



DAVID L. CORLISS
CITY MANAGER

City of Lawrence

CITY MANAGER'S OFFICE

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
MIKE AMYX

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

August 17, 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.

Commissioner Johnson pulled for the Consent Agenda for separate discussion, authorizing the application for Midwest Region Alternative Fuels Project, DOE Award DE-EE0002538.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to receive minutes from the Public Health Board meeting of June 21, 2010; Lawrence Cultural Arts Commission meeting of June 9, 2010; Aviation Advisory Board meeting of June 28, 2010, Sustainability Advisory Board meeting of July 14, 2010; and, Traffic Safety Commission meeting of August 2, 2010. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve claims to 258 vendors in the amount of \$3,077,280.50, and payroll for the period of August 1 – August 14 in the amount of \$1,806,334.86. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve the Drinking Establishment License for; Kobe, LLC, 2907 West 6th Street; KU Alumni Association, 1266 Oread Avenue; Cadillac Ranch, 2515 West 6th Street: Retail Liquor License for; University Liquor, 3300 Bob Billings Parkway; Riverridge Liquor, 454 North Iowa Ste. A;



Mass Beverage, 3131A Nieder Road; Class A Club Liquor License for Lawrence Country Club, 400 Country Club Terrace. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to concur with the recommendation of the Mayor and; reappoint David Johnston and Bob Schumm to the Convention and Visitor Bureau Advisory Board to additional terms that would expire July 1, 2014 and appoint Sam Bhakta to a position that would expire July 1, 2014; appoint Barbara Schnitker to the Social Services Advisory Board. Motion carried unanimously.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to set bid date of August 31, 2010 for 6th Street Intelligent Transportation Systems Project (Bid B1038-Proj No PW0823). Motion carried unanimously. (1)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to set a bid date of September 14, 2010 for the Clinton Water Treatment Plant Dust Collector Replacement (Bid B1028-Proj No UT0920CL). Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize the City Manager to execute an Engineering Services Agreement with Burns & McDonnell in the amount of \$45,329 for Design and Construction Phase Engineering Services, Project UT0915KW – North Final Electrical and Kaw Well Field Electrical Improvements (Kaw Water Treatment Plant). Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to adopt on first reading, Ordinance No. 8561, allowing the jail fees assessed pursuant to Section 12-105 of the City Code, to automatically be set at the levels actually charged to the City, by Douglas County. Motion carried unanimously. (4)

Ordinance No. 8304, for 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, 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. (5)

Ordinance No. 8554, rezoning (Z-5-6-10) of approximately .412 acres from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 302 Perry 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. (6)

Ordinance No. 8555, rescinding Ordinance No. 7849, that established a Reserved Parking Zone for Persons with Disabilities, on the west side of Vermont Street in front of 1505 Vermont 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. (7)

Ordinance No. 8556, amending Resolution 6803 and Ordinance 8351 to allow the city to assess the actual cost of Kelly Drive, 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. (8)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to concur with the Traffic Safety Commission's recommendation to establish a yield sign on Melrose Lane at 25th Street and adopt on first reading Ordinance No. 8559, establishing a yield sign on Melrose Lane at 25th Street. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to concur with the Traffic Safety Commission's recommendation and not establish a yield sign on Crestline Drive at 24th Terrace. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to concur with the Traffic Safety Commission's recommendation and approve traffic calming devices on 25th Terrace between Kensington Road and Surrey Drive. Because this item is currently unfunded it will not proceed to construction until funds are budgeted for construction. This item will be placed on the City's listing of unfunded traffic/pedestrian items. **(11)**

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to approve a Temporary Use of Public Right-of-Way Permit for the Kansas State Fiddling and Picking Championship for the closure of Massachusetts Street between North Park Street and South Park Street on Sunday, August 22, 2010 from 9:00 a.m. – 7:00 p.m. Motion carried unanimously. **(12)**

Commissioner Johnson pulled from the consent agenda, authorizing application for Midwest Region Alternative Fuels Project, for separate discussion. He said the staff report indicated the City's financial commitment, provided the grant was award. He said if the City authorized the application, would the City Commission have the opportunity for cost benefit analysis to see if this project made sense or was the City committing those funds at this time.

David Corliss, City Manager, said at the time of granting the award, the City Commission had the opportunity to make a decision whether or not to authorize acceptance of the grant. The vehicles to be acquired were the vehicles that were in the City's budget for next year. Obviously, the City did not have the charging stations budgeted and staff needed to spec those out to see those costs showing a cost benefit for those vehicles. He said the grant would help the City move toward hybrid and plug-in hybrid use. The issue would be whether or not the City would proceed with the charging stations.

Mayor Amyx said the application was the only item to be considered. The City Commission had the authority to receive funds or not proceed with any action.

Commissioner Chestnut said he sensed the City had a good chance of being awarded this grant application.

Corliss said staff had been successful in a number of grant applications.

Commissioner Chestnut said understanding the cost benefit, was not just the two charging stations. The city would not be applying unless wanting to significantly expand this program if receiving the funding and to look at the trade-off's on conventional versus hybrid with electric because the City wanted to do what was best for the environment. He said at this point, there might be some distance between conventional and electric as far as costs and the city should look at that those costs in a longer term.

Corliss said staff understood this item as a possible grant opportunity because a number of communities did not spend the money that had already been allocated through the first round of grants. He said that was why this item was coming before the City Commission in a relatively quick timeframe and turnaround. He said if the City was successful in receiving the grant, this item would be placed back on a City Commission regular agenda and walked the Commission through what staff understood to be the benefits to the community and costs. At that time, a judgment could be made as to whether to proceed.

Commissioner Dever said staff could get specific costs for equivalent of non-electric vehicles and/or non-electric equipment that the City was looking to buy or already budgeted, look at the difference between the two and look at the cost savings for the operation cost of those units, overtime. Specifically, the cost of what the City would buy conventional vehicles versus hybrid and in this instance, conversion to full plug in.

Corliss said staff believed this endeavor was appropriate not only because of its economics, but also as a position of leadership regarding this emerging technology. He said that was why the City was looking for additional partners with the County and the University of

Kansas as well. He said there would be a cost benefit analysis, but also intangibles to weigh as well.

Cynthia Wagner said one of the items included in the grant review was using this as a pilot program with the cost benefit analysis with the assistance of Kansas University.

Commissioner Cromwell said he was happy to see the participation of Kansas University and the County to some extent and it was important to leverage all of those stakeholders when looking at this type of project. He said the charging stations which were needed in the future to expand the fleet with hybrid vehicles, was the next step down the road and an opportunity to receive federal money to help with this project. He said there might not be any federal money available in the next couple years and believed they would be seeing a lot more of those types of vehicles. He said he was eagerly awaiting the result of the City's application for the grant and a nice presentation regarding the costs and benefits and how this would portray the City as leaders in the green area.

Mayor Amyx said the City was fortunate to be awarded a number of those grants, but was not awarded the grant for the Train Depot.

As part of the consent agenda, **it was moved by Cromwell, seconded by Dever**, to authorize application for Midwest Region Alternative Fuels Project, DOE Award DE-EE0002538. Motion carried unanimously. (13)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said 239 building permits were issued in July 2010, compared to 226 permits issued in July 2009 and permit valuation was \$12,051,187 compared to \$7,685,565 last year; historical markers were installed at 927 New Hampshire requested by Sons of the Union Veterans of the Civil War; Grover Barn (previously Fire Station No. 4) featured during the 2010 National Underground Railroad Network to

Freedom Conference; an article was published in "The Spring 2010 Kansas Preservation" titled "Rehabilitation from an Intern's Perspective" by Intern Andrea Kirchhoff's regarding 1120 Rhode Island; Public Works Street Maintenance Division mid-year report update; and, the Inverness Drive concrete rehabilitation project update. (14)

REGULAR AGENDA

Receive presentation from Chris Hahn, President/CEO of Special Olympics Kansas, concerning possible hosting of 2014 Special Olympics National Games.

Chris Hahn, President/CEO, Special Olympics Kansas, presented the report. He said Lawrence had a long storied history of involvement with Special Olympics. Special Olympics began in Lawrence in 1971 at a track meet at Haskell Indian Nation's University.

He said in 1988, Special Olympics entertained for the first time, the concept of hosting U.S.A. National Games. There were World Games every 4 years on alternating 2 year cycles, but knew at some point in time that event would leave the United States and since done that and as a result of World Games being held outside of the United States in 2006, the first U.S.A. National Games were held in Ames, Iowa. In 2010, the games were held in Lincoln, Nebraska and the next games would be held in the summer of 2014.

He said for about 6 months he had been working on communicating with individuals, agencies, and organizations throughout the Lawrence Community and Douglas County that would have involvement with the games to try and set a foundation and get a handle on what the general feeling on possibly bidding on bringing the games to the City of Lawrence and to Kansas University.

The Convention and Visitors Bureau had stepped up to partner with Special Olympic Kansas to place a bid in front of Special Olympic International to host the games. The bid is due in October and Lawrence would be bidding against 3 or 4 other cities at this point in time.

This was a tremendous opportunity and would look to bring 3,000 Special Olympics Athletes from all 50 States to Lawrence, accompanied by 1,000 coaches and delegates,

approximately 10,000 family members to the community, and utilize approximately 8,500 volunteers to help run the games over the course of the week. He said they would be competing in 13 sports around the City and the campus and would have roughly around 15,000 to 20,000 spectators during that week. The games would be a success in Lawrence and found very few communities that had the same passion and willingness to pitch in and help as the City of Lawrence through the years. He said there had been a long standing tradition and indoor games were held in Lawrence for many years and took thousands of volunteers to run those games and the support was tremendous.

He said he was asking the City of Lawrence, through the City Commission to support submitting a bid to bring the 2014 U.S.A. National Games to Lawrence, Douglas County, and the University of Kansas.

He said this was more than just about the competitions that would take place, there were educational seminars, a healthy athlete program, sports experience to introduce athletes to new sports that would be held. He said he firmly believed that this community could provide an experience for the athletes that would attend and would be second to none.

The cost of the games would be approximately 7.5 to 9 million dollars and there would be a game organizing committee that part of their job would be to raise those funds. The economic impact would be 35 to 40 million dollars, based on figures from Ames, Iowa and were waiting on the report from Lincoln, Nebraska.

Mayor Amyx said the application deadline was in October and asked when the decision would be made on where the games would be held.

Hahn said he hoped it would be reached by the end of the year.

Mayor Amyx asked if there were anything special the City of Lawrence could do to increase the City's chances.

Hahn said there would be a site visit, but did not know when the site visit would be scheduled, but guessed it might be in November. He said in visiting with the Chamber of

Commerce, County, City, and the Kansas University, he felt nothing but support and enthusiasm for this overall project.

Mayor Amyx said he could guarantee everyone was excited and wanted to thank Hahn in making sure Lawrence was considered to be the host of 2014 U.S.A. National Games. He said there would be a partnership between the different entities to ensure this event was a success.

Mayor Amyx asked if Hahn needed a letter of support.

Hahn said yes, a letter from the Mayor, on behalf of the City Commission and City of Lawrence to support the bid for the games.

It was moved by Chestnut, seconded by Johnson, to authorize the Mayor to sign a letter of support of a bid for Lawrence to host the 2014 Special Olympics National Games.

(15)

Approve a Temporary Use of Public Right-of-Way Permit for the Chamber of Commerce and Kansas Athletics to close the 1000 Block of Massachusetts Street for a pep rally on 09/02/10 to celebrate the opening of the KU football season and on 10/21/10 for Homecoming.

Tom Kern, President and CEO of the Lawrence Chamber of Commerce, said the Chamber had been working to put together another joint project between Downtown Lawrence Inc., Convention and Visitors Bureau, Kansas Athletics, the Chamber and the City to continue that partnership of promoting Kansas Athletics in the Downtown region. He said idea of a pep rally downtown was an appropriate activity as a kick-off for the fall football season. They had worked for the last 6 to 8 weeks every Tuesday evening putting together the specifics to that program with a lot of help. He said they were asking permission to close off the 1000 block of Massachusetts Street for an event that would run for 5 pm to 7:30 pm, but the permit was from 3:00 pm to 9:00 pm to have time to setup. There would be tent out in front of Buffalo Wild Wings and Coach Gill's radio show would take place at that location. In addition, the coach

would come out after the game to deliver a pep talk as well as the K.U. cheerleaders, pep band, kid's fun zone, and everything should wrap up by 7:30 pm.

He said they had put in two requests for the 21st of October, the Thursday evening before homecoming to do the same type of pep rally. Their hope was that if those two events were successful, it would become annual events during the K.U. Football season to recognize the importance of the Athletic Programs at K.U., to the downtown region.

Mayor Amyx asked if this was an event with no alcohol.

Kern said this was an event that would not have any outside consumption of alcohol, besides the legal consumption that bars already permitted for that use.

Mayor Amyx asked about the location of this event.

Kern said the reason for the location was partially because of the coach's radio show was being announced out of Buffalo Wild Wings, and the idea was to bring that right out onto the street at some point in the future. Buffalo Wild Wings was the bar that was sponsoring the coach's show and was the reason that block was picked.

Mayor Amyx said regarding bars that were along that stretch, he asked if alcohol be brought out into the crowd.

Kern said not without requesting a special permit for City Commission approval and they had not made that request.

Megan Gilliland, City's Communications Manager, said Jane Pennington with DLI, Inc., walked the block and let those establishments know that if they wanted to extend their premises for alcoholic consumption of food and beverage outside of their premises that those establishments needed to submit that permit to the City by August 9th, but no one opted to extend their premises. However, there had been some discussion about allowing Buffalo Wild Wings to extend their premises to serve food and beverage outside of their business for October 21st, but that request had not come before the City Commission.

Mayor Amyx called for public comment.

After receiving no public comment, Commissioner Chestnut said it was a good event and nice to dovetail with the coach's show and was a good location.

Vice Mayor Cromwell said the event would take place on a Thursday when the merchant shops were opened and would be a time when people could still shop.

Commissioner Johnson said the event was a great idea.

Mayor Amyx said he had a concern about alcohol and patrons coming in and out of those bars along the area. He said he assumed City staff would be available if there were problems and noted that he would like the City Commission to be briefed if there were problems before the second event occurred.

Moved by Johnson, seconded by Chestnut, to approve Temporary Use of Public Right-of-Way permit for the Chamber of Commerce and Kansas Athletics to close the 1000 block of Massachusetts Street for a pep rally on September 2, 2010 to celebrate the opening of the KU football season and on October 21, 2010 for Homecoming. Motion carried unanimously.

(16)

Consider adopting on first reading. Ordinance No. 8560 pertaining to Portable Toilets.

John Miller, Staff Attorney, presented the staff report, which read:

"On August 10, 2010 the City Commission considered whether to regulate portable toilets. Upon receiving the staff report and hearing from citizens the Commission directed staff to prepare an ordinance regulating Portable Toilets. Attached (revised 08/13/10) is a proposed Portable Toilets ordinance for City Commission consideration.

This ordinance prohibits all portable toilets in the City except in the following circumstances:

- On all City, County, School District, University or State owned property.
- On all property granted a City Temporary Special Event or Right-of-Way Permit.
- On all property one day prior to each home KU football game to be removed on the Monday immediately following the scheduled football game.
- On property with construction projects subject to Planning and Development Services development reviews or permits with specific limitations.
- On property granted a permit by the Director of Planning and Development Services or designee.

The penalty for violation of the ordinance is a fine not to exceed \$500 or incarceration not to exceed 30 days or both. Enforcement shall be through the Planning and Development Service

Department. An abatement provision has also been provided if the person with the portable toilet fails to alleviate the violation.

Ordinance 8560 pertaining to Portable Toilets is attached for your City Commission review and consideration. “

Miller also explained that he had received phone calls since the posting of the agenda regarding requests for exemptions for the Girl Scout camp and for recreational vehicles (RVs).

Commissioner Johnson asked if Miller looked at extending the use of portable toilets for consecutive games.

Miller said staff looked at that issue, but while the ordinance was written in terms of the specific allowance having more limited days based upon the discussion, it did allow someone to ask the Planning Director for a permit and appeal that decision to the City Commission for consideration. He said there was some avenue to address that issue, if the City Commission wanted to expand that time frame, then staff could change the ordinance to reflect that concern.

Vice Mayor Cromwell said the ordinance indicated portable toilets were permitted on all property used for residential uses, for up to four consecutive days and only two times per calendar year. Requests for the use of portable toilets beyond that duration could be approved by the Planning Director or designee.

Scott McCullough, Planning and Development Services Director, said it would be any home game by right. Outside of that period of time, by right, anything after those scheduled home games, the Planning and Development Services Department could permit otherwise, up to two per year. If there were 5 home games then Citywide there could be portable toilets for those home games a day before that game to the Monday after that game. Other events, such as weddings, graduations, big parties and those types of events, could seek permission to use portable toilets through a permitting process with the Planning and Development Services Department.

Miller said he was attempting to explain a way to potentially address Commissioner Johnson's concern of the extension of the portable toilets for game days.

Commissioner Dever said a person could extend the period twice per calendar year without going through the process.

McCullough said they did discuss the proposal about what to do in those circumstances and thought this proposal was more cleaner and equitable proposals. He said if there was a desire to go back and look at lengthening that time, that time could be lengthened, but he did not want to setup a framework where there was a rule and a way to accept the rule in an ad hoc fashion. That would waste some resources from the City Commission.

David Corliss, City Manager, said if the City Commission wanted back to back games exempted, staff just needed to write the ordinance that way. He said staff spent some time, but wanted to get this underway and tried to capture as much of what the consensus of the Commission was last week and tried to put it in regulatory language this week. Staff was finding out there were some exemptions that clearly they were not intending to capture and make those amendments or others as well.

Mayor Amyx called for public comment.

Mary Beth Peter representing Hidden Valley Camp spoke in support of an exemption for the camp written into the ordinance.

Mark Thompson, Anderson Rentals, said the ordinance did not solve a number of the problems it intended to because 1) regarding aesthetic concerns there would still be the problem of portable toilets on the university property, 2) the ordinance will cause a great deal of time and expense for people with legitimate uses of portable toilets on occasions not related to football games, such as home parties, private schools, churches, and certain businesses, and 3) the ordinance should allow a 72 hour rental without a permit and the two rentals per year limitation should be removed.

Jonathan Becker said he had an RV with a toilet and the Commission should direct staff to add exceptions for RVs and for the Girl Scout Camp.

Marci Francisco said her concerns were not that people had portable toilets but that the toilets were in view of the public right-of-way.

Candice Davis said that she thought the length of time (the entire 3 month football season) was a problem.

Mayor Amyx said the City Commission had opened up a can of worms with this issue. He said they knew that people would not like portable toilets in their yards for a period of time and now the situation was complicated. The City Commission could not cover up this problem and now they were discussing people making application which would be a 14 day ordeal. He said portable toilets would be an allowed use anywhere in town, but the question was how much the City Commission wanted to regulate it. He said he saw it as a 90 day period every fall.

Commissioner Chestnut asked how it worked on construction sites.

McCullough said portable toilets were not regulated through a permit, but recognized portable toilets was a necessary component of a construction site, especially if it was a vacant lot being constructed from the ground up.

Corliss said portable toilets were not regulated at all. He said staff recognized before this City Commission meeting a couple of clear exemptions for the Hidden Valley Site and for recreational vehicles.

He said a number of people in the Oread Neighborhood wanted their neighborhood back in between football game days. He said he did not know if there was much concern in non-residential areas and it could be made clear, if the ordinance proceed that they were only talking about prohibiting portable toilets in residential areas and might get at some of those other locations. He said the City was not trying to create additional bureaucracy or have a permit. Staff could send notification that a portable toilet would be allowed after meeting certain types of requirements. He said the exemptions that he could clearly see was Hidden Valley, recreational

vehicles and suggested not worry about portable toilets on non-residential areas. There was a site planning process for most of those properties, if it became a problem.

Commissioner Chestnut said a lot of the exemptions did not need to be exemptions if limiting it to areas that were zoned residential.

Corliss said the genesis of the concerns were a residential neighborhood and some property owners that were living next door to a portable toilet from the end of August to the end of November and that might be something they did not desire to have in a residential neighborhood. Also, the point heard from other citizens that during the football games there was a major need that the City wanted to try and respond to. He said staff tried to think of exemptions, but probably had not thought of all exemptions yet.

Commissioner Chestnut said from his standpoint, it did make sense to take this back to staff to limit it to residential areas. He said he liked the time bounded and agreed that two dates were back to back and have those dates in the ordinance. He said it would be by "right" on game days and two other dates and applied to all residential during events. He said then a lot of the exemptions would not need to be discussed that would be in non-residential areas because there was a lot of other City Code that would deal with that issue.

Moved by Chestnut, seconded by Cromwell, to adopt on first reading, Ordinance No. 8560 pertaining to Portable Toilets, with amendments to add exemptions for RVs, the Hidden Valley Camp and non-residential properties and to allow portable toilets to stay on the property between games when the games are on consecutive weeks. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously. (17)

Consider adopting on first reading, Ordinance No. 8558, adopting the 2010 Standard Traffic Ordinance and Other Kansas Traffic Law changes.

Scott Miller, Staff Attorney, presented the staff report, which read:

"Each year, the City of Lawrence adopts the most recent version of the Standard Traffic Ordinance prepared by the League of Kansas Municipalities. The Standard Traffic Ordinance is a model traffic code based upon Kansas state law, and its adoption allows for the prosecution of

most traffic violations in our municipal court. New editions are required annually in order to respond to the changes made to the traffic laws each legislative session.

This year's edition significantly changes the law in some respects. Texting while driving is now illegal in most circumstances that do not involve emergency services personnel or citizen reports of emergencies to appropriate authorities. (Section 126.2). Utilizing a license plate cover, whether clear or opaque, that affects the covered license plate's visibility is no longer permitted. (Section 126.1). Commercial driver's license holders are no longer eligible to participate in traffic diversion programs, except for diversions for parking violations. (Section 30.5). Additionally, all passengers of most motor vehicles are required to wear seatbelts, not just front seat passengers, and vehicles may be stopped by police if their front seat passengers are not wearing their seatbelts even in the absence of any other traffic offense. (Section 182.1).

Another part of the change to the seatbelt law was a reduction in the fine for seatbelt violations from \$30 to \$5 until the beginning of 2011, and \$10 thereafter. Our fine may be higher than the amount required by the state statute and it is management's recommendation that we fine violators \$40 for this offense. This recommendation is incorporated in the proposed ordinance.

Finally, Ordinance 8558 proposes three changes to existing law to improve the operation of the City Code. First, language has been inserted that makes clear that ordinances with specific penalties set forth in them supersede the general penalty provisions that apply to traffic offenses. Second, the maximum amount that the judge may assess for a traffic offense without its own penalty provision is increased to \$400. This is necessary because of the high fines in Kansas law for a few specific offenses such as illegal passing of a school bus (\$315), failure to yield to an emergency vehicle (\$195), and failure to obey a railroad crossing signal (\$195). Third, the fine provision for unlawful sound amplification devices is amended in the ordinance to allow the general fine provision to control. This will save future amendments and ordinance publications as the fine for that offense has been historically the same as any other more serious traffic violation."

Mayor Amyx called for public comment.

After receiving no public comment, David Corliss, City Manager, said it made sense if the City's Police Officers were going to be involved in issuing a citation that it be something higher than \$5 or \$10, something that had deterrent value. He said it should be close to what the cost was before.

He said the City could be more stringent than State laws that had a reasonable basis, but could not be less stringent.

Moved by Chestnut, seconded by Cromwell, to adopt on first reading, Ordinance No. 8558, adopting the 2010 Standard Traffic Ordinance and Other Kansas Traffic Law changes. Aye: Amyx, Cromwell, Dever, Chestnut, and Johnson. Nay: None. Motion carried unanimously.

PUBLIC COMMENT:

Donald Southard made comments regarding housing.

FUTURE AGENDA ITEMS:

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| August | · | Changes to sidewalk dining regulations. |
| 08/24/10 | · | Public hearing for 23 rd and Ousdahl CID request. |
| | · | Approve SE-08-24-10, a Special Event request for location of a light truck and 40' tall Verizon mobile cellular communication tower at 1101 Indiana (Berkeley Flats apartments) for the specific dates: September 4; September 11; October 14, October 23; November 6; and November 20, 2010 home football games. Submitted by Selective Site Consultants. Berkeley Flats Apartments LLC, property owner of record. |
| | · | Discuss Santa Fe Depot acquisition. |
| | · | Discussion of statutes governing primary elections for office of City Commissioner. |
| 09/07/10 | · | Review of Oread Hotel Block Party right-of-way permit. |
| 10/12/10 | · | Receive presentation from Westar Energy on the Smart Grid program. |
| 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 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.

• **Receive status report on activities of the Community Commission on Homelessness.**

COMMISSION ITEMS:

Moved by Johnson, seconded by Dever to adjourn at 7:49 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF AUGUST 17th, 2010

1. Bid Date - 6th St Intelligent Transportation Systems Project (Bid. B1038 Proj. PW0823) Aug 31, 2010.
2. Bid Date - Clinton Water Treatment Plant Dust Collector Replacement (Bid B1028 Proj. UT0920CL) Sept 14.
3. Engineering Services Agreement - Burns & McDonnell - \$45,329 Project UT0915KW – North Final Electrical and Kaw Well Field Electrical Improvements (Kaw Water Treatment Plant).
4. Ordinance 8561 – 1st Read, jail fees automatically set at levels charged by Douglas County.
5. Ordinance 8304 – 2nd Read, (TA-12-27-07) - revise the Protection Standards for Environmentally Sensitive Areas.
6. Ordinance 8554 – 2nd Read, Rezone (Z-5-6-10) .412 acres from IG to RS7 at 302 Perry Street.
7. Ordinance 8555 - rescind Ord. 7849, Reserved Parking Zone for Persons with Disabilities, West side of Vermont in front of 1505 Vermont.
8. Ordinance 8556 - Amend Res 6803 & Ord 8351, Benefit District allow city to assess actual cost of Kelly Drive.
9. Ordinance No. 8559 – 1st Read, yield sign on Melrose Lane at 25th.
10. TSC - no yield sign on Crestline at 24th Terr.
11. TSC - traffic calming devices on 25th Terr between Kensington Rd and Surrey Dr.
12. ROW - KS Fiddling & Picking Championship, close Mass. btwn N. Park St. & S. Park St. August 22, 2010 from 9:00 a.m. – 7:00 p.m.
13. Midwest Region Alternative Fuels Project, DOE Award DE-EE0002538.
14. City Managers Report
15. 2014 Special Olympics Kansas – Lawrence Hosting discussion.
16. ROW - 1000 block of Mass, pep rally on Sept 2, 2010 & on Oct 21, 2010 for Homecoming.
17. Ordinance 8560 – 1st Read, portable toilets.
18. Ordinance 8558 – 1st Read, 2010 Standard Traffic Ordinance and Other Kansas Traffic Law changes.