



City of Lawrence

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CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

September 6, 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, and Dever present. Vice Mayor Schumm arrived at 6:41 p.m.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed September 8, 2011 as International Literacy Day.

Vice Mayor Schumm arrived at this point in the meeting, at 6:41 p.m.

2. Proclaimed the week of September 11- 17, 2011 as POW/MIA Recognition Week and Friday, September 16, 2011 as POW/MIA Recognition Day.
3. Recognized September 11, 2001.

B. CONSENT AGENDA

It was moved by Schumm, seconded by Amyx to approve the consent agenda as below. Motion carried unanimously.

1. Approved City Commission meeting minutes from 08/16/11 and 08/23/11.
2. Received minutes from various boards and commissions:
 - Planning Commission meeting of 07/25-27/11
 - Mental Health Board meeting of 06/28/11
 - Hospital Board meeting of 06/15/11
 - Traffic Safety Commission meeting of 06/06/11 and 08/01/11
 - Solid Waste Task Force meeting of 08/11/11



3. Approved claims to 441 vendors in the amount of \$3,071,869.33, and payroll for August 14, 2011 – August 27, 2011, in the amount of \$1,809,773.05.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment license for Saints Pub & Patio Lawrence, 2329 Iowa St., Thai House, 711 West 23rd St., Ste: 24, Slow Ride Roadhouse, 1350 North 3rd, Panda & Plum Garden, 1500 West 6th St., Bigg's Bar & Grill, 2429 S Iowa, Crosstown Tavern, 1910 Haskell Ave Ste: 6, Fuzzy's Taco Shop, 1115 Massachusetts, Louise's, 1009 Massachusetts and Retail Liquor Licenses for Riverridge Liquor, 454 North Iowa and Meyers Retail Liquor, 902 West 23rd St.
5. Approved appointments as recommended by the Mayor.

Community Development Advisory Committee: Reappointed Julia Mitchell and Quinn Miller to additional terms that will expire 09/30/14.

Historic Resources Commission: Appointed Leslie Tuttle (864.9455) to the vacant position that expires 03/01/13.

Human Relations Commission: Reappointed Kristen Krug to an additional term that will expire 09/30/14.
6. Bid and purchase items:
 - a) Approved Change Orders No. 3 and 4 to R. D. Johnson Excavating Co., Inc. in the amount of \$104,635.80 for Project No. PW1109, 2011 Downtown Miscellaneous Concrete Repairs, due to additional work added to the project. The project remains within previously approved budget allocations.
 - b) Authorized the City Manager to approve payment to Cogent in the amount of \$16,970 and Ace Pipe Cleaning in the amount of \$20,000 for emergency repairs to the Kaw Intake and Low Service Pump Station 2.

- c) Authorized the City Manager to execute a sole source Engineering Services Agreement in the amount of \$16,150.00 with Bartlett & West Engineers for design phase engineering services for the Bob Billings Parkway Waterline Realignment required as part of project PW1012 - Reconstruction of Iowa Street, from 200 feet South of Harvard to Irving Hill Overpass.
- 7. Adopted on first reading, Ordinance No. 8662, ordering the condemnation of property interests for the utilities wastewater pump station improvement project as authorized by Resolution 6929 (approved by the City Commission on 08/23/11). *This ordinance was renumbered 8661 for second reading on 09/13/11.*
- 8. Adopted on second and final reading Ordinance No. 8653, ordering the condemnation of property interests for the 23rd Street bridge utilities relocation project as authorized by Resolution 6930 (approved by the City Commission on 08/16/11).
- 9. Adopted the following resolution(s):
 - a) Resolution No. 6940, authorizing the issuance of general obligation bonds for the financing of improvements including 23rd and O'Connell traffic signalization and construction of a new north/south street (Farmland Redevelopment).
 - b) Resolution No. 6941, authorizing the issuance of general obligation bonds for the financing of Delaware Street improvements, 8th to 9th Streets.
 - c) Resolution No. 6944, authorizing the issuance of general obligation bonds for the financing of Delaware Street improvements, 19th Street to 22nd Terrace.
- 10. Accepted dedication of rights of way and revised easements for Preliminary Plat, PP-3-3-11, for Hunters Ridge Addition, an approximately 35 acre subdivision containing 4

lots, located on the north side of West 6th Street between Queens Road & Stoneridge Drive. Submitted by Pat Kelly for Pear Tree Village L.P., property owner of record. (PC Item 3; approved 9-0 on 5/23/11; CC previously accepted dedications of original easements and rights-of-way on 8/23/11)

11. Approved Text Amendment, TA-6-9-11, to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to allow detention facilities as a use in the GPI (General Public Institutional) District and delete “detention and correction institutions” from the definition of Major Utilities and Services in Article 17. Adopted on first reading, Ordinance No. 8663, for Text Amendment (TA-6-9-11) to the City of Lawrence Land Development Code, Chapter 20, Article 4, Section 20-403 to allow detention facilities as a use in the GPI (General Public Institutional) District and delete “detention and correction institutions” from the definition of Major Utilities and Services in Article 17. (PC Item 2; approved 9-0 on 8/22/11)
12. Approved Rezoning, Z-6-16-11, of approximately 8 acres from RM12D (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 25th Terrace and proposed Ellington Drive. The property is generally located at the SW corner of E 25th Terrace and Franklin Road. Submitted by Johnson Group LLC, for Fairfield Investors LLC, property owner of record. Adopted on first reading, Ordinance No. 8662, for Rezoning (Z-6-16-11) of approximately 8 acres from RM12D (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 25th Terrace and proposed Ellington Drive. (PC Item 1; approved 9-0 on 8/22/11)
13. Received information on the Metropolitan Transportation Plan (Transportation 2030) update and authorized staff to issue a Request for Proposals for public participation program completion, to be funded from a federal grant with no local cash match required.
14. Approved following recommendations from the Traffic Safety Commission:

- a) Approved recommendation from the Traffic Safety Commission to install Traffic Calming Devices on Crossgate Drive north of Clinton Parkway. (TSC Item 2; approved 8-0 on 08/01/11). Funding for this project is not currently available.
 - b) Approved recommendation from the Traffic Safety Commission to install Yield Signs on Prairie Avenue, Prospect Avenue and Summit Street at 13th Street and adopted on first reading, Ordinance No. 8668, to install Yield Signs on Prairie Avenue, Prospect Avenue and Summit Street at 13th Street. (TSC Item 3; approved 8-0 on 08/01/11)
 - c) Approved recommendation from the Traffic Safety Commission to install Traffic Calming devices on 17th Terrace and New Hampshire Street. (TSC Item 5; approved 8-0 on 08/01/11)
- 15. Authorized the City Manager to execute a Party Wall Agreement and a Temporary License Agreement with Ninth and New Hampshire, LLC, relating to the project at 901 New Hampshire Street.
 - 16. Authorized the City Manager to execute a License Agreement with Kansas Fiber Networks, LLC, permitting Kansas Fiber Network, LLC, to place fiber optic cable in the City's rights of way with an annual rental payment of \$12,500.
 - 17. Approved a Temporary Use of Public Right-of-Way Permit for the use of sidewalks and three parking stalls on the 700 block of Massachusetts Street on Friday, September 30 from 12:00 p.m. – 7:00 p.m. for a re-enactment of Clyde Barrow's robbery of the bank formerly located at 746 Massachusetts Street.
 - 18. Approved the following actions concerning the Consolidated Properties, Inc. proposal to establish a Neighborhood Revitalization area at 1001 Massachusetts Street (Masonic Temple):

- a) Referred the request to the Public Incentive Review Committee for a recommendation
 - b) Set a date of September 13, 2011 at 4:00 pm for consideration by the Public Incentive Review Committee.
 - c) Set a date of Tuesday, September 20, 2011 as the date of a public hearing to consider the 1001 Massachusetts Street Neighborhood Revitalization area request.
19. Approved the KU/Oread/Downtown Lighted Pedestrian Pathway, City Project No. PW0926, location and design, authorized purchase of HADCO LED lights from Stanion Electric, and approved HAWK signals at 12th and Kentucky and 12th and Tennessee and project budget.
 20. Approved as signs of community interest, a request from Kansas City Fan Conventions to place a banner east of the intersection of 23rd and Harper Streets on Friday, September 9 through Saturday, September 10 to direct traffic to the Free State Comicon.

C. CITY MANAGER'S REPORT:

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

D. REGULAR AGENDA ITEMS:

- 1-a. Receive request from Grandstand Sportswear and Glassware for a property tax abatement and incentives related to their proposed acquisition of the former Sauer-Danfoss facility in East Hills Business Park. Consider referring request to the Public Incentives Review Committee for a recommendation and establish September 20, 2011 as the public hearing date on the request.**

David Corliss, City Manager, presented the staff report.

Commissioner Dever stated that he was recusing himself from consideration of this item and left the room at 6:53 p.m.

Chris Piper, president of Grandstand Sportswear and Glassware, said his company started out as an apparel company, then plastics, then glassware. 5 years ago they moved into their current facility on Haskell Ave. Since that time they have grown 265%. This year they added 16 employees. They had grown from 22-51 employees total. With the emergence of the craft brew market and the company's growth they needed to find a new facility. He apologized for the lateness of the request but they were waiting on the final details of the purchase of the facility. They had discovered significant repairs needed to the roof, AC units, concrete and lighting and they were looking for some help. He stated he had been in Lawrence for a long time, they had been in business in Lawrence for a long time and Lawrence was their home. He said they had a great opportunity to expand their business and this is why they were asking for an abatement.

Mayor Cromwell called for public comment. None was received.

Mike Amyx said that he appreciated the fact that Mr. Piper had been here since 1988 talking with great passion about his business. He was glad we were looking at reuse of a vacant building.

Moved by Carter, seconded by Amyx, to receive request and refer to Public Incentives Review Committee (PIRC) for a recommendation and establish September 20, 2011 as a public hearing date on the request. Motion carried 4-0 with Dever abstaining. Commissioner Dever returned to the meeting at 7:00 p.m.

1. **Consider request from Theatre Lawrence for the City to provide a campaign commitment of \$20,000 per year for five years for a total of \$100,000.**

Janice Bunker presented the request. She said Theatre Lawrence was involved in a capital campaign to build a new theater at Bauer Farms. This project would allow the theater to serve many more people. The requested city commitment would match challenge grants needed for the project. She said they had made significant progress toward the project. The

project would benefit economic development through the construction employment, staffing of the theater, and attraction of out of town visitors.

Mayor Cromwell called for public comment.

Bobby Patton said he was on the faculty at KU for 22 years before leaving for administrative roles at other universities. He had returned to Lawrence upon retirement and chose Lawrence in large part due to the cultural activities here. He said the arts do bring out the best in people. The arts and cultural scene had a great impact on the community. Support of the arts in past years had resulted in very tangible gains to the community.

Rocky Nystrom said he supported the request. His daughters had unique opportunities as a result of Theater Lawrence. The environment was very safe and fantastic for his family. He said he knew people came to Lawrence to visit as a result of the theater.

Fred DeVictor said that for 35 years the theater had been a nice asset to the community without tax support. Neighboring communities gave such support for similar theater programs. Theatre Lawrence brought a lot of money into the community and they hoped to expand the asset.

Steven Bruner said in his opinion this community was privileged to have a real jewel of a community theater program. They had been limited the whole time but put on great productions. They had made due with support only from the customers and supporters. They had outgrown their facilities. A vibrant community is one where there are reasons to get out of your house. This organization had potential to improve the vibrancy and quality of life of Lawrence. At first he didn't think it was possible to raise the amount of needed, and now they were very close and he appreciated the city's help.

Beth Meyers said this was something Lawrence does right, from early childhood to adults. They have done this with inadequate facilities and no community support. If you want to really support the community of Lawrence she encouraged the support of this request.

A woman said they had spent a night many years ago scraping up the carpet after some water damage. People from every walk of life had been involved in the theater. She said her family had given so little and received so much from the theater. She said she made it a point when traveling to visit community theaters around the country and ours was one of the best. It had really been a big part of her life and it was a huge part of the community. The outreach they had done was amazing. She said she honored the people who came before her and she thanked the Commission.

Ron Renz, treasurer of Theatre Lawrence, said they did theater classes for over a thousand youth in this city. They are almost always sold out of their educational programs. Getting youth involved in constructive things was something the theater did well.

Mark Meyers said he thought that the city embraced the community and cultural arts and this would be a shining new locus for both those ideals.

Mayor Cromwell asked how we would pay for this.

Corliss said the ink wasn't dry on the 2012 budget before the SRS issue came up. Staff had recommended spending that out of fund balance and would recommend that for this request also. Special recreation funds were committed in 2011 and 2012 and he couldn't recommend using those funds without having a discussion of priorities. He said the radio replacements were also being spent partly out of fund balance. He said he wasn't speaking on the merits of the request but the timing was sort of after the curtain had come down on the budget.

Cromwell said we didn't have an opportunity to weigh this against other worthy projects. He asked why we received this too late to weigh it against other projects.

Mary Doveton, Executive Director, said they didn't come earlier because they didn't know any better. The cultural arts commission had recommended they apply for percent for arts money, and when they determined that wasn't possible they made this request. The addition of

this building will grow the program and jobs. This was an opportunity to fund something that had come up from the grass roots in Lawrence.

Dever asked whether it was safe to say that the campaign, as it neared the deadline for reaching the goal, if it became apparent they wouldn't meet their goal and that was why the request came now.

Doveton said they had every intention of meeting their goal. However, in the transition, in years that had passed, she wanted to remind the Commission that 4 ½ years of their struggle in funding was placed on hold while the City redid their rezoning codes. She said as they traveled this course, they had to cut back on this building and there would be many expenses associated with this building.

Schumm asked that Doveton speak to the sustainability of the program in a new larger facility.

Doveton said there was an economy of scale involved in presenting shows to larger audiences. There were extra expenses related to the number of showings at the smaller facility that would be eliminated with a larger facility.

Schumm asked about occupancy.

Doveton said the current facility was 159 and the new one would be 300.

Amyx asked whether this project was appropriate for guest tax.

Corliss said they would probably look at fund balance in guest tax. He thought they would meet the statutory and charter ordinance requirements.

Amyx said he knew we had made commitments out of that fund for the next several years. He asked if Corliss thought we could afford these commitments out of that fund.

Corliss said it may not be able to this year but maybe in future years. At \$20,000 a year he was not too concerned with finding a way to make it work. The precedent setting was more troubling to him.

Amyx said a number of projects had come forward, the parks budget had been cut, and he thought one of the things was that with the burden of taxes, the guest tax was the right place, but that he was concerned that we had taken fund balances down. If we could use revenues from out of town that might be appropriate. If we had to fund it from revenues that supported other functions he probably couldn't support it.

Carter said he thought he could support it from the guest tax. He said this was something that if it went to PIRC and we could forecast the economic impact of a theater this would be an excellent investment in the community. The community valued arts and culture and the fundraising to date showed that. He said he liked the design of the building he had seen. 300 seats 200 nights a year with 400 volunteers was a big impact. A really good community theater could be sold as a benefit to retirees coming to town. The work done with the schools was tremendous. He said he thought it was big that we were still not looking at ongoing support of the theater, just a capital contribution. He thought the investment made financial sense.

Cromwell said other people had stated the number of \$50,000 over 5 years. Why was it \$100,000 now.

A man said this was a one time chance. We are going to make it happen. People are reaching deeper and deeper and working hard to reach out to people. This could be a comedy or a tragedy. The \$100,000 meant they would meet their goal and \$50,000 they may not.

Doveton said the original \$50,000 request was suggested by the Arts Commission because it was originally for a piece of art. With the change of the request this was more along the lines of what was appropriate for city commission consideration.

Corliss said the statutes required guest tax to be spent to bring visitors to the city.

Cromwell asked if normally there would be other projects competing.

Corliss said most of the money went to the Convention and Visitors Bureau. We had also spent it on the Carnegie and some smaller projects.

Amyx said he recalled the fund balance was not very large.

Corliss said it had gone down because of the Carnegie project but we were not talking about spending it all at once but over five years.

Carter said when those funds increased they went to marketing the city to visitors.

Corliss said they had funded other appropriate related items also.

Carter said if taking the money from the guest tax hindered marketing efforts he would rather take it from fund balance.

Schumm asked if we needed to identify the source of funds tonight.

Corliss said no.

Schumm said we could authorize the expenditure and ask for the city manager to come back with a recommendation for where it would come from. He said he would favor that.

Dever said that in the long term guest tax made sense. He said over the last few years he had heard many requests for smaller donations to street fairs, fundraising block parties etc., and it didn't take many of those to reach \$20,000. He said practically doubling capacity was exciting. It was a great use of a piece of property that had been invested in by the developer and the community and this would generate action and excitement in the area. Although it is a private investment it would be patronized by members of the community and visitors. He said this was a lot of money to ask for but it was important to ask for enough to make the project happen. He said he could support the request.

Amyx asked Schumm if he did not want to identify the funds tonight.

Schumm said we had not explored all of the options. We could identify them tonight but they might change as the city manager said in future years.

Amyx asked whether we wanted to consider a partial grant.

Cromwell said he was in favor of considering the full \$100,000. He said he had reservations of how this came about and the timing, but it was an extremely worthy project. However, there are a ton of worthy projects and we had to be careful of setting precedent after the budget is sent. Guest tax however, was different. Considering funding from the guest tax

was common for other requests that came in. He said this was a capital expense rather than operating and he thought that was different. He said he was in favor of this provided it came out of guest tax. That made him more comfortable about future requests.

Schumm asked if this came out of guest tax, would it come out of the portion allocated to the CVB.

Corliss said he would not recommend altering what we allocated to CVB in 2011 and 2012 which was already approved. He said it could come from the existing fund balance.

Schumm said he was a member of that organization for several years and he wouldn't want to dip into their budget.

Amyx asked what happened if we didn't agree on where the funds come from tonight, and in a couple months we decided there wasn't money in the guest tax.

Corliss said it legally qualified for guest tax but we had to decide the policy issue of if it was appropriate. He said a pledge was asked for, not the funds themselves at this time. He could not bind future city commissions but the expectation was that a pledge would be followed through on.

Amyx said his main concern was not placing this on property taxes. Guest tax was an appropriate use to do this project.

Cromwell said he received an email regarding the Arts Center. He said he didn't believe this was competing with the Arts Center. This was a separate need in the community. If he thought it was going to hurt the Arts Center he wouldn't do it.

Moved by Carter, seconded by Dever, to authorize a campaign commitment of \$20,000 per year for five years for a total of \$100,000 to Theatre Lawrence, to be funded through the guest tax. Motion carried unanimously.

2. Conduct a public hearing regarding a distance limitation waiver request for the sale of alcohol during the Arts Center street party event on September 30, 2011.

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Moved by Dever, seconded by Schumm, to open public hearing. Motion carried unanimously.

No public comment was received.

Moved by Amyx, seconded by Schumm, to close public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Schumm, to find that the proximity of the Arts Center street party is not adverse to the public welfare or safety; grant a distance limitation waiver; and adopt on first reading Ordinance No. 8666. Motion carried unanimously.

3. **Consider adopting on first reading Ordinances 8571, 8664, and 8665, establishing a Mobile Food Vendor License and making related and additional changes to the City Code regarding Solicitors/Transient Merchants and Temporary Special Events.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Mayor Cromwell called for public comment.

Clinton Lassen stated that getting closer to downtown and closer to the people would be exciting. He said he would like to be able to do that and it would be a great addition to the community to be able to come downtown at night, for example, and sell alongside the street vendors on the sidewalk.

Shane Powers said his partner and he had been working very hard on a mobile kitchen and thought the operations could be unique and a benefit to the community.

Cromwell asked what kind of food vending they did.

David Rubenstein said they wanted to target the lunch crowd at the industrial park. This was an underserved population and would not compete with existing establishments.

Lassen said he had worked in a 2 star (out of 3) kitchen before doing this and he had seen an awesome outpouring of support for this.

Tom MacEwan said his idea was to have a coffee vending truck serving gourmet coffee. He said he had been involved in the stakeholder meetings and was happy with the city's work on this.

Amyx asked when one of these vehicles pulled up on private property, was there any requirement for site plan upgrades

Scott McCullough, Planning and Development Services Director, said when we considered this we wanted to have a process that was not onerous. The use was minor enough that a site plan change was not necessary. The process would be easy for the vendors to operate within appropriate parameters.

Carter asked if these vendors would fall under the purview of the Health Department as far as their kitchen operations

Douglass said the local Health Department did not conduct restaurant inspections, but that was handled by the Kansas Department of Agriculture which issues Food Service Establishment Licenses with a subcategory for Mobile Food Units.

Carter said if the construction site had a parking lot with an approved surface, he asked if a food vendor would be able to pull up to that construction site.

McCullough said if the site was in a residential zoning district this ordinance, as proposed, would not permit that legally. He said there were some practical challenges and because the vendors were stating that that wasn't an important aspect to their business, staff did not pursue this type of licensing and not allow those vendors on public right-of-way such as an ice cream truck, keeping the private property and looking where the locations would be justified and duration of time.

He said Douglass's memo outlined some of staff's concerns, not wanting someone to setup shop continuously, as a restaurant, on vacant piece of ground. He said staff also did not want to establish a food court which was regulated by other limitations. In the appropriate time

and setting the Temporary Special Event Permit would allow those types temporary food courts which that process could be used as well.

Dever said when you travel you see this opportunities to eat all over. In some places there are designated spots for mobile food vendors and others where only single vendors are possible. In some cities there are social media campaigns to alert diners to the locations. When this was considered last time he had concerns about the right of way and traffic but this ordinance did a good job.

Schumm said this ordinance was good. Allowing mobile food vending from the right-of-way put pressure on brick and mortar operations. The city received a lot of property taxes from those brick and mortar establishments. This seemed like an appropriate balance.

Amyx said he appreciated staff's work on this. The use of right of way had been discussed a lot previously and the comments about brick and mortar were appropriate. Private property was one thing and right of way was another.

Cromwell said he appreciated the patience of the food vendors also.

Moved by Schumm, seconded by Amyx, to adopt on first reading Ordinance No. 8571 regarding Mobile Food Vendors, Ordinance No. 8664 regarding Solicitors and Transient Merchants, and Ordinance No. 8665 regarding Temporary Special Event Permits. Motion carried unanimously.

The Commission recessed at 8:20 p.m. and returned to regular session at 8:28 p.m.

4. Consider request to initiate a Text Amendment to the appropriate sections of the City of Lawrence Land Development Code, Chapter 20, to create a CC600 zoning district.

Amy Miller, Long Range Planner, presented the staff report.

Mayor Cromwell called for public comment.

Gwen Klingenberg, Lawrence Association of Neighborhoods, said this was a text amendment but a project had been identified. That project would require numerous changes

that were inappropriate and could also impact other areas of the city. Even CC400 required access to two arterials. She said the standards for the CC600 were proposed as lower even than the CC400. The current standards were intended to limit strip development. If adding commercial to the east side of Bauer Farm would create strip development then adding it to the west side would also. She said the 6th and Wakarusa Plan included a restriction that a single building footprint would not exceed 80,000 square feet. This is not a district we support. LAN did vote not to support CC600.

Amyx asked if LAN voted not to support CC600 anywhere.

Klingenberg said yes.

Carter asked if 22 people participated in that vote.

Klingenberg said yes, representing their neighborhoods.

McCullough said the initiation of the text amendment was the first step to look at the questions raised by Klingenberg. The text amendment language was not yet drafted. He said he could acknowledge the policies cited and the TA process existed to consider amendment to those policies.

Klingenberg asked that if this was initiated she wanted staff to make sure the standards were not less than CC400 and would not harm neighborhoods.

Cromwell asked if some of the criticisms of the CC600 were addressed by the fact that the language had not been developed yet.

McCullough said correct. He said currently there was the CC200, 200,000 square feet, 400,000 square feet and then jumped to a regional designation of 1.5 million square feet which was primarily existing commercial development. He said if staff was to accommodate larger nodes of commercial development, the language in the comprehensive plan and development code needed to be revised to accommodate something greater than a 400,000 square foot node of commercial. Staff would study the impacts to the adjoining land and the surrounding area. He said he did not know if they should assume something greater than 400,000 square feet was

going to automatically impact negatively any specific area. He said it was a tool that the applicant was asking the City to look into placing in the Comprehensive Plan and Development Code for use as a zoning tool.

Schumm said he understood Klingenberg's points. To simply develop a 600 square foot zone could exacerbate certain things. Were there other options to allow the proposed use, such as a special use permit?

McCullough said we considered that but as it stands this keeps within the framework of how we treat commercial properties in the city.

Amyx said if this is initiated, staff would look at this from a standpoint of land use throughout the entire community and not just the specific project in hand.

McCullough said the TA would look city wide and the rezoning request would be looked at specific to the project.

Schumm said he was willing to see what the planning commission and staff came up with. The discussion would happen sometime, either with this request or another one. He said he was willing to let that discussion move forward and he was interested in seeing the discussion. He did not want his vote to be interpreted necessarily as support for the project.

Amyx asked whether direction to staff should be given now.

McCullough said they would certainly be open to that. He had some ideas regarding the package to be considered at a future date. This was not prejudging anything at this time, it was just initiating a text amendment. With public input and process they would see this at a future date.

Amyx said over the last 6 years, looking at development west of Folks Rd, this would be interesting to see how we got through this.

Moved by Carter, seconded by Amyx, to initiate a text amendment to the appropriate sections of the City of Lawrence Land Development Code, Chapter 20, to create a CC600 zoning district. Motion carried unanimously.

5. **Consider approving Traffic Safety Commission recommendation to deny the request to remove the temporary traffic calming device at the intersection of 17th Street and Illinois Street. (TSC Item 4; approved 7-1 on 08/01/11)**

David Woosley, Transportation/Traffic Engineer, presented the staff report.

Mayor Cromwell called for public comment.

Susan Craig said the recent petition was signed by neighbors asking for the removal of traffic calming devices. These semi-roundabouts are unfamiliar to most drivers. For larger vehicles making the turn frequently requires stopping, backing and trying again. She believed they were a hazard and asked that the Commission grant the petition of the neighbors. After living with the device for a number of years she did not feel it was an appropriate solution.

Schumm asked how far away Craig lived from the device.

She said on Indiana Street.

Mary Lou Wright said the devices were total confusion at the corner. Regarding why this particular device should be removed was because the device was removed for the bike race. When they were removed the neighbors were very happy and then sad to see them reinstalled. She said she found them amusing and we were fortunate not to see more serious accidents. It was not a traffic calming device or a safety device.

Schumm said during the bike race it was removed and the neighbors liked it.

Craig said yes.

Schumm asked if the neighborhood was better served or less served with traffic calming devices in general.

Craig said the neighborhood was divided. She realized she lived between the university and the high school and there would be traffic. She would be happy to see something that was not in the middle of the intersection and dangerous. Maybe real roundabouts would have worked, or strips, but these devices have not been effective.

Schumm said then it was a question of whether this particular device was effective.

Dietrich Earnhart reiterated the history of the neighborhood committee and study that Woosley had talked about earlier. Public meetings were held, surveys and traffic studies were conducted. He said he would argue that the devices had been as effective as possible seeing that they were temporary and the neighborhood was better off with them than without. Making them permanent could make them more attractive and less confusing. If we are going to remove the devices, he would like to see as exhaustive a process as was followed to get them installed.

Blake Hedges said he lived at his house before the installation of the devices. It didn't change the speed at the intersection but it did at the midblocks. He felt safer in his front yard when they were there. He said people saw them and slowed down to figure out how to navigate them. He would like to see a permanent installation but the temporary installations were helpful. The street had parking all down the west side so it was somewhat narrow. If people don't have to stop or slow down at the intersection they were speeding down the street.

Amyx asked if there was information available regarding accidents at the intersection.

Woosley said no because that issue was not really considered as part of the request.

Schumm asked if this intersection was on a wait list for a permanent device.

Corliss said yes. There was a three page list of devices. Some of them had been completed. As we had done maintenance projects on various streets we considered whether we could incorporate traffic calming as we did the work. The funding source if we wanted to do this was street maintenance and he did not recommend taking funding away from that at this time. The projects related to safety had been prioritized.

Schumm asked if we funded a certain number of these per year.

Corliss said it is really driven by the needs to do a street project in the area. Some years we did none, and other years we did some.

Schumm said there was no mechanism to move items up on the list to be funded.

Corliss said he did not have funds to do it this year. If the commission wanted to do it we would find funding through debt or some other mechanism. The commission set the budget priorities and we would respond as appropriate.

Amyx said a funding source was needed maybe it was time to consider a benefit district financing method to do some of these in a timely manner.

Dever said he agreed. We had seen some success with speed humps or other devices. Maybe would could try out speed tables or humps that could decrease speed and reduce confusion and the aesthetic issues.

Hedges said there were concerns over speed humps becoming a ramp.

Cromwell said another option was a stop sign. He wasn't a big fan of the circles. He said we may need to revisit the list in its entirety and consider funding mechanisms.

Dever said we put some in recently.

Corliss said we put in some on 8th where it became 9th near Kasold. It was an example where we did those concurrent with a mill and overlay.

Dever said if it was helping with traffic we needed to keep them or find a suitable alternative.

Schumm said he did think they are confusing.

Carter said he thought this was doing its job right now and he would like to see it moved up the list but not removed. He thought the funding and prioritization needed to be looked at. He wasn't sure exactly how to address it but the priorities needed to be looked at. He would not be in favor of removing it from the current spot.

Corliss said one of the challenges was that the requests came throughout the year rather than as part of the budget cycle. Some of these we may want to revisit. The push to have them may not be as strong anymore.

Amyx asked if we still had the priority sheet that gave scores to each of these projects.

Corliss said yes.

Cromwell asked how we could analyze the list to see if the identified solution is the best one.

Corliss said it might be good to look at the prioritization and then ask the requestors. Some of the requests were pedestrian safety and not traffic calming. Sometimes they were related and sometimes not. We could look at different financing methods such as special assessments.

Cromwell said it seemed ridiculous to keep adding to the list. He said we needed to prioritize it, make contact with the requestors to see if they are still desired, and make some decisions.

Corliss said we do get to 2-3 of these projects a year with other street maintenance projects.

Cromwell said he heard interest from the Commission in leaving the traffic calming in place related to this request, and that we should also consider some other option to serve that function.

Amyx asked what other direction should be given.

Cromwell suggested the Traffic Safety Commission revisit the list, identifying the highest priorities and the most effective devices for those projects listed. Staff would then recommend funding methods, bringing those recommendations before the City Commission for consideration.

Moved by Amyx, seconded by Carter, to concur with the Traffic Safety Commission recommendation to deny the request to remove the temporary traffic calming device at the intersection of 17th Street and Illinois Street. Motion carried unanimously.

6. **Consider authorizing staff to partner with KDOT in submitting a TIGER III application for the interchange at K-10 and Bob Billings Parkway, and approve City participation of \$100,000 for the interchange construction.**

Shoeb Uddin, City Engineer, presented the staff report.

Carter said the minimum grant application was 10 million dollars, and KDOT was doing the other 9.8 million dollars.

Uddin said yes.

Corliss said KDOT was encouraging us to do this. The multi-modal elements were very important. The city also owned a 5 acre tract near the proposed interchange which was at one time envisioned for a fire station. Since the construction of the fire station on Wakarusa that was probably not needed and the property was likely surplus that could be sold. He said this was important to our transportation network. It could reduce some volume on 6th Street. It would allow the area of west of K10 to develop.

Cromwell said we probably needed to put this through and cross our fingers that it get funded.

Moved by Schumm, seconded by Carter, to authorize staff to partner with KDOT in submitting a TIGER III application for the interchange at K-10 and Bob Billings Parkway and approve City participation of \$100,000 for the interchange construction. Motion carried unanimously.

Corliss said if this project proceeds we would put it in the capital debt budget sometime in the future.

E. PUBLIC COMMENT:

None.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Cromwell said it was time to consider adding gender identity to the legally protected classes in our human relations ordinance. He said he would like to consider it at the September 27 meeting and would like to have an ordinance prepared to accomplish that at that time.

Moved by Schumm, seconded by Dever, to direct staff to place the item on the September 27, 2011 City Commission agenda. Motion carried unanimously.

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 9:36 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk