



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

July 5, 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 Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

Mayor Cromwell recognized Brady Tanner's accomplishments at the World Special Olympics in Greece, where he won three gold medals and one silver medal, including an overall gold medal in power lifting.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed the month of July, 2011 as Parks and Recreation Month.

B. CONSENT AGENDA

Moved by Carter, seconded by Amyx, to approve the consent agenda as listed below.

Motion carried unanimously.

1. Approved City Commission meeting minutes from 06/21/11.
2. Received minutes from various boards and commissions:
Parks and Recreation Advisory Board meeting of 06/21/11
Mental Health Board meeting of 05/31/11
Historic Resources Commission meeting of 05/19/11
Board of Zoning Appeals meeting of 04/07/11
3. Approved claims to 219 vendors in the amount of \$788,358.29.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License for Sandbar, 17 E 8th, Retail Liquor License for Ray's Liquor Warehouse, 1215 W 6th, Cereal Malt Beverage License for Crosstown Tavern,



1910 Haskell Ave Suite 6, and Street Vendor License for European Bistro, NE corner of 8th & Mass

5. Approved appointments as recommended by the Mayor.

Public Transit Advisory Committee:

Appoint Casey Briner (469.387.5743) as the KU representative on PTAC.

6. Adopted the following ordinance(s) on second and final reading:
 - a) Ordinance No. 8513, annexing approximately 7.6 acres of city-owned land at the Lawrence Municipal Airport.
 - b) Ordinance No. 8639, regarding the picking of ripe fruit from trees, plants, and vines on certain city property.
7. Approved Rezoning request, Z-4-13-11, to rezone approximately 4.6 acres from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential), located at 25th Terrace and O'Connell Road. Submitted by Johnson Group Engineering, for Fairfield Investors LLC, property owner of record. Adopted on first reading, Ordinance No. 8640, to rezone approximately 4.6 acres from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential), located at 25th Terrace and O'Connell Road. (PC Item 4a; approved 7-0 on 6/20/11)
8. Accepted dedication of easements and rights of way for Preliminary Plat, PP-4-5-11, for Fairfield Farms, a revision to an approved residential plat known as Fairfield Farms East Addition No. 1, specifically modifying Blocks 1 and 2 and Blocks 14 and 15 to combine 44 lots and rights-of-way into 14 lots with abutting right-of-way, located at 25th Terrace and O'Connell Road. Submitted by Johnson Group Engineering, for Fairfield Investors LLC, property owner of record. (PC Item 4b; approved 7-0 on 6/20/11)
9. Authorized staff to submit applications to KDOT to complete transportation planning studies under the KDOT Competitive CPG (Consolidated Planning Grant) funding program.
10. Authorized the City Manager to execute an agreement with Gilmore & Bell, P.C. for bond counsel services.

C. CITY MANAGER'S REPORT:

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

Mayor Cromwell reminded citizens to participate in the Take Charge Challenge by registering their CFL changes and participating in the WattSaver program.

D. REGULAR AGENDA ITEMS:

1. **Receive Planning Commission recommendation regarding annexation, A-3-1-11, of approximately 67 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Road and E 950 Road, and consider adopting Resolution No. 6924 requesting that the Board of County Commissioners of Douglas County, Kansas, make the statutory finding as to whether the proposed annexation would not hinder or prevent the proper growth or development of the area or of any other incorporated city. Submitted by Steven Rothwell, Timothy W. and Lani S. Rothwell, for Timothy Rothwell, Wilber C. Rothwell, and Donald Kenna Rothwell, property owners of record. (PC Item 14A; approved 8-1 on 5/25/11)**

Sandy Day, Planner, and Randy Larkin, staff attorney, presented staff reports.

Mayor Cromwell called for public comment.

Matt Todd, representing the Rothwell family, said he was available for questions. He said this was a procedural step in the process and asked that the item be forwarded to the County. He said the request was designed to be consistent with the comprehensive plan and sector plan.

Carter asked if there were any concerns with any of the conditions.

Todd said no. There was some language added to the condition regarding building permits.

Amyx asked about contiguous properties and the city proper, and if this basically created a larger island.

McCullough said it would be a bigger island.

Larkin said there was a section of the Kansas statutes that required this.

Schumm said if we approve this and send it to the county commission, what happens if the county commission does not approve it.

Larkin said we would not be able to annex under this statute.

Schumm asked if proposed zoning had been talked about for this property.

Larkin said an application for rezoning to IG was pending.

Amyx said this was just the next step. The county commission had to make a determination next. He recommended forwarding this to the county. He said there was nothing that could happen until after the county commission considers this.

Cromwell said he would have some concerns with IG and was more comfortable with IL. The time for that discussion was not now but he wanted to preview his concerns.

Moved by Amyx, seconded by Carter, to receive Planning Commission recommendation regarding annexation, A-3-1-11, of approximately 67 acres, located on the south side of N 1800 Rd (Farmers Turnpike) and between the extended alignments of E 900 Road and E 950 Road, and to adopt Resolution No. 6924 requesting that the Board of County Commissioners of Douglas County, Kansas, make the statutory finding as to whether the proposed annexation would not hinder or prevent the proper growth or development of the area or of any other incorporated city. Motion carried unanimously.

2. Consider adopting Resolution No. 6925, establishing the downtown task force.

David Corliss, City Manager, presented the staff report.

Mayor Cromwell said this appeared to capture the commission's direction from the last discussion.

Carter said he mentioned before that it was not real clear what they would do regarding mix of retail and bar uses downtown. He asked if the consideration of a town square type proposal would fall under the events item, or if it needed to be separate.

Schumm said the group would come out with what they came out with. He said the resolution was a minimum standard. He wanted to leave it a little open ended to let the creativity of the members flow.

Cromwell said if there was something very specific desired it could be spelled out.

Amyx asked if anything should be done with the number of members.

Cromwell said he liked having the range, like the Solid Waste Task Force. The date was the other thing to talk about. Deadlines could be altered as necessary. He said this captured what they intended.

Moved by Schumm, seconded by Dever, to adopt Resolution No. 6925, establishing the downtown task force. Motion carried unanimously.

3. **Consider motion to recess into executive session for 45 minutes for the purpose of discussion of employer-employee negotiations. The justification for the executive session is keep negotiations confidential at this time. The City Commission will resume in the City Commission meeting room upon conclusion of the executive session.**

Moved by Schumm, seconded by Amyx, at 7:05 p.m. to recess into executive session for 45 minutes for the purpose of discussion of employer-employee negotiations. The justification for the executive session is keep negotiations confidential at this time. Motion carried unanimously.

Cromwell, Schumm and Amyx returned to the room at 7:53 p.m. It was **moved by Schumm, seconded by Amyx** to extend the executive session for 30 minutes. Motion carried 3-0.

The entire City Commission resumed the regular session at 8:25 p.m. No action was taken following the executive session.

E. PUBLIC COMMENT:

Michael Tanner made comments regarding violation of his rights to commerce on Massachusetts Street.

Mayor Cromwell thanked Tanner for his comments and said his time had expired.

Tanner continued speaking.

Cromwell said Mr. Tanner's time had expired. He said Tanner was more than welcome to submit written comments.

Tanner continued speaking and said we should test in court the city's ability to limit free speech.

Commissioner Carter said he would give Tanner ten minutes of his time following the meeting.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Amyx said recently there had been notification from Topeka regarding closing of the local office of SRS. He said we should do something to find out how people were able to apply for benefits with SRS now. He said we are entitled to know why our office was chosen for closure. He saw people may be able to access the internet from the library to apply for benefits but that might be difficult during the library renovations. He said if the closure of the SRS office went forward, the plan for people to get help needed to be articulated. He said the governing body of the City had a responsibility to help with these issues.

Cromwell said we would definitely be weighing in as a city body in constructive and productive ways. He said there were a number of groups working on this concurrently.

Amyx said as long as we were able to be involved. The governing body had a responsibility here. He wanted to keep our hands on this issue.

Schumm said his comments came from a meeting they had last Thursday. He said he asked a question at the PIRC meeting about how the percentage rebates were calculated. The answer was that it was a formula another city had used. He said he wasn't sure if that was the right way for us to calculate it. He said he wanted this body to consider how that is calculated in the ordinance. He said it seemed quite rich to him. It is an absolute necessity to look at this quickly so the discussion didn't happen in the middle of an applicant's application.

Corliss said the policy didn't determine the formula. The applicant had followed what the Treanor group requested. There may be a question of precedent however. He said staff would get that on an agenda for discussion.

H: CALENDAR:

David Corliss, City Manager, reviewed 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 Dever, seconded by Amyx, to adjourn at 8:46 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk