



# 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

May 25, 2010

The Board of Commissioners of the City of Lawrence met in regular 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.

**Moved by Johnson, seconded by Cromwell,** to recess into executive session for 45 minutes to discuss matters relating to employer-employee negotiations. The justification is to keep possible employment terms and conditions confidential at this time. Motion carried unanimously.

After a short break the Board of Commissioners resumed their regular session at 6:35pm.

### PROCLAMATION

With Commission approval Mayor Amyx proclaimed the City of Lawrence's commitment to ADA compliance.

### CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut,** to receive minutes from the Public Health Board meetings of March 15, 2010 and March 22, 2010; the Lawrence Cultural Arts Commission meeting of April 14, 2010; and the Sustainability Advisory Board meeting of April 14, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut,** to approve claims to 250 vendors in the amount of \$1,533,402.74 and payroll from May 9, 2010 to May 22, 2010 in the amount of \$1,785,944. Motion carried unanimously.



As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve the Drinking Establishment license for Paisano's Ristorante, 2112 West 25<sup>th</sup> Street; CMB Licenses for Pyramid Pizza, 1029 Massachusetts; Wal-Mart, 550 Congressional Drive. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to concur with the recommendation of the Mayor and appoint Ian Spomer to the Sustainability Advisory Board, to a position which will expire December 31, 2013; and, John Ziegelmeyer to the Traffic Safety Commission to a position which will expire April 30, 2011. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to set a bid opening date of June 15, 2010 for Bid No. B1036 – Wastewater Pump Station 04 Discharge Piping Replacement. Motion carried unanimously. (1)

The City Commission reviewed the bids for Bid Number B1024, Project UT0705CS-Wet Weather Storage Expansion for Pump Station PS09, for the Utilities Department. The bids were:

<b>BIDDER</b>	<b>BID AMOUNT</b>
B.A. Green Construction Inc.	\$1,989,000.00
BRB Contractors	\$1,729,000.00
Irvinbilt Company	\$2,356,000.00
Midland Contractors inc.	\$1,777,000.00
Walters Morgan Construction Inc.	\$1,717,000.00
Wildcat Construction Company Inc.	\$1,444,400.00
Wolfe Construction Inc.	\$1,900,000.00

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut** to award the bid to Wildcat Construction Company Inc., in the amount of \$144,400 and authorize the City Manager to execute the contract. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve change order for the Carnegie renovation project (9<sup>th</sup> & Vermont to AB Bradley in the amount of \$23,821.69. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve a Special Event (SE-05-19-10) for a downtown film festival located in the 900 block of New Hampshire Street, more specifically the southwest corner of E 9<sup>th</sup> Street and New Hampshire Street. Submitted by Jane Pennington of Downtown Lawrence, Inc., Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the Mayor to execute a Memorandum of Understanding providing for the receipt of \$50,000 donation from the University of Kansas Housing Department for the acquisition of the new ladder apparatus for the Fire/Medical. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to approve a request by Bartlett and West, on behalf of the property owner of the property located at 1804 West 6<sup>th</sup> Street, Johnson & Ellis Investments, for a variance from 19-214B of the City of Lawrence Code which states that a private sanitary sewer service line shall not be located in a City public right-of-way for greater than 15 feet. Motion carried unanimously (6)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut**, to authorize the Mayor to sign a Release of Mortgage for Julie Faust, 537 Eldridge. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut** to approve, as signs of community interest, a request from First Southern Baptist Church to place promotional signs advertising Vacation Bible School in the right-of-way at 4300 W. 6<sup>th</sup> Street, from Wednesday, June 9 through Thursday, June 24, 2010. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Dever, seconded by Chestnut** to receive year end 990 Form for Lawrence Freenet. Motion carried unanimously. (9)

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

During the City Manager's Report, David Corliss reported Moody's bond rating agency had recalibrated bond ratings resulting in increased ratings for the City of Lawrence; an updated memo regarding departmental and other request for funding, which had not been included in the budget, was provided; the City received \$95,077.73 from the Lawrence Douglas County Housing Authority in lieu of taxes; the Building and Structures Division replaced lighting fixtures on the lower level of the Riverfront Parking Garage, the power consumption savings was estimated to be 94,871 kW per year with a simple payback for the project in two years; and, 56,326 pounds of electronic equipment were dropped off at this year's Electronic Recycling Event.

Mayor Amyx said in the updated memo regarding departmental and other request for funding, he asked if there was an additional total amount added.

Corliss said historically, staff deliberated about program improvements and enhancements. Staff tried to make improvements within the resource projects for next year. He said those requests were not just coming from City Departments, but also outside requests, such as Downtown Lawrence and Douglas County. (10)

#### **REGULAR AGENDA**

**Consider approving revisions to the 2010 Comprehensive Street Maintenance Program, and an increase of \$511,000 to the program budget.**

Mark Thiel, Assistant Director of Public Works, said staff was asking for an increase to the 2010 Comprehensive Street Maintenance Program. He said \$500,000 was for street maintenance and \$11,000 was to resurface two downtown parking lots.

At an earlier City Commission meeting, the Commission authorized staff to adjust the amount budgeted for Kasold from 6<sup>th</sup> Street north to Peterson. Staff took half of that money budgeted and redistributed to streets such as Iowa, West 31<sup>st</sup>, Louisiana and West 6<sup>th</sup> Street.

Also, regarding the Pavement Management Program, staff discovered additional streets that were not recognized, primarily due to the harsh winter and requested the Commission allow maintenance to those streets without taking those streets already slated for repair, off the pavement program.

Vice Mayor Cromwell asked if staff was talking about resurfacing the library parking lot.

David Corliss, City Manager, said the library parking lot was on the program, but with the library expansion project, there was a likelihood of a proposal to expand the library into that parking lot and place an improved parking lot at that location. The library parking lot needed attention, but staff did not want to make improvements to that lot, only to tear it out in a couple of years.

Thiel said there were two parking lots were Lot 17 and Lot 2 which would be micro surfaced and restriped.

Corliss said micro surfacing was the appropriate treatment for a parking lot.

Mayor Amyx said if those additional streets were next, in line, in the Pavement Management Program such as Inverness Drive.

Thiel said a section of Inverness Drive was on the 2010 Pavement Program that was approved earlier in the year. He said staff suggested maintenance of Inverness Drive, from 15<sup>th</sup> to 23<sup>rd</sup> Street, which could be done with approval of the additional funding.

Commissioner Chestnut said he liked the idea of Inverness Drive being added to the maintenance program.

**Moved by Dever, seconded by Chestnut** to approve revisions to the 2010 Comprehensive Street Maintenance Program, and an increase of \$511,000 to the program budget. Motion carried unanimously

(11)

**Consider adopting Resolution No. 6889, ordering the improvement and authorizing the issuance of General Obligations Bonds, in the amount of \$1,250,000, for the Iowa Street reconstruction project, from Yale Road to 15<sup>th</sup> Street / Bob Billings Parkway, as discussed and approved by the City Commission on April 27, 2010**

Chuck Soules, Director of Public Works, said on April 27, 2010, the City Commission authorized staff to proceed with a complete reconstruction of Iowa from Yale Road to Bob Billings Parkway, including a center turn lane and related items. The estimated construction cost was \$5.5 million, plus engineering and right-of-way, which could be financed:

\$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.

David Corliss, City Manager, said the City had the ability, with its assessed valuation, to issue about \$5 million dollars a year in debt and keep the bond and interest mill levy stable. There were some out year ramifications which were 6.9 and might go to 7.01, in two or three years, but the City might catch up with the assessed valuation and could possibly use other funding.

He said the million dollars from the City's sales tax was a .3 percent sales tax, approved by voters in November 2008, and was being collected to help fund road projects along with other funding sources. He said the State allocated appropriate funding for this project because it was a State highway.

The City was in the process of selecting engineers which was a major expense for the next 12 months. He said bidding would not take place until late 2011 or early 2012 and there would be no requirement to transfer that money or issue bonds until that time.

Commissioner Chestnut said he would like clarification on the spreadsheet that stated a \$6 million dollar total cost of the project and the memo which stated a \$5.5 million total cost.

Soules said it was \$5.5 million total cost plus engineering and right-of-way.

Commissioner Chestnut said regarding the General Obligation Bond, the \$1.25 million would be serviced out of the bond and interest fund.

Corliss said yes.

Commissioner Chestnut asked if the City was planning on using sales tax money to service any General Obligation Bonds.

Corliss said correct. The plan with the .3 percent sales tax was “pay as you go.” There might be a situation where a project was needed sooner and the bonds would be retired using that revenue stream. He said Maple Street Pump Station was an example of issuing debt.

Commissioner Chestnut said regarding the \$1.25 million, those bonds would be issued in year 2012 or 2013.

Corliss said he bet the first interest payment would not be until late 2012, but for budgeting purposes, it was because of the timing of the projects, the timing of the issuance of the debt and the timing when the City needed to budget for that debt which would span into years. He said if the City had been faithful to the 5 million a year the City was pretty much on target in keeping that mill levy reasonably stable.

Mayor Amyx said that Corliss mentioned the Maple Street Pump Station and asked if the City would issue General Obligation Bonds or look at Revenue Bonds.

Corliss said it would be General Obligation Bonds because that pump station would be paid for with sales tax dollars and not with the storm water utility. He said in the Moody Ratings, the City received a better interest rate on General Obligation backed debt than with Water and Wastewater Revenue debt because of its more speculative nature.

Mayor Amyx said this project was extremely important for public safety in this community and this was next step in carrying out this project.

**Moved by Chestnut, seconded by Cromwell** to adopt Resolution No. 6889, ordering the improvement and authorizing the issuance of General Obligation Bonds, in the amount of

\$1,250,000, for the Iowa Street reconstruction project, from Yale to 15<sup>th</sup>/Bob Billings Parkway.

Motion carried unanimously.

(12)

**Consider approving the purchase of six light-duty 25' buses from Kansas Truck Equipment, Co., for a total of \$480,000. The buses will be purchased off the existing Kansas Department of Transportation state bid vehicle contract and \$398,400 is funded from existing Federal Transit Administration Grants and \$81,600 will be funded from the State of Kansas Transportation Program.**

Robert Nugent, Public Transit Administrator, said the T currently used twelve, 30-foot vehicles for providing fixed route service. The service life of those vehicles was rated at ten years or 350,000 miles. As of January 2010, the entire fleet had exceeded their service life.

In October 2009, staff developed a vehicle replacement plan, but the plan was developed prior to receiving consultant recommendations on the type and level of service and the plan needed to be adjusted.

The plan called for a mix of four vehicle types to replace the twelve bus fleet as follows:

- 3 Heavy-Duty 40' Hybrid Buses (ordered and expected to be delivered in 2011)
- 3 Heavy-Duty 30' Buses
- 3 Medium-Duty 25' Buses
- 3 Light-Duty 25' Buses

With the completion of the consultant recommendations and comment from the public, changes were made to the initial plan. Instead of purchasing three medium-duty and three light-duty buses, they were pursuing six light duty buses which allowed flexibility in vehicle assignment and operation.

Staff's recommendation was to purchase six light-duty 25' buses to replace six existing fixed route vehicles, utilizing the Kansas Department of Transportation Vehicle Bid Contract and was awarded to Kansas Truck Equipment, Co. in Wichita, Kansas.

With this purchase and the purchase of three heavy-duty 40' hybrid buses, only three buses were needed to fully replace the existing twelve bus, fixed route fleet. The last three buses would be acquired using Federal grants. Local funding of approximately \$150,000 was



required to match those Federal funds for those three buses and those funds were available under the dedicated .05 Sales Tax.

Staff recommended that the City Commission authorize staff to acquire six fixed-route vehicles as replacements for six existing fixed-route transit vehicles that surpassed useful life requirements. The vehicles would be purchased off existing state bid vehicle contracts. The cost per vehicle was \$80,000 for a total cost of \$480,000 from Kansas Truck Equipment.

Commissioner Dever asked if there was anyway those buses could accommodate bicycles.

Nugent said those vehicles would be equipped with two slot bicycle rack in the front which included the ADA lift.

Mayor Amyx asked if the lifetime year and mileage would be consistent with the current vehicles.

Nugent said yes. He said those were five year vehicle, but it came down that mileage prevailed over the years.

Mayor Amyx asked about the maintenance over the 5 year life of those vehicles.

Nugent said they were going with diesel and the older the diesel engine, the better it performed. He said the vehicles would be a little bit harder to work on, but performance of those vehicles was very good. He said those buses would last the life expectancy.

Mayor Amyx called for public comment.

After receiving no public comment, Commissioner Chestnut said he appreciated Nugent's work. He said the City was seeing a little bit of the fulfillment of some of the promises for the sales tax initiative which was to leverage the collective equipment of both entities to help minimize the investment and provide a good product.

Mayor Amyx concurred.

Vice Mayor Cromwell said the smaller buses were more efficient and now were seeing the benefit of the analysis performed to right-size the City's bus system.

Commissioner Dever said he appreciated Nugent's experience brought to the City of Lawrence.

**Moved by Chestnut, seconded** by Dever to approve the purchase of six light-duty 25' buses from Kansas Truck Equipment Co., for a total of \$480,000. Motion carried unanimously.

(13)

**Consider adopting on first reading, Ordinance No. 8515, amending City Code provisions establishing procedures for allowing alcohol on City property**

Jonathan Douglass, Assistant to the City Manager/City Clerk, said the proposed ordinance did not expand the areas in which alcohol was permitted, but only changed the process by which the City authorized possession and consumption on public property.

Staff was recommending those changes because the current process was burdensome on both staff and the public. He said there was opportunity to offer better customer service and conserve City resources, still protecting public interest.

Under the current code, possession of alcoholic liquor and cereal malt beverage on public property was generally prohibited with certain properties exempted from that prohibition and for all other properties the City Commission had to adopt a separate ordinance if possession and consumption was going to be allowed. The City Commission adopted such ordinances on a regular basis as seen in recent weeks with weddings and other events in City parks that required an ordinance to allow alcohol. Also, library fund raisers and sidewalk dining areas of licensed drinking establishment.

Ordinance 8515 would eliminate the need to publish an ordinance in each of those circumstances previously mentioned. Currently, to possess and consume alcohol in any parks facility two things were needed. 1) Permit from the Parks and Recreation Department; and, 2) an ordinance adopted by the City Commission. He said this ordinance would eliminate the need to adopt an ordinance each time, but the permit from the Parks and Recreation Department was

still required and the City still had control over the consumption and possession of alcohol in the parks.

He said for sidewalk dining areas and licensed drinking establishments that intended to serve alcohol in their sidewalk dining areas and the City Commission intended to allow possession and consumption and this ordinance would create an exemption for approved sidewalk dining areas. If, in some cases, the City Commission wanted to prohibit alcohol in a sidewalk dining area, the Commission could exercise that with a condition on the site plan or in the Use of Right-of-Way Agreement that was adopted by the City Commission.

Also, there was an exemption in this ordinance to allow alcohol with the permission of the library, according to their rules and regulations.

In summary, the ordinance did not expand the possession and consumption of alcohol on public property to any new areas, but it did streamline the approval process to save time and resources for everyone involved. Staff recommended approval of Ordinance 8515 on first reading.

Mayor Amyx asked about the amount spent on each publication of those ordinances.

Douglass said those ordinances were generally \$80 to \$100 and last year there were 15 ordinances adopted. He said more significant was the time staff spent drafting and placing those ordinance on an agenda. Sometimes the public had a scheduled wedding in a park, not realizing that an ordinance was required to allow alcohol.

David Corliss, City Manager, said the crescendo was when the City had someone having a wedding in South Park and found out late they needed this process and involved a number of staff personnel from Parks and Recreation, City Clerk, and City Manager offices. He said it would be nice to have a cleaner process when staff knew this was something appropriate to proceed with.

Vice Mayor Amyx said with the amount of time it took staff to carry out this process, it made sense to adopt this ordinance.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Cromwell, seconded by Chestnut**, to adopt on first reading, Ordinance No. 8515, amending City Code provisions establishing procedures for allowing alcohol on City property. Motion carried unanimously. **(14)**

**PUBLIC COMMENT: None.**

**FUTURE AGENDA ITEMS:**

- |          |   |
|----------|---|
| May/June | <ul style="list-style-type: none"><li>· Upon conclusion of 2010 Kansas Legislature, review and consider possible changes to City primary election law.</li><li>· Receive the staff report concerning the impact of the State's Indoor Clean Air Act on the City's smoking regulations.</li></ul>  |
|          | <p><b>ACTION:</b> Direct staff, as appropriate.</p>   |
| 06/15/10 | <ul style="list-style-type: none"><li>· 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.</li></ul>                    |
| November | <ul style="list-style-type: none"><li>· Receive status report on LCS relocation efforts.</li></ul>  |
| TBD      | <ul style="list-style-type: none"><li>· 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.</li><li>· Receive Lawrence Human Relations Commission gender identity report.</li></ul> |

**Moved by Chestnut, seconded by Cromwell** to adjourn at 7:24 p.m. Motion carried unanimously.

**APPROVED:**

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Mike Amyx, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk

## **CITY COMMISSION MEETING OF MAY 25, 2010**

1. Bid B1036-Wastewater Pump Station 04 Discharge Piping Replacement-open date – June 15.
2. Bid B1024, Wet Weather Storage – Wildcat Construction. \$1,444,000. CM to execute the contract
3. Change Order – Carnegie renovation – AB Bradley for \$23,821.69
4. SE-5-19-10 – Downtown Film Festival, 900 Blk NH St. SW Corner of E. 9<sup>th</sup> St. & NH
5. MOU-receipt of \$50,000 donation from KU Housing - new ladder apparatus for Fire/Med Dept.
6. Variance 19-214B sanitary sewer service line not in City ROW, 1804 W. 6<sup>th</sup> St.- Bartlett & West.
7. Release of Mortgage – Julie Faust, 537 Eldridge
8. Signs of Community Interest–First Southern Baptist, VBS 4300 W. 6<sup>th</sup> –June 9-24, 2010
9. Lawrence Freenet – 990 Form
10. City Manager Report.
11. 2010 Comprehensive Street Maint. Program revisions - increase \$511,000 to budget.
12. Res. 6889 – improvement – General Obligation Bonds \$1,250,000, Iowa St. reconstruction
13. Purchase six Light-duty 25" buses from Kansas Truck Equipment \$480,000
14. Ord. 8515 – 1<sup>st</sup> Read, amend City Code establish procedures for alcohol on city property.