



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

February 8, 2011

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.

A. PROCLAMATIONS/RECOGNITIONS

1. Proclaimed the month of February, 2011 as National Heart Month.

B. CONSENT AGENDA

The second reading of Ordinance No. 8595 for the rezoning (Z-9-13-10) of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended), was moved from the consent agenda to the regular agenda prior to the meeting.

It was moved by Dever, seconded by Chestnut, to approve the consent agenda.

Motion carried unanimously.

1. Approved City Commission meeting minutes from 12/14/10, 12/21/10, and 01/04/11.
2. Received minutes from various boards and commissions:

Public Health Board meeting of 11/15/10
Planning Commission meeting of 12/13/10
Community Development Advisory Committee meeting of 01/14/11
Parks & Recreation Advisory Committee meeting of 01/11/11
Mental Health Board meeting of 11/30/10
Traffic Safety Commission meeting of 12/06/10
Sister Cities Advisory Board meetings of 08/11/10, 09/08/10, 10/13/10, 11/10/10,
and 12/08/10.
Board of Zoning Appeals meeting of 11/04/10
Historic Resources Commission meeting of 12/16/10



3. Approved payroll for 01/16/11-01/29/11 in the amount of \$1,787,521.96, claims for claim date 02/01/11 to 244 vendors in the amount of \$2,498,753.26, and claims for claim date 02/08/11 to 175 vendors in the amount of \$2,259,826.35.

4. Approved licenses as recommended by the City Clerk's Office.

Cereal-Off Premise License to Springhill Suites, 1 Riverfront Plaza; Cereal-On Premise License to Bullwinkles, 1344 Tennessee; a Temporary Liquor License to Lawrence Chamber Orchestra, 1011 Vermont (Trinity Episcopal Church); the Drinking Establishment licenses to Willies Bar, 2919 West 6th; La Tropicana, 434 Locust; LA 508, 508 Locust; the Drinking Establishment/Caterer to Free State Brewing, 636 Massachusetts; Eldridge Hotel, 701 Massachusetts, Maceli's, 1031 New Hampshire.

5. Approved appointmentss as recommended by the Mayor

Board of Zoning Appeals/Sign Code Board of Appeals:

Appointed Brian Edie (856.3343) to a position that expires 09/30/13.

Lawrence Alliance:

Reappointed Sarah Terwelp, Chris Keary, and Michael Monroe to positions that expire 1/30/12.

Lawrence Cultural Arts Commission:

Reappointed Eric Dobbins (393.8525) to a position that expires 01/31/14.

Lawrence-Douglas County Advocacy Council on Aging:

Reappointed John Studdard to a position that expires 12/31/13. Appoint Bonnie Uffman (856.0057) to a position that expires 12/31/13.

6. Bid and purchase items:
 - a) Set bid date of February 15, 2011 for City Bid No. B1108, Project No. PW1103, 011 Microsurfacing Program.
 - b) Set a Bid Date of March 1, 2011 for Bid Number B1101 Project UT0922CS, Airport Area Sanitary Sewer Improvements.
 - c) Awarded the construction contract for Bid No. B1103, Project UT0915KW, North Final Electrical and Kaw Well Field Electrical Improvements, to the low bidder, Shelley Electric, Inc. in the amount of \$114,000 and authorized the City Manager to execute the contract.
 - d) Awarded concessions contract for the operations of concessions at Youth Sports, Inc, Clinton Lake Adult Softball Complex, Holcom Park Sports Complex, and the Lawrence Outdoor Aquatic Center to Hy-Vee No. 1377.
7. Adopted the following ordinance(s) on second and final reading:
 - a) Ordinance No. 8606, for Text Amendment (TA-6-17-09) to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House" and expanded to consider parking standards for Multi-Dwelling

structures and nonconforming standards for Boarding Houses. (PC Item 4; approved 8-1 on 12/13/10)

8. Approved Rezoning, Z-11-15-10, of approximately .36 acres from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office), located at 1701 Massachusetts Street. Submitted by Jennifer O'Driscoll, for First Church of Christ Scientists, property owner of record. Adopted on first reading, Ordinance No. 8610, for the Rezoning (Z-11-15-10) of approximately .36 acres from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office), located at 1701 Massachusetts Street. (PC Item 3; approved 10-0 on 1/24/11)
9. Approved Rezoning, Z-12-18-10, of approximately .6 acres from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 315 Perry Street, 309 Perry Street and 528 N. 3rd Street. Adopted on first reading, Ordinance No. 8611, for the Rezoning (Z-12-18-10) of approximately .6 acres from IG (General Industrial) to RS7 (Single-Dwelling Residential), located at 315 Perry Street, 309 Perry Street and 528 N. 3rd Street. *Initiated by Planning Commission on 12/13/10.* (PC Item 5; approved 10-0 on 1/24/11)
10. Authorized Mayor to sign Order of Vacation of Perry Street, west of N. 7th Street in Smith's Subdivision of North Lawrence.
11. Approved recommendation from the Traffic Safety Commission to install reduced speed limit with flashing beacons on Oak Tree at Vantuyt Drive (TSC Item #2; approved 12/06/10). TSC 12/06/10 Meeting – Item #2
12. Accepted transfer of ownership from the University of Kansas to the City of Lawrence certain sanitary sewer facilities including one manhole and approximately 341 lineal feet of 12" PVC sanitary sewer generally located in the right-of-way of 15th Street west of Naismith Drive.
13. Authorized the Mayor to execute the Third Addendum to the City Manager's Employment Contract.
14. Authorized the issuance of a Request for Proposals for the Arts Economy Study as requested by the Lawrence Cultural Arts Commission.
15. Authorized the Mayor to sign a letter opposing House Bill 2088, which if passed, would prohibit municipalities' abilities to determine appropriate residential fire protection systems and is contrary to cities' constitutional home rule authority.
16. Approved \$200,000 contract for Carnegie Building Freedom's Frontier National Heritage Area (FFNHA) exhibit with funding from Guest Tax Funds.
17. Approved as a sign of community interest, a request from the Pilot Club of Lawrence to place a sign at the NW corner of 23rd and Harper Streets advertising the annual Antique Show and Sale. The sign will be placed the morning of March 4 and taken down at the end of the show on March 5, 2011.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the City Manager's Report.

Diane Stoddard presented an update on the BNSF Depot.

The Mayor said the city's plan regarding acquisition of the depot had not changed.

Corliss said that was correct.

E. REGULAR AGENDA ITEMS:

1. **Consider adopting on second and final reading, Ordinance No. 8595, for the rezoning (Z-9-13-10) of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended). (PC Item 6B; approved 8-0 on 10/27/10).**

Mayor Amyx said a letter was received from Ron Schneider, attorney, representing Scenic Riverway Community Association this morning.

Corliss said that was correct and he wanted the City Commission and the public to see that letter. He said it did not change staff's recommendation.

Mayor Amyx called for public comment. None was received.

It was moved by Chestnut, seconded by Johnson, to adopt on second and final reading, Ordinance No. 8595, for the rezoning (Z-9-13-10) of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended). (PC Item 6B; approved 8-0 on 10/27/10). Motion carried 4-1 with Cromwell in dissent.

2. **Consider declaring an emergency, and adopt on first and second reading, Ordinance No. 8612, authorizing the issuance of up to \$10.5 million in Industrial Revenue Bonds for Lawrence Memorial Hospital for the purpose of financing various improvements at the hospital and repealing Ordinance No. 8600.**

This agenda item was deferred indefinitely at the applicant's request.

3. **Conduct public hearing to consider the vacation of two pedestrian easements located in Lots 10, 11, 19, and 20, Lake Estates at Alvamar (2105 and 2109 Cove Court and 6208 and 6204 W. 22nd Court), as requested by Garber Enterprises, Inc**

Commissioner Johnson recused himself from the discussion and vote on this item and left the meeting at 6:50 p.m. Chuck Soules, Public Works Director, presented the staff report.

Mayor Amyx opened the public hearing.

Aaron Gaspers representing Peridian Group said he was available for questions.

It was moved by Chestnut, seconded by Cromwell, to close the public hearing. Motion carried 4-0 with Johnson abstaining.

Moved by Chestnut, seconded by Cromwell, to approve the vacation of two pedestrian easements located in Lots 10, 11, 19, and 20, Lake Estates at Alvamar (2105 and 2109 Cove Court and 6208 and 6204 W. 22nd Court), as requested by Garber Enterprises, Inc. Motion carried unanimously. Motion carried 4-0 with Johnson abstaining.

Commissioner Johnson returned to the meeting at 6:52 p.m.

4. **Receive staff memorandum discussing possible annexation of the Miller/Wells acres area. Consider authorizing staff to conduct a public meeting with area residents and property owners.**

David Corliss, City Manager, presented the staff report.

Mayor Amyx asked when this annexation item would return to the City Commission.

Corliss said possibly late March or with the new City Commission, depending on what issues and questions came up in the discussions with the residents. He said it might involve County Commission action as well. He said that staff had received questions from citizens already.

Mayor Amyx said this item had come up a few years ago and asked why this item was coming to the forefront now?

Corliss said it was very staff intensive and now there was time to take on the project.

Amyx asked whether it was a good time for staff to take on this project now given that budget season was coming.

Corliss said he thought it was a good time given priorities.

Mayor Amyx called for public comment. None was received.

Amyx said he recommended this item be addressed closer to the end of 2011 because it was not the highest priority for him.

Moved by Chestnut, seconded by Dever, to direct staff to conduct a public meeting with area residents and property owners. Motion carried unanimously.

5. **Consider approving Traffic Safety Commission recommendation to approve a request to establish No Parking along the north side of 27th Street west of Kensington Road (TSC Item #5; approved 7-1 on 12/06/10).**

David Woosley, Traffic Engineer, presented the staff report.

Mayor Amyx called for public comment.

Jason Barnhill said the area bottlenecked and created a gridlock. Anyone who parked on that side caused gridlock due to the school. No parking would help traffic flow.

Chestnut said he had visited that area around 3:00 and there were issues with line of sight.

Moved by Cromwell, seconded by Chestnut, to approve the request to establish no parking along the north side of 27th Street, west of Kensington Road. Motion carried unanimously.

6. **Consider authorizing the City Manager to execute an Engineering Services Agreement with Bartlett & West Engineers for Design Services for Iowa Street reconstruction and geometric improvements, Project PW1012, in an amount of \$394,170.**

Chuck Soules, Director of Public Works, presented the staff report.

Mayor Amyx said 7.6% was for design services.

Soules said yes, he would love for the design services to be cheaper. He said the city was working with KDOT to get funds for intersection improvements.

Chestnut said staff's work with University Neighborhood on traffic control was important.

Soules said design work on those projects would be done in-house.

Amyx said he appreciated Chestnut's comments because traffic control was an important issue.

Mayor Amyx called for public comment. None was received.

Moved by Dever, seconded by Chestnut, to authorize the City Manager to execute an Engineering Services Agreement with Bartlett & West Engineers for Design Services for the Iowa Street reconstruction and geometric improvements for \$394,170.

Motion carried unanimously.

7. **Receive final report from the Retail Task Force and consider issuing a Request for Proposals for the retail database information, as recommended by the Retail Task Force.**

Rob Chestnut, City Commissioner and Chair of the Task Force, thanked those who participated on the task force. He said he wanted to highlight the goals in looking at increased retail sales in Lawrence and address retail sales leakage, helping local retailers grow their business, and facilitate through the planning process for retailers that wanted to locate in Lawrence. He said a couple recommendations were continuing with building code review so that progress would not be hindered for existing or new retailers. He said the Chamber of Commerce seemed like the natural place to facilitate opportunities. An issue brought up, at times, was the vacant space downtown. He said it was sometimes not the right space and was often too small of a footprint. The task force looked at incubators. He said collaborative marketing opportunities would help the community spend their dollars collectively rather than spreading those dollars out. He said the task force was asking the City Commission to look at businesses that would gather information, which was often used by national chains, for use by smaller and local businesses. He said there was a range of prices for models. He asked that the Commission allow the task force to develop an RFP for a retail study and contact other stakeholders for participation in the funding. Most of the participants in the task force were retailers and those retailers thought the information would be very beneficial for people. A lot of discussion on land

use issues took place and retail uses and lots of the discussion was anecdotal rather than data driven, but a lot of that data was available today.

Amyx thanked the task force members. He said there were a couple concerns. The financial commitment was one concern and suggested that commitment be addressed during the budget process. He asked if there was an estimate of the cost.

Chestnut said a cost estimate for an on-line product was anywhere from \$5,000-\$10,000, and something more sophisticated could be 10 times more. The task force needed to present the RFP during the budget process and contact the other stakeholders for participation. A financial commitment was not being discussed.

Amyx asked about the price range that the City would receive.

Chestnut suggested that the City Commission ask the task force to come up with three options along with a variant of costs. He said he hoped those costs would be on the cheaper end, which could be worked in with the budget process.

Amyx said it could be made contingent on Chestnut continuing to serve on the task force as a citizen of Lawrence.

Chestnut said pricing wise, it might not be worth it or it might be very valuable for the price as well as the information being valuable for local retailers.

Amyx asked if the information received from the selected firm would give retailers information they could use in their business plans.

Chestnut said control of information would be important and that everyone would benefit from the macro issues identified. Interpreting the information would be important and someone inside the city would need to understand it. Typically, the City would coordinate the model. There were implications for planning as well. In one presentation there was a cadre of services for the information and how the municipality could use it. Information such as retail trends and demographics would be useful for long term planning.

Dever asked who wrote the document.

Chestnut said Roger Zalneraitis, Economic Development Coordinator.

Mayor Amyx called for public comment.

Tom Kern, Chamber of Commerce, said this idea went a long way in addressing who was responsible for retail development in Lawrence. He said the information would hypothetically show every car sale by Lawrence dealers and every sale to Lawrence residents to dealers outside of Lawrence. The information could be used to attract brands that were not currently represented by Lawrence retailers.

Amyx asked how long the data would be valid.

Chestnut said there would likely be the first year cost, followed by a maintenance cost to update the information on a continuing basis.

Chestnut said he wanted to bring this item to a conclusion to make sure the task force was not pursuing a path that the City Commission did not support. The task force wanted to make sure the Commission saw value in the study.

Amyx said he was only concerned with the cost related to the budget. He said the information should be useful and not just sit on a shelf at the library. He said maybe businesses could pay for the initial report because it would be valuable for their business.

Chestnut said the amount could be zero for the city, if the city and others put in the initial money and recouped it later. He said he supported finding a study of modest cost that would accomplish what was needed.

Amyx said the funding had to go through the budget process. The task force would put together a funding recommendation that involved other potential funding groups.

Corliss said money was not budgeted. The number that stuck out for him was \$30 million, or the amount of sales tax revenue, because the City relied on sales tax. He said there

could be value in growing the retail economy. Looking for partners was of value, but it was important not to commit to any dollar amount at this time.

Amyx asked if there was any concern about using this information inconsistently in the planning process.

Chestnut said it was discussed about whether the task force wanted to recruit retailers from outside the community and the answer was “no”. There were requirements in the code for retail market studies and there was no capacity to recruit outside the community. He said the code was written to require market studies for certain proposals. A lot of public comment was received in past discussions about retail sales and there was argument about a centralized reliable database.

Cromwell said the task force should examine what data could be used as a tool to help increase retail sales in Lawrence.

Chestnut said it was a little bit of that saying, “you get what you pay for.” As price went up, interpretation for that data also went up. He said he was impressed that someone was able to identify other cities similar to Lawrence and what the data meant to them. He said medium costs for the study was needed and was a reason to have a modest level of participation from retailers, because when participating, a person found more value. The revenue model still needed to be worked through. What would come back to the Commission were a few different options, which could be good, better and best.

Amyx said the task force would be directed to work on funding options with Chestnut still participating, and any expenditure would be considered during the budget process.

Moved by Chestnut, seconded by Cromwell, to receive the report and issue a Request for Proposals for the retail database information with direction to the task force to work on recommendations on funding options and other participants. Motion carried unanimously.

8. **Consider authorizing the City Manager to execute a contract with Gould Evans Associates for the design of the library expansion/renovation and parking garage and consider adopting Resolution No. 6917, authorizing \$18,000,000 for general obligation bond debt issuance.**

David Corliss, City Manager, presented the staff report.

Cromwell said project costs were negotiated with Gould Evans, but services were added. He wanted to be clear that the costs were not increased in order to receive the extra services requested.

Chestnut said he was concerned there were items with technology that had 5-10 year lifetimes that would be financed with long term debt. He did not know the alternatives, but needed to be aware of those alternatives.

Corliss said there was no alternative funding source, but the value was the endurance of the building that would stand for decades, long past the retirement of the debt.

Dever asked how Chestnut came up with the longevity on the technology items.

Chestnut said there were technology items that by their nature were not likely to last as long as the 20 year bonds.

Corliss said there were some moving costs, landscaping, other things that would not last that long, but there was a balance with items that would outlive the bond retirement.

Mayor Amyx called for public comment.

Mike Machell, Library Board, said the board was in full support of Corliss's recommendations. He said the \$18 million in the bond referendum also included \$1 million to be raised by the foundation which could be used for some of the items discussed by Commissioner Chestnut.

Amyx said he appreciated the added items were not additional costs to the architectural fees. He said changing what was approved by the voters was a concern, but appreciated that those changes would come from other funding sources.

Cromwell said this was a great night to issue the first money to be spent on the library. Patience would be the watch word with this project but it would be worth the wait. There would be inconveniences along the road but the new library would stand for a long time. He thanked city staff and Gould Evans for their negotiations of the fees.

Moved by Cromwell, seconded by Johnson, to adopt Resolution No. 6917, authorizing \$18,000,000 for general obligation bond debt issuance for the project and to authorize the city manager to execute a contract with Gould Evans Associates. Motion carried unanimously.

E. PUBLIC COMMENT:

None.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

None.

H: CALENDAR:

David Corliss, City Manager, reviewed upcoming calendar items.

I CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Cromwell, seconded by Johnson, to adjourn at 8:38 p.m. Motion carried unanimously.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk