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City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

July 20, 2010

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Chestnut, Cromwell, Dever, and Johnson present.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve minutes from the City Commission meetings of May 4, May 18, and May 25, 2010; Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve claims to 254 vendors in the amount of \$1,738,404.22 and payroll from July 4 to July 17, 2010, in the amount of \$1,875,128.33. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve the drinking Establishment license for Ingredient, 947 Massachusetts; El Mezcal, 1520 Wakarusa Ste. F & G. Motion carried unanimously.

The Commission reviewed bids for one full size van for the Police Department. The bids were:

VENDOR	TOTAL
Shawnee Mission Ford	\$ 20,620.00
Roberts Auto Plaza	20,978.00
Laird Noller	21,405.00
David Stanley Auto Group	22,193.00



As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to award bid for one full size van for the Police Department to Shawnee Mission Ford in the amount of \$20,620. Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve purchase of a truck mounted spray injection patcher and oil storage tank (Houston/Galveston Mid America Region contract) and chassis (Kansas City Metro contract) for the Public Works Department for \$164,000. Motion carried unanimously. (2)

Ordinance No. 8539, for the Rezoning (Z-3-4-10) of 2.61 acres from PD – (Home Improvement Center – PCD-2 with use restrictions) to PD – (Home Improvements Center – PCD-2 with use restrictions amended to include office uses), located at 2000 and 2040 West 31st Street, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (3)

Ordinance No. 8540, for the Rezoning (Z-4-5-10) of 11.99 acres from PCD-1 (Planned Commercial Development) to CS ((Strip Commercial), located at 1025-1035 North 3rd Street, was read a second time. As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt the ordinance. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt Resolution No. 6894, declaring 4824 West 24th Street environmentally blighted and ordering the property owner to abate the violations within 20 days of the passage of said resolution. Failure of the property owner to comply will result in the City contracting to have the blight removed with expenses being assessed against the property. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt Resolution No. 6895, declaring 4700 Broadway Drive environmentally blighted and ordering the property owner to abate the violations within 20 days of the passage of said resolution. Failure of the property owner to comply will result in the City contracting to have the blight removed with expenses being assessed against the property. Motion carried unanimously. **(6)**

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, approve a contract with PB Americas, Inc. for on-call traffic modeling services needed by the Lawrence-Douglas County Metropolitan Planning Organization (MPO) in their conduct of the regional transportation planning program. The funding for this contract is 100% federal planning funds programmed by the MPO. Motion carried unanimously. **(7)**

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize Mayor to sign City/State agreement for participation in the reconstruction of the 23rd Street Bridge. Motion carried unanimously. **(8)**

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize the City Manager to execute Supplemental Agreement No.1 to the existing Design Phase Engineering Services Agreement with Black & Veatch increasing the scope of services from the addition of a heat dryer to the rehabilitation of Digester No.3, with no change to the existing fee, for services in conjunction with project WW0601 improvements to the Anaerobic Digester Process at the City of Lawrence Wastewater Treatment Plant Motion carried unanimously. **(9)**

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve a temporary use of right-of-way-permit for The Sandbar Birthday Party for the closure of 8th Street from Massachusetts Street to New Hampshire Street from noon on Saturday, August 14, 2010 to 1:00 a.m. on Sunday, August 15, 2010. Motion carried unanimously. **(10)**

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt on first reading, Ordinance No. 8545, allowing the possession and consumption of alcoholic liquor on specified city property on 8th Street from noon on Saturday, August 14, 2010 to 1:00 a.m. on Sunday, August 15, 2010. Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize the City Manager to sign a Facility Use License between the City and Ad Astra Area Aquatics for use of the Lawrence Indoor Aquatic Center for competitive swim practice. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt Resolution 6896, authorizing conditional notification to KDHE of prepayment of State Revolving Loan Funds. The City will issue general obligation bonds for this debt to be retired with utility revenue at a lower cost to the City. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve as “signs of community interest”, a request from First Southern Baptist Church to place a sign in the right-of-way at 4300 W. 6th Street promoting its Church wide/Neighborhood Carnival on Sunday, August 15. The sign would be placed for two weeks, beginning July 31 and ending August 15 after the event. Motion carried unanimously. (14)

CITY MANAGER’S REPORT:

During the City Manager’s Report, David Corliss said the 23rd Street KLINK project activities began July 6th and all work was expected to be complete the first week of August. The amount of patching was significant and incurred cost overruns of approximately \$150,000 to be paid from the street maintenance program; 232 building permits issued in June 2010, compared to 192 permits issued in June 2009 and permit valuation was \$4,137,672 compared to \$6,506,035 last year; Public Works purchased a new line painter that assisted maintenance staff in meeting requirements and expected to be a significant cost savings for the City; the City launched a new

sustainability web page; The city of Lawrence website received 246,752 visits from April 1 to June 30, 2010 and 730,448 pages were viewed; Parks and Recreation launched a Facebook site to interact with residents and will use the site to provide information about current and upcoming programs and events as well as important information regarding field conditions and other happenings of the department and Waste Reduction and Recycling Division also launched a Facebook Site to provide information about composting, hazardous waste disposal, waste reduction, reuse opportunities and recycling; and, the city won awards for its Community Development citizen participation efforts. (15)

REGULAR AGENDA

Receive report from County/City Sustainability Coordinator on work plan

Eileen Horn, City/County Sustainability Coordinator said presented her report, which read:

“Since beginning duties in late April, I have been working with all City departments to review existing sustainability initiatives, and to recommend best practices for the City to save energy and save money. Staff in various city departments, particularly, Public Works and Information Systems, were already monitoring and reporting historical energy usage - creating the building blocks for improved energy management.

Based upon consultation with City departments and regional municipal peers, I developed a plan of work for the coming year. This plan will be presented at the City Commission Meeting on Tuesday. An overview of current and future initiatives includes:

- 1) Update of current efforts to better publicize and share the sustainability success stories of City departments.
 - a. Creation of a City webpage: www.ci.lawrence.ks.us/sustainability that highlights City operations success stories, and directs citizens to programs and resources. *(completed July 14, 2010).*
 - b. Partnership with the Chamber of Commerce, KU, LJWorld, schools, etc. to promote community-wide examples of sustainability. The focus will be on a “Sustainability Tour” of Lawrence – with stops at business, nonprofit, municipal, and educational institution examples of sustainability. *(ongoing – plan for launch in fall/winter 2010).*
- 2) Recommendations for a strategic Energy Improvement Plan for the City that builds upon existing successes, leverages the Westar smart grid project, and positions the City as a model for its citizens in energy stewardship best practices.
- 3) A proposal for an EPA Climate Showcase Communities grant for \$150,000 to plan and implement the Energy Improvement Plan. This grant would be matched by \$75,000 of

Equipment Reserve Funds. The proposal, "Lawrence Leading by Design" would provide \$225,000 for:

- Contract with engineering firm for targeted Investment Grade Energy Audit.
- Energy monitoring/reporting tool software for all City facilities- allows us to monitor energy use, ID investment priorities, and model potential savings.
- Implementation of the top recommendations of the audit – either energy efficiency improvements and/or appropriate renewable energy applications.
- Kiosks in most publicly-visited facilities. These show real-time energy savings data, providing public education and engagement.
- Staff education and engagement – training on energy reporting tool, and utilization for department v. department energy conservation contests.
- Formation of a staff-led Sustainability Task Force to drive further sustainability initiatives and prioritize additional projects.
- Communication to citizens - coordinated with SmartStar Spring 2011 launch."

Commissioner Dever asked if this grant was guaranteed if the City applied with a 50% match.

David Corliss, City Manager, said it was a competitive grant, but staff was committed that if the City was unable to receive the grant, the City would try to make some additional steps regarding the energy auditing work that the City needed assistance on.

Commissioner Chestnut said the City was going to gain knowledge about energy efficiency, but in talking to a member of the Chamber of Commerce and touting the Chamber, there were a lot of people and businesses in the community that needed help in figuring out how to become more energy efficient. He said he saw the stories and the educational process for people residential wise, but imagined between the City of Lawrence Utilities Department and Westar, they could identify the biggest users in the community and the City could offer help on reducing their carbon footprint as well. Ultimately, the goal was to try, as a community, to reduce its carbon footprint and hopefully that was something to integrate.

Corliss said that was a good suggestion and the City would try and showcase that more because they did not want to be the only ones that had the special knowledge, but share it with the entire community.

Horn said the Lawrence project would make it a center piece, if Lawrence was first in receiving those commercial meters and could host workshops.

Commissioner Johnson said it was a good report and a good start.

Mayor Amyx called for public comment.

Tom Kern, Lawrence Chamber of Commerce, said the comment about the use of this energy efficient information by the private sector was welcomed and encouraged. He said obviously the largest private sector consumer of utilities was the University of Kansas and Horn was working with the university on a number of projects. He said there were also a number of industrial users that had hefty energy bills and all of those industrial users were looking forward for that opportunity.

The City had a good opportunity with the wastewater treatment operations. The utilities function within wastewater treatment was one that was heavily energy consuming. He said he was encouraged with Horn's work to date and with her efforts there would be a major energy reduction in energy bills and footprint overtime.

Moved by Chestnut, seconded by Cromwell, to receive the report and authorize the submittal of application for an EPA Climate Showcase communities Grant for \$150,000. Motion carried unanimously. (16)

Consider requests from Lawrence 1714, LLC, Lawrence 23 Ousdahl, LLC, and Got-Mor, LLC for formation of a Community Improvement District (CID) near 23rd and Ousdahl Streets. This item was deferred from the May 18, 2010 city Commission Meeting.

David Corliss, City Manager, said the City Commission received this item a couple of months ago and it was deferred for further review of CID law and policies. He said per City Commission direction this item was placed back on the agenda, but it was not the City Commission's final action. If this item did proceed, it would be scheduled for a public hearing with appropriate notice. This was Lawrence 1744, LLC's opportunity to present their application.

Mayor Amyx said the City Commission's action was to send this item to staff and then the public hearing date would be set.

Corliss said correct. Staff would work with the applicant to establish a public hearing date and publish appropriate notice and have it back on the City Commission's agenda to approve or not approve.

Carl Kapps, representing Lawrence 23 Ousdahl LLC, said they were excited to bring forth the project at 23rd and Ousdahl. He said they believed the CID legislation was designed precisely for projects of this nature. Many infill locations like this had gone unattended for decades and they now had the opportunity to do what might not have been feasible in the past. With the inducement and assistance of a CID, they would be able to go above and beyond what they would normally been able to do to make improvements to this site.

The parking with curb and gutter and landscaping would be brought up to City standards and much needed improvements would be made to the buildings. As stated in the draft CID policy, it was important that those benefits included reducing blight, upgrading, older real estate and neighborhood as well as promoting sustainability and energy efficiency. He said when those buildings were built, energy efficiency was not even a consideration.

There was now a potential to bring a new business to this site. This project would be presented as a "pay as you go" project and would be supported by 100% of the property owners. The City would be at no risk.

The final benefit would be a safer, cleaner, and more aesthetically please site. They appreciated consideration of this improvement district.

Mayor Amyx called for public comment.

Tom Kern, President of the Lawrence Chamber of Commerce, said he supported and asked for the City Commission's strong consideration of this application. He said he believed this was the exact purpose of this legislation and was a great first project for Lawrence. It met the criteria of the legislation and specifically addressed a concern and an issue that had been

raised by a number of the business community and Lawrence community about how they renovated existing retail and not add additional retail to the market place. He said they continued to have some on-going discussions about signage for those types of properties and he passed out a draft version of a proposed sign option for consideration.

Mayor Amyx asked for Commission direction.

Corliss said the Commission's direction was to direct staff to work with the applicant to establish a public hearing date and staff was planning on providing an analysis and believed the applicant met the requirements of the resolution. He said if there was additional information needed from staff or from the applicant now or in the future, he asked the City Commission to let staff know and at the hearing staff could respond to those questions. This was the first Community Improvement District (CID) in this community.

He said it was staff's understanding that this application was being reviewed pursuant to the existing resolution and existing policy. He said it was helpful for both staff and the applicant to understand if that was the case.

Mayor Amyx said the City Commission's comments two weeks ago regarding this item was the policy that was in place right now was the policy that this application would be considered under.

Commissioner Chestnut said much like the City did with Tax Increment Financing (TIF) projects, he asked if there would be a feasibility study.

Corliss said the City's policy did not require a feasibility study for this type of CID because there was no City debt involved or any City financial obligation. He said when the feasibility study was done for the Oread TIF (Tax Increment Financing) and TDD (Transportation Development District) it was done primarily to understand the revenue payback over time. He said staff also tried to get at the question of "but for the incentive" would the project be able to proceed. In this case, if the CID was established, they would provide a revenue estimate and the applicant was on the hook for any of those improvement costs. If the

revenue targets were met, that was to the applicant's benefit, if the applicant did not, the applicant had to deal with that in their financial arrangements. He said staff did not foresee a need in this type of arrangement for independent financial analysis.

Commissioner Chestnut asked if that data would be available at the public hearing which was the projected total costs of improvements and the projected revenue.

Corliss said absolutely. He said staff could look at that information and give the City Commission additional comment.

Commissioner Chestnut said certainly it would be beneficial for all the materials to be posted.

Mayor Amyx said he had concerns about the using CID money, but every project had to come before the City Commission and was given full consideration along with public hearing process.

Vice Mayor Cromwell said he was struggling with this project because he was not sure this project met the requirements. He said the property was infill development, but the property was not exceptional and not unique enough. He said he wondered, policy wise, if the decision needed to be made now or that determination needed to be made in the future.

Mayor Amyx said each City Commissioner should vote accordingly, but the Commission was not making a determination on the CID request.

Commissioner Chestnut said the City Commission was on the cusp of this initial project and were having a discussion about whether or not the Commission even wanted a public hearing.

Vice Mayor Cromwell said he understood that this vote was to determine whether this particular project went further and whether they thought it met with the City's guidelines. He asked if it was an automatic pass every time one of those projects came forward at this particular point, or was it something to analyze and determine if it went forward and that was a policy question that was on his mind.

Commissioner Chestnut said from his standpoint that this project was different because the City had a policy of consideration, but the State Statute granted the right for the case to be put forth. He said there was some other process and criteria they were guiding by and he anticipated having a public hearing from the community.

Mayor Amyx said the City Commission had the opportunity over the last several months to talk about the policies, now they had an application and the Commission was making a determination on whether or not at this point, the Commission would have a public hearing and would have all information for make that decision.

Commissioner Cromwell said it made sense having all of the information together and on the regular agenda.

Mayor Amyx said if the City Commission received a consensus on improving a complete policy, the consideration could be placed on a consent agenda and if the Commission or the community wanted to pull this item, it could be pulled for further discussion. He said if this was a process to follow the process in establishing a public hearing date, he did not think the Commission needed a full discussion about whether a project should receive a public hearing date established.

David Corliss, City Manager, said on the May 18, 2010 City Commission agenda, it was originally placed on the consent agenda to receive and process and then it was deferred and the project went to a regular agenda and then a study session item, meaning the topic of CID.

Vice Mayor Cromwell said considering those processes, he suggested moving forward in a public hearing process.

Commissioner Dever said he agreed with Commissioner Cromwell.

Corliss said the City Commission should make sure that any staff report had some level of financial analysis on the numbers from the development and also a request to take a look at the "exceptional" requirement for a project under the City's policy. He said he would be in

discussions with the development group to determine a time to publish the appropriate notice and schedule a public hearing.

Moved by Johnson, seconded by Chestnut to direct staff to work with applicant on setting a public hearing date for consideration of the CID request. Motion carried unanimously.

(17)

Consider authorizing staff to approve a temporary use of right-of-way permit for the use of portions of the public right-of-way along Oread Avenue, 12th Street and Indiana Street on various dates in fall 1020 for the Oread Hotel block parties.

Jonathan Douglass, Assistant to the City Manager/City Clerk, said that in response to questions from the Commission and the public, the applicant provided revised site plans and an explanation letter. If the Commission approved the use of right-of-way next week a distance restriction waiver hearing would be required for the alcohol. He said it might be appropriate for the applicant to walk the Commission through the event plans.

Tim Homburg, NSPJ Architects, representing the Oread Inn, said they had an opportunity to take the concerns of the neighborhood, refine their plans, and submit a clarification letter as well as the subsequent site plans. The boundaries of the site plan that were depicted were in essence, the same boundaries. He said they were requesting two different unique events.

The first event was a community event. On the evening of August 27th, from 6:00 pm to 8:00 pm, the plan was to get the community together to generate enthusiasm for the football season. The area seen along Oread Avenue coincided with looking at having some of the marching bands parade down Oread Avenue, stop in front of the Oread to play a couple of sets, couple of speakers and then the event would soon be over. He said they were looking at temporary closing off Oread Avenue from about 30 minutes before the event from 5:30 pm until 6:00 pm. The area, directly around the Oread Hotel was where all the tents, food, and non-

alcoholic beverages were going to be served for the event. The only thing that would be outside of the area directly surrounding the hotel was trash cans and a few toilets.

The second event was the tailgating event which would coincide with home football games. One of the concerns was the specifics of this event. In the letter, it was narrowed down to that formal activity of the event would not occur any sooner than three hours before the set kickoff time. The hours would not extend any further past the end of the game or when the whistle blew greater than one hour. He said those ideas were presented to the Oread Neighbors and the neighbors felt comfortable with that range of time. The same thing went with the site plan and showed the boundaries of the expanded liquor license. He said the Oread currently had its liquor license for the entire premise of the Oread which extended to the property lines of all sides of the hotel. People could consume and purchase alcohol anywhere up to the front property line along the side of the Oread Avenue.

He said something that was common with the two events were private security which would be run by the Oread Hotel, trash collection and receptacles would be managed by the Oread Hotel, monitoring of ingress and egress for the liquor license boundary would also be monitored by the Oread. He they would be bringing the right-of-way into the same condition it was before, the notification of event specifics would be transparent, notifying the property owners on the time and the type of event planned to keep everyone in the loop. He said some of the other site plan items, the request for the area along Oread Avenue was the same with the proposed location of the kid's zone activities on a flat surface and was more conducive to kids playing in that area. An event was planned on along the 700 Block of West 12th Street to provide thoroughfare coinciding with the game when everyone would be moving down toward the stadium. The logical route would be down 12th Street and 12th Street steps on Mississippi and over to the stadium. The reason when it was in that boundary was to allow security, trash pickup and get that area cleaned up if there was any spillover from people walking to the game.

Commissioner Johnson said how control would be monitored in providing alcoholic beverages to the public.

Scott Valentine, Food and Beverage Manager for the Oread, said the Oread would setup a side booth that would strictly be for carding and placing wristbands on appropriately aged people. At the actual site, where beer would be bought and served, the person would be required to show a wristband. There would also be security staff that was trained to walk throughout the crowd and monitor people that were drinking and making sure they had wristbands. This type of monitoring was done for the downtown bike race and there were no complaints, no violations, and no issues. He said a wristband was needed in order to receive an alcoholic beverage and could only be obtained with appropriate identification.

Commissioner Chestnut said regarding the site plan on 12th Street, he asked about the narrow section that was depicted on the map and the clearance.

Homburg said the crosswalk near ECM was a minimum 24 foot drive aisle and that should allow two-way traffic.

Commissioner Chestnut said it applied to that narrow throat on the map.

Homburg said as part of the event, they would have boundary fencing along where the event went out into the street to protect pedestrians from any traffic going through that area. The narrow area was in essence, a small gate where pedestrians could walk through in correspondence with the crosswalk.

Mayor Amyx said there were two-way traffic, event fencing, and the kid's zone that was in that area.

Homburg said the kid's zone was adjacent to sidewalk to the south of those toilet facilities along Oread Avenue. He said the kid zone area would not be up against the production fencing and there would be a buffer zone adjacent to the street.

Commissioner Dever said south along Oread Avenue, the area was the kid's zone and asked if the dash line on the map represented fencing that would be placed along the roadway.

Homburg said the edging was parallel parking the full width of Oread Avenue would be opened. The only thing they would be requesting along the curve was those 6 parallel parking spaces.

Commissioner Dever said the parallel parking was in the street.

Homburg it was actually set back in that saw tooth area and was parallel parking.

Commissioner Dever said the fence would block access to 12th Street and a walkway that allowed pedestrians to move to 12th Street.

Homburg said correct.

Commissioner Dever said if he lived in a house on 12th Street, he asked how he would get in an out.

Homburg said there would be a person monitoring that area.

Commissioner Dever asked how the fences would be kept on the ground.

Homburg said the fences would be kept on the ground with some faced "T" posts.

Commissioner Dever said what were west along 12th Street and the south.

Homburg said that was an area where they were proposing continuous security even though it was not part of the active event zone. One of the concerns the neighbors had was with football activities, before and after games where people, at times, did something they should not be doing. He said they would have people to help deter some of those actions and would continually monitor with a couple of security personnel.

Commissioner Dever said the last time they talked about 12th Street, for no lack of a better term, kind of a holding pen for people to hang out.

Homburg said that was no longer the case, and would be for people who were taking in the events around Oread Avenue, around the play zone. He said it would filter down the street and not need to go down the sidewalk to the steps.

Commissioner Dever asked what the point of the fence at the eastern edge of 12th Street was.

Homburg said it was for game day parking. He said it was to help keep fans from out of town parking in driveways or any illegal location.

Commissioner Dever said because of those activities people would more likely be wanting to park at that location.

Homburg said it would be a deterrent for people who were not legal to park at that location and keep moving on to find a place to park.

Commissioner Dever said that area would also give an image to congregate, if it was roped off.

Homburg said they could walk over and get food and drinks, but not alcoholic beverage outside of the licensed area adjacent to the hotel. He said it was not going to manifest itself into a party zone. He said they were trying to keep all the focus toward the hotel.

Commissioner Dever said the fence was going to act as a way to stop people from walking randomly down the street with whatever and those people would have to go through the northwest corner of the intersection, passed by security to stop someone from an active area which was along the edge of the Oread Hotel. He asked if that was the only place people could drink and there would be fencing around that area and could not walk directly across the street, or would they be able to cross where the check point was located.

Homburg said anyone that did not have a beer in their hand could walk back and forth at that crosswalk.

Commissioner Dever said it would be fenced all along the street on the southern and western edge and one way "in" an "out" and to the west as well or was that spot where he could walk from the Oread Hotel property to 12th Street and would there be a way out of the fenced area at two places.

Homburg said correct and it would be constrained enough to be monitored, but not 1 person in and 1 person out type of situation.

Commissioner Dever asked if there would be a bottleneck occurring at the northwest corner when the game was getting ready to start and people were leaving. He asked how they would stop the entire path of people blocking Indiana Street, passing through that small area.

Homburg said anyone that lived in the Oread neighborhood would concur that when getting around game time around the KU's hill it was busy with pedestrian traffic, both on and off the streets. People throughout the neighborhood would start congregating toward the stadium. He said he did not think it would be bottlenecking.

Mayor Amyx said in talking about traffic coming up the hill on 12th Street, he asked where the sidewalks were for people who were coming west on 12th Street, going north on Indiana Street and did those people need to walk through a fence, coming from the east heading west.

Homburg said that was the reason the pedestrian pathway was vague.

Mayor Amyx said if a person walked in front of the hotel, he asked if that person had to walk through the area that was fenced off.

Homburg said correct or another entrance zone could be added at the crosswalk, but it was going to be a "get a feel for" how they were coming and going and adjustments could be made after that first event, making accommodations. People would probably walk along the edge of the boundary and zigzag and come down or up 13th Street, walk around and come down 12th Street.

Mayor Amyx called for public comment.

Susan Davis, Lawrence, resident in the area, said she wanted to thank the Oread Hotel from working with the neighborhood and had done a good job meeting with the neighborhood trying to come up with an agreement. She said she did not think the fencing on 12th Street was needed.

Mary Farley, Property Manager of Hawkspointe, expressed concerns about crowd control, trash, security, and noise. She asked about the contract person for this event.

David Longhurst, Oread Hotel, said he was the contact person.

Rob Farha, The Wheel, said the revised plans were better but that he still had concerns about the sale of alcohol on public right-of-way.

Carol Von Tersch described game days from her experience and that alcohol on the streets was a common occurrence even without the events. She was glad that the event would pick up trash from her street.

Jeff Weinberg, University of Kansas, said that he was pleased that if the events were approved, the hotel would meet with the neighbors after the first event and that the hotel was not going to be selling alcohol in glass containers.

Commissioner Johnson asked about what the City Commission authority was to revoke the permit, if the neighborhood met with the University and the Oread Hotel, and the event did not work because of problems.

Mayor Amyx said the City Commission could revoke the permit because it was a Use of Right-of-Way Permit.

Jonathan Douglass, Assistant to the City Manager, said staff would have the authority to revoke any permit. Staff generally issued those permits. Staff brought a few of those permits to the City Commission for input, but staff approved approximately 200 to 300 Use of Right-of-Way Permits a year. If staff felt revoking that permit that was necessary, the applicant could appeal that decision, to the City Commission.

David Corliss, City Manager said he would suggest that if it was an important aspect, staff would include the City Commission's explicit authority to revoke the permit.

Vice Mayor Cromwell suggested if staff wanted to revoke that permit, the permit should be brought back to the City Commission for discussion.

Douglass said if those events were on Thursday's or Saturday's, most of the games were scheduled for those day, and staff could always bring it to the City Commission, walk that item on the City Commission's agenda the Tuesday following, if necessary, in order for the City Commission to have the opportunity to consider revoking the permit, before the next event took place.

Mayor Amyx asked if it would be revoking the permit one time, not on each event.

Douglass said if there were reason to recommend revocation, staff could bring that item to the City Commission after any event.

Commissioner Dever said this was definitely different from last time the applicant was present. He said he felt strongly about closing down the streets, especially in such a busy time in this community. People were trying to shy away from the area, but there were still a lot of novices who try to do what they should not do, which was drive up and down this area when there was a game or activities. He said he liked the idea of keeping the entire event on their property. He said he was a little confused about blocking off 12th Street, but if it was already a major thoroughfare and this could only enhance the cleanup and safety because of security, he said it might make things better. He said he was impressed with the changes that occurred, but still was confused on how it all would work. He said he liked the idea of the City Commission being able to evaluate the event after the first time or any other time when there was a problem. He said it was a busy place as the neighbors would best knew and if the neighbors were comfortable with what was happening, the neighbors were the most effected, the second would be the university, but they spoke. The applicant had cleaned up the plan quite a bit.

Commissioner Johnson said this plan was much improved over the last plan. He said he shared concerns about blocking 12th Street. He said it might make sense early on, but as the pedestrian traffic picked up trying to get to the game, the ability to move that fence and allow more people to walk through was a good idea. He said if the security was in place, blocking 12th

Street might not be needed. He said there was probably going to be a logistics issue around game time or close to game time.

He said he liked the idea that the neighborhood along with K.U. and the Oread Hotel would meet after the event and working things out. He said he commended the Oread Hotel for coming forward with an idea, but cautioned that those events were a big undertaking and there were a lot of issues that could go with that undertaking. He said having security in place could make it better which might sound counterintuitive because more people were being invited, but the area would be managed more.

Vice Mayor Cromwell said he echoed Commissioner Johnson's comments. He said there were concerns, but he was pleased about the level of interaction that had occurred with the neighbors and university because a lot of concerns were resolved.

He said he was hopeful that the bottleneck would be adequate for emergency vehicles and was sure staff looked at that area. He said he did not understand the closure of 12th Street because it did not make sense. He said he understood the desire to have people patrolling, but still did not understand the closure. He said that might be something to look at after the first event whether it was necessary or not. If it was not necessary, then not close it, picking up the trash and monitoring underage drinking. He said the City Commission would give it a shot and hope for the best.

Commissioner Chestnut said he had some real trepidation about those events for two reasons. The first reason was the City Commission needed to recognize they would receive a couple of other applications which was a reality of the situation, but also, this was a great concept to work around keeping the traffic flow open, but had concerns about the interface between fencing and cars, especially 24 feet on 12th Street, that hairpin curve had a jaded past as far as people coming around those corners. He said there would already be a lot of pedestrian traffic game day was a lot of aggregation of people, in and around all that area.

He said he was not so concerned about the emergency access, but more the vehicular traffic coming through that area and not paying attention. The concern would be two hours before game town and as thing started to clear out. He said that crossing had concern for him with people on both side of the street.

He said he appreciated the university, the neighbors, and the Oread Hotel working together to take a good concept and put a plan together. He said he was still trying to get over the safety issue, which could be something that was a concern.

Mayor Amyx said this was a hard decision because it was a great project for that area. He said he knew all the work the Oread Hotel staff did to make this a premier project. He said with cars, event fence and if child was in that area, he just could not support the project because of safety reasons.

Douglass said he wanted to clarify Farha's comments. He said for the tailgate event the applicant was proposing the sale and possession of alcohol in the right-of-way beyond the property line of the Oread Hotel.

Vice Mayor Cromwell asked if he could receive a clarification regarding alcohol because he thought it was restricted.

Douglass said part of the sale and possession of alcohol was in the public right-of-way, from the property line of the Oread Hotel, out to the edge of the curb on the west side of the hotel and then a few feet out into the street on the south side of the hotel and not on the other side of 12th Street.

Commissioner Dever said, but it was in the public right-of-way.

Douglass said yes.

Commissioner Dever said so it was the sidewalk that was that part of the public right-of-way.

Douglass said correct and a few feet into the street on the south side of the hotel, but only to the curb along Indiana Street, still leaving that 24 foot drive aisle.

Commissioner Dever said that got to a precedent that he was concerned about. He said he understood it was all on the Oread property.

Commissioner Dever said the City Commission would be approving the sale of alcohol on the public right-of-way and asked if the Oread Hotel could limit their sales to the hotel property and extend the area where it could be consumed to the public right-of-way.

Homburg said he did not think Alcohol Beverage Control differentiated between the sales and consumption and the boundaries were where the sale and consumption were on in the same.

Valentine said the ABC would not differentiate and they would need to setup two layers of fencing, one layer for the alcohol and another area to define the boundary how far people could go out into the street and in front of the hotel.

Commissioner Dever said he was trying to liken this item to sidewalk dining where people that took their drinks out in that area and was the City's public right-of-way. He said he did not understand the selling and storing of alcoholic beverages on the public right-of-way. He said right now, they were considering extending this whole temporary sidewalk dining experience, in this case, consumption of alcoholic beverages on the west sidewalk, but also extending it onto 12th Street. He said he wondered if that could be changed so people would be consuming on the sidewalk, but not selling on the street or sidewalk.

He said he had concerns about the children's area and the only difference between a vehicle bumper and a child was the event fence.

Commissioner Johnson said he saw this as operating more like a parking lot. There were barricades at one and the other ends, orange fencing, security, and that would naturally slow traffic. A parking lot had 24 foot drive aisles without fencing and cars and children. He said he was not saying it made it better, but to the concerns of traffic movement through that area and trying to make that turn, because of what Oread put together, that situation would not be seen. He said on a normal day without the orange fence and people, people probably would

be going a lot faster and trying to make that turn. He said he was thinking there would be less traffic, but more pedestrian traffic which naturally calmed vehicular traffic.

He said to the sale of alcohol on public right-of-way that was done with events downtown.

Vice Mayor Cromwell said taking a look at the initial event was important to make sure those events would function properly.

Mayor Amyx asked if this issue should be brought back to the City Commission at the first regular event.

Commissioner Chestnut said it could be a short agenda item for review, feedback, and public comment. He said this concept was new and would be hard to anticipate what would happen.

Commission Dever said the property lines on the map submitted were deceiving.

Mayor Amyx said the Commission was at a point of authorizing staff to approve the temporary use of the right-of-way for this particular use. He asked if the City Commission had other comments.

Vice Mayor Cromwell said he would like the first game review brought back to the City Commission.

Commissioner Dever said selling beer in the right-of-way was precedent setting and was concerned about what happened next and the frequency by which the City Commission was allowing this to happen in one place.

Mayor Amyx asked if the City Commission wanted an automatic review after the community event on August 26th.

Commissioner Dever said the tailgating would be different.

Douglass said correct. Two distinct events, the community event, the pre-season event, they would close Oread Avenue for parade type activities, performers, and no alcohol sales.

Commissioner Dever said that would not work.

Mayor Amyx said after the regularly scheduled football game.

Vice Mayor Cromwell said staff could review the first event and bring it back if there was a major problem after the first event.

Mayor Amyx asked if the City Commission wanted this issue automatically placed on the agenda.

Commissioner Chestnut said it was stated after the first football game.

Commissioner Dever said after the first alcohol sales, after an open street, traffic moving through, alcohol sales in the public right-of-way event.

Mayor Amyx said a report regarding the event after the football game would be placed on the City Commission's agenda automatically.

Moved by Cromwell, seconded by Johnson, to authorize staff to approve a temporary use of right-of-way permit for the use of portions of the public right-of-way along Oread Avenue, 12th Street and Indiana Street on various dates in fall 2010 for the Oread Hotel block parties, subject to automatic review by the City Commission after the first game day event. Aye: Cromwell, Dever, and Johnson. Nay: Chestnut and Amyx. Motion carried. (18)

Consider approving Text Amendment, TA-12-27-07, to various sections of the City of Lawrence Land Development Code, Chapter 20, to revise the Protection Standards for Environmentally Sensitive Areas, to provide more precise definitions, and to include incentives for protection of sensitive lands beyond that required by Code.

Mary Miller, Planner, presented the staff report, which read as follows:

"A text amendment to clarify the standards and process for the protection of environmentally sensitive lands was initiated by the Planning Commission on October 22, 2007.

CHANGES PROPOSED IN EARLIER DRAFTS OF THE AMENDMENT:

The original amendment provided more specific definitions to aid in the determination of environmentally sensitive lands and widened the scope of the original language with the following:

- Revised the features that are considered 'environmentally sensitive lands' to include native prairie remnants and steep slopes.

- Developed a priority ranking scheme of features and set protection requirements for different ranking.
- Protection standards were expanded to apply to all zoning districts, not only the residential.
- Expanded development options for properties with environmentally sensitive lands (previously only planned developments or cluster housing projects were possible).
- Clarified the review process and required content for sensitive area site plans.
- Provided penalties or restoration requirements for development activity that was not in compliance with the protection standards.

Added appeals and modification provisions for cases where the standards could not be met.

- As a side product a GIS map layer was established to identify where environmentally sensitive lands were found. When the text amendment is adopted this layer will be finalized and placed on the City's interactive map.

CHANGES PROPOSED IN THE CURRENT DRAFT OF THE AMENDMENT:

The amendment was revised and reduced in scope based on comments received at the City Commission's February 10, 2009 meeting. Protection standards in the revised draft remain applicable only to residential zoning districts and the following items have been removed:

- priority ranking scheme,
- penalties or restoration requirements for noncompliant development activity, and
- appeals and modification provisions.
- Native prairie remnants and steep slopes have been removed from the list of environmentally sensitive lands requiring protection (but are included in the list for incentives.)

The current draft amendment proposes the following changes to the Code language:

1. Features that are considered 'environmentally sensitive lands' revised by
 - a. Renaming 'Floodways' to 'Regulatory Floodway' in consistency with FEMA terminology,
 - b. Renaming 'Floodplains outside the Floodway, based on 100 year storm' to 'Regulatory Floodway Fringe' in consistency with FEMA terminology,
 - c. Removing 'Prominent Geographic Features with Rocky Outcroppings' and 'Individually Significant Mature Trees' from the list (based on difficulty with identifying these features).
2. Increased the development options to include site planning and platting in addition to Planned Development and Cluster Housing Projects.

3. Added Density Bonus Incentives for protection of environmentally sensitive lands in greater amounts than required by Code. The incentive applies to all environmentally sensitive lands listed, with the exception of Regulatory floodway, and also applies to steep slopes (greater than 25%) and native prairie remnants.
4. Clarify the review process and required content for sensitive area site plans.
5. The GIS mapping layer identifying environmentally sensitive lands is still included as a side product. When the text amendment is adopted, this information will be added to the City's interactive map.

RECOMMENDATION

The Planning Commission voted 7-0-1 to forward the draft language, with density bonus incentives, to the City Commission with a recommendation for approval.”

Mayor Amyx said if 30% of the sensitive areas were protected, he asked how much additional density the bonus looked like.

Miller said the density bonus was proportional, if requiring a savings of 20%, but saved 30%, an additional 10% was saved and the bonus would be 10%. She said that percentage was calculated on the base density. She said in multi-family the maximum density could be reached and the density bonus would be applied.

Mayor Amyx asked if the applicant had to meet the parking code.

Miller said correct, unless the applicant requested a variance, but that was not written into the incentive.

Vice Mayor Cromwell said there was a discussion about prairie versus native plants, but he was somewhat confused.

Miller said in their earlier, more ambitious text amendment, staff recommended that native prairies be a required protected feature. In order to determine if there was a native prairie or grass land that required biologist to look at the species, and was determined that was something that could not be required, otherwise, every project would need someone to investigate to see if there was a native prairie. She said staff did not have the mapping yet from the Kansas Biological Survey that could be used to depend on, however, staff did want to encourage that mapping. The Planning Commission, at first, thought about adding it and if

protecting over 20%, then any native prairie could be used as an incentive, but quite often a native prairie occurred where none of the other features would be occurring and there would be no floodway necessarily or standard mature trees. The incentive for the native prairie was if any native prairie was at all protected, you would automatically qualify for the incentive bonus so they were incentivizing the protection of native prairies even though that would require someone to verify it was a native prairie.

Vice Mayor Cromwell said someone had to go out and verify it was official prairie.

Miller said correct.

Mayor Amyx called for public comment.

Alan Black, League of Women Voters, presented the arguments that were included in a letter submitted to the City Commission and asked that the item be returned to the Planning Commission for incorporation of the recommended changes. The recommended changes to the text amendment were as follows:

REQUESTED CHANGES TO TA-12-27-07

“Please revamp the environmentally sensitive lands Priority List and make the following changes:

1. Require floodways to be preserved automatically intact without their contributing to a percentage allotment.
2. Do the same for regulated wetlands.
3. Do the same for native prairies.
4. Do the same for floodplains. As a member of the Jayhawk Audubon Society has pointed out, developing floodplains is unwise.
5. Do the same for streams. Adopt a stream preservation standard like that in Kansas City.
6. Do the same for historical and archeological sites, including those not yet registered.

Reason: All of the above are irreplaceable or functionally essential and should be preserved intact.

Percentage allotments:

7. The language should be changed to make clear that there is no upper limit on preserving sensitive land in Cluster Development and that this means preserving “as much as possible.”
8. If you adopt a percentage allotment for an environmentally sensitive land feature, start the allotment after the above six types of environmentally sensitive land have been preserved. Start with trees, remembering that keeping vegetation on slopes should be a priority and steep slopes and vegetation cover should go together.

Prevention of prior land disturbance.

9. Require a grading and development permit to prevent slashing and burning prior to submission of development applications. And ENFORCE IT.

Better process:

10. Require the sensitive lands site plan to be submitted first, or at least along with the concept plan but before submission of a regular site plan or plat.

Needed clarification.

11. Define Open Space better. Exclude driveways and required space between buildings where multiple buildings on one lot are permitted.

12. Resolve the unclear definition of "Base Density." If it includes the density that would have been permitted in the preserved sensitive lands had they not been set aside, and that is added to the net density of the remaining land, then the resulting base density would be higher than the net density, and thereby would constitute a bonus. If the base density does not include the density that would have accrued from the sensitive land had it been developed, then the bonus makes sense. If the former is the case, then the allowed density already exceeds what can practically be built. The concept of the "base density" needs to be clarified. The problem comes with Section 20-1101(d)(4), which was left in after modifying the TA to add the concept of the Base Density and the Bonus section."

Commissioner Dever said he had a question about the jurisdictional wetlands and the floodways and the issue of including that in the bonus. He said jurisdiction wetlands could be developed and went through the proper loopholes so that was a fallacy to think they could not be, as long as procedures were followed for augmenting. He said floodways was an area to receive insurance and if allowable, build in certain areas. He asked why those areas were included in the calculation.

Scott McCullough, Development Services Director, said of all of the environmental lands the floodway was the most difficult to receive the proper approvals to modify. The fringe floodplain was regulated by code, but did not necessarily prohibit development. He said for example, if there was a proposal to construct new development in that tip of the floodplain and if applicant complied with floodplain regulations, they could receive a permit to develop. He said the floodway staff would anticipate that if there was greater than 20% of a property that had floodway, then all of the floodway would be protected through easement on a plat and it was all those other types of environmentally sensitive lands in terms of going above and beyond the protection.

Commissioner Dever asked about the intermittent stream on the map and it did not make sense to develop in those areas because it was obviously contributing to the water movement. He asked if that area, if it was preserved, would be a bonus.

McCullough said it could be a bonus.

Commissioner Dever said if the area to the west was protected, that finger of protection, would be a bonus to the 20%.

McCullough said that could become an amenity to the project, for example, and that amenity would give the initial look at the property and if taking off some of the layers, that stream to the degree that stream existed, would be in question when going out to the site to investigate. If that stream were protected over and above the 20%, and would get into the review of incentives.

Mayor Amyx said the League of Women's Voters brought up good points. In this lengthy process there was no way to satisfy everyone throughout this process. He said there would always be text amendments in the City's Code and when coming to land development there were always changes. He said if the League had any further changes, to bring those changes to staff or the City Commission and those changes would be addressed.

Commissioner Chestnut said the City Commission was responding to what was seen which was the way the code was written, it became problematic where a property had a small sensitive identification. He said everyone wanted to do the right thing, but the code was difficult to get to a good result for protection the ground and also creating development and this text amendment provided some of that flexibility.

He said he agreed with Black, regarding some of this language interpretation, but he had a good level of comfort with what Planning staff had proved, in that Planning staff read the code, interpreted the code, and tended to be consistent. He said he saw an opportunity to interpret the code, but the code itself allowed for some operating flexibility to look at any specific piece of ground and figure out the best solution for that piece of ground. In the couple of examples, that

was difficult where they had someone with the best intentions, but it was not fitting very well. He said he liked the concept in the text amendment because it was addressing real case situations. He said every piece of ground was unique and it became incredibly difficult to codify the exact way because flexibility and approach was needed for a better outcome. He said the text amendment struck a nice balance.

Mayor Amyx said the one project that came to mind was the area to the west side of Iowa off of Terrace Road and there was a little piece of quarry where everyone knew what to do, but did not know how to get to that point because there was no tool in place. In the end, the City Commission made the right decision and might have helped with the re-write of the text amendment.

Mayor Amyx said the interpretation was consistent from staff and the City Commission relied on the City's professional staff.

Commissioner Dever said Planning Commission and staff had worked extensively and it was amazing reading the documentation. He said he was encouraged that everyone came together at the last meeting and came up with a good solution. It was something the City needed to do because there were a number of pockets of wonderful places in Douglas County and Lawrence and it would incentivize people to protect those places and this was the first step going on in the community.

Vice Mayor Cromwell said it was probably going to be a work in progress and the City Commission appreciated the input received and would continue to welcome input. This was something that would result in additional lands being preserved and better projects that incorporated those necessary protected areas. He said it was good to focusing on this area and would continue to develop and improve this area as years went by.

Moved by Chestnut, seconded by Dever, to approve Text Amendment (TA-12-27-07), to various sections of the City of Lawrence Land Development Code, Chapter 20, to revise the Protection Standards for Environmentally Sensitive Areas, to provide more precise definitions,

and to include incentives for protection of sensitive lands beyond that required by Code. Motion carried unanimously. (19)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

- 07/27/10
 - Public hearing on 2011 City Manager's Recommended Budget and adoption of Ordinance on first reading.
 - Public hearing on a distance restriction waiver request for the sale, possession and consumption of alcohol at the Oread Hotel block parties.
 - Consider approving Management Plan for Lawrence Community Shelter, located at 3701 Franklin Park Circle. Per conditions of SUP-1-3-10, the Management Plan must be approved by a supermajority vote.
 - ACTION: Approve Management Plan for Lawrence Community Shelter, located at 3701 Franklin Park Circle, if appropriate.
 - Receive request from John McGrew, Outside for a Better Inside, for a discussion about a wellness campus, complete with pond and walking trail.
 - Consider the use of city property located near the southwest corner of 9th Street and New Hampshire pursuant to an easement agreement permitting an outside courtyard/seating area to the benefit of the adjacent property and receive general report on site plan application SP-4-17-10 for a 7-story multi-use building located at 901 New Hampshire Street.
- August
 - Discussion of statutes governing primary elections for office of City Commissioner.
- 08/03/10
 - 2011 City Manager's Recommended Budget adopted on second reading.
 - Consider approving Text Amendment, TA-4-4-10, to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 of the Code of the City of Lawrence, KS to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. *Initiated by Planning Commission on 4/26/10.* Adopt on first reading, Ordinance No. 8543, for Text Amendment (TA-4-4-10) to the City of Lawrence Land Development Code, Chapter 20, Section 20-403 to permit the Hotel, Motel, Extended Stay use in the IBP (Industrial/Business Park) District. (PC item 6; approved 6-4 on 6/23/10)
- 10/12/10
 - Receive presentation from Westar Energy on the Smart Grid program.
- November
 - Receive status report on LCS relocation efforts.
- TBD
 - 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.

ACTION: Direct staff as appropriate

- 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 request from Lowe's for formation of a Community Improvement District (CID).
- Receive public comment on proposed Comprehensive Plan Amendment CPA-2-1-09 to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. Consider placement on a future agenda Ordinance No. 8496, for Comprehensive Plan Amendment (CPA-2-1-09) to Chapter 14 – Specific Plans to approve and incorporate by reference the Oread Neighborhood Plan. (PC Item 10; approved 7-0 on 1/27/10)

ACTION: Receive public comment and direct staff concerning placement on a future agenda, if appropriate.

- Regulations on portable toilets.

COMMISSION ITEMS:

Commissioner Johnson said he received an email from Brad Ziegler, regarding his Louise's Downtown outdoor seating request and asked staff when that item could be heard by the City Commission again. He asked if more information was needed by Ziegler or be placed on the agenda. He said Ziegler had been patient and would like to move on a decision or if not, make a decision.

Mayor Amyx asked staff to place the Louise's Downtown outdoor seating item on the City Commission's agenda in two weeks.

David Corliss, City Manager, said staff had been putting together information the City Commission requested and the City's Legal Department had a lot of items to work on and did not have a chance to devote a lot of time. He said staff would see if that timeline worked for the applicant. Sometimes, staff had scheduled an item on the agenda for the applicant and it had not worked for the applicant.

Commissioner Johnson said he did not want to schedule this item if there was still work needed, but just wanted to follow-up.

Corliss said staff was following up on the number of establishments in the downtown area that would be eligible if certain rules were changed certain ways. He said Toni Wheeler, Director of Legal Services did some work, but he tasked her with the Farmland acquisition item. He said staff would work to get this item on that first meeting in August.

Moved by Chestnut, seconded by Cromwell to adjourn at 8:49 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF July 20, 2010

1. Bid – Full size van for PD – Shawnee Mission Ford - \$20,620
2. Truck mounted Spray Injection Patcher & Oil Storage Tank for PW - \$164,000
3. Ordinance 8539 – 2nd Read, Rezone (Z-3-4-10) 2.61 acres from PD to PD-2, 2000 & 2040 W. 31st St.
4. Ordinance 8540 – 2nd Read, Rezone (Z-4-5-10) 11.99 cared from PCD-1 to CS, 1025-1035 N. 3rd St.
5. Resolution 6894 - blight, 4824 W. 24th abate violations in 20 days.
6. Resolution 6895 – blight 4700 Broadway Dr. abate violations in 20 days
7. Contract - on-call traffic modeling – to PB Americas for MPO
8. City/State agreement - participate in reconstruction of 23rd St. Bridge
9. Supplemental Agreement # 1 - scope increased for rehab Digester No. 3.
10. ROW - Sandbar street closure at 8th, from Mass to NH, Noon on 8/14 to 1AM on 8/15
11. Ordinance 8545 – 1st Read, temp alcoholic liquor, 8th St. from Noon 8/14 to 1:00AM 8/15.
12. Facility Use License – City & Ad Astra Aquatics, use of Indoor Aquatic Center
13. Resolution No. 6896 – KDHE State Revolving Loan Funds
14. Signs of Community Interest – 1st Southern Baptist, 4300 W. 6th, advertise carnival July 31 to Aug.15.
15. City Managers Report
16. Report - County/City Sustainability work plan
17. CID Request - Lawrence 1714, LLC, Got-Mor, LLC near 23rd & Ousdahl.
18. ROW - Oread Ave, 12th and Indiana various dates in fall 2010, for parties
19. TA-12-27-07 - Protection Standards, Environmentally Sensitive Areas, definitions.