



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

March 30, 2010

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:

With commission approval Mayor Chestnut recognized Kassie Shook for her outstanding service to the students of Sunflower Elementary School, the patrons of USD 497, and for her designation as the 2010 Kansas Master Teacher.

With Commission approval Mayor Chestnut proclaimed the week of April 5 – 11, 2010 as Public Health Week; and, April 2010 as Child Abuse Prevention Month and Mathematics Awareness Month.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell** to approve the City Commission meeting minutes of February 9, 2010 and February 16, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to receive the Community Commission on Homelessness meeting minutes of February 9, 2010; the Community Development Advisory Committee meeting minutes of February 25, 2010; the Public Health Board meeting minutes of January 25, 2010; the Planning Commission meeting of February 22, 2010; the Aviation Advisory Board meeting of February 3, 2010; and, the Parks and Recreation Advisory Board meeting of March 9, 2010. Motion carried unanimously.



As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve claims to 244 vendors in the amount of \$2,160,527.79 and payroll from March 14, 2010 to March 27, 2010, in the amount of \$1,769,897.07. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve the Drinking Establishment License for The Barrel House, 729 New Hampshire; The Hawk, 1340 Ohio; and, the Cereal Malt Beverage license for Bullwinkle's, 1344 Tennessee. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to concur with the recommendation of the Mayor and appoint Michael Allen to the Human Relations Commission, to a position that would expire September 30, 2011; reappoint Deborah Thompson to the Library Board of Trustees to a term that would expire April 30, 2014; appoint Cindy Maude to the Mental Health Board to a position that would expire April 30, 2014; and, appoint David Ambler to the Public Health Board to a position that would expire March 31, 2014. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to apply local purchasing preference policy and award the bid for one compact pickup for Public Works Department to Laird Noller Automotive for \$17,875.00 Motion carried unanimously. **(1)**

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to waive staff estimate and award the bid for the Comprehensive Rehabilitation Project at 1132 Rhode Island Street to T & J Holdings for \$24,965. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve Change Order No. 1 to the construction contract with RD Johnson Excavating Co., for the 2009 Watermain Rehabilitation Phase I Project, increasing the contract amount by \$65,381.45. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, approve sale of surplus equipment on Gov Deals. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to adopt Resolution No. 6879, setting a public hearing date of May 18, 2010, to review the condition of the dilapidated structures at 1313 Haskell Avenue and to consider declaring structures unsafe and ordering repair or removal within a specified period of time. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to authorize staff to negotiate a contract with Coffman Associates for an updated Airport Master Plan and Airport Layout Plan for the Lawrence Municipal Airport. The contract would be presented to the City Commission for approval. Authorize City Manager to sign a purchase order for up to \$5,000 with Bucher, Willis & Ratliff Corporation for an independent cost fee analysis. This expenditure is eligible for ninety-five percent federal reimbursement. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to approve as “signs of community interest”, a request from the Friends of the Lawrence Public Library to place yard signs advertising a used book sale between 6th and 9th Streets and between Massachusetts and Tennessee Streets on Friday, April 16 and remove them on Tuesday, April 20. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Amyx, seconded by Cromwell**, to authorize the Mayor to sign a Subordination Agreement for Rick Anderson, 1602 East 18th Street. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Amyx, seconded by Crowell**, to authorize the City Manager to execute an agreement between the City of Lawrence and the

University of Kansas Continuing Education to allow for an expansion of the City Banner Program. Motion carried unanimously. (9)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss reported that Planning Staff had released the 1st draft of the Northeast Sector Plan which could be found at http://www.lawrenceks.org/pds/draft_plans; the impact of lost demand transfer revenues as a result of state budget decisions and tax policies; building permit trends compared to previous years and other area jurisdictions; update on the Burroughs Creek Trail project; and, construction began on the New York Street brick reconstruction project.

Commissioner Cromwell said regarding Burroughs Creek Trail, at one point paving the old Haskell Rail Trail was discussed with some savings.

Corliss said the federal government would not allow the City to expand the scope of their funding for the project because it was not included in the original description of the project and staff was not able to proceed. He said staff did want to look at future bids to see if paving could be done on that trail, but not at this time.

Mayor Chestnut said along Burrough's Creek there were long stretches completed, but the intersections at 13th, 15th, and 19th, were not completed.

Chuck Soules, Public Works Director, said probably in April.

Corliss said the 19th to 11th street would be finished by May, but it was weather dependent.

Mayor Chestnut said it was safe to say that by sometime early summer, all of those connections would be made from 11th Street to 19th Street. (10)

REGULAR AGENDA

Conduct public hearing to consider the vacation of an unoccupied utility easement located in Lot 3, Timberedge Road.

Mayor Chestnut called a public hearing to consider the vacation of an unoccupied utility easement located in Lot 3, Timberedge Road.

Chuck Soules, Director of Public Works, said this vacation was in relation to the new transit facility where the lot line needed shifting. He said staff contacted all adjacent owners and utilities, and staff had no objections. It was staff's recommendation to approve the order of vacation.

Mayor Chestnut called for public comment.

Upon receiving no public comment, **it was moved by Amyx, seconded by Cromwell**, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Dever to approve the order of vacation for an unoccupied utility easement located in Lot 3, Timberedge Industrial Park. Motion carried unanimously. (11)

Consider adopting on first reading, Ordinance No. 8497, initiating a previously authorized fifty-five percent (55%) tax abatement on machinery and equipment for Amarr Garage Doors and repealing Ordinance No. 8470, granting the same fifty-five percent (55%) tax abatement on machinery and equipment as well as a fifty-five percent (55%) tax abatement on real property as well as machinery and equipment.

Roger Zalneraitis, Economic Development Coordinator/Planner, said in 2003 Amarr Garage Doors came before the Commission asking for a 55% tax abatement on real property, machinery and equipment for an expansion Amarr was undertaking. He said it was constitutional tax abatement not an Industrial Revenue Bond. He said there were delays in the expansion because of another expansion that took place at that location.

Early last year, Amarr approached the City about initiating the abatement starting on January 1, 2010. He said the initiation of the abatement came before the City Commission in October and it was approved. In the meantime staff started the Court of Tax Appeals paper

work and in the process, discovered that Amarr had sold the building to another company sometime in 2007 or 2008. The problem that came about was that a business had to own the property to receive a constitutional tax abatement or some type of ownership relationship with the firm that owned your property, neither applied in this case, for the real property in question, the machinery and equipment was still owned by Amarr. He said this was unfortunate, regarding state law that they could not receive the tax abatement. He said staff looked for other alternatives and there were none so staff needed to establish an ordinance that would approve the tax abatement for the machinery and equipment and could not have any discussion about the real property because the property could not be abated.

Mayor Chestnut said this was essentially for equipment that would have been installed between 2003 and July 1, 2006, because after that everything was exempt anyway.

Mayor Chestnut called for public comment.

After receiving no public comment, **it was moved by Johnson, seconded by Dever**, to adopt on first reading, Ordinance No. 8497, initiating a previously authorized fifty-five (55%) tax abatement on machinery and equipment for Amarr Garage Doors and repealing Ordinance No. 8470. Motion carried unanimously. (12)

Consider approving allocation of \$10,000 from the Guest Tax Reserve Fund, temporary use of right-of-way permit for the use of various city streets, and donation of various city services in support of the Tour of Lawrence, July 2-4, 2010).

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report. He said there were three portions to this event. A street sprint to be held on Friday evening, July 2, from Kentucky to New Hampshire Streets and would not block either Kentucky or New Hampshire. Set up would begin at 3:30pm and streets would close down entirely at 7:00 pm for the race and the parking lot would close at 5:30 pm where cars would not be able to leave after that point. Towing would be enforced on 7th Street, but not on any adjacent street. Half of the 600 and 700 blocks would be closed. Traffic would be able to turn around in the M&M Office Supply drive and additional places would be blocked off to provide an additional turn around.

Traffic would be allowed to come on to the 700 block from 8th Street as parking became available and race volunteers would be controlling that point.

He said that the second portion of the race was the campus circuit race, similar to last year, the only change was that it would be held on Saturday instead of Sunday, to keep the downtown race on Sunday, July 4th, when most of the retail businesses were closed and traffic was generally light. Staff received one phone call from someone who lived on Emery who was not in support of the street closure. Notification was sent to every address and every property owner all the race routes.

He said parking would be prohibited on the course, but a lot of the course was already limited parking. He said most of the course would be closed except race volunteers would let traffic on to the course to access their properties when it was safe to do so, when the racers were not coming up and emergency vehicles would not be delayed in any way.

The final portion of the event was the downtown criterium, which would have the same course as last year. Street closures would start at 6:00 am Sunday morning, with no parking along the course and races start at 9:00 am. The meters downtown would not be bagged the Convention and Visitors Bureau would put up signs that were zip tied to the meters which seemed to work very well last year and didn't give the premature impression that all of those parking meters were closed.

He said in addition to the postcard sent to the all property owners, he also sent emails to the neighborhood associations and to Downtown Lawrence Inc. to make sure they knew this item was on the agenda tonight.

Mayor Chestnut called for public comment.

Commissioner Johnson asked if any feed back was received after last year's event on any issues that came up.

Bob Sanner, Convention and Visitors Bureau, said the numerous emails he received were positive and mainly from cyclist who traveled into Lawrence for the weekend, thanking the

CVB for putting on a tremendous event. A number of local citizens emailed the CVB office letting them know this was a great event and hoped to see it come back. The only interaction he had on the negative side was that earlier this year, when working with West Hills Neighborhood Association on getting their approval there was a son of a household on Colonial Court that was upset with the way that he was denied access, or could not come and go as he pleased due to cyclist on Emery or West Hill Terrace or Parkway. He said he forwarded that email on early to the Assistant to the City Manager, who passed the information on to the appropriate people.

David Corliss, City Manager, said he did not think City Hall received any negative comments, but received comments about why more downtown business were not open on Sunday to take advantage of the crowd and maybe with the continuing event, downtown businesses could see an economic opportunity, but obviously, a business could not be open all the time.

Mayor Chestnut said how many cyclists were from outside the community that came in for this event.

Sanner said there were a total of 317 participants from last year, he broke that down on a spreadsheet and would say that 70% were out of town, not day trippers who might be coming from Topeka or Kansas City. He said cycling was very specialized, and that the vast majority of the participants were coming in from out of state. He said 16 or 17 different states were represented and the CVB's goal was to go from 317 participants to 600 participants, and the only way to get at that number, was to bring more people from outside the state.

Mayor Chestnut said he knew people came from far and wide and it was great to promote Lawrence.

Jeremy Furse said if this was the same race he did a report on several years ago for the city.

Mayor Chestnut said no.

Furse said the reason why more business were not open on Sunday, was because this did absolutely nothing to benefit any businesses which was why most business opted to close. This year being the 4th of July, the greatest majority of business would be closed anyway. He said it did not bring shoppers, but it might do something for restaurants and lodging, but nothing for the shoppers and most stores would be closed.

Vice Mayor Amyx said in looking at the course for the Sunday criterion, it looked as though was addressed, but there might be a point of conflict on Sunday, July 4th, for the churches along Vermont Street and since those churches would not be in the footprint of the track, parking should be available for church services.

Sanner said several years ago when hosting Collegiate Nationals, they worked with those churches on Vermont Street and came up with the current race course, a figure 8, because the participants were going down Vermont to 10th Street. In sitting down with the various churches, the current race route was worked out and there would be no issues.

Commissioner Dever said that he thought the economic analysis completed by Roger Zalneraitis, Economic Development Coordinator, was straight forward. He said more people were needed to benefit in a greater way, but overall it was a great event and had a lot of intangible benefits for the people living in this community, not just the dollars and cents for the vendors, store owners and shop keepers. He said overall it was a great event and would like to see it continue.

Mayor Chestnut said he agreed.

Commissioner Cromwell said it was fun to watch last year for the entire package over the 4th of July weekend.

Moved by Dever, seconded by Amyx, to approve the allocation of \$10,000 from the Guest Tax Reserve Fund to the CVB in support of the Tour of Lawrence; approve the temporary use of right-of-way for the use of various City streets on July 2-4, 201 for the Tour of Lawrence,

pending receipt of proof of insurance; and, approve the donation of various City services in support of the Tour of Lawrence. Motion carried unanimously. (13)

Consider adopting on first reading, Ordinance No. 8501, establishing the Social Service Funding Advisory Board.

Casey Toomay, Budget Manager, presented the staff report. She said money was allocated to a variety of social service agencies each year through the City's budget process and tried a number of different ways to review those applications, whether it was a committee made up of members of the Commission, the City Manager and staff providing recommendations to the Commission as a whole. There was also an Alcohol Advisory Board that reviewed applications for alcohol funding in the past.

Staff brought before the City Commission an ordinance that established a new board that would take place of the existing Alcohol Board and Housing Trust Fund Board. The new board would look at all of the City funding that was allocated through the budget process, so the special alcohol funds, which would still be used for the same purposes as outlined in one of the City's charter ordinance, alcohol and drug related activities, prevention, and interventions. The new board would also consider applications for general operating funds.

She said the ordinance called for a board made up of seven people, one being a representative of the United Way, to provide context of activities that the agencies put on and their abilities to meet the objectives outlined in their proposals and different levels of funding, to give a big picture of what levels of funding they were receiving community wide.

David Corliss, City Manager, said there was discussion at the agenda meeting about the question or the appearance of a conflict if a member of the board would be employed by an agency receiving the funding and a sentence was added to the draft that read, "members shall not be employed by any agency receiving social service funding from the City." That wording might be something appropriate to include so there was no question about the disinterested nature of the board members. He said obviously, they wanted some citizens that were involved

in boards where they might be on their Board of Directors, for example, but they were not being compensated by that particular agency.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said that he thought the idea of inserting the clause was appropriate. He said he realized that the City funded a number of agencies, but needed to be circumspect to make sure there was no appearance of conflict of interest. He said he thought there were a number of community folks that were qualified and interested in a number of those issues and would find plenty of folks to be on the board. He said for several years, the City had an awkward budget discussion, with the special alcohol tax money, and the things coming out of the general fund and other places and to look at it in totality made sense. He said a lot of the agencies, regardless of the source of where it came from, from the City budget, translated into "x" number of dollars for them.

Vice Mayor Amyx said this was a tough job and in looking at the Community Development Block Grants, a committee handled and reviewed all those applications and had become a full time volunteering position in making sure the allocations of those funds were done correctly. He said in looking at the duties of this board, the Commission might want to discuss specific directions such as where funds were going and not just making agency allocations rather than having a specific goal in mind.

Mayor Chestnut said he agreed and as that group was formed, as an Advisory Board, that would be a recommendation. He said it was hope there would be a group that could spend more than just the normal budget cycle, talking about and reviewing.

Commissioner Cromwell said last year, things were broken into categories, and made sure the funding was equal. He said they would probably see more success and more happiness among the board members, if providing clear direction and funding guidelines.

Mayor Chestnut said the addition of the language indicating, “members shall not be employed by any agency receiving social service funding from the City”, and asked if there would be an issue with that language.

Commission Dever said the only thing that could be done was to ask that member to remove him or herself from the discussion, but there would be some impact on how people make decisions, throughout the life span of that group. He said he thought it was a good idea because so many people dedicated their time and efforts to the City and it might also encourage others who were not necessarily involved directly to get involved.

Vice Mayor Amyx said they did not want to make the pool of candidates who could serve on that board so small because there were so many people involved in volunteering with various agencies. This did not preclude people who were on board and were not receiving a salary.

Commissioner Cromwell said this would stop people from directly receiving a financial benefit from a decision they were going to make.

Commissioner Johnson said he thought it helped. He said with the spirit of the Social Service Agencies, by those people not being able to be a part of it, help them, because they would not feel comfortable.

Moved by Amyx, seconded by to Cromwell adopt on first reading, revised version of Ordinance No. 8501, establishing the Social Service Funding Advisory Board. Motion carried unanimously. (14)

Receive letter from Jeremy Furse concerning the habitual parking ordinance.

Jeremy Furse said he became aware of this ordinance being enforced about 10 days ago when one of his employees was shocked that she had a \$50 ticket on her car. Prior, he had heard nothing about the ordinance, although several years ago there was a similar ordinance that included a \$25 fine.

In three days, he collected, from 133 businesses, 760 signatures of like minded individuals that thought this fine was too punitive. If a person worked downtown or was a resident of downtown, there was absolutely no issue to received 5 tickets in a 30 day period. He said he tried to come up with the number of total long-term parking spaces, but ventured to say there was nowhere near enough long-term parking spaces for all of the employees and residents of downtown Lawrence. He said the business owner should make sure his employees did not abuse short-term parking, but if not, the business owner lost sales.

He said he could only find a handful of individuals that knew the ordinance was in effect or was starting to be enforced. He said it was difficult to get employees in the downtown area and more difficult to keep a good employee and enforcing this ordinance was detrimental to keeping good employees. He said in their business, in orientation for every new employee, they specifically instruct the employee not to park in any two hour parking lots or two hour meters and had no problem enforcing that, yet the young lady that received the \$50 ticket was parked at a 5 hour meter, was busy during the middle of the day and could not get to her car to put money in the meter and received one more ticket. He said the City started with 30 days retroactive and if a person had 4 of 5 tickets, the next ticket was a \$50 ticket. He said there seemed to be not enough notification even if it was not such a punitive provision.

He said they would like the City Commission to go back to the drawing board and come up with a better plan, a less punitive plan, because the kids that worked downtown could not afford those tickets. He said as of yesterday, 122 of those tickets were issued since the ordinance started to be enforced which was March 10th. He said he was assured it was not a revenue source and only to be as a reminder to individuals not to violate the parking ordinance.

He said in talking to the City Manager's Office, he was assured it was put on the books mainly at the urging of Downtown Lawrence Inc. In his discussions with DLI, DLI completely denied that they urged the City regarding those tickets.

Mayor Chestnut called for public comment.

Cris Bailey, downtown business owner, said there were over 770 businesses, patrons and employees that had signed the petition. There were also many tenants and residence that lived above the street level that they were unable to contact.

The petition asked that the Lawrence City Commission repeal the \$50 fine for the habitual parking offenders in downtown parking areas. In the last few weeks it had come to their attention that the fine of \$50 had been given out to numerous people that worked downtown and in such cases, up to 3 tickets in one day's time.

After speaking with Assistant City Manager, Diane Stoddard, she learned the code went into effect in July 2009. The memorandum regarding habitual parking violator history and statistics stated the Parking Control Staff began issuing habitual parking violator citations on March 10th. No warning had been publically issued prior to the current implementation of those fines.

At the same time, a 10 hour parking lot with the approximately 20 spaces was removed from the 800 Block of Vermont for the expansion of the Carnegie Library Building. The employees on the 800 block of Vermont had been issued temporary parking passes to park in the 2 hour lot on the east side of Vermont Street.

The owners of downtown businesses paid property taxes and taxes had gone up in a down economy. Business owners also generated sales tax for the City of Lawrence, neither of those tax bases could be generated without their employees. Many of their workers were paid minimum wage or less as restaurant workers yet those were the people the City was targeting with the exhorbitant fines.

Because the streets and parking lots were owned by the City, the City was able to pass parking codes and fines downtown that no other business with private parking lots must endure. She said she canvassed her patrons frequently to find out if they were from Lawrence. A large

percentage indicated they were from southern Kansas City and were in Lawrence to shop and have lunch. The concern about this \$50 fine was on the 6:00 news in Kansas City on Channel 41.

The Legal Services Memorandum of March 29th stated they spoke to representatives of Downtown Lawrence Inc. about new parking enforcements, but did not specify consultation with Director, DLI, Jane Pennington. Pennington had assured her that she was never asked to comment on the \$50 habitual offender fine. She was only consulted on the 15 minute parking meter proposal and the new \$3 parking fine.

As business owners they felt that this fine was too harsh, had not been publicly informed, impacted employees that could least afford it, and was counter productive to business in general and it was unclear who was being injured from overtime parking. She said they were due to meet with all downtown business owners to come up with a solution that was equitable to all of the parties involved.

Vice Mayor Amyx said last summer, when discussions were taking place about the budget, he was under the impression that DLI was present. He said parking was for everyone downtown and they were not trying to run shoppers out of downtown or harm the kids that were working in the downtown area. He said he would suggest that if a person was not paying their ticket after 5 parking tickets, then the amounts should be raised.

He said because there were limited amount of spaces in front of stores, employees and tenants should be notified where those long-term parking places were located. The top of the new parking garage was available, but understood the safety issues.

Commissioner Dever said he was confused because if all the businesses were counseling their employees to not park in front of stores, he asked why those employees were receiving tickets. He said he agreed it was up to the business owners to police their own employees and try to encourage their employees to the spaces open for the customers. It was common place in other places in the community and other towns where their employees park as

far away as possible and walk to the store. He said he worked downtown and parked on the street almost everyday and had no difficulty finding a parking spot within a block of where he worked and the same thing went for downtown. Although he understood it was difficult, certain hours of the day to find a spot, he also realized it was easy enough to find a place where what the City had in place was not unfair. He said it was only fair to try and encourage people to park in the right spots. The people who were getting those citations, he would guess worked downtown, more than they shop or eat downtown. He said running off good customers bothered him the most. He said he understood that notification to people was a good idea, to let people know that this ordinance was going to be enforced.

Mayor Chestnut said one point of clarification was the ordinance had been in place since 1996. A new ordinance came on, but there was never a disruption that there was something on the books, it was just rewritten to essentially try to comply.

Commissioner Dever said the City just basically turned it back on and there was a problem. He said he liked the idea that Vice Mayor Amyx that people were not paying their parking spaces. It was one thing taking a space and another to not pay what was due when taking the space and perhaps running off a valuable shopper, turned away business for the person that paid your bills, and not paying the price for parking. He said there needed to be some consideration to whether or not the person was paying their bills or not. He said it was not asking too much from people that worked their everyday and know better, to ask them to walk and park in a 10 hour spot. He said he did not see this issue as unfair, but was willing to reconsider.

Commissioner Johnson said he concurred that it was not unfair. He said he worked downtown as well and had to watch his time and there were plenty of places to park if a person wanted to. He said he would offer the amount of ticket from 5 to 10 tickets, but asked if a shopper would receive ten habitual violator tickets in a month. He said he thought it was about behavior and at some point there would be some people that would blow off the \$3 ticket and

camp at that location. He said he was open to raising the amount of tickets to be considered a habitual violator.

Commissioner Cromwell said he was thinking about raising that number and liked the idea of raising the “unpaid” parking ticket too. It was clear there was an issue and did not want to be too punitive, but had a problem with employees of downtown businesses parking. The fact that so many people from “Jefferson’s” restaurant had ticket was contrary to the argument and spoke directly to a problem Jefferson’s had in communicating with their employees. He said this was a problem that needed further consideration, but something needed to be done, although he thought the limit was a bit too punitive. He said a lot more discussions needed to take place with employers and employees downtown.

A person said rather than a stick, a carrot should be used to encourage the employee to use more long term parking, such as issuing a parking sticker without having to pay a \$200 fee and allow the employee to park in long-term parking even if it were further away. He asked if the Commission was aware that there was an ordinance that prohibited someone from going out and putting more money in a meter without moving the vehicle because that was not being enforced.

David Corliss, City Manager, said those were good suggestions, but it was difficult to enforce. He said there was free parking on the New Hampshire Street Garage and the parking was modest as far as an expense in the long-term parking. He said staff had tried to get at the issue of the incentive and there might be other incentives to look at, but parking was still relatively inexpensive downtown.

Mayor Chestnut said no action would be taken at this time. He said no one was being targeted, but it was about changing behavior. He said if no one was aware of the ordinance, then the ordinance had not been effective because people were not aware, but if people were aware, there would be less people that have problems because they could get 2 or 3 tickets and realize they could be looking at something significant. He said it would be helpful to have a map

of downtown showing the downtown parking. It would also be helpful to have an idea where the 122 violations were coming from. If the City Commission could receive more information about where the fines were being generated, that information could help in understanding where enforcement should be directed.

He said it was important that everyone knew it was the public right-of-way which meant all 88,000 citizens had input on how this should be done. He said he was hoping any modification of this would become somewhat self-evident if understanding where the problem was located.

He said there was some desire to reconsider this item, but wanted to be provided more information on where those habitual parking tickets were coming from and start to look at where the spaces were and get a count of how many employees were downtown.

Commissioner Johnson said he did not know if time needed to be passed, because if they started enforcing the ordinance on March 10th, he did not think that gave much time to bare out the effect of this ordinance because at some point people would train and educate themselves on where they could and could not park.

Vice Mayor Amyx said researching the time those tickets were given because they added the extra hour on to the end of the day and did not know if that was making a difference. He said time was of the essence because if the City was getting some bad press regionally, the City might want to be concerned about that also.

Mayor Chestnut said he could not direct based on what the Kansas City stations decided to report.

Corliss said staff would try to have that information to the City Commission for April 20th. He said staff would still enforce the ordinance and have that information available on April 20th.

Mayor Chestnut said staff should try to reach out to not only store owners, but also DLI and anyone else. He said he suggested scheduling a meeting before April 20th.

Furse said it seemed the most punitive part of this issue was the inability to get off the list. If getting 5 tickets, it was every ticket after that until such time a person could go 30 days without receiving a ticket. He said because it went on a rotating 30 day period, tickets dropping off, tickets adding on, it was very difficult getting off that list.

Mayor Chestnut said typically when there were changes to local ordinance it was written up and posted which was a process. He said he would not support making a change now because there had not been a lot other comment on this item. (15)

FUTURE AGENDA ITEMS:

04/06/10 CONSENT

- Accept dedication of easements and rights of way for a Preliminary Plat, PP-1-2-10, for Lawrence Municipal Airport Addition No. 2, approximately 15.7 acres, located at 1915 Airport Rd., and variances from Sections 20-801 & 20-810 of the Subdivision Regulations regarding the portion of property to be platted and number of access points to the site. Submitted by the City of Lawrence, property owner of record. (PC Item 1; approved 7-0 on 3/22/10)
- Approve rezoning, Z-1-2-10, of approximately 8.18 acres, located southeast of W 27th St. & Crossgate Drive, from PUD (Planned Unit Development) to OS (Open Space). Submitted by the City of Lawrence, property owner of record. Adopt on first reading, Ordinance No. 8498, for rezoning (Z-1-2-10) of approximately 8.18 acres, located southeast of W 27th St & Crossgate Drive, from PUD (Planned Unit Development) to OS (Open Space). (PC Item 2B; approved 7-0 on 3/22/10)
- Accept dedication of easements and rights of way for a 2 lot Preliminary Plat, PP-1-1-10, for Four Seasons Pump Station, containing approximately 30.894 acres, located southeast of W 27th St. & Crossgate Drive. Submitted by Bartlett & West for the City of Lawrence, property owner of record. (PC Item 2A; approved 7-0-1 on 3/22/10)
- Approve a Special Use Permit, SUP-1-2-10, for the City of Lawrence Pump Station 09 Wet Weather Storage Expansion, a minor utility, on approximately 8.18 acres, located southeast of W 27th St. & Crossgate Drive. Submitted by the City of Lawrence, property owner of record. Adopt on first reading, Ordinance No. 8499, for Special Use Permit (SUP-1-2-10) for the City of Lawrence Pump Station 09 Wet Weather Storage Expansion, a minor utility, on approximately 8.18 acres, located southeast of W 27th St. & Crossgate Drive. (PC Item 2C; approved 7-0-1 on 3/22/10)
- Approve a revised Preliminary Development Plan, PDP-1-1-10, for Bauer Farm, on approximately 43.88 acres, located at 4700 West 6th St. The revised plan proposes the development of an independent living facility on the 4.24 acres located at the immediate SW corner of Overland Dr. & Folks Rd. Submitted by Landplan Engineering, for Free State Group, LLC; Free

State Holdings, Inc; Bauer Farms Residential, LLC; Bauer Farm Retail Pad 1, LLC; Kansas CVS Pharmacy, LLC; Lawrence Tunnel Wash, LLC; Pete G & Diana Bernal; and Lee & Karen Schmidt, property owners of record. (PC Item 3; approved 8-0 on 3/22/10)

- Acknowledge extension of the City/KU Land Use Agreement for another five year term.

04/13/10

- State of the City Address and Mayoral Elections.
- Consider approving a Special Use Permit, SUP-1-3-10, for the establishment of a Temporary Shelter for the Lawrence Community Shelter, approximately 4.15 acres, located at 3701 Franklin Park Circle. Submitted by Lawrence Community Shelter, for Franklin Business Center LLC, property owner of record. Adopt on first reading, Ordinance No. 8500, for Special Use Permit (SUP-1-3-10) for the establishment of a Temporary Shelter for the Lawrence Community Shelter, approximately 4.15 acres, located at 3701 Franklin Park Circle. (PC Item 4; approved 5-2 on 3/22/10)

ACTION: Approve Special Use Permit (SUP-1-3-10) for Lawrence Community Shelter located at 3701 Franklin Park Circle, and adopt on first reading, Ordinance No. 8500, if appropriate.

04/20/10

- Conduct a public hearing on a request by the Lawrence Convention & Visitors Bureau, 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 related to the Tour of Lawrence, on July 2nd between the hours of 6:00 pm until midnight and July 4th, between the hours of noon until 9:00 pm.; consider adopting on first reading, Ordinance No. 8502, authorizing the temporary sale, possession, and consumption of alcoholic beverages at certain specified downtown public property related to the event.

May/June

- Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.

November

- Receive status report on LCS relocation efforts.

TBD

- Receive staff memo regarding possible annexation of Westar Energy Center and adjacent properties. Additionally, staff is working on a memorandum discussing possible annexation of the Miller/Wells acres area.
- Receive Lawrence Human Relations Commission gender identity report.
- Receive economic development policy updates and forward to PIRC for review and comment:
 - New language that would provide tax abatement bonuses for firms that provide high-wage jobs
 - Update to IRB policy to account for changes to state law and

guidelines for retail and multifamily use (IRB memo and draft IRB policy);

- A new CID policy establishing the criteria, financing, processes and fees for these districts in Lawrence (CID memo, draft CID policy, and state CID legislation)

- City Auditor will present report following up on prior recommendations.
- Consider approving recommendations for changes in routes for the public transit system.

COMMISSION ITEMS:

Moved by Dever, seconded by Amyx to adjourn at 8:04 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF March 30, 2010

1. Bid for one compact pickup for PW Dept. to Laird Noller Automotive for \$17,875.00
2. Bid for Comprehensive Rehabilitation -1132 Rhode Island to T & J Holdings for \$24,965.
3. Change Order 1-RD Johnson Excavating Co.-2009 Watermain Rehab Phase 1, increasing contract amount by \$65,381.45.
4. Sale – Surplus Equipment on Gov Deals.
5. Resolution No. 6879 - Public hearing May 18, 2010, Dilapidated structure - 1313 Haskell.
6. Contract - w/Coffman Associates - updated Airport Master Plan & Layout Plan for Lawrence Municipal Airport – Cost analysis fee up to \$5,000 with Bucher, Willis & Ratliff Corp.
7. Signs of community interest - book sale, between 6th & 9th & between Mass & Tennessee Friday, April 16 - remove, April 20.
8. Subordination Agreement for Rick Anderson, 1602 East 18th Street
9. Agreement – City & KU Continuing Education to allow City Banner Program
10. City Manager's Report.
11. Vacation – Public Hearing utility easement located in Lot 3, Timberedge Road
12. Ordinance No. 8497 – 1st Read, 55% tax abatement Amarr Garage Doors. Repeal Ord. 8470.
13. Guest Tax Reserve Fund \$10,000-CVB in support of the Tour of Lawrence – Use of ROW/City Services..
14. Ordinance No. 8501 – 1st Read, establishing the Social Service Funding Advisory Board.
15. Letter from Jeremy Furse concerning habitual parking ordinance