



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
ARON E. CROMWELL

**COMMISSIONERS**  
ROBERT J. SCHUMM  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX

November 22, 2011

The Board of Commissioners of the City of Lawrence met in regular session at 9:00 a.m., in the City Commission Chambers in City Hall with Mayor Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

## **A. RECOGNITION/PROCLAMATION/PRESENTATION**

1. None.

## **B. CONSENT AGENDA**

Schumm requested that consent agenda item number 3, licenses, and consent agenda item number 8, items related to 3900 W. 24<sup>th</sup> Place, be pulled for separate votes.

Dever requested that consent agenda item number 10, patrol rifle lease purchase program, be pulled for separate discussion.

Cromwell requested that consent agenda item number 12, First Amendment to the Development Agreement for the Poehler Building Project, be pulled for a separate vote.

**It was moved by Amyx, seconded by Schumm** to approve the consent agenda as below, with the exceptions of items numbered 3, 8, 10, and 12. Motion carried unanimously.

1. Received minutes from various boards and commissions:

Parks & Recreation Advisory Board meeting of 11/08/11  
Retiree Attraction Task Force meeting of 11/02/11  
Lawrence-Douglas County Bicycle Advisory Committee meeting of 10/18/11  
Planning Commission meeting of 10/24-26/11  
Human Relations Commission meeting of 05/19/11

2. Approved claims to 291 vendors in the amount of 3,089,986.22 and payroll from 11/6/11 to 11/19/11 in the amount of \$1,822,873.69.



3. THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE VOTE. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment Licenses for Tonic, 728-730 Massachusetts and Buffalo Wild Wings Grill & Bar, 1012 Massachusetts. Retail Liquor Licenses for Cork & Barrel, 901 Mississippi and Cork & Barrel, 2000 West 23<sup>rd</sup>. Sidewalk Dining & Hospitality Licenses for Henry's on Henry Street, 11 East 8<sup>th</sup> and Noodles & Company, 8 West 8<sup>th</sup>

4. Approved appointments as recommended by the Mayor.

Contractor Licensing Board: Reappointed Dennis Odgers (843.5277) and Ryan Kruse (843.5079) to additional terms that will expire 12/31/15.

Lawrence Alliance: Reappointed Laura Canelos (843.3220), Baha Safadi, Cynthia Colbert (832.3206), and Asra Haq to additional terms that will expire 11/30/13.

Parks & Recreation Advisory Board: Reappointed Kevin Loos (838.9758) and Jana Dawson (865.1533) to additional terms that will expire 12/31/15.

5. Bid and purchase items:

- a) Set bid date of December 13, 2011 for City Bid No. B1157, consolidation of custodial contracts for ten City of Lawrence facilities.
- b) Awarded bid for Project PW1123, City Hall North Roof Replacement, Design and Project Management, to Kaw Roofing in the amount of \$59,530, provided the contractor can meet the terms established in the contract documents. Contingent upon Historic Resources Commission (HRC) review.
- c) Approved change order in the amount of \$5,028 to Concrete Rescue for Project PW1108, Traffic Building, 445 Mississippi, for additional foundation stabilization work.
- d) Authorized the City Manager to execute Change Order No.1 to the existing Construction Contract with Walters Morgan Construction for project WW0601, Anaerobic Digester Improvements, increasing the contract amount by \$30,217 and increasing the contract times by 18 days.
- e) Authorized the City Manager to enter into a cost share agreement with the Kansas Water Office and approve payment to the Kansas Water Office in an amount of \$19,333.34.

6. Adopted on second and final reading, Ordinance No. 8684, for rezoning (Z-7-18-11) approximately 0.80 acres from U-KU (University-Kansas University) to RM32-PD (Multi-Dwelling Residential-Planned Development), located at 1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record. (PC Item 5A; approved 8-0 on 8/24/11)

7. Adopted Resolution No. 6958, amending Section III of Resolution No. 6926 to provide additional debt authority for the completed 6<sup>th</sup> Street projects. This does not alter the total amount of the 2011 Street Maintenance program and previously approved 2011 debt obligations.

8. THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE DISCUSSION AND VOTE. Approved the following items related to 3900 W. 24<sup>th</sup> Place:
  - a) Adopted on second and final reading, Ordinance No. 8673, for Rezoning (Z-7-21-11) approximately 3.3 acres from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 3900 W. 24<sup>th</sup> Place. (PC Item 3A; approved 9-0 on 9/26/11) *(This ordinance was adopted on first reading on October 18, 2011).*
  - b) Adopted on second and final reading, Ordinance No. 8674, for Special Use Permit (SUP-7-4-11) for Gas and Fuel sales, also known as a convenience store, with a carwash and office building on approximately 3.3 acres of vacant property located at 3900 W 24<sup>th</sup> Place. (PC Item 3C; approved 9-0 on 9/26/11) *(This ordinance was adopted on first reading on October 18, 2011).*
  - c) Authorized the City Manager to execute a Traffic Control Improvement Development Agreement, which would permit Hy-Vee, Inc., to have access from its property to Crossgate Drive in accordance with the terms of that agreement.
9. Authorized Staff to negotiate an Engineering Services Agreement with Black & Veatch for Design Phase Engineering Services for Projects UT1201 - 2012 Electrical Improvements Program and UT1202 - 2012 Mechanical Improvements Program.
10. DEFFERRED until December 6 consideration of the Patrol Rifle Lease Purchase Agreement for police officers.
11. Authorized the Mayor to sign a Subordination Agreement for Dmitry and Tatyana Yakovlev, 3727 Elizabeth Court.
12. THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE VOTE. Authorized the Vice-Mayor to execute the First Amendment to the Development Agreement for the Poehler Building Project.

Regarding consent agenda item number 3, licenses, Schumm said he had a conflict of interest regarding one of the licensees and recused himself from the discussion and vote. It was **moved by Amyx, seconded by Carter**, to approve the licenses as recommended by the City Clerk's Office. Motion carried 4-0 with Schumm abstaining.

Regarding consent agenda item number 8, items related to 3900 W. 24<sup>th</sup> Place, Schumm asked if the site plan had been developed.

McCullough said yes, it was accompanying the special use permit. There were a few items to complete.

Schumm asked if there was a curb cut on Clinton.

McCullough said no.

Mayor Cromwell called for public comment. None was received.

**Moved by Schumm, seconded by Carter** to approve consent agenda item number 8, the following items related to 3900 W. 24<sup>th</sup> Place:

- a) Adopted on second and final reading, Ordinance No. 8673, for Rezoning (Z-7-21-11) approximately 3.3 acres from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 3900 W. 24<sup>th</sup> Place. (PC Item 3A; approved 9-0 on 9/26/11) *(This ordinance was adopted on first reading on October 18, 2011).*
- b) Adopted on second and final reading, Ordinance No. 8674, for Special Use Permit (SUP-7-4-11) for Gas and Fuel sales, also known as a convenience store, with a carwash and office building on approximately 3.3 acres of vacant property located at 3900 W 24<sup>th</sup> Place. (PC Item 3C; approved 9-0 on 9/26/11) *(This ordinance was adopted on first reading on October 18, 2011).*
- c) Authorized the City Manager to execute a Traffic Control Improvement Development Agreement, which would permit Hy-Vee, Inc., to have access from its property to Crossgate Drive in accordance with the terms of that agreement.

Motion carried unanimously.

Regarding consent agenda item number 10, patrol rifle lease purchase program, Dever said we received a request from a citizen for discussion of this item.

Cromwell asked if we should defer this to a later meeting.

Dever said that was fine if time permitted.

Cromwell asked the Tarik Khatib, Chief of Police, if there was a timing issue.

Khatib said there was not.

Cromwell said he would be in favor of moving it to the first meeting in December in the interest of transparency.

Amyx said it would be good for the public to hear the things the police department faces and the need for this program.

**Moved by Schumm, seconded by Amyx** to defer consideration of the patrol rifle lease purchase program until the December 6 meeting. Motion carried unanimously.

Cromwell said he would recuse himself from discussion and vote on item number 12, First Amendment to the Development Agreement for the Poehler Building Project.

Corliss said the only change was to the legal descriptions.

**Moved by Amyx, seconded by Dever** to authorize the Vice Mayor to execute the First Amendment to the Development Agreement for the Poehler Building Project. Motion carried 4-0 with Cromwell abstaining.

**C. CITY MANAGER'S REPORT:**

None. .

**D. REGULAR AGENDA ITEMS:**

None.

**E. PUBLIC COMMENT:**

Donald Southard said he had a building proposal for a detox support center at 214 W 10<sup>th</sup> Street, cooperative to the new homeless shelter site, for adults only. He also said he wanted to make an announcement. He said he supported a candidate for Douglas County Sheriff in 2012 which would be announced in the Trading Post in the weeks ahead.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

None.

**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 Schumm, seconded by Amyx,** to adjourn at 9:19 a.m. Motion carried unanimously.

**APPROVED:**

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Aron E. Cromwell, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk