acres, located southeast of 31st and Kasold Drive, from A (Agricultural) to RM12 (Multi-Dwelling Residential). (PC Item 4B; approved 9-0 on 10/26/09)
 - c) Ordinance No. 8473, for the rezoning (Z-8-15-09) of approximately 4.24 acres, located southeast of 31st and Kasold Drive, from A (Agricultural) and V-C (Valley Channel) to OS (Open Space). (PC Item 4C; approved 9-0 on 10/26/09)
 - d) Ordinance No. 8474, for the rezoning (Z-8-16-09) of approximately 10.24 acres, located southeast of 31st and Kasold Drive, from RM12 (Multi-Dwelling Residential) and OS (Open Space) to the Floodplain Overlay District. (PC Item 4D; approved 9-0 on 10/26/09)
- 12/01/09 · Receive staff report regarding the Pavement Maintenance Program Update (Cycle Two Status Report) and 2010 Street Maintenance Program.
- 12/08/09 · Conduct public hearing to discuss the condition of the fire damaged structure at 2137 Tennessee and to consider declaring the structure unsafe and ordering its repair or removal within a specified period of time.
- Resolution establishing the Lawrence-Douglas County Joint 2010 Census Complete Count Committee
- TBD · Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties.
- ICS Training. DGCO Emergency Management Memo
- Receive request from Mark Andersen, on behalf of Inverness Park, LP, property owner of record, to reconsider the denial of the rezoning request (Z-7-11-09) to rezone approximately 10.97 acres, located on the SE corner of Inverness and Clinton Parkway, 4300 W. 24th Street, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). This item was originally heard by the City Commission on 10/06/09. Staff Memo & Attachments
- Receive staff report regarding the Pavement Maintenance Program Update (Cycle Two Status Report) and 2010 Street Maintenance Program.

- Discussion of financing methods for traffic calming devices.
- Fairfield East maximum special assessment hearing
- Recycling report with comments from SAB
- Consider a request from the Oread Neighborhood Association to enact a moratorium that would prohibit permitting Boarding Houses in the City of Lawrence while a text amendment to the Land Development Code to revise standards pertaining to Boarding Houses is processed.
- Staff report regarding potential annexation of Westar Energy Center.
- Follow-up to 10/27/09 Commission discussion of Downtown issues, including regulations for panhandling, downtown planning and redevelopment, marketing and incentives for retail establishments and related issues.
- Conduct public hearing and consider approving Site Plan SP-6-26-09, and the sidewalk dining and hospitality license, for the Granada, located 1020 Massachusetts Street. Submitted by Paul Werner Architects for Granada LLC., property owner of record. Staff Report Staff Memo Site Plan Site Plan Elevations

ACTIONS: Hold a public hearing. Find that the proposed sidewalk dining and hospitality use is in the public's interest, if appropriate.

Approve Site Plan SP-6-26-09, for a sidewalk dining and hospitality area for Mike Logan, Granada LLC, d/b/a The Granada, 1020 Massachusetts Street (submitted by Paul Werner for Granada LLC, property owner of record), if appropriate.

Approve sidewalk dining and hospitality license for The Granada, 1020 Massachusetts Street, and authorize the City Manager to enter into a right-of-way agreement with the applicant, if appropriate.

Adopt on first reading, Ordinance No. 8459, allowing possession and consumption of alcoholic beverages on certain city property pursuant to The Granada Sidewalk Dining and Hospitality License, if appropriate.

COMMISSION ITEMS:

Vice Mayor Amyx said a court action was taking place tomorrow concerning 617 West 4th Street and he received inquiries regarding the City Commission action in which the terms, the City Commission placed on this property owner, had not been met. He said he was asking the Mayor to place this item on the agenda for City Commission action.

Cynthia Wagner, Assistant City Manager, said a hearing would take place tomorrow regarding an injunction against the City of Lawrence in taking action on that property and staff would know more on how to proceed tomorrow.

Moved by Cromwell, seconded by Amyx, to adjourn at 7:03 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF NOVEMBER 10, 2009

1. Waive bid - authorize purchase of parts for the repair and maintenance of, a tub grinder, for the Parks & Rec Department, from Vermeer Sales and Service for \$48,520
2. Award bid - Heating & Air Maintenance Agreement/Service for Police Department Training Center to P1 Group in the amount of \$26,568
3. Ordinance No. 8475 – 2nd Read, Rezone (Z-8-13-09) .189 acres, 504 Locust from IG to CS.
4. Ordinance No. 8476 – 2nd Read, Rezone (Z-8-13-09) .063 acres, 500-500 ½ Locust from IG to CS.
5. City Manager's Report