



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
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

November 24, 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 Dever present. Commissioner Johnson was absent.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Mayor Chestnut proclaim Friday, November 27, 2009 as the "Salvation Army Christmas Kettle Kick-Off-Day."

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to receive minutes from the Public Health Board meeting of September 21, 2009; Sister Cities Advisory Board meetings of August, 12, 2009, September 16, 2009, October 14 2009 and October 28, 2009; Sustainability Advisory Board meeting of October 14, 2009; Board of Electrical Appeals meeting of July 1, 2009; and the Planning Commission meeting of October 26, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve all claims to 458 vendors in the amount of \$1,582,902.09 and payroll in the amount of \$1,795,586.65 from November 8, through November 21, 2009 Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve the Drinking Establishment Licenses for India Palace, 129 East 10th.; Quinton's Bar & Deli, 615 Massachusetts; Applebee's 2520 South Iowa; Applebee's, 3900 West 6th; Wheatfields,



904 Vermont; Buffalo Wild Wings Grill & Bar, 1012 Massachusetts; and Phoggy Dog Bar & Grill, 2228 Iowa. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to concur with the recommendation of the Mayor and appoint Darrel Ward to the Sister Cities Advisory Board to a term which will expire December 31, 2012. Motion carried unanimously.

The City Commission reviewed the bids for the purchase of water treatment chemicals for the Utilities Department. The bids were:

PRODUCT	VENDOR	BID
QUICK LIME	US Lime Company	\$123.25/ ton*
QUICK LIME	US Lime Company	\$123.25/ ton*
SODIUM BISULFITE	Brentag Mid South	2.065/gal*
FERRIC CHLORIDE	Kemira Water Solutions, Inc	1.40/gal*
SODIUM HYPOCHLORITE	Brentag Mid South	.59/gal*
POWDERED ACTIVATED CARBON	Cal Pacific Carbon	1,160.00/ton*
POLYMER, KAW PLANT	Cedar Chemical	1,100.00/ton*
POLYMER, CLINTON PLANT	Nalco	1,100.00/ton*
CALGON WPH 800 PAC	G.S. Robins	1,710.00/ton*
CARBON DIOXIDE	EPCO	63.05/ton*
SODIUM HEXAMETAPHOSPHATE	F2 Industries	2,260.00/ton*
SODIUM SILICOFLUORIDE	Brentag Mid South	838.00/ton*
SODA ASH	BHS Marketing	385.00/ ton*
AQUA AMMONIA	Harcros Chemicals	230.00/ ton*
ALUMINUM SULFATE – BULK	G.S. Robins	520.00/ ton*
PHOSPHATE SOLUTION	G.S. Robins	12.10/gal*
QUICK LIME (Wastewater Plant)	US Lime Company	\$123.25/ ton*
SODIUM HYPOCHLORITE	Brentag Mid South	.59/gal*
SODIUM BISULFITE	G.S. Robins & Co.	2.30/gal*
FERRIC CHLORIDE	Kemira Water Solutions, Inc	1.40/gal*
POTASSIUM PERMANGANATE	G.S. Robins	3.10/lb*
TRAMFLOCK ANTI-FOAMER	Tramflock Industries	2.35/lb*
POLYMER	Polydyne, Inc.	2,139.00/ton*
POLYMER	CIBA Specialty	2060.00/ton*
FERROUS CHLORIDE	Kemira Water Solutions	.46/gal*
FERROUS CHLORIDE	Kemira Water Solutions	.46/gal*
FERROUS CHLORIDE	Kemira Water Solutions	.46/gal*

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve the recommended bids from the Utilities Department, as marked (*). Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to adopt on first reading, Ordinance No. 8471, for the annexation (A-8-3-09) of approximately 37.05 acres and adjacent right-of-way for Wesleyan Church Development, located southeast of 31st and Kasold Drive and authorize the Mayor to sign annexation agreement. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to adopt on first reading, Ordinance No. 8472, for the rezoning (Z-8-14-09) of approximately 32.69 acres located southeast of 31st and Kasold Drive, from A (Agricultural) to RM12 (Multi-Dwelling Residential). Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to adopt on first reading, Ordinance No. 8473, for the rezoning (Z-8-15-09) of approximately 4.36 acres, located southeast of 31st and Kasold Drive, from A (Agricultural) and V-C (Valley Channel) to OS (Open Space). Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to authorize the Mayor to sign and execute Supplemental Agreement No. 2 with KDOT for the 23rd Street consolidation of access points. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to approve the 2010 City Commission Meeting schedule. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Amyx, seconded by Dever**, to authorize the City Manager to execute an Agreement with Olsson and Associates for \$57,124.00 to provide Engineering Design Services for the 6th Street ITS project. Motion carried unanimously. (7)

CITY MANAGER'S REPORT:

During the City Manager's Report David Corliss said that the Bowersock Dam geotechnical investigation to determine the sheet pile lengths for repairs was completed and only 60% of the budgeted borings within the Kansas River were necessary. Geology mapped for the entire width of the Kansas River upstream of the Dam aided in future design work for the southern third of the dam. Construction for the temporary bridge over the spillway was underway, with most of the bridge foundation completed; and, the City of Lawrence's Facebook fans reached 1,000. Residents, former residents and anyone wanting to receive information from the City of Lawrence could register as a 'fan' on the City's Facebook site (<http://facebook.com/CityOfLawrence>) and received daily updates.

REGULAR AGENDA: None**PUBLIC COMMENT:**

Hubbard Collinsworth said he wished council members and City staff a Happy Thanksgiving Day and invited the City Commission to participate in LINK's (Lawrence Interdenominational Nutrition Kitchen) annual Thanksgiving meal.

Eric Toler, 1030 Ohio St., said that he had read a Journal World article regarding Rickshaws (mode of human-powered transport in which a runner draws a two-wheeled cart seating one or two persons) in Lawrence and was wondering about the viability of an ordinance being passed. He said he was curious and wondered if downtown Lawrence was going to have a Rickshaw business.

David Corliss, City Manager, said the City received a request and staff was currently reviewing that idea. He said the Rickshaw request would be on a future agenda. He said it was a matter figuring out licensing procedures, insurance requirements, and a level of consumer protection. He said the City regulated Taxi Cabs fairly minimally and might want to have the same types of regulations for Rickshaws. Corliss said the individual making the request

indicated that he would like to start in the spring. He said the City Commission would likely receive a staff report, an ordinance, and/or regulations to adopt. He said staff wanted to encourage that type of business, but needed to understand the appropriate City role regarding that type of business. (8)

FUTURE AGENDA ITEMS:

- 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

Receive recommendation from the Public Incentives Review Committee (PIRC) regarding the acquisition of the west Lawrence Lab Building, located at 4950 Research Parkway. Consider agreements and first reading of bond ordinance.

November 10, 2009 CC Meeting Materials:

Staff Memo & Attachments
Cost Benefit Analysis Memo
West Lawrence Labs Cash Flow Projections
Ownership Information Staff Memo
Question/Answer Staff Memo
Information from Marilyn Bittenbender/Grubb & Ellis The Winbury Group
Gilmore & Bell Timeline
Correspondence

Miscellaneous information from PIRC meeting:

Kirk McClure Email and Staff Response
Critech Powerpoint Presentation
Building Appraisal

TBD Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties.

Adopt on first reading, 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)

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.

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.

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.

David Corliss, City Manager, said Commission Johnson asked that the City Commission take a look at the rezoning denial decision the City Commission had already discussed regarding Inverness and Clinton Parkway Apartments and consider sending that matter back to the Planning Commission. If the City Commission did reconsider, it would be appropriate to send notices to the property owners in that area, particularly the people that participated in the public discussion so those people were not surprised by the City Commission's deliberations. He said the citizens left the room knowing that zoning request was denied and thought it was the end of that matter. He suggested placing this City Commission item back on the agenda on January 15th. He said the City Commission would not be reconsidering the rezoning, but sending the rezoning back to the Planning Commission for certain areas of stipulation and certain items to study.

He said if there was no objection, staff would like to schedule the City Commission's receipt of the reconsideration for January 15th and notify the property owners in the area.

Vice Mayor Amyx said he would like additional information regarding votes for reconsideration.

Corliss said staff would get the City Commission additional information. The vote had to come from one of the City Commissioners on the winning side of the decision. All of the City Commissioners voted unanimously to deny the rezoning.

Commissioner Cromwell the last time around there was discussion about the radius of notification and asked if the notification would be taken out further than in the past.

Corliss said he thought staff should include all of that residential area to the west all the way to the Montessori School and go into the residential neighborhood south of the creek. He said both those areas participated in the discussion. He said staff would enlarge the radius.

COMMISSION ITEMS: None

Moved by Dever, seconded by Amyx, to adjourn at 6:54 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF NOVEMBER 24, 2009

1. Bid - Water Treatment chemicals for 2010 as recommended by Utilities Dept.
2. Ordinance No. 8471 – 1st Read, Annex (A-8-3-09) – SE of 31st & Kasold, 37.05 acres.
3. Ordinance No. 8472 – 1st Read, Rezone (Z-8-14-09) 32.69 acres, SE of 31st & Kasold, from A to RM12.
4. Ordinance No. 8473 – 1st Read, Rezone (Z-8-15-09) 4.36 acres, SE of 31st & Kasold, from A & V-C to OS.
5. Supplemental Agreement No. 2 – KDOT, 23rd St. consolidated access points.
6. 2010 City Commission Meeting schedule approval.
7. Engineering Design Agreement - Olsson & Assoc for \$57,124.00, 6th St. ITS project.
8. City Managers Report