



# City of Lawrence

## CITY MANAGER'S OFFICE

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### CITY COMMISSION

**MAYOR**  
MIKE AMYX

**COMMISSIONERS**  
ARON E. CROMWELL  
LANCE M. JOHNSON  
MICHAEL DEVER  
ROBERT CHESTNUT

April 27, 2010

The Board of Commissioners of the City of Lawrence met in study session at 5:30 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever, and Johnson present.

### STUDY SESSION

The City Commission met in a joint City/County Study Session with the Douglas County Kaw Valley Drainage District to review assessed valuation, mill rate and property tax revenue from the past three years. The Commission returned to regular session at 6:35 p.m.

### RECOGNITION/PROCLAMATION/PRESENTATION:

With commission approval Mayor Amyx proclaimed the week of April 26-30, 2010 as Tree City USA Week; Friday, April 30, 2010 as Arbor Day; Tuesday, April 27, 2010 as Friends of the Park Day; and, the month of May, 2010 as Huntington's Disease Awareness month and Tennis Month.

### CONSENT AGENDA

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to approve the City Commission meeting minutes of March 9, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to receive the Sustainability Advisory Board meeting minutes of February 20, 2010; Public Health Board meeting minutes of February 15, 2010; Motion carried unanimously.



As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to approve claims to 191 vendors in the amount of \$1,955,917.40 and payroll from April 11, 2010 to April 24, 2010 in the amount of \$1,788,694.02. Motion carried unanimously.

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to approve the Drinking Establishment license for Buffalo Bob's Smokehouse, 719 Massachusetts; The Retail Liquor license for Sawyer's, 4811 Bob Billings Parkway; The Sidewalk Dining License for Aimee's Café & Coffeehouse, 1025A Massachusetts; Signs of Life, 722 Massachusetts; and Jackpot Music Hall, 943 Massachusetts. Motion carried unanimously.

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to concur with the recommendation of the Mayor and reappoint Milton Scott and Verdell Taylor to the Douglas County Community Corrections Advisory Board to additional terms that expire on May 31, 2012; and to reappoint Chris Burger to a second term on the Library Board that expires on April 30, 2014. Motion carried unanimously.

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to authorize the purchase of five paratransit vehicles (T-Lifts) as replacements for five existing paratransit vehicles which have surpassed both the manufacturer and Federal Transit Administration useful life requirements from Kansas Truck Equipment Co. for \$250,000. The vehicles will be purchased off the existing Kansas Department of Transportation state bid vehicle contract. The purchase will be paid with 100% KDOT funds. Motion carried unanimously. (1)

The Commission reviewed bids for one low speed electric vehicle for the Department of Utilities. The bids were:

VENDOR	TOTAL
M & M Golf Cars Bid	\$11,947.17
Miles Electric Vehicles	\$16,370.00
Van Wall Equipment (Vantage Electric Vehicles)	\$19,170.84

Voltage Motors (ZAP Electric Vehicles)	\$21,805.00
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As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to award bid for one low speed electric vehicle for the Department of Utilities to M & M Golf Cars for \$11,947.17. Motion carried unanimously. **(2)**

The Commission reviewed bids for one heavy duty dump bed and hoist for the Public Works Department; the bids were:

VENDOR	TOTAL
American Equipment Bid	\$18,992.00
Kranz Equipment Bid	\$22,544.00
Kranz Equipment Alternate	Does not meet specifications \$21,407.00
Knapheide Equipment	\$22,413.00

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to award bid for one heavy duty dump bed and hoist for the Public Works Department to American Equipment in the amount of \$18,992. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to adopt on first reading, Ordinance No. 8520, authorizing the sale, possession and consumption of alcoholic beverages at Broken Arrow Park on May 7-8, 2010 for the Lawrence Sertoma BBQ Cook-off and fundraiser. Motion carried unanimously. **(4)**

Ordinance No. 8509, permitting the possession and consumption of alcoholic liquor on specified public property pursuant to the sidewalk dining license for 715, 715 Massachusetts Street was read a second time. As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to adopt the ordinance. Motion carried unanimously. **(5)**

Ordinance No. 8502, authorizing the temporary possession and consumption of alcoholic liquor on specified public property related to the Tour of Lawrence event, on July 2 and July 4, 2010 was read a second time. As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to adopt the ordinance. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to adopt Resolution No. 6882, authorizing the sale and conveyance of the Sunshine Property, LLC project (Microtech Computers, Inc., 4921 Legends Drive). All obligations of the 1997 Industrial Bond Issuance have been performed allowing the transfer. Motion carried unanimously. **(7)**

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to approve a rezoning (Z-1-1-10) request; and, adopt on first reading, Ordinance No. 8511, rezoning of approximately 5.252 acres from IG (General Industrial) to IL (Limited Industrial), located at 151 McDonald Drive. Motion carried unanimously. **(8)**

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to approve a text amendment (TA-1-2-10); and, adopt on first reading, Ordinance No. 8512, a text amendment to Sections 20-403, 20-601(b) and 20-601(b)(1), to permit Hotel/Motel/Extended Stay Use as an allowed use in IL Zoning, revise the maximum height in the IL District and add reference to the IL District in footnotes 14 and 15 in the Density and Dimensional Standards. Motion carried unanimously. **(9)**

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to approve Special Event Permit, SE-4-10-10, for a Jim Clark Motors auto tent sale at the Sears parking Lot, located at 2727 Iowa Street from April 29 through May 1, 2010. Motion carried unanimously. **(10)**

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to approve temporary use of right-of-way permit for the Lawrence Art Guild to close Massachusetts Street from North Park Street to South Park Street on Sunday, May 2 from 6:00am - 7:00 pm for the 2010 Art in the Part Art Fair. Motion carried unanimously. **(11)**

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to authorize the Mayor to sign a Release of Mortgage for Tasha Taylor, 2504 Bonanza. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut**, to receive Lawrence Freenet 2009 Fourth Quarter Report. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Johnson, seconded by Chestnut** to authorize the 2010 Lawrence Cultural Arts Commission Community Arts Grants awards as recommended by the Lawrence Cultural Arts Commission. Motion carried unanimously. (14)

#### **CITY MANAGER'S REPORT:**

During the City Manager's Report, David Corliss said the Douglas County District Court ruled in favor of the City and the County concerning the City's annexation of the 155 acres near Farmer's Turnpike; the 2009-2010 Safe Winter Walkways program was completed and fifty-two residents had been matched with community volunteers over the past winter season; the City of Lawrence received notification regarding the FY 2010 CDBG and HOME Allocations. The amounts were \$873,534 for the Community Development Block Grant and \$692,784 for the Home Investment Partnerships Program (HOME) ; effective April 20, 2010, pursuant to an Order of the Kansas Supreme Court, Municipal Court implemented a surcharge of \$59 for a drivers' license reinstatement fee; \$76.50 for docket fee and surcharge; \$25 reinstatement fee bringing the total license reinstatement fee to \$101.50; the city's Waste Reduction and Recycling Division hosted the 10<sup>th</sup> Annual Earth Day Celebration at South Park; a brochure regarding floodplain management would be distributed to the community; and, Amy Brown, Long-Range Planner, successfully passed the Certified Floodplain Manager (CFM) examination and joins Matt Bond, Stormwater Engineer who previously achieved this certification. (15)

#### **REGULAR AGENDA**

**Consider adopting on second and final 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. Because a valid protest petition has been received, a super-majority vote (at least 4 votes) is required for approval.**

Scott McCullough, Director of Planning and Development Services, said the City Commission's motion last week directed staff to draft two new conditions to the list of conditions that the Planning Commission recommended on this SUP application.

First, Condition No. 6 addressed the Commission's direction to fulfill all of the development approvals required by the City for this property, providing a 12 month time period by which to receive all necessary building permits granted and issued.

Second, Condition No. 7 addressed the direction to require the Lawrence Community Shelter (LCS) to seek additional input from the neighbors, from the listed groups, in order to submit a revised management plan for the City Commission's consideration by the specified date of August 1, 2010.

Staff was aware there were two bits of correspondence that proposed a total of five conditions and he could address those correspondences or stand for other questions.

Mayor Amyx if one of the other correspondence dealt with the Prairie Park Neighborhood Association.

McCullough said yes.

Mayor Amyx said the City Commission received an email from the President of the Prairie Park Neighborhood Association and asked, other than the bus stop condition, if it was safe to say that a majority of those conditions had been included in the current conditions. He said he talked to the City Manager about posting the management plan on the City Website so the community could be part of the discussion, or at least learning about the plan. He said he assumed LCS could include posting the management plan. Other than that bus stop question,

he did not know if the City Commission was at a position to talk about specific times at that location.

David Corliss, City Manager, said Commissioner Dever had an interest in this idea, but staff was not sure if it was going to be a fixed route or a demand response. The suggestion from the Neighborhood Association was that it would be similar to the regularly scheduled bus routes. He said they might want to do more, but might find less could be done. He said staff did not want to put that as a condition in the actual ordinance. He said it was understood that staff had to work with LCS, Douglas County Jail, and perhaps other users on transit services at that location. He said he could envision a special shuttle, fixed route, or might be 3 or 4 times during the day, but it also could be 7 days a week.

He said funding was also a topic of discussion. The City provided funding to Lawrence Community Shelter and that funding could be appropriate for some of the transit services, but staff had not worked out those details. He said he would be reluctant to commit in the ordinance that the City would have a fixed route service, similar to elsewhere in the community.

Mayor Amyx said having discussions with the County Commission was an option, since the bus would be used by the jail.

Commissioner Dever said it was premature because of the infrastructure issues, the type of equipment that could be ran to that location would add some difficulty to planning. He said at this point in time, it was probably premature to discuss the exact timing of the routes and what type of vehicles.

Commissioner Chestnut said in Condition No. 6, regarding the applicant obtaining necessary building permits was discussed last week, asked what needed to happen to receive those building permits.

McCullough said the typical process was they would fulfill any condition on the site plan in order to release the site plan to Development Services Division in order to release the actual

building permit, after staff had reviewed the construction documents for any renovation to the interior or exterior of the building.

Commissioner Chestnut said in other words, the City would not be involved in knowing what was happening in what they already knew to be the issues regarding the covenants on the property.

McCullough said staff would not be directly involved with that process.

Corliss said one key issue was that LCS had to own the building or have the permission of the owner in order to do the construction. LCS would need financial interest into that building and that was one way to ensure there was that compliance because there would be money in the project by LCS, by the time they were ready to pull a building permit.

Mayor Amyx said he appreciated the City Manager's comment, but stood behind his vote. He asked if LCS had to close on that building.

Corliss said in order to pull a building permit permission from the owner was needed.

Mayor Amyx said LCS did not need to have ownership of the property.

Corliss said LCS did not need to have ownership of the property, but there was a link that was tied somewhat to obtaining the building permit.

Mayor Amyx said there was a lot of discussion about the trustees and where this issue was going, but staff was suggesting LCS had to receive the building permit within 12 months. He said he understood there was a process the applicant had to go through in meeting the responsibilities of the covenants and one responsibility was going before the Board of Trustees. He said one or two years from now, if the City Commission extended the time frame, money did not flow, or other issues, he asked how that part would not be forgotten.

Corliss said staff was reluctant to think of ways the governing body was reminded of things. He said the community and City Commission knew the importance of a successful relocation of the community shelter and the 12 month period could be subject to Commission discussion and any portions could be altered by the Commission. Staff heard that it might take



LCS up to a year and a half, but he also heard a shorter period of time therefore, staff suggested a year. The success to this point was the City Commission indicated they wanted the Shelter to relocate and be an appropriate quarters which brought the City Commission to their decision last week. He said he hoped that momentum could carry forward, but if it did not, then if the Commission received a request for an extension, there was an opportunity to look back at the record and some could remember all the time they spent on this issue and that would be part of that discussion.

Mayor Amyx asked if everyone was comfortable with the language as written to be sure the Board of Trustees would hear this issue, even though the City was not a party to it.

He asked if the City Commission was okay with the transportation language not being specific.

Vice Mayor Cromwell said he thought the current language was fine. He said everyone understood how important transportation was to a successful program and that appropriate attention transportation was given.

Mayor Amyx said the City Commission received correspondence from James Schneider about a condition being placed on the SUP that the current Drop-in Center at 10<sup>th</sup> and Kentucky be closed concurrent with the opening of the new shelter. The Commission had received comments from the public asking if any portion of the Drop-In Center at 10<sup>th</sup> and Kentucky would continue, but Loring Henderson and others assured the City Commission that that was not the case.

Commissioner Dever said it had been stated, publicly and in writing, the plans were not to continue the operation of the Shelter and that was what Schneider's letter was devoted to.

Commissioner Chestnut said from his standpoint, it was not because the City had a separate SUP process which meant the City Commission would be discussing that SUP soon. He said by Christmas time, the SUP would be up for review because it was going to within 6

months of expiration, but it was everyone intention that SUP expired when the new shelter was opened.

McCullough said if the City Commission did consider Conditions No. 2, 3 and 4 of the email received earlier, he had shared that information with Shelter representatives and were accepting of those as of staff, most of those were seen as the intention of those conditions and was what the Shelter was planning on doing anyway.

Mayor Amyx said the discussion of the distance and the bus service was something that would be discussed at a later date, but 2, 3 and 4 were appropriate to add at this point. He said to add those conditions in consideration of Ordinance No. 8500.

Mayor Amyx called for public comment.

Steve Glass, trustee, said he was not clear what the City Commission decided regarding Conditions 2, 3 and 4. He asked if the City Commission was adding those conditions.

Mayor Amyx said those conditions would be added.

Glass said the other two items he wanted to mention was that he suggested once the new management plan had gone through the process and came back to the City Commission with approval, that the City Commission consider operating the existing shelter under that management plan and would give the community an idea of what really could be expected at the new site and perhaps resolve some of the issues that the neighbors had at the current site.

Finally, the email from Oread Neighborhood Association was mentioned and beyond that were a couple of documents and an email that was prepared by Dr. James Schneider that talked about his opinion about the model which Dr. Schneider believed the current shelter operated under which was referred to an Open Shelter Model as opposed to the model he felt was preferred, the coordinated rehabilitative model.

In reading through Dr. Schneider's document, which indicated working with homeless issues, it seemed there was some sense of logic to what Dr. Schneider presented. He said he hoped in this process of community meetings over the management plan, that the center would

be open to a discussion to learn whether it was feasible or not feasible, preferable or not preferable, but encouraged the City Commission to encourage the Shelter to be open to the discussion of that issue also.

Mayor Amyx said as far as the management plan at the existing shelter, the timeframe was to look at that shelter in 6 weeks. He said there would be discussion about the existing facility and the management plan for the next 10 months.

Vice Mayor Cromwell said there were things in the management plan for the Franklin site that were obviously very specific, but the point was that there were elements of the new management plan which could be adopted at the current site.

Glass said that was a given that it could not be the exact plan, but there were already indications by Shelter representatives that there would be some changes just in the operations and there would be no Drop-In Center and it was those types of things he was specifically referring to.

John Matthews, resident one block west of 25<sup>th</sup> and O'Connell, said he still had concerns about the proposed site. He said there were discussions about how LCS was very lax on a lot of those issues. He said he was asking the City Commission to consider the denial of this permit. The current plan might be great, but without the enforcement it was no value and had not seen any enforcement the past 5 years of the current shelter.

Mayor Amyx said in the consideration of this issue, the management plan's consideration of approval would be back on the City Commission's agenda, prior to August 1, 2009 which would be after the applicant conducted a minimum of 3 public meetings and would still require  $\frac{3}{4}$  majority vote by the full Commission. He said there would be time to go through all of the management plans and have the opportunity to work with Henderson and staff at LCS as well as the Board of Directors of LCS, to make sure those conditions were carried out. He said this needed to be a facility that would be good for the entire community. The conditions as

were written continued to give neighbors and other that were concerned about LCS, the opportunity to voice their opinion and still have the  $\frac{3}{4}$  majority vote required of this body.

**Moved by Dever, seconded by Cromwell,** to adopt on second and final reading, Ordinance No. 8500, with additional conditions 2, 3, and 4 from the Prairie Park Neighborhood Association correspondence, for 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. Motion carried unanimously. (16)

**Consider approving a request for the use of a one year facility use agreement for the Lawrence Indoor Aquatic Center with Ad Astra Area Aquatics for the 2010 swimming season**

David Corliss, City Manager, said staff did not have a lot of experience in renting out City facilities for long term use for “for-profit” organizations, but had extensive experience with “not-for-profit” organizations.

Commissioner Dever said staff recommended that this request and future “for-profit” requests be responsible for the actual cost of doing business in City facilities and that the City would recover all expenses associated with the operations of those facilities. He said he noticed in other cases, staff charged “for-profit” companies a much higher rate than the actual costs. Although, he agreed the City should recover the actual costs from a “for-profit” agency, he asked if there would be room, based on other City agreements, to charge 1  $\frac{1}{2}$  times the City’s costs and at some point, carry over a policy that would address the use of public facilities by private companies and the price associated for standardized purposes.

Jimmy Gibbs, Aquatics Manager, said this particular facility was very expensive to operate and most of the calculations were based upon the hours staff had available for the public to use, but when closing at 8:00 p.m., staff did not shut off electricity, gas and everything else. Those expenses ran on a 24 hour, 365 day a year, program. It was accurate to say there could be additional fees associated with operating any Parks and Recreation facility.

Commissioner Dever said the carry over for that concept was if the City wanted to charge additional fees in the future, there would be a set standard and people could decide how they wanted to approach this concept.

Gibbs said if staff had time to make true evaluations of what the Indoor Aquatic Center or any City parks or recreation facilities, staff would be able to setup a model that more accurately reflected the actual costs to operate those facilities.

Ernie Shaw, Interim Director of Parks and Recreation, said this was the first time staff had been asked by a “for-profit” for a year long contract, most were for a weekend. He said there was a soccer group that rented out the times that were not being used by Parks and Recreation or non-profit organization. He said staff was interested in the actual cost for using Parks and Recreational facilities, but with any reservation, staff needed to look at the needs of Parks and Recreation, the public and non-profit organization. He said this was one request for a for-profit organization and staff did not know what would happen when this door was opened.

Mayor Amyx asked about the School District.

Shaw said the School District was a partner with Parks and Recreation in both directions and for years had maintained the school programs and Parks and Recreations programs in conjunction.

Mayor Amyx asked if the School District had to sign-off on this decision or was it just the City’s decision.

Shaw said he did not think there would be any problems with the School District because the schools would get their space. The public space would not be compromised.

In the Parks and Recreation hierarchy, the City worked with the School District, set the public hours, look for non-profit and whatever was left, that was when they penciled in other groups, such as for-profit groups or anyone else.

Shaw said correct, that was how it had worked for years.

Mayor Amyx said he and the Vice Mayor noticed that the calendar staff put together might be a couple years out.

Jimmy Gibbs, Aquatic Manager, calendared those programs with the Aquatic Center with their programs.

Gibbs said staff wanted to make sure those classes revolved around swim meets that might be bid further out in the future to make sure there was space necessary for those large events that were very profitable for staff.

Commissioner Dever said an email was received this week from an individual in the community who wanted to lease space to start a private swim club, but was turned down for space 5 years ago. That person built a pool, incurring costs to start a business. He asked if that was true that staff had turned down people in the past to do the same thing and asked the reason and what changed between now and then for staff to change their mind.

Gibbs said staff had many request from the members of this community whether a business or just individuals wanting to teach private swimming lessons. He said staff always saw those people as a conflict of interest for what the City already provided. He said they provided learn to swim, aqua fitness, and private swimming lessons. It was the type of activities like competitive swimming that was not provided and needed a partner.

Commissioner Johnson asked if there was space available now for this specific use.

Gibbs said there were a few lanes available, but it might not be as many lanes as the requester would like.

Commissioner Johnson asked if this swim club could be accommodated.

Gibbs said at this time, yes.

Mayor Amyx said how much time would be used.

Gibbs said under 20 hours a week.

David Corliss, City Manager, said just as background, he wanted the Commission to understand the relationship with Lawrence Public School District. After the Countywide sales

tax was approved by the voters in the mid 1990's, the City entered into Inter-local Agreement with Lawrence public schools, which was a continuing contract. That contract provided the school district would donate the land where there was the Indoor Aquatic Center. It also made it very clear they would have a calendar committee that would calendar that building and its use to make sure that it took care of the school needs for aquatics. The schools received "first dibs" and it was his understanding that none of this request would change that. The City owned that building, land, and some of the road around the building. He said it was a City asset, but was encumbered with an agreement with the school district because they donated that land and it was part of their campus as well.

Vice Mayor Cromwell said there were two ways of looking at the revenue coming in. Any revenue coming in helped the City off-set costs. He said there was quite a bit of difference between what a non-profit was paying and what the City was providing for those non-profits. He said he was struck by that when considering thousands of dollars. He said he did not know if staff thought about tallying up the City's contributions to those non-profits. He said the non-profits were looking at the City's contribution as giving the City "x" number of dollars for whatever use, but in fact the City was actually subsidizing a huge portion and there was a huge investment from the citizens of Lawrence, to that group.

Gibbs said in looking at the history of previous Commission's, it had been very important to those groups that the City provided those services to the community at very reasonable costs.

Shaw said for the 2011 Budget for Parks and Recreation, with the fees and charges, it was about a 50% to 60% recovery on what was charged for the public or non-profits to rent a center.

Vice Mayor Cromwell asked about the total the City subsidized per year.

Shaw said he did not know at this time, until he figured those totals out.

Vice Mayor Cromwell said that he was curious about those totals.

Shaw said staff could put together a report.

Vice Mayor Cromwell said the number was large and it went back to a theme he had which was the City needed to do better at “tooting their own horn” and getting the communication out on the level of supporting different groups, from the City.

Gibbs said it was also important to recognize that some of their groups when brining 500, 600 or 700 people in at a time, there was a tremendous benefit to the Lawrence community.

Patrick Norman, Head Coach, Ad Astra Area Aquatics, said over the course of the past month, he worked hard to develop this new competitive team in Lawrence which was a dream of his and also it had been a service that allowed the parents and swimmers in the community, suggest that he strongly follow through.

In Gibbs memo, it became his understanding that the for-profit status they were seeking required per lane at \$15.00 at the indoor aquatic center. He said he could not absorb those types of costs on a long-term contract. Pending any situation, entering into an agreement at a lower rate per lane, they were seeking to restructure their team.

He said he was asking the City to grant Ad Astra Area Aquatics a temporary contract as a not-for-profit entity, during a period of time, to take the time to file required documents to achieve a not-for-profit status. He said they felt it would be the best solution, best interest of the kids on the team, and the best way to keep the kids in the water in this community.

All youth swim clubs qualified for non-profit status and the reason he sought to establish this team, under an LLC, as an athlete centered, parent supported, coach directed, team in the Lawrence community. He said this model provided two main benefits and it was a normal way of setting up a team that would be coach directed as opposed to a board of directors. One benefit was to establish this team quickly as time last week was crucial in getting those kids in the water as the season was starting and the other was that this model was increasingly popular



in USA Swimming which was governed by the reasons of the consistency and swimming direction, and continuity of leadership for swimming organizations.

The forming of this LLC had nothing to do with financial benefits as any Youth Sports Coach, on a local level could attest to. Coaches coach for the love of this sport, joy of watching athletes succeed and for the community and as representatives of the community. He said when this process started it was not his intention to cause any commotion. He said regardless of the model, the bottom line was they had kids that wanted to swim in Lawrence and if meant restructuring as a not-for-profit, he was willing to do so.

Mayor Amyx said it was an admirable move to take care of kids.

Norman said it had been a rough go at things, but the bottom line was that there were kids in this community that would otherwise be commuting to other places or might just stop all together.

Mayor Amyx said this community was fortunate in that they had people that would go out of their way to think of kids. He said the willingness of Norman to change his organization from a for-profit to a not-for-profit spoke volumes for the folks in this community and their willingness to help kids in this community.

Commissioner Johnson said it struck him as strange that it did not sound like anything would change other than the structure of the company to save \$8.00 an hour on lane time. He said he had a problem with the idea that if that was the business model that made sense and U.S.A. Swim endorsed this model, now they were changing it to save \$8.00 an hour swim town. He asked what the non-profit swim club was providing for youth that this gentleman was not going to provide and if he was not renting the lane time, the City had open water that was being heated and cooled. He said there was a cost to heat and operate this facility and the city should be charging a group, whether it was non-profit or another company, a price to use that facility. If the city's prices were not right, staff could figure those costs out. He said the City Commission was making a distinction of a not-for-profit which was a legal structure. If it was not going to

change, he asked why go down that path to save \$8.00 an hour. If the City Commission concurred to let this gentleman use this facility, why not let the gentleman form his own company and give him a lease with a time period the City was okay with. The city did not need to commit long-term.

Commissioner Chestnut said it was not this particular situation that he was concerned about, but more about going forward. He said however small those differentials might seem to be, relative to this specific case, with two swimming organizations, one "for profit" and the other "not-for-profit" that distinction he agreed was difficult to discern, however, when talking about tournaments and other uses of City facilities, he did not think it would be reasonable for the Commission not to charge a fully recoverable cost for someone to sponsor a tournament using City facilities, generating a lot of profit. He said the Commission wanted that type of activity in Lawrence, because it helped promote economic development, but did not want to subsidize it and that was the danger if the Commission did not make some type of discernment.

Commissioner Johnson said he would agree with the point of not subsidizing, but that was where the City should get into cost structure. He said when looking at a tournament or an event on a weekend, he thought it would take more resources, extra staff and had no problem charging more for that event, but if looking at a normal lane time, during the week, and not needing to do anything special, it went back to rate structure, not as much as who was putting on that event.

Vice Mayor Cromwell said he did not bring up the non-profit subsidizing to say not to subsidize, but to make sure the City was getting credit. He said the Commission would feel comfortable subsidizing the non-profit status, whatever it might be, and if turning into a profit status, there was a perception issue. It was perceived a lot better that the City was subsidizing a non-profit group than if the City was subsidizing a "for profit" group, there better be some other reasons for it and the City could recover their money elsewhere.

Commissioner Dever said Vice Mayor Cromwell's scenario was a good one and was not an obvious desire to generate revenue or get rich, but they were talking about a resource that was limited. He said the City was not going to be building Aquatic Centers in the future and if those lanes were opened now, ten years from now there might be a fight for those lanes because someone else might come along and want a swim team. If that business was a for-profit entity and had excess revenue, that business could afford to pay more for the lanes, then it ended up with an escalation of a cost for those lanes to a point where the people who started out with the majority of those lanes, would need to pay extra or lose out and not be able to provide it any longer. He said his argument was that a "for-profit" company could afford to pay more for lane times than a "not-for-profit" because theoretically they are generating revenue and profit.

He said the second concern, was that the City Commission was setting a precedent and that was his biggest concern. He said he did not want to set a precedent where the City never had one and would like to see it thoroughly analyzed. He said he had no problem with free enterprise and was a fan of making a profit, but he wanted to make sure it was not using the resources of the City of Lawrence and the tax dollars collected from the whole group. He said he did not know the difference between "not-for-profit" and "profit" because that was not his expertise, but the perception of the City doing so was far worse than any reality. He asked what would come next and how would the Commission decide which facility to lease in the future to a "for profit" agency and for what time period. He said since this was new, he would be advocating for a shorter term agreement or testing it to see how it worked. He said he could guarantee there would be a competition for that lane space in the future because the City was going to grow and there would be more people that wanted to swim and hated to set a precedent.

Mayor Amyx said they needed discussion about the change in the request and the temporary permit granted for an upcoming, “not-for-profit” and the length of time. He asked about the timeframe to setup the Articles of Incorporation.

Norman said he did not have a timeframe, but was told it could take anywhere from 3 months and on.

Mayor Amyx said if the City Commission was going to agree to something on a temporary basis, he thought it was important to discuss the use of the public facility based on the partners with one partner being the School District. The public needed to have access, then the profit and not-for-profit and how that use was to be divided if there was going to be a hierarchy of how those organization were going to compete for the remaining time.

He said he agreed with Commission Johnson that if that lane was empty, the time that was lost could not be recaptured. He said the City Commission needed to have discussions about the temporary nature of the request based on the change of the not-for-profit status and direct staff to come up with a plan that there would be consistent to set out the costs for “not-for-profit” and “for-profit” agencies in the future, once the City Commission adopted a new policy.

Vice Mayor Cromwell asked if this item should be deferred and ask staff to draft a new short-term agreement because this was a substantial change.

David Corliss, City Manager, said he understood that the consensus direction was to allow the temporary use until the incorporation papers made this a not-for-profit. He said he was going to suggest 90 days. He said the City had created a few not-for-profits by City Commission direction. There were some important papers to be filed, but it was fairly straight forward and thought it could be done within 90 days and they could always come back and ask for an extension. He said staff could allow the use for up to 90 days at the “not-for-profit” rate, with the understanding Norman would have incorporation papers as a “not-for-profit” at that time and the entire agreement was for this swimming season.

Mayor Amyx asked if the request for the “not-for-profit” status granting was automatic.

Commissioner Dever said regarding Commissioner Johnson's concern about creating this model that might be some prohibition for Norman doing a good job, was something the Commission did not want to do, but unfortunately the City had policy that the Commission was trying to avoid making and apologized for the inconvenience.

Mayor Amyx said the consideration to review a policy with rules and regulations for the use of the facility.

Commissioner Chestnut said Vice Mayor Cromwell brought up an interesting point which was a process by which the City could determine all of those rates. He said there was a lot of history that went through this development, but if the City Commission was considering this issue, they might as well take a broader scope and look at the entire idea of setting rates.

Corliss said Shaw did a good job of balancing those interests, but could walk the Commission through all those things he tried to get right.

Commissioner Johnson asked if this was something the Parks and Recreation Board could look at, this bigger issue and look at the use of this space.

Corliss said the Parks and Recreation Board had looked at bigger issues and sometimes discussion took place about swimming pool rates for the outdoor pool and there were some years they chose not to discuss those rates.

Vice Mayor Cromwell said he was very interested in seeing the breakdown on how much the City was subsidizing in a format that stated that Lawrence cared about whatever, whether it was arts or physical education and put a number to it. He said it would be a beginning of a package to show to everyone. He said they were already doing that, but the City needed to let everyone know about it.

Corliss said staff understood that the City Commission wanted other reports as far as how staff did those rates and involving the Parks & Recreation Advisory Board, and showing the work staff did on a number of different fields as far as providing assistance to not-for-profits in the community.

Mayor Amyx called for public comment.

Ed Sloan, Lawrence, speaking on behalf of the Lawrence Aqua Hawks, said he still wanted the City Commission to consider the policy because it was simply a first impression for the City Commission as to whether or not the City should go down the path of allowing for-profit use of public facilities. In listening to this discussion it seemed that policy decision had already been made, that it was good policy, but he was not sure it was good policy and asked the City Commission whether it was actually good policy to go down that route because taxpayers did not believe their tax dollars were going to be used for private gain.

In Gibbs' memo, he did not disagree with his analysis, but it still begged the question, of if it was a good policy decision and only the City Commission could decide that. Based on what he was hearing, there would be more discussion on that issue and an ultimate decision would be made. He said hopefully, the public would have more opportunity to discuss that issue with the Commission.

He said none of the assets on a liquidation of a non-profit could go back to the shareholders. There was no shareholder that received dividends or received any benefit other than whatever the service was being offered by the non-profit. He agreed this was an unusual scenario because it was two competing swim teams that did the same thing, but the bigger policy issue was that most for-profits had a completely different model than a non-profit. Most for-profit companies had a motive of generating profits in the form of salaries, bonuses, or dividends. He said when going down that route, it was a different concept for the City to adopt a policy that public facilities should be used for private gain. On a non-profit, there were no end benefits going to any of the members and most non-profits were setup to keep prices at a low level so the members could afford the services and the services were offered to the general community. The Aquahawks for example, did not have a big budget and did not have the ability to generate huge amount of revenues and pass along almost actual cost to their members, but they did pay salaries to their coaches, buy insurance, and all the things a normal business did,

but did not elevate what they charged their members for the use of the City's facility that the City was kind enough to let the Aquahawks use for over 40 years. He said it was a break even situation and was not trying to generate additional revenue to go to the members.

He said he was asking the City Commission to think about the policy and in the City Code, Parks and Recreation Code, 15-207, that section specifically identified that for-profit activities in Parks and Recreation facilities were by permit. A permit in his mind, did not contemplate a long term use agreement with a for-profit entity. The code section was developed in 1979, way before the Indoor Aquatic Center was even brought on-line, but someone back in 1979 thought about this issue and set a policy in place that currently existed in the City that for-profit activity on long-term contracts was a first impression. It was not contemplated and was discouraged by the use of the word "Permit", not long term contract.

In going through this process, he saw this as 3 parts.

- 1) Right decision about this policy;
- 2) Rates
- 3) Hierarchy of use.

He said now they were going to have 2 non-profit organizations competing for the same usage and how would the City Commission determine who had priority. He asked that this was addressed either based on historical data or some rational basis and not simply a flip of the coin on which non-profit received first use of the same facility at the same time.

As to automatic qualifications as non-profits, articles had to be filed accordingly and there were certain processes. U.S.A. Swimming recognized both uses of two types of teams and neither was a preference.

Mayor Amyx said there would be a process established in looking at the calendar. He said they would be setting all types of policy. He said Sloan was correct in that there was a competition for only so many hours by the same organizations.

Don Bushner, speaking on behalf of the new swim club after being a long-term member of the old swim club, said he would like the chance for a group of kids and parents who had sought a different direction for their kids to swim, to be given the same opportunity with the City of Lawrence that the Aquahawks enjoyed today.

He said he would also offer to be a Board Member on Norman's new non-profit swim club and he wanted the City Commission to understand the whole concept of fees because the City was subsidizing the Aquahawks and other non-profits that were using the facilities. If the City was to fully charge for those facilities, it would be debilitation to everyone. For instance, in looking at the costs, it would cost approximately \$2,500 a month, \$200 per month per swimmer or family to pay for that which was significantly above what any other swim team was paying. He asked the City Commission to keep that in mind when thinking about restructuring fees for non-profits that there was a window that could be gone above that would be cost prohibitive to any swim club in the area.

Mayor Amyx said the action was a temporary use of the facility for up to 90 days for Ad Astra Area Aquatic; and, referred the policy question to the Parks and Recreation Advisory Board to recommend specific policy on the use of the facility, hierarchy and anything else that was involved.

Commissioner Johnson said all of the City's facilities, or just this particular facility. He said this issue needed to go through a process and it was broader than just the Aquatic Center as far as public policy for Parks and Recreational Facilities.

Commissioner Cromwell said to due respect to some of the comments, the Parks and Recreation Board needed to come up with a model that made sense. He said he understood the for-profit and not-for-profit status however, there was something to be considered for a for-profit organization coming in for an event and generating \$40,000 to sales tax and he was on board with that.



Mayor Amyx said he agreed, but there were also those not-for-profits events that brought in a lot of dollars too.

**Moved by Johnson, seconded by Chestnut,** to allow temporary use of the pool by Ad Astra Area Aquatics for 90 days at the not for profit rate while the organization establishes not for profit status, and direct staff and the Parks and Recreation Advisory Board to work on policies regarding facility rental by for profit and not-for-profit organizations for future consideration by the City Commission. Motion carried unanimously.

**Receive staff report on 15 minute parking meters downtown**

Jonathan Douglass, Assistant to the City Manager/City Clerk, said staff received a request in March to establish 15 minute meter downtown and the City Commission directed staff to come up with potential location options for 15 meters, using the ten hundred block as a model. The 4 option were:

- **“Option 1: Midblock on Massachusetts Street.** This option is favored by the city traffic engineer. Midblock locations would generally be located immediately past the midblock pedestrian crossings. Disabled parking is generally located just before the midblock crossings, so drivers may be accustomed to special parking restrictions near midblock. This location has the advantages of being predictable to drivers and being potentially the least disruptive to traffic because it is furthest from the corners. This location has the disadvantage of being the hardest for parking control officers to check frequently. Locations near the corners can potentially be checked as the officers travel down Massachusetts and also as they travel the side streets.
- **Option 2: Mid block and end of block on Massachusetts.** One fifteen minute meter would be placed at midblock and another near the end of each side of each block. Placing them near the “exit” end of the block rather than the entrance would diminish the potential conflict of drivers coming around the corner near spaces where drivers are going to be backing out more often than is typical. This is the option most similar to what Downtown Lawrence, Inc. has suggested, which is one at midblock and one at the north end of each side of each block. That exact option has not been presented because it is less predictable for drivers (drivers traveling south would find a fifteen minute space at the beginning of the block then at midblock, while drivers traveling north would find a fifteen minute space at midblock then at the end of the block).
- **Option 3: End of block on Massachusetts - “4 corners”.** This places two fifteen minute meters at opposite ends of each side of each block. This spreads the locations of the meters on each block and should be predictable for drivers.
- **Option 4: Numbered side streets near Massachusetts.** Placing the fifteen minute meters on the numbered streets as close to Massachusetts as possible has a few advantages. This location could potentially be checked more often by parking control officers. Drivers seem to be less often confused regarding which meter pertains to which parking spot on the side streets that have parallel parking rather than saw tooth parking

on Massachusetts. Disadvantages to this placement are that there are a number of locations where fifteen minute parking could not easily be added on the numbered streets (such as intersections of Massachusetts with 7<sup>th</sup> and 9<sup>th</sup> Streets), and these spaces are the furthest from the Massachusetts Street storefronts.”

Staff did not have a preference on those 4 options. However, the traffic engineer’s preference was the mid-block option because there was less potential for conflicts as people were going through those intersections.

In addition, the City Commission discussed placing the 15 minute parking spaces in off Massachusetts lots. All of those lots were two hour free lots and staff recommended placing a 15 minute meter in those parking area rather than assigning the space as 15 minutes.

Staff was looking for City Commission direction whether to establish 15 minute parking spaces and locations.

Commissioner Johnson said if the parking control offices were changing their route or pattern.

David Corliss, City Manager, said he already advised the City Commission that this was not seen as a revenue generator and he could not hire more parking control officers.

Teri Pierce, Parking Control Unit Manager, said the routes changed every couple of hours. She said she did not foresee any changes and could get back to a specific area within 45 to 75 minutes, depending on the time of day. She said if the spaces were placed at the end of the block, and if someone was passing on the numbered streets and passing on Massachusetts, they might have a better opportunity to check those meters more often. She said she and her staff would do anything possible to get back as often as they could, but there were only a certain amount of people.

Mayor Amyx called for public comment.

Chris Lowery, Meritrust Credit Union, said he preferred Option 2, which on the original proposal was one 15 minute parking meter on either side, in the middle of block and one at the end. He said Douglass took it a step further and suggested that the one 15 minute parking

meter at the end, be at the opposing corner. If a person was going north bound, people coming around the corner heading north bound would not be stopped by someone backing out so often.

The option for side streets, numbered streets, did not serve the purpose that was originally discussed with the majority of the business owners on Massachusetts.

Bob Shumm, downtown business owner and Parking Committee, said recommendations were made to Downtown Lawrence Inc., and in turn, recommended to the City Commission. First, the committee believed that Option 2 was the best and most closely followed the original recommendation.

He said the worst option was the 2 hour lots because it defeated the purpose of a fast convenient, "in" and "out" situation.

Jane Pennington, Downtown Lawrence Inc., said they supported Option 2 and thought that Douglass' observation about the exit end of the block was a good observation and made good sense.

She said she did not think the side streets were a good idea or the Vermont and New Hampshire Street idea, if those were the only options. If those ideas were in addition to the option of 15 minute parking on Massachusetts Street, they would support it.

Mayor Amyx said he was not sure if this was the right idea with the 15 minute parking meters. He said parking was a premium and the City was constantly trying to bring more patrons into the downtown area. Anything that would have a negative effect, such as tickets in this case, would hinder the goal of bringing patrons downtown.

Commissioner Chestnut said he appreciated the Mayor's comments, but it was a good time to experiment. A lot of people studied this item and the traffic flow was one of the things he was concerned about and it seemed to be addressed appropriately.

He said he agreed with patrol and compliance being 90% of the law. He said if he was two minutes over his time limit, parking control showed up. He said to continue to try and receive velocity between 6<sup>th</sup> and 11<sup>th</sup> Streets was something that the Commission strived for.

He said 4 spaces per block was appropriate, but was concerned about the confusion factor, but people would get use to how it worked.

Commissioner Dever said experimentation might be a good thing. He said he had concern about putting one 15 minute parking meter at the end of the block, because the normal behavior he had seen was someone pulling into a wrong spot, realizing it was the wrong meter and pull back out. If it was right in front of a stop light, it seemed people were most anxious and antsy right in front of the light. He said he liked the midblock option because there was already the midblock crossing paths that slowed traffic down and the handicapped spots for more uniformity and less of a conflict point location on the block. He said he understood Douglass' idea about putting a 15 minute meter at the end of the block, but would be asking for trouble with vehicles pulling in an out, at least for the first few months if it was an experiment. Long term, people would adapt and figure it out and would not be a big deal. He said he was in favor of experimentation because this issue had been studied, but he did not know if the expense to change the meter over was huge, but it was something to consider.

Vice Mayor Cromwell said the costs were discussed and were nominal. He said he shared in Commissioner Dever's concerns about the end of the block. It took a long time to deal with the handicapped spots and those spots were different enough to see. He said the 15 minute parking would be a lot harder to do. He said eliminating the end of the block 15 minute parking meter was a good compromise.

Commissioner Johnson said he was willing to try something and appreciated the comment. He said he liked the idea of midblock because of the handicapped spaces and it seemed more consistent.

Commissioner Dever said everyone was in a hurry and he practically was run over when he walked when the light was yellow and people were frustrated and blow through the light.

Shumm said the reason why the committee chose in the middle and at the end was because the blocks were 600 feet long and there would be a lot of businesses, based on the

petition that was signed that wanted to share those spaces for a quick in and out. If putting both at the middle of block, there would be a 600 foot division between the middle of each block and was not nearly convenient. The idea to have one at the end and one at the middle, they were moved up and down and judiciously spread those 15 minute meters for each business.

He said he appreciated the Vice Mayor's comment about the confusion and if someone were to pull in close to the intersection and found they had to pull back out to get a longer term space, there was some merit. He said with properly signing and the meter's being painted a different color, then hopefully the learning curve was short and flat and that was why the committee went with every 300 feet.

Commissioner Chestnut said he agreed with Shumm's comment, but if the City avoided 30 rear end accident downtown a year, then there was a trade-off.

Shumm said the committee was good with either option.

Commissioner Dever said Commissioner Chestnut's logic made perfect sense. The space was great, but how did that measure against the potential conflict zone of the intersection with the light changing.

Commissioner Chestnut said 9<sup>th</sup> and Massachusetts Street was dicey.

Douglass asked if that included anything in the lots off of Massachusetts.

Commissioners Chestnut and Dever said no.

**Moved by Dever, seconded by Chestnut,** to adopt on first reading, Ordinance No. 8518, establishing 15 minute parking spaces downtown, and direct staff to place said meters per Option 1 as presented by staff. Aye: Chestnut, Cromwell, Dever, and Johnson. Nay: Amyx. Motion carried. (14)

The Commission recessed at 8:40 pm.

**Receive staff report on habitual parking violator ordinance**

After returning from recess at 8:50, Toni Wheeler, Director of Legal Services, said on March 30, 2010, the City Commission received some inquiries regarding the habitual parking violator law that was passed last year with enforcement beginning earlier this spring. The Commission asked staff to prepare some additional information. The Commission wanted to know where the parking violations occurred, the time of day the citations were issued, whether people receiving the citation were timely paying those citations and some information on the location of the City's long-term parking spaces.

Staff prepared the report and Vicki Stanwix, Court Administrator, provided a lot of the data and was available to answer any questions as well as Teri Pierce, Parking Control Unit Manager who also provided a lot of help in putting the information together.

At the time staff prepared the report, staff's data was current through April 9, 2010 and since that time, there had been additional citations issued and 196 citations had been issued to 101 individuals. It was possible that some of those people had since paid their tickets, or some might have received more, but staff was unable to fully update the complete report because it was rather time consuming.

Mayor Amyx called for public comment.

Jeremy Furse, Lawrence, said he was representing the 133 businesses that presented the petition and the 770 downtown employees that signed the petition. He said he saw some encouraging remarks in the newspaper made by the City Commission about trying to find a better solution because they all believed there was a problem, but they did not feel it was the correct solution.

Bob Shumm, downtown business owner, said this was a long-standing position of the Downtown Lawrence Inc., to have a habitual violator type of fine to keep people from parking in prime spaces and keep people from parking in spaces that should be allotted for customers. There were a lot of 10 hour meters, parking passes, free parking on the top floor of the parking garage. There was no shortage of parking downtown, but there was a shortage of prime

parking downtown if everyone wanted to park downtown. The habitual ticket would push the people into spaces where they needed to be if they were going to be at that location a long time.

He said the City's mainframe was able to generate a schedule of license plates that would be eligible for a habitual ticket on a given day which a parking control officer showed him on their hand held device that there were 40 or 41 habitual violators, a day after all the petitions were made public. Most of the habitual violators parked up and down Massachusetts Street and 3 weeks later, he contacted another parking control officer and there were 21 habitual violators, two weeks later, it was down to 19 violators. He said once the commotion started, that habitual number fell in half immediately. It took care of itself, in other words, it was working. When talking about 5,000 employees downtown, shoppers and visitors and down to 101 habitual violators, that was a small amount of violators. He said why not raise the fine for those violators to get the message across that they needed to park where they were suppose to. He said he had been downtown for 40 years and never had gotten a habitual ticket. He said it would work and if it was loosened, the violators would be back taking up prime spaces.

Jane Pennington, Downtown Lawrence Inc., said the Board of Directors of DLI continued to believe those prime parking spots should be reserved for their customers. They also thought it was counter productive to doing business downtown if all those spaces were occupied by employees and residents. There were two hour time limits for a reason which was to turn those parking spaces over so customers could get to those parking spaces.

She said they were not entirely unsympathetic to some of the concerns of downtown workers as far as parking in the garage. It was described as "creepy" and not well lit and while they did not think it was a good idea to relax that habitual offender, it might be a good opportunity to take a look at some things that might be done to make that garage a more comfortable place to go to such as additional lighting, a panic button or cameras.

Mayor Amyx said the last time Pennington attended representing DLI, he asked if the Board was in favor of the habitual violator ordinance or not.

Pennington said the Board of DLI was in favor of the habitual violator ordinance.

Furse said he received a memo from Pennington that stated the Board did not support the habitual violator ordinance. Also, the report stated the majority of the tickets were not issued on Massachusetts Street. He said it had very little to do with those spaces on Massachusetts Street.

Commissioner Chestnut said he would not say very little, but about 30% to 40%.

Furse said as employees of downtown, they were not saying there should not be some type of habitual violator provision, but this provision was far too harsh the way it continued on and how a person was supposed to get off that list.

Chris Bailey, Lawrence, said basically what Pennington stated was that she did not make the recommendation and that staff made the recommendation and that was the confusion.

She said she liked to park in the parking garage in the summers, but she felt that when she walked in from the north that it was not pedestrian friendly.

The City Commission made some recommendations for people that had not paid their parking ticket to get a \$50.00 fine and thought it was a good idea.

Commissioner Chestnut said he wanted to accentuate some things from the memo of April 9<sup>th</sup> which was the 85 people that were cited as habitual violators had 6,657 tickets over the last 2 years. That was an average of 78 per person and of April 9<sup>th</sup>, 79 of those 85 had not paid all of their tickets and owed the City \$25,000, an average of \$316. That 40% of the habitual violators had not paid any of their tickets in the last 2 years, based on the data, until they received a habitual violator ticket. He said it was about time for the City to enforce this violation. He said based on the information, it was a small group of people that were the same folks and were continuing to rack up the tickets and that was the behavior that needed to be addressed. According to Shumm's comment, if those numbers were going down, then the habitual violator ordinance was having its effect.



He said staff was concentrating 10 hour spaces on the 9<sup>th</sup> and New Hampshire, but the 9<sup>th</sup> and New Hampshire was only one 10 hour location. He said he looked at 10 hour locations at 7<sup>th</sup>, between Rhode Island and New Hampshire which was Hobb's Taylor Lofts, 6<sup>th</sup> Street at the Riverfront Mall, 9<sup>th</sup> Street on New Hampshire, and 11<sup>th</sup> and Vermont. He said there was coverage all the way between 6<sup>th</sup> Street and 11<sup>th</sup> Street, within a two block stretch. According to statistics, two of those lots were filled on an average of 50% and two on the average of 75%. There were spaces available in the morning, afternoon and evening and there were no time when any of those lots were shown to be 100% full. There were options other than the 9<sup>th</sup> and New Hampshire Parking Garage, but the lighting comments were germane and the garage structure needed to be made a more user friendly facility. He said the City Commission was addressing an issue that needed to be addressed and appreciated the data from staff that revealed a lot of information.

He said the data indicated that out of the 168 citations, 58 of those citations were on Massachusetts between 6<sup>th</sup> and 11<sup>th</sup> Street and a lot of citations were in the parking lots between Massachusetts and Vermont, between 8<sup>th</sup> and 10<sup>th</sup> Streets which was the hardest place to get a parking spot. He said the City Commission was enforcing a rule that should be enforced and it was in an area with the group of people that needed their behavior changed.

Commissioner Dever said he liked the idea of the habitual offender offense and the fines associated. It was clear, it was a small group of people, but he did wonder if there was something that could be studied to determine how to get removed from the list, easier. He said if the City Commission modified their behavior and they accidentally receive a ticket, that was one thing, but some people received two tickets a day. He said it was not fair that a small group of people were making it difficult for everyone else, but it was unfortunately how it worked. He was in favor of enforcing the habitual violator.

Jan McCullough, Lawrence, said if wanting to get those habitual violators to pay \$25,000 worth of fines, if the City knew who those people were by their license tag, they would not get to re-register their car or buy their tag until they paid their fine.

Commissioner Chestnut said that was crossing jurisdictions with the County.

Commissioner Johnson said he was okay in keeping the current regulations.

Vice Mayor Cromwell said he had issues with the current regulations, but respected that there was a parking problem. It concerned him that the City had the license tags written down on the back of the handheld meters and seemed like a lot of work to go through. He said he was not sure what solutions or how to change the ordinance. He said something needed changed with the 5 violations a month and without getting off the list easily and needing to go 30 days without getting a single ticket.

Mayor Amyx said Commissioner Chestnut stated that this ordinance worked because the City started collecting money for the habitual violator.

Commissioner Chestnut said the memo indicated that 40% of those 85 habitual violators had not paid anything, until they received that habitual violation fine and people started paying. He said his point were that the habitual violator had its desired affect.

Mayor Amyx said several weeks ago the City Commission referred this item back to staff to provide extra information. He said he realized there was other parking available in the long term lots downtown, but his main concern was with the ticketing of the habitual violator and whether or not someone paid their ticket or not. If someone was paying their ticket on a regular basis was that person a habitual violator.

Commissioner Chestnut said he wanted to re-phrase something Vice Mayor Cromwell stated, in that the City did not have a "parking problem", but a "behavior problem". He said using the scenario of just wiping out the habitual violator, stating as long as a person paid their tickets it was fine, but at \$3.00 or \$6.00 a day, a person might think it was worth the cost of the ticket and all two hour lots and everything between 6<sup>th</sup> and 11<sup>th</sup> Streets would be full of

employees. He said it was clear to him the City had to have something that significant enough to get people to change their behavior because of those 85 habitual violators, 79 of those violators, if they had an average bill of \$316 with a lot of those as \$3.00 tickets, they basically had decided that it was worth it to continue to get tickets. He said it was not about the fine, but the behavior and did the City Commission want to change the habitual violator's behavior or not. He said after getting one ticket and paying the ticket, then not getting one within 30 days would be hard to track, but there might be some review that was needed. He said they had to have something significant enough that it would get attention, but it obviously had.

Mayor Amyx said his main concern was that if someone was paying their tickets were they really a habitual violator, but he did not believe that person was a habitual violator.

Commissioner Chestnut said the individual might not be, but collectively, if there were enough of those people, what would be ended up with was the parking lot between 6<sup>th</sup> and 11<sup>th</sup> on Massachusetts, for employees.

Vice Mayor Cromwell said to keep in mind that the City was not enforcing this ordinance and it was not like the City all of a sudden started enforcing this ordinance and all of a sudden the parking conditions would change if it was removed.

Commissioner Johnson said if there was a way to cleanup after a person paid their ticket to get off the list, he was okay. He said he wanted to keep with the \$50 fine after the 5 violations.

Mayor Amyx said if he received 5 tickets, he would be a habitual violator and be fined \$50 after 5 tickets.

Commissioner Johnson said yes. He said he wanted to stay with the current ordinance and had not heard any reason to change that current ordinance.

Commissioner Chestnut said the only exception once getting hit with the \$50 fine and that person's slate was cleaned, then not getting a ticket within 30 days seemed harder to track and it might be a good idea to start the clock over.

Commissioner Dever said he was thinking about what people talked about last time and about people who worked downtown. The people that paid their fines were still habitual violators just like being fined to speed. He said he thought the back end needed to be loosened, get their attention and their money and move forward.

Mayor Amyx asked if Commissioner Dever would work with staff to come up with some type of language and then this item could be placed back on the agenda. He said he still questioned whether or not an individual was a habitual.

David Corliss, City Manager, said staff needed to work on how to deal with this item administratively. He said the City had an issue with programming software, but staff could let the Commission know the challenges in programming, but staff would find a way. (15)

**The staff report regarding a sidewalk dining and hospitality license for Louise's downtown was deferred until May, 18, 2010.** (16)

**Consider adopting on first reading, Ordinance No. 8516, amending Chapter 6 Article 14 of the City Code regarding Licensed Street Vendors.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, said staff received a request to make amendments to the Street Vendor License Ordinance. The current ordinance allowed street vendors to operate to 9:00 p.m., but they would like to operate until 2:30 a.m. Also, the current ordinance allowed street vendors to operate at certain corners of Massachusetts Street and they requested a new location at 6<sup>th</sup> and New Hampshire, west of the entrance to the upper level to the parking garage. In the future, they also mentioned operating at 14<sup>th</sup> and Ohio, possibly 9<sup>th</sup> and Massachusetts. He said currently street vendors were allowed at 9<sup>th</sup> and Massachusetts so he had not added any language to the ordinance to make that change and staff recommended denial of the 14<sup>th</sup> and Ohio location and keep street vendors in the downtown business district.

Jason Mandel said they created a plan to establish a late night food stand on Massachusetts Street in downtown Lawrence. The concept of a convenient food stand in the proposed area was based on the following and presented in their report:

1. The present absence of any food vending in the proposed area during most of the proposed hours of operation. In addition to conveniently satisfying the appetites of the general public, this will especially accommodate the hunger of students after “last call” from the numerous bars in the immediate vicinity whose food services have closed for hours. The proposed hours of operation will be between 10:30 pm and 2:30 am, Wednesday through Saturday.
2. The variety and presentation of food offered will be a welcome sight to all, but especially to the average student on a tight budget.
3. Convenience cannot be overstated; seating is not an issue and all food is already prepared.
4. Important to note, the lion’s share of the targeted consumer (no pun intended) are students, mostly comprised of teenagers and young adults, most of whom characteristically possess an inherently (enviable to those older) endless appetite and cherish immediate gratification. This operation will be well suited to satisfy that demand in mutually affordable manner. Ideal economics.

The description of the business:

“A late night food stand donning the name, Last Stop Snack Shop will be stationed at various locations, depending upon the night, throughout downtown Lawrence, Kansas, between the hours of 10:30 pm and 2:30 am on Wednesday, Thursday, Friday and Saturday nights.

The Last Stop Snack Shop will serve hot dogs, hamburgers, tacos, etc, and a variety of drinks complying with local health and fire codes.

On Wednesday night, our food stand will be located on the corner of 14<sup>th</sup> and Ohio Street near the Jayhawk Café.

On Thursday night the stand will relocate to 6<sup>th</sup> Street and New Hampshire where patrons from Abe and Jakes Landing, as well as other bars on the North end of Massachusetts Street, frequently wait for the Safe Bus and Safe Ride services.

Friday and Saturday nights, the Last Stop Snack Shop will most likely be strategically placed near 9<sup>th</sup> Street and Massachusetts Street as it centrally located in downtown Lawrence, Kansas. These last locations are still being contemplated.

All the locations listed have a high volume of pedestrian traffic on the corresponding evenings; ideally, this will maximize profits of The Last Stop Snack Shop while minimizing any noise disturbances to the nearby areas that may otherwise be absent.”

Mayor Amyx called for public comment.

Jane Pennington said as a general rule Downtown Lawrence Inc., was in favor of this entrepreneurial spirit in which this request came about. The idea of allowing vending until 2:30

a.m. was a bad idea. The combination of alcohol, late night, kids in a huddle was a recipe for trouble. Already, retailers and other businesses owners were faced constantly with cleaning up after the late night revelers such as replacing broken windows and washing vomit off of their entrances. There was enough of a problem trying to balance the needs of their daytime and night time people, without adding the potential for issues around this particular concept. She said the board was not supportive of this idea.

Ralph Gage, World Company, said if 6<sup>th</sup> and New Hampshire was off the table.

Mayor Amyx said that location was written in the ordinance.

Gage said his company owned property on the riverfront, on both sides of the street along 600 block of New Hampshire and owned frontage for about half the block in the 600 block of Massachusetts Street.

They had some experience with their target market and had not been a pleasant experience for their company or for their employees. There had been broken signs, damaged trees, broken windows, vandalized cars, graffiti, defecation, urination, and intimidation of their employees that were coming and going in the building at the hours that bar traffic was going up and down New Hampshire Street.

He said they tried to address some of those issues with additional lighting, security cameras, and with private security patrols, but they would be concerned if a magnet was placed in this particular area that would draw additional traffic late at night, down the street.

They also had a concern about vehicle traffic because most nights of the week, their distribution operation was going of with roughly 150 vehicles coming and going to distribute U.S.A. Today, the Journal World, and the Daily Kansan and he could not imagine a worse place to introduce a lot of inebriated drivers into the mix. He said if 6<sup>th</sup> and New Hampshire was out of the ordinance, then he thanked the Commission for listening to him, but that location was in the ordinance, they were concerned about having a congregate meal site for inebriated bar traffic on their doorstep.

Justin Sharkan, Mandel's business partner, said regarding storefronts, it would not take away from storefronts during the day because they were on the street.

He said regarding the cleanup, it might consolidate the mess. They would be cleaning up after themselves and if anything was majorly wrong, they would also take care of that.

He said being at that location would deter vandalizing and violence and people would know they had cameras as well as police patrolling on Massachusetts. He said people out at that time had a common goal of food.

Mayor Amyx said the ordinance extended the timeframe and adding additional location on New Hampshire Street and the northwest entrance of the Riverfront Parking Garage. Since that was the original request, he did not have any problem striking that from the ordinance.

Commissioner Dever asked if the applicant had to get approval from the surrounding property owners.

Douglass said the City Commission made the ultimate decision the applicant was required to notify businesses within 75 feet, but not necessarily property owners.

Vice Mayor Cromwell said if the applicant had to get permission from businesses within 75 feet and then it came back to the City Commission.

Douglass said there were very few street vendors, but the Commission approved the street vendor licenses.

Mayor Amyx said the City Commission was looking at an ordinance to allow for extending the time. The application would be made to the City Clerk's Office.

Douglass read the language about the adjacent businesses which read:

"An applicant for a street vendor license shall present a statement of intention to all businesses with 75 feet of location for which the applicant seeks the license. The applicant shall obtain the business owners signature of approval and submit the signatures to the City Clerk. The applicant shall instruct said business owners to submit in writing to the City Clerk, all comments regarding the applicant's statement of intention."

Commissioner Dever said there was this whole discussion about drunkenness, debauchery, and throwing up, but for him this boiled down to if this venture would provide a positive benefit to what was going on at that time of the day or a negative one. He said extended the hours to 2:30 am, simply meant how late they were open and did not mean that was when everyone would be at that location. There would be a period of time, the applicant would be serving and not necessarily everyone downtown was going to be intoxicated and someone might be hungry and want something to eat. He said it was a good idea and commended the applicants for their presentation.

He said he could not think having gentlemen of their size downtown, at 2:30 am, was a bad thing with security cameras. He said anything the City Commission could do to make downtown safer which included having people downtown was a good thing. He said he did worry about the congregation concept and people hanging around, but he did not think it was that tremendous of a problem that would happen on a regular basis. He said extension of the time was serving a niche the applicant was trying to justify to the Commission.

Commissioner Chestnut said he did not have a problem with the extension of time. He said he assumed 14<sup>th</sup> and Ohio was out. The reason 6<sup>th</sup> and New Hampshire bothered him was because Gage had a lot of relevant points and the way the traffic flowed. There was a lot of action at 10<sup>th</sup> and Massachusetts with cars traveling 15 to 20 mph, but 6<sup>th</sup> and New Hampshire was a whole different thing on that curve. He said he saw bad things happening in that area and did not think the lighting was good either.

He said the City had an aggregation called Jo's Bakery for a long time, unfortunately it closed. He said having their business in the public square around 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Streets, he did not think it would contribute anything more to the detriment to whatever else was going on downtown. He said kids were going to get hungry and were going to look for something to eat and if it was available on Massachusetts, he did not see it contributing to anything detrimental, but 6<sup>th</sup> and New Hampshire, the setup was different.



Commissioner Johnson said he agreed with Commissioner Dever and Chestnut's comments. He said this business would not hurt but add to the downtown area. He said he agreed with Gage's comments in taking that 6<sup>th</sup> and New Hampshire area out.

He said if this was a 12 month permit.

Douglass said a street vendor paid an annual fee, plus a monthly fee for any months a street vendor was operating, or could do a per day fee.

Commissioner Johnson asked if the City Commission had the ability to pull that permit if there were problems.

Mayor Amyx said he did not see anything in the ordinance that would allow the permit to be pulled, but with the use of the public right-of-way and the final decision rested with the City Commission, the Commission had revocation privileges.

Commissioner Johnson said he appreciated entrepreneurial spirit and working through the process. He said he was willing to give this venture a try.

Vice Mayor Cromwell said this was not about their license, but changing the ordinance to allow later times. He said he had concerns of the direction of downtown and turning into Aggie Ville, but this was a lot safer than having another bar or two in the downtown area. He said he commended the applicant's entrepreneurial spirit as well. He said the street vendor license was a one year license, but it was irrelevant because the City Commission could review it at any time if there were any problems.

Mayor Amyx said the ordinance stated:

"The governing body reserves the right to reject any or all applications and to restrict or prohibit the use of the right-of-way at the above locations at any time."

David Corliss, City Manager, said that section of the code read:

"The City Manager or designee, the Chief of Police or the Codes Enforcement Manager may suspend or revoke a license issued under this article if the license street vendor violates any provision of the code or other ordinance of the City governing the activities permitted by the license or the license was obtained by fraud or misrepresentation."

He said any violation of any of a number of different things that were set out, enforcement could be carried out. Staff's usual protocol was to work with the applicant first, point out the problem and if the applicant was not responsive, then staff would work with the applicant.

Mayor Amyx said as long as the 6<sup>th</sup> and New Hampshire location was stricken as well as the location at 14<sup>th</sup> and Ohio.

He said regarding the 2:30 am time change, it was not so much the congregation of people as much as the safety of the applicants.

He said the ordinance stated that the street vendor must approve current State of Kansas Health Department Certificate of Approval and meet all responsibilities.

He said by approving this ordinance, this issue would not be seen again.

Douglass said any license application would be placed back on the consent agenda in the license memo. He said staff often initially placed sidewalk dining licenses the City Commission had to approve with other items such as their site plan, ordinance and actual license as a package. He said staff could do that for those street vendor licenses, attaching any of the materials the City Commission desired.

**Moved by Dever, seconded by Chestnut** to adopt on first reading Ordinance No. 8516, amending Chapter 6 Article 14 of the City Code regarding Licensed Street Vendors, with the elimination of the additional site from the ordinance. Motion carried unanimously.

**Consider the Iowa Street reconstruction project from Yale Road to Bob Billings Parkway/15<sup>th</sup> Street intersection, including center turn lane, funding sources, and inclusion into City/KDOT 5-year CIP**

Chuck Soules, Director of Public Works, presented the staff report below:

The excessive cold temperature and record snowfalls during the past winter has caused significant pavement deterioration / failure on many of our arterial streets and thoroughfares, including Iowa Street south from Yale Road to Bob Billings Parkway. In order to address these impending and urgent maintenance needs, the 2010 Street Maintenance program has already been revised.

The original 2010 Street Maintenance Program (presented to the City Commission on December 1, 2009) included comprehensive rehabilitation of Kasold from Trail to Peterson. Under the revised 2010 Street Maintenance program (approved by the CC on March 9, 2010), the scope of Kasold project has been reduced in order to pay for the immediate and urgent repair needs on other heavily travelled city arterial streets, e.g. Iowa, West 31<sup>st</sup>, Louisiana and W 6<sup>th</sup> - these streets were not previously included in the original 2010 Street Maintenance program.

In March 2010, maintenance consisting of full depth patching and conventional mill and overlay were completed on Iowa street, from Yale to Irving Hill. This is a short term fix; a long term solution to improve the pavement condition on Iowa is needed.

The original pavement of this section of Iowa Street, from Yale Road to Irving Hill overpass, was built in 1952, and has been milled and overlaid several times. The original pavement is at the end of its design life and has been requiring more frequent maintenance measures in recent times. Although milled and overlaid as a KLINK project in the summer of 2006, the City's Street Maintenance Division has been performing routine maintenance (fixing potholes, base repair, full depth patching etc.) on this section of Iowa on a continuous basis. The extensive pavement deterioration caused by this past winter could not be addressed by routine maintenance alone. Therefore, comprehensive maintenance was undertaken in March 2010, which in turn is expected to extend the life of the pavement for a couple more years. Meanwhile, staff is working to figure out a long term solution for this important corridor in Lawrence.

We have recently taken some core samples of the pavement structure to ascertain the underlying condition; it appears the pavement structure has experienced considerable damage including being disintegrated at some locations. Based on the age, condition of the existing pavement structure and maintenance history, it is evident that the condition on Iowa Street cannot be improved for the long term without complete reconstruction. We believe that the base of the section south of Bob Billings Parkway has not deteriorated as significantly and would recommend the project limits be from Yale Road through the intersection of Bob Billings Parkway. Two options are available:

#### Complete Reconstruction and Widening

In this option, the existing pavement will be entirely removed and replaced with new pavement structure. The new pavement structure will likely be 10 to 12 inch thick concrete or asphalt. Depending on the existence of ground water in the sub-grade, an under-drain system may be installed. The existing footprint of the roadway will be widened to add the center-turn lane. Estimated construction cost: \$5.5 million

#### Complete Reconstruction (No Widening)

This option would include complete reconstruction (described above) but no pavement widening. Estimated construction cost: \$4.5 million.

On March 29, 2010 city staff conducted a public meeting to discuss possible improvements including the center turn lane. At this meeting, staff also distributed a citizen survey questionnaire on the issue of the turn lane. Public opinion at the meeting was mixed, with relatively greater support in favor of the center turn lane.

Out of 21 participants in the survey, 14 people expressed support for the turn lane, and 7 expressed opposition. Staff has also received 16 emails in support of the turn lane and 3 emails in opposition

Those in favor of the turn lane are generally of the opinion that the center turn lane will improve traffic flow and safety. People against the turn lane are concerned that this will encourage more people to make left turns from Iowa onto Stratford and University, and would thereby make an existing bad situation worse.

People opposing the turn lane are also generally of the opinion that the city and KU should work together to make 15<sup>th</sup> Street, east of Iowa, a four lane road as a solution to the safety problem on Iowa Street. Based on our conversations with KU, it does not appear that KU currently has any funds available to make improvements on 15<sup>th</sup> Street.

At the meeting (also expressed in the emails and Citizen Survey), there was a general consensus regarding the need for traffic calming measures (speed hump, reduced speed limit, No Parking, etc.) on the side streets to discourage cut-through traffic. These measures, as appropriate, can be completed prior to the Iowa Street Improvement project, or simultaneously as part of the Iowa Street project.

Some of the other ideas / concerns expressed by the residents include pedestrian connectivity and safety, and/or construction of a median island on Iowa Street to prevent left turns altogether.

Staff is currently collecting traffic data on the side streets to have a better understanding of the traffic flow and to address citizen concerns regarding congestion, speed, increased traffic volume etc. by providing effective traffic calming measures.

The center turn lane has been a controversial issue since the late 1980's. The city has made several attempts in the past to address the safety problem on Iowa Street with no conclusive outcome/consensus.

Based on peak hour traffic volumes on Iowa street, left turn lanes are warranted at all intersections within this portion of Iowa. There have been 76 reported crashes on Iowa Street between Orchard Lane and University Drive in the last three years. Analysis of the accident data indicates that a center-turn lane is needed to reduce accidents / crashes in this area.

#### Funding:

KDOT is currently soliciting applications for Federal Aid Safety projects for the fiscal year 2012. Maximum available funding: \$800,000.00 with a minimum 10% local match. If awarded, earliest date of funds availability: October 1, 2011, beginning of Federal Fiscal Year 2012. In 2007, City received \$800,000 of Federal Aid Safety funding for this project, but was unable to utilize the funding due to public opposition to adding a center turn lane on Iowa Street.

#### Sales Tax Funds / Street Maintenance Funds

The recently passed sales tax for infrastructure maintenance could provide some funding for this project. Iowa is a major arterial road, is a priority over other streets, and would be a worthy candidate to receive funding from this program.

### City 5-Year Plan

The Kansas Department of Transportation is requesting cities and counties to update their 5-Year Plan. The 5-Year Program distributes Federal-Aid Highway funds to assist communities in providing construction projects on Federal-Aid eligible routes. Typically the City receives approximately \$1 million annually to assist with road construction projects. Projects that have been funded through this program include:

N. Michigan, Riverridge Road to W. 2<sup>nd</sup> Street  
Kasold Drive, Peterson Road to the KTA Bridge  
Kasold Bridge over the KTA  
19<sup>th</sup> & Louisiana improvements  
2<sup>nd</sup> & Locust  
O'Connell Road, 23<sup>rd</sup> to 31<sup>st</sup>

The City's current 5-Year Plan includes:

Kasold Drive, 23<sup>rd</sup> to 31<sup>st</sup>  
31<sup>st</sup> Street, Haskell Avenue to O'Connell Road

Staff would recommend that Iowa Street be added to the 5-Year Plan.

### Douglas County Participation

Iowa Street (HWY 59) is a major highway servicing Lawrence/ Douglas County. The City would request participation in funding this arterial connection.

Based on the age and the condition of the existing pavement, in combination with the frequent maintenance needs in recent years, it is our conclusion that a complete reconstruction of the street pavement is the best solution and would last about 40 years before requiring any major maintenance. We have discussed these options with KDOT engineers and are in agreement that complete reconstruction is the most cost effective long term measure.

Because Iowa is part of the City Connecting Link (US 59) this project will have to be administered and reviewed by KDOT. KDOT review of project plans and specifications typically takes up to two years. Due to the various complexities in this project (namely, analysis and design of pavement structure, sub-grade treatment options, turn lane or no turn lane, soil analysis, stakeholder participation, power pole relocation, presence of ground water in the sub-grade, intersection geometric improvements on the side streets, etc.), the city will need to hire a consultant to provide the engineering design services and preparation of construction plans. It is anticipated that this project can be ready for bid letting by December of 2011 with construction to begin in early spring of 2012 and anticipated completion by December 31, 2012. Traffic will be carried through the construction site. In order to meet this schedule, engineering design needs to begin immediately. Complete reconstruction of Iowa (Yale Road to the intersection at Bob Billings Parkway), estimated construction cost at \$5.5 million, plus engineering and right-of-way, could be financed as summarized below:

\$1,000,000 - from City Sales Tax for annual street maintenance projects. )

\$ 800,000 - Federal Aid Safety Funding (will be eligible only if there are safety improvements included in the scope of the project, such as center turn lane or median island.

\$3 million - Surface Transportation Program (STP) (federal funds the City receives annually for transportation projects).

\$1.25 million-General Obligation Bonds.

Staff would recommend the following:

1. Complete reconstruction of Iowa (from Yale Road to intersection at Bob Billings Parkway), and widening to add the center turn lane.

2. Work with neighborhood residents to determine appropriate traffic calming devices / measures on the side streets.
3. An engineering firm will need to be hired in the spring of this year (2010) to meet the proposed KDOT schedule.

If appropriate:

1. Authorize staff to proceed with complete reconstruction of Iowa from Yale Road to Bob Billings Parkway, including a center turn lane.
2. Authorize staff to submit Federal Aid Safety Application.
3. Authorize staff to work with the neighborhood residents to determine appropriate traffic calming devices / measures.
4. Authorize staff to begin the process to hire a consultant for engineering design services.
5. Authorize Mayor to sign request for construction project for Iowa Street.
6. Approve 5-Year Plan submittal.
7. Authorize staff to request Douglas County participation in the cost of the reconstruction of Iowa Street.

David Corliss, City Manager, said the Public Works Director's memo included \$1.25 million in General Obligation Bonds. Staff was making the first decision for the 2011 Capital Budget. Staff tried not to spend over 5 million dollars a year in debt obligations in order to keep that rough estimate of 7 mills, the bond and interest mill levy stable. This would be the first part of that 5 million dollars, not for 2010, but for 2011. He said staff was comfortable with that decision, knowing what projects were out there. This was a high priority of staff to begin proceeding with this project. He said \$1.25 million came from somewhere and the community paid property taxes on it eventually, but it was essentially next year's debt budget the City Commission would look at when considering the 2010 Budget in the coming weeks.

Mayor Amyx said when driving down 6<sup>th</sup> Street to the City limits he noticed the left hand turn lane stretched that length and there were very few places other than Folks Road. The stretch that was missing was 15<sup>th</sup> Street from Bob Billings to north to Harvard and the area past the turning lane north to 15<sup>th</sup> Street, down to the turning lane at 19<sup>th</sup>.

Soules said that same situation happened on 6<sup>th</sup> Street, just past Tennessee to Michigan. It was basically 4 lanes with parking lanes on both sides, but after the KLINK project, staff re-striped that area and placed a center turn lane in. The neighbors on the south side of 6<sup>th</sup> Street had similar concerns about cutting through the neighborhood. After that area was

completed, staff received several phone calls in appreciation for making that area safer from the neighbors to get in and out of their homes and had not noticed any increase in traffic.

Mayor Amyx said there was another stretch of roadway that he compared to this roadway which was the area by Eldridge on 6<sup>th</sup> Street, which was the last area where there was no left hand turn lane. He said concerns could be addressed ahead of time in that area.

Mayor Amyx called for public comment.

Janette McCullough, resident on the corner of Sunset and Harvard Road, said they moved to that location in 1966 and loved their location after 44 years, even with the traffic. She thanked the City for the prompt attention to the resurfacing of Iowa Street.

She said she was representing her volunteer neighbors and approximately 164 citizens of Lawrence that signed a petition in favor of the center turn lane on Iowa Street, between Harvard and Bob Billings Parkway. She said those citizens were from all areas of Lawrence, not just the turn lane neighborhood. Those citizens were vexed by all of the rear end accidents, the long lines of cars waiting for the car ahead to turn and the cars that pulled out to get around the car that wanted to turn.

She said regarding the center turn lane on Iowa Street between Harvard and Bob Billings Parkway, she found the same thing that Mayor Amyx found except for the 4 block section between Harvard and Bob Billings Parkway had turn lanes, stop lights or a way to make a left hand turn without taking a chance. She said that 4 block section had 6 intersecting streets, 3 on the west and 3 on the east. There were 6 entry and/or exit points within 4 block and none of those streets were new to the neighborhood. It did not seem to work right to have 6 entry/exits points in a 4 block section on a main 4 lane street as well as a highway and no center turn lane.

After the Kansas Department of Transportation's recommendation of a turn lane and between 60 to 75 accidents, were recorded in the last 3 years, she asked why that short section of Iowa did not have a turn lane. She said if they were waiting for a fatality or a huge truck or

trailer to crash and burn and who was at fault. This was a highway as well as one of the few main north/south streets in Lawrence.

The City also placed a short turn lane at 9<sup>th</sup> and Avalon, but had made travel much safer on 9<sup>th</sup> Street. Drivers needing access from Avalon, both north and south could access 9<sup>th</sup> much more safely and traffic moved better up and down the hills.

She said she knew some of the West Hills residents, not all because some had signed their petition, had been strongly against the turn lane because it might cause more traffic in their neighborhood. Some of the residences were quite concerned about the speed of the cars and there needed to be discussion about speed bumps or some other traffic calming ideas.

The traffic to and from KU seemed to be the creator of many of the left turning vehicles off of Iowa that bothered the West Hills neighborhood and could add cars from about 6 sororities and fraternities to that traffic. If she was thinking correctly she believed the hill and the university itself found in 1865 were present before most, if not all, of the houses west of the campus and no one said there would not be traffic.

Some folks had suggested a large 4 lane entry to KU at 15<sup>th</sup> Street, also known as Bob Billings Parkway, east of Iowa as a way to direct traffic away from the left turn problem. People coming from the south and the west, up and to Iowa already mostly use that entrance and she was sure the KU basketball attendees would appreciate it, but it would not eliminate the need for a center turn lane on Iowa because the people that came from the north and the northwest would not drive all the way to 15<sup>th</sup> Street to a major entry to onto the campus, unless a 15 hour patrol was provided.

There had been talked of banning left hand turns off of Iowa which would take 12 to 16 signs or block entrance and exits from at least University and Stratford and wondered where the traffic that usually turned at that point, go then and would probably use the stop light at Iowa and Harvard.



She said they needed to make it safe and safe for vehicle and drivers, pedestrians and bicycles. She asked the City Commission to vote "yes" for the center turn lane on Iowa between Harvard and Bob Billings Parkway.

Bill Mitchell, Lawrence, said he wanted to recant part of his letter from the 5<sup>th</sup> of April. He said 2 things influenced his decision which was yesterday's Journal World editorial. It stated that if the City did not want to add a turn lane, simply ban left turns on that stretch of Iowa. Also, he believed that safety, in large part, confused with convenience. He said he was a tolerably safety minded driver, but had been 25 to 30 years since he made a left turn onto Stratford or University from Iowa or from those streets onto Iowa. He entered and exited the neighborhood at traffic lights at Harvard and 15<sup>th</sup> on Iowa, Emery and Mississippi on 9<sup>th</sup> Street and he recommended the practice to other drivers. Banning left turns on Iowa, University and Stratford would encourage all drivers to follow that practice. Doing so would also keep the City in compliance with the goals set out in the comprehensive plan to discourage cut-through traffic in neighborhoods. It might even encourage the University to face up to its problem of vehicular access, improving the Melot gateway. Not surprisingly, the City Engineer reported that based on conversations with KU, it did not appear that KU currently had any funds available, nor had KU in the past 20 years. It was not so much funds, KU had, but priorities. If the City solved, for them moment, KU's access problem on the back of the neighborhoods, KU would have averted its responsibility again and so would the City.

One of the differences at 6<sup>th</sup> Street, through Old West Lawrence was not the direct route to KU. He said rebuild the road and why not strive for another 60 year life instead of the 40 year life, surely technology was advanced and at least match the life span of the old road. Instead of a million dollar turn lane, just install \$10,000 worth of "no left turn signs" and save a bunch of money and save the life of a neighborhood kid.

Priscilla McKinney, Lawrence, said she had been rear ended twice trying to turn left onto her street. She said she questioned the intentions of those who recommended making a left

turn lane from Iowa to Stratford because that step might produce the opposite effect of what was intended. It would actually produce more speed and traffic, be an invitation for more people to stop and slow down on Iowa, and hence not do away with that risky blind spot over the hill going south on Iowa and it would be an invitation for more people to use Stratford to get to campus. A left turn lane would encourage more traffic through one of the oldest most established residential neighborhoods in Lawrence. It would lower their property values and thus produce even less City revenue. A left turn lane would make Stratford a thoroughfare, encouraging more traffic to and from campus. We are already overrun by busses and semi trucks that are tearing up our street. It would endanger foot traffic of students going to and from campus and those using the water tower park. Proposing to do away with parking at the east end of Stratford would take away parking options for residence who live there who mostly have single lane driveways. Parking double on the grass in these driveways is illegal and there would be no parking for any guest or family of residence. The absence of street parking would encourage speeding through this residential area. She said she thought Iowa should not be widened for a left turn lane or for any other reason, it would encourage more heavy traffic and there was already more than enough. Access to campus should be through 15<sup>th</sup> street, which had been the long planned way to get there, or through Naismith, Mississippi or Indiana the streets off of the major thoroughfare that form the square of Lawrence, namely 9<sup>th</sup>, Iowa, and 23<sup>rd</sup>, those streets that lead to campus parking facilities. If we want more safety on Iowa, instead of the status quo, we should use signs to lower the speed limit, vibrating speed strips to lower the speed and personally she would favor a no left turn sign on Stratford and on perhaps on University as well, she said she thought those in the neighborhood were willing to try to get around the absences of the left turn lane. She said, finally we need to absolutely rethink and complete the southwest traffic way. Whatever the intentions were in proposing a left turn lane on to Stratford the affect would be to make the street a major artery into campus, dividing and making more dangerous one of the most beautiful and established neighborhoods in Lawrence.

Michael Almon said he had tried turning left off of Iowa many times and was scared to do it, and had been backed up behind drivers many times and was irritated by that. He said it was probably a wise idea to put a left turn lane there but was also sympathetic to those who had neighborhoods that had cut through traffic because his neighborhood had dealt with that. He said he would let the commission use their wisdom on that. It appeared at this point that there were no engineering drawings in the works and that there was no consideration at this point for bicycle facilities.

He said there were a number of policy that could come to bear, one of which was when Lawrence tried to expand the bicycle network, the policy that Lawrence adopted said that the time to add to the bicycle network was when a street was being re-constructed or milled and overlaid. In the federal highway guidelines, as far as non motorized bicycle facilities were concerned, basically said to increase non motorized transportation, to at least 15% of all trips. He said that had been the general guideline that Lawrence had pretty much complied to, and he had heard it referenced in various grant applications that the city was trying to achieve that.

On March 11, 2010 the Department of Transportation issued a new policy regarding the non motorized transportation. The Department of Transportation policy was to incorporate safe and convenient walking and bicycling facilities into transportation projects. Every transportation agency, including the Department of Transportation had the responsibility to improve conditions and opportunities for walking and bicycling, to integrate walking and biking facilities into their transportation systems. That was the general overall policy. He said there were no requirements, that states and municipalities had a lot of latitude in deciding what and where and how to set their priorities for bicycle facilities. The DOT's policy had been strengthened and encouraged states and local governments to adopt similar policies statement to the one just read. Local communities should go beyond the minimum design standards and requirements, consider walking and bicycling as equal with other transportation modes. Walking and bicycling should not be an afterthought in roadway design. Bicycle, non motorized users shall be

considered during the planning, development and construction of all federal aid transportation projects and programs. In the US code 217 G-1 it was stated that bicycle transportation facilities and pedestrian walkways shall be considered where appropriate in conjunction with all new construction and reconstruction, there are a number of places in the federal statutes and the Department of Transportation guidelines referring to this kind of thing and a lot of it is focused on safety.

Mayor Amyx said the request that you have before us this evening was to consider bike lanes and whatever was going to be helpful in adding bicycle safety along Iowa street that we are going to be rebuilding?

Almon said, yes, and specifically with regard to the national highway system, the part of Highway Department projects not on the National Highway system that were constructed in accordance to state laws and priorities. Projects on roads that made up the National Highway system, which of course included highway 59, the National Highway facility adequately served the existing and planned future traffic that was conducive to safety, durability, economy and maintenance. The secretary of transportation approved design and construction standards for new construction and reconstruction, this was relative to the conducive safety, their emphases was on safety, this whole project was about safety, Ms. McCullough referred to bicycles and pedestrian safety. Because the city policy was no bicycle lanes on major arterials or any arterials, he requested the city to consider a shared use 10' wide side path. The logic of that was that the Hill Crest commercial area was probably the most difficult area to access by bicycle in Lawrence. You can't get there by going North on Iowa street because of the intersection with 6<sup>th</sup> street. You couldn't get there from 9<sup>th</sup> Street, because of the danger and incline. You couldn't get there on Iowa as there were no bicycle facilities. So this would be an obvious logical link in the bicycle facilities because south of 15<sup>th</sup> street there was a shared 10' wide side path that went down Clinton Parkway and connected with the Clinton Parkway trail system and extended as far as Irving Hill road and it wouldn't take much to connect it to 15<sup>th</sup> street which

would create a link with the rest of the bicycle network up to the Hill Crest Area. He said he didn't know what the right of way width was but if they were acquiring new right of way, he thought it possible to include the bike path and requested the commission to seriously consider it as a safety measure in the project.

Unidentified Woman said thank you, you've done a wonderful job of making the City of Lawrence livable and good for us. She said she thought the left turn lane was not a good project for Lawrence. She said that building a left turn lane would not solve the major artery congestion long term. She said the difference with Iowa Street to 6<sup>th</sup> and the 4 blocks that didn't have left turn lanes was that they were side streets not designed for traffic flow. On Iowa Street, where there were left turn lanes, they guided the traffic to the university or the store or strip mall not to a residential area. She said she received an email from the mayor that stressed this was an inexpensive way to clean up the major artery road and fix the problem, but she didn't think it was feasible or would fix the problem. The city would pay less money but the ultimate price would be paid by the residents. She said they were the area highly property taxed by the local government, and it was unfair for to build a turnpike in front of their doors. She said that Stratford was the most crowded pedestrian side street in Lawrence, and there was a high concentration of faculty, staff and students living in their community. People walked or biked to the KU campus to work and study, which was good for the economy, the environment and personal health but during certain times of the day it was so crowded that people had to walk in the road to avoid sidewalk congestion. In the winter we walked on the road to avoid the ice build up on the sidewalk and adding more traffic would make pedestrian traffic unsafe and wished the city would make the street friendlier to the pedestrian instead of more traffic.

She said that in a 2008 national magazine Lawrence was ranked number one in walk ability, for the state of Kansas and 38th in the United States among 500 cities. We had the lifestyle and quality; could we save it instead of destroy it?

Robert Lewis, said he had used Stratford going west and then gone to Iowa and either turned right or left to go north, west or south. He said the issue at Stratford and Iowa or at University and Iowa was an issue of safety and the numbers spoke for themselves; seventy six wrecks in three years or sixty one in two years. People said we were going to have more traffic down University or down Stratford if we put a center turn lane there; we may have a few more cars, but the big issue was that you would still have to make a left hand turn across the traffic coming from the north or the south. He said there may be even more traffic on Iowa coming from the south when US 59 was fixed and there were four lanes coming from Ottawa. With people coming from Wichita, Emporia and Ottawa into Lawrence to save on money and traffic from I-70 at a shorter distance at the same time. He said he didn't think anyone on University or Stratford had the speeders he had by his house coming around the curve and up the hill up to Stratford, he had 5 cars in his yard in the last 4 years. The neighbor across the street had his fence taken down by cars and last Friday night a skateboarder almost met his death with the cars coming around the corner. He said we needed speed control, but first we needed a center turning lane on Iowa and then we could take care of the traffic in West Hills with either speed bumps or speed control.

Xiar Dong Pan said if we were talking about safety and allowing a left turn on a busy highway it was a big violation coming from a property value standpoint. He said he was against widening the street and putting in a center turn lane. You may ease the accident problem on the north bound but accidents happened both ways. You may increase the head on traffic going the other direction. You could take less of a risk on the major highway but increase the traffic to the neighborhood. He said he had two kids, 2 and ½ years old and 6 months old, that were running around the street all the time. Sure Iowa might have accidents but if more cars came into his neighborhood it would affect the safety of his kids and also the property value of his house. One may argue that it may not happen, but the highway is something that if you build it people

will come, just like the internet. He wanted to remind them that this was not a matter of democracy; he could have neighbors gather more signatures than people who live on Stratford Road. Democracy was not about the more people who vote taking the other peoples interest or property value away.

Ursala Juado said she was at the March meeting and there was no talk about expanding the turn lane to Bob Billings, there was only talk about University Drive. She said this was the first time she heard about the extension of this project onto Bob Billings Parkway. She said her property had a deep, steep bank that went down into the yard and there was also a steep incline on the East side and wanted know what the plan was regarding those steep inclines. In putting the middle lane into that area had anyone considered how expensive it would be to put in a retaining wall, or how to solve the problem of the steep banks. She said she had lived there since 1971 and the greenery on the west side of Iowa between Terrace Road and Bob Billings was all planted by her in the last 30 years and she would like to keep it intact. She said if you widened the street, the banks on the right and left would somehow go and it would be terribly expensive and she wanted to know if that had been included in the 5.5 million dollars.

Tracy Green said his company had a business on the west side of Iowa Street and had been on the front row to all the accidents over the last 3, 4, 5 years, He said he also lived in a neighborhood on the west side and sympathized with those who lived East of Iowa Street but still thought we needed a center turn lane on Iowa Street. He said he thought we could incorporate right in and right out on Stratford /University and do other traffic calming measures down Stratford and University to take care of the speed issues. He said he had asked at the public meeting if all the KDOT accident data had been just north bound Iowa street turning west would the accident and traffic load data require a center turn lane, the answer was yes. The other question he asked was if they did improvements such as 4 lanes on 15<sup>th</sup> Street east of

Iowa, a new entrance to the University, and blocking off Stratford and University, would that in any way, reduce the traffic flow on Iowa Street. The answer was no and those two statistic in and of themselves suggested that we needed the center turn lane.

John Spurgeon, said he supported the left turn lane, his street was a feeder for Meadowbrook off of Iowa and saw a lot of left turn traffic. He said he thought the left turn center lane would be a benefit as he still liked to have the access to Iowa from Orchard and heard the arguments about it being hard to get on there, and while it would be more convenient if there was a middle turn lane, to at least merge into and eventually get on to Iowa and go North. Especially this last winter when we had bad weather and a lot of snow, it was more convenient to get down to Iowa than to go up and down Centennial where it was more difficult to get through the snow. He said he was there in support of the center turn lane.

Tammy Becker, the principal at Hill Crest Elementary school, said she was there not either in support or against the center turn lane, but wanted to share a couple of comments. She said they were very aware of the number of accidents that happened on Iowa on a regular basis and that it often slowed school traffic causing kids and buses to be late to school. She said they were very aware of the situation and felt something had to be addressed. If the commission considered putting no turn lanes to Stratford and University, although the hope would be for the traffic flow to go to 15<sup>th</sup>, her concern was that it would increase the traffic on Harvard which went right in front of the elementary school. She said she sympathized with the neighborhood and that it was a high traffic neighborhood and would continue to have KU traffic, as it was just part of who they were in that neighborhood. She said the turn lanes would increase traffic in that area so please look at speed limits and speed bumps as they would be critical due to side street parking and children walking to school. She asked that the commission consider the school traffic while making their decisions.



Amyx said he thought they had been given a lot of helpful information and wanted to back up 4 years when he had voted to support the center turn lane and apologized to 70 plus drivers that he wasn't strong enough to figure out a way to get a left hand turn lane in at that time and take care of the concerns of the neighborhoods. He said with the professional expertise they had on staff along with KDOT able to make recommendations to take care of some of the concerns on the east side of Iowa street going into the Campus area. He said Tracy Green was right and there were things they could do on Stratford and University that would take care of a lot of the concerns of the right in and right out. With professional recommendation and, with your help, we can help alleviate some of the concerns in the neighborhood. He said Miss Becker brought up ideas of looking at speed limits and speed humps and other things that would take care of some of the safety issues, and that was absolutely right. He said he traveled Iowa street two times a day on that stretch at great times of the day and there were left turns happening. There were things we could do to help curb a lot of the concern and would go to our staff to making those recommendations and he still stood behind the left hand turn lane and thought it made sense but would take everybody's help to make it work. He said that Michael was right and that the opportunity was now to consider a bicycle path, and appreciated him coming forward at this time rather than later. Also the fact that there were not in design now allowed for the opportunity to look at the concerns regarding the landscaping on Terrace Road and consider not only the safety issue but the traffic concerns of the neighborhoods as well.

Commissioner Cromwell said he thought is was irresponsible for the commission to not consider the additional traffic that would be on Iowa Street once four lane improvement were made south of town, there would be new people driving through the city of Lawrence, strangers, people who weren't familiar with the fact that this was the only spot that didn't have a left turn lane. He said it was irresponsible from a planning perspective not to think about it and at the same time irresponsible for them to not consider the impact that an easier turn off the major

street that lead to the university and what kind of impact that would have on the neighborhoods. He said he never drove those streets and had never thought about turning off of Iowa, after looking at the map and studying the information he saw how it could increase traffic and thought they had a real concern. He said it was different than other places in town, as it was a major way in and out of the University and thought they needed to plan for it. He didn't think it was an either or situation but that they could do both together and improve the safety for everyone, both those on the west side of Iowa and the east side. He was in favor of widening the street and simultaneously committing to some sort of traffic calming, no roundabout, on either of those streets, and that the parked cars would act as traffic calming and that they had experts in the area and could solve the problem together and improve property values, as in general, it was a more desirable place to live when you could get in and out of it easier.

Commissioner Dever said that a turning lane was necessary and we had to make accommodation to the neighborhood with traffic calming devices. The city was building a great bike path network and this was a great time to look at the bicycle lane and it would be a valuable addition to that network.

Commissioner Chestnut said that this gave them the opportunity to design. He said that recently Chuck had worked with a neighborhood and done some traffic calming on Congressional and Stone Ridge which were two entrances off of 6<sup>th</sup> street and he work they did had been very effective. He said this was a big issue and he loved the idea of the University coming to the plate and helping out with the situation but the fact was that that was not going to happen. The other thing we needed to balance off was taking KDOT's consideration into affect because they pay per lane mile to maintain the state highway system through the city and traffic flow was a priority for the system coming that route. He said he understood the neighborhood concerns and looking at this as a big project where we had the opportunity to figure out what kind of engineering we needed was a great opportunity to get the best design that we could get and try to accommodate as many concerns as possible and we really do need the left turn lane.

Commissioner said we do need the left turn lane and we do have the opportunity is there to look at how we can mitigate the affects to that neighborhood, we have staff and it would be the job of the consultant and he thought we could do it.

**Moved by Chestnut, seconded by Cromwell to...**

1. Authorize staff to proceed with complete reconstruction of Iowa from Yale Road to Bob Billings Parkway, including a center turn lane.
2. Authorize staff to submit Federal Aid Safety Application.
3. Authorize staff to work with the neighborhood residents to determine appropriate traffic calming devices / measures.
4. Authorize staff to begin the process to hire a consultant for engineering design services.
5. Authorize Mayor to sign request for construction project for Iowa Street.
6. Approve 5-Year Plan submittal.
7. Authorize staff to request Douglas County participation in the cost of the reconstruction of Iowa Street.
8. Add consideration of bike lanes in design of street
9. Consider what affect widening the road at Terrace Road would have.

Motion carried unanimously.

**(17)**

**PUBLIC COMMENT:** Shawn Tocars said college students had noticed an increase in police presence at parties within the city limits and wanted to know if it was by chance or if the Commission had wanted to cut down on college parties because of the deaths last year?

David Corliss, City Manager, said that any increased police presence was coincidence; he said he was proud of the police department and that foot patrols downtown had increased at specific direction of the City Commission.

Mayor Amyx said that the police department did a great job in making sure that safety was carried out in all kinds of ways and that the commission had listened to quite a few problems around and given some direction and thought it was all about public safety.

Tocars said there were no specific intention?

Commissioner Chestnut said there had been no change in policy.

Commissioner Cromwell said they had addressed the problem of overdrinking and the deaths and had expressed grave concerns about it but there had been no movement to that end.

**FUTURE AGENDA ITEMS:**

- 05/04/10       ·       Consider the following utility master plan items:
  - a) Update on Wastewater master plan efforts.
  - b) Award bid for wastewater and water modeling software for the Utilities Department to Bentley Systems, Inc., for \$35,350.
  - c) Authorize staff to negotiate and Engineering Services Agreement with Burns & McDonnell/BG Consultants for the preparation of the Water System Master Plan.
  
- 05/18/10       ·       Conduct public hearing for the dilapidated structures located at 1313 Haskell Avenue. Consider adopting a resolution declaring the structure unsafe and dangerous and ordering the property owner to repair or remove the structure within a specified period of time. Should the property owner fail to comply the City would contract for the removal of structures.
  
- May/June       ·       Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.
  
- 06/08/10       ·       Receive status update on the property at 331 Johnson Avenue on violation of City Code Sections 9-6011 (A) and (C). Receive additional code enforcement information as directed by the City Commission. Authorize staff to proceed with enforcement actions if appropriate.
  
- 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 (staff memo);
  - 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
- City Auditor will present annual audit plan for consideration and approval

by the City Commission.

**COMMISSION ITEMS:**

**Moved by Chestnut, seconded by Cromwell** to adjourn at 11:13 p.m. Motion carried unanimously.

**APPROVED:**

\_\_\_\_\_  
Mike Amyx, Mayor

**ATTEST:**

\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

## **CITY COMMISSION MEETING OF April 27, 2010**

1. Authorize \$250,000 for 5 paratransit vehicles - Kansas Truck Equipment Co. 100% KDOT funds
2. Bid - one low speed electric vehicle for Utilities Dept. - M & M Golf Cars - \$11,947.17
3. Bid - one heavy duty dump bed & hoist - PW Dept. - American Equipment - \$18,992
4. 2<sup>nd</sup> Read, Ord. 8520, sale, possession & consumption of alcohol-Broken Arrow Park, May 7-8, 2010 - Lawrence Sertoma BBQ Cook-off and fundraiser.
5. 2<sup>nd</sup> Read, Ord. 8502, temporary possession & consumption of alcoholic related to the Tour of Lawrence event, on July 2 and July 4, 2010
6. Res. 6882, sale & conveyance, Sunshine Property, LLC project (Microtech Computers, Inc., 4921 Legends Drive).
7. 1<sup>st</sup> Read, Ord. 8511 rezoning, Z-1-1-10, 5.252 acres from IG to IL, 151 McDonald Dr. Downtown Equities II, LC,
8. 1<sup>st</sup> Read, Ord. 8512, Text Amendment, TA-1-2-10, Sections 20-403, 20-601(b) and 20-601(b)(1), to permit Hotel/Motel/Extended Stay Use as an allowed use in IL Zoning.
9. Special Event Permit, SE-4-10-10, Jim Clark Motors auto tent sale at the Sears parking Lot, 2727 Iowa Street from April 29 through May 1, 2010.
10. ROW -Lawrence Art Guild - close Mass. St. from N. Park Street to S. Park Street - Sunday, May 2, 6:00am - 7:00 pm - 2010 Art in the Part Art Fair.
11. City managers Report.
12. 2<sup>nd</sup> Read, Ord. 8500, SUP-1-3-10, Temporary Shelter, Lawrence Community Shelter, 3701 Franklin Park Circle
13. 1 yr facility use agreement-Lawrence Indoor Aquatic Center/Ad Astra Area Aquatics
14. Staff report - 5 minute parking meters downtown
15. Staff report -habitual parking violator ordinance
16. Staff report -sidewalk dining and hospitality license -Louise's downtown
17. Iowa Street reconstruction - Yale Rd. to Bob Billings Prkway/15<sup>th</sup> St. intersection, center turn lane, funding sources, & inclusion into City/KDOT 5-year CIP