



# City of Lawrence

## CITY COMMISSION

**MAYOR**  
ARON E. CROMWELL

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

• DAVID L. CORLISS  
CITY MANAGER

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March 27, 2012

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.

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

1. Recognized Saturday, March 31, 2012 as The BIG Event Day.
2. Proclaimed the month of April 2012 as Mathematics Awareness Month.
3. Recognized the University of Kansas 2011-2012 Men's Basketball team.

Mayor Cromwell also made remarks regarding the work of Meals on Wheels.

## **B. CONSENT AGENDA**

Cromwell requested that item 18, construction management services for the library expansion/renovation project, be pulled from the consent agenda for separate discussion.

Schumm requested that item 6d, bid for front load refuse truck, be pulled from the consent agenda for separate discussion.

Schumm asked that item 4, licenses, be pulled from consent for separate vote because he had a conflict of interest.

**It was moved by Schumm, seconded by Amyx** to approve the consent agenda as below, with the exception of items 4, 6d and 18. Motion carried unanimously.

1. Approved City Commission meeting minutes from 03/6/12 and 03/13/12.
2. Received minutes from various boards and commissions:



Board of Zoning Appeals meeting of 01/05/12

Historic Resources Commission meetings of 12/15/11, 01/19/12, and 02/16/12

Public Health Board meeting of 01/23/12 and 02/10/12

Lawrence-Douglas County Bicycle Advisory Committee meeting of 01/17/12

Homeless Issues Advisory Committee meeting of 02/14/12

Community Development Advisory Committee meeting of 02/23/12

3. Approved claims to 222 vendors in the amount of \$3,309,014.07, and payroll for the period 03/11/12 to 03/24/12 in the amount of \$1,948,577.53.
4. THIS ITEM WAS PULLED FROM CONSENT FOR A SEPARATE VOTE. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment licenses for Jazzhaus, 926 ½ Massachusetts, Lawrence Arts Center, 940 New Hampshire and The Hawk, 1340/1342 Ohio; Sidewalk Dining Licenses for Tapas, 724 Massachusetts and Papa Keno's, 1035 Massachusetts; Cereal Malt Beverage License for Alvamar Orchards, 3000 Bob Billings Parkway

5. Approved appointments as recommended by the Mayor.

Plumbing Code Board of Appeals: Reappointed Steve Burd to a position that expires 04/30/15.

Public Health Board: Appointed Kevin Steuver, M.D. to a position that expires 03/30/15.

Sales Tax Audit Committee: Reappointed Ted Boyle and Jon King to positions that expire 04/30/15.

Traffic Safety Commission: Reappointed Edwin Rothrock to a position that expires 04/30/15.

6. Bid and purchase items:
  - a) Set bid date of April 10, 2012, for the 2012 Concrete Rehabilitation Program, Project No. PW1205.
  - b) Set bid date of April 17, 2012, for the 23<sup>rd</sup> Street ITS Project, Project No. PW1207.
  - c) Set a bid date of April 17, 2012 for Bid No. B1222, project UT1104DS, Wimbledon Drive Watermain Replacement.
  - d) THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE DISCUSSION. Awarded bid for one (1) front load refuse truck for the Public Works Department to Truck Component Services for \$196,660.
  - e) Awarded Bid B1212 for Kaw Water Treatment Plant Sludge Collector Drive Replacement, to CAS Constructors, LLC, in the amount of \$59,561 and authorized the City Manager to execute a contract agreement.

- f) Awarded Bid No. B1217 for the purchase of Fire Turnout Gear to the low bidder, Conrad Fire Equipment, for a total of \$42,125.
  - g) Authorized the City Manager to execute Change Order No.1 to the existing construction contract with Redford Construction for Project UT1003CS, 23<sup>rd</sup> Street Bridge Replacement Utilities Relocation, increasing the contract amount by \$27,599.91
  - h) Authorized the City Manager to execute Change Order No.2 to the existing construction contract with Nowak Construction for Project UT0906DS, Kaw Water Treatment Plant Large Valve Replacement, increasing the contract amount by \$20,070 and increasing the contract time by four days.
  - i) Waived bidding requirements and approved sole source purchase of traffic signalization video detection equipment and materials from Gades Sales for \$29,409.50. The video detection system will be installed at the intersection of N. 3<sup>rd</sup> Street and the KTA Entrance/Exit.
  - j) Awarded a labor rate agreement for \$15.71 per hour for a total of \$37,704 to Express Personnel, and authorized the purchase of a crack sealing machine in the amount of \$50,000.00 from a cooperative purchasing contract, for Project No. PW-1211, 2012 Crack Sealing Project (In-House).
  - k) Approved annual phone systems support maintenance agreement with Innovative Service Solutions for \$20,752.
7. Adopted on second and final reading, the following ordinances:
- a) Ordinance No. 8712, establishing no parking along the south side of Seminole Drive from St. Andrews Drive, east 175 feet.
  - b) Ordinance No. 8710, for Special Use Permit (SUP-12-7-11), for a renewal of a temporary shelter at 214 W 10<sup>th</sup>/944 Kentucky Street to include an expiration date of December 31, 2012. (PC Item 2; approved 8-0 on 2/27/12)
  - c) Ordinance No. 8711, rezoning (Z-12-37-11) approximately 14.52 acres from RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential), to adjust zoning boundaries located south and east of 25<sup>th</sup> Terrace & O'Connell Road. (PC Item 1A; approved 8-0 on 2/27/12)
8. Adopted Resolution No. 6965, setting a public hearing date of May 22, 2012, to review the condition of the dilapidated structure located at 1233 New Jersey Street and to consider declaring the structure unsafe and ordering the repair or removal within a specified period of time.
9. Approved annexation, A-12-6-11, of approximately .34 acres located east of the intersection of N. Michigan Street and Riverridge Road to accommodate a sanitary sewer pump station. Submitted by the City of Lawrence, property owner of record. Adopted on first reading, Ordinance No. 8714, for annexation (A-12-6-11) of

approximately .34 acres located east of the intersection of N. Michigan Street and Riverridge Road (PC Item 8A; approved 8-0 on 2/29/12)

10. Approved rezoning, Z-12-31-11, of approximately .34 acres located east of the intersection of N. Michigan Street and Riverridge Road from County A (Agricultural) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District to accommodate a sanitary sewer pump station. Submitted by the City of Lawrence, property owner of record. Adopted on first reading, Ordinance No. 8715, to rezone (Z-12-31-11) approximately .34 acres located east of the intersection of N. Michigan Street and Riverridge Road from County A (Agricultural) to OS-FP (Open Space with Floodplain Management Regulations Overlay) District. (PC Item 8B; approved 8-0 on 2/29/12)
11. Approved Special Use Permit, SUP-12-6-11, for Pump Station No. 35, a *minor utility*, located east of the intersection of N. Michigan Street and Riverridge Road. Submitted by the City of Lawrence, property owner of record. Adopted on first reading, Ordinance No. 8716, for Special Use Permit (SUP-12-6-11) for Pump Station No. 35, located east of the intersection of N. Michigan Street and Riverridge Road. (PC Item 8D; approved 8-0 on 2/29/12)
12. Approved Special Use Permit, SUP-12-8-11, for Pump Station 37, a *minor utility*, located at 2100 E. 15<sup>th</sup> Street. Submitted by the City of Lawrence, property owner of record. Adopted on first reading, Ordinance No. 8717, for Special Use Permit (SUP-12-8-11) for Pump Station 37, located at 2100 E. 15<sup>th</sup> Street. (PC Item 9B; approved 8-0 on 2-29/12)
13. Approved Special Event Permit, SE-3-9-12, for a non-profit fundraiser at 1339 Ohio Street. The event will extend beyond 9:00 p.m. therefore, City Commission approval is necessary. Submitted by Delta Chi Fraternity for HDD of Lawrence, LLC, property owner of record.
14. Initiated annexation review of approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of West 6<sup>th</sup> Street and K-10; refer to Planning Commission for recommendation. Authorized the City Manager to provide written notice, pursuant to K.S.A. 2010 Supp. 12-539, to Rural Water District No. 1 of the City's intent to annex the approximate 146 acre tract plus adjacent public right-of-way.
15. Revised the conditions which were placed on the following rezonings approved for the Mercato Development, NE corner of 6<sup>th</sup> Street and K-10, to remove the condition that a final plat be recorded with the Register of Deeds Office prior to the publication of the rezoning ordinance. (Z-01-10-05, Z-01-11-05, Z-01-12-05, Z-03-05-06, Z-03-06-06)
16. Authorized the City Manager to execute contract in the amount of \$125,000 to Whoskates for the design/build services to improve the Centennial Skate Park.
17. Authorized the Mayor to execute an Automatic Aid Interlocal Cooperation Agreement between the City of Lawrence and Douglas County Fire District No. 1 and submit the agreement to the Kansas Attorney General for approval.

18. THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE DISCUSSION. Authorized the City Manager to execute contract documents with BA Green Construction for construction management services for the library expansion/renovation project.
19. Authorized the Mayor to sign a Release of Mortgage for Rauna Gleason, 821 New Jersey, and a Subordination Agreement for Jonathan Willems, 2517 Cimarron Drive.
20. Authorized the Mayor to sign a Release of Mortgage for the Estate of Ginger Harrison, 1503 Maryland Street.

Schumm left the room at 6:54 p.m.

**Moved by Amyx, seconded by Carter**, to approve item 4, licenses, as recommended by the city clerk's office. Motion carried 4-0 with Schumm abstaining.

Schumm returned to the room at 6:55 p.m.

Regarding item 6d, bid for front load refuse truck, Schumm said it was important to acknowledge that CNG may be an opportunity for the future if not now, and that in the future we look at it and maybe do a demonstration project. The fuel is clean and produced in Kansas and it would be good to move in that direction. He said he knew we had a small vehicle being retrofitted to CNG. Big trucks use a lot of fuel per mile and that was where the savings could happen. There was a purveyor, Zarco, that thought there would be an opportunity to participate in CNG in 6 months.

Carter asked if Black Hills currently had a facility for CNG.

Corliss said what they don't have is the ability for fast fueling. Right now we would have to fuel overnight. The private purveyor would need multiple customers to make a fast fill station cost efficient. Another issue is that if we do retrofit a number of vehicles we have to look at the capital costs for the central maintenance garage.

Schumm said the cost difference was a good value today, about \$1.80/gallon for CNG vs. \$4.00 for diesel or gas.

**Moved by Schumm, seconded by Amyx**, to award bid for one (1) front load refuse truck for the Public Works Department to Truck Component Services for \$196,660. Motion carried unanimously. Motion carried unanimously.

Regarding item 18, construction management services for the library expansion/renovation project, Cromwell asked KT Walsh if she had something to say.

KT Walsh said the artist community had a committee regarding the 2% for the arts project. It is a crucial point for the artists. They really need to be brought in at this point if not before.

Corliss said this probably will be the right time to involve the Cultural Arts Commission. With this contract we would have a firm working with the architect to fine tune the project. One of the other items they would look at is whether the library would move during the project. It would be up to the commission to decide what level of support would be given to the percent for arts program, probably less than 2%.

Amyx said as the contracts are put together the subcontractor/contractor that won bids to work on parts of this, they would be working for the construction manager. As the bids are put together it would be done between the city, construction manager, and architect. This particular case we have approved the schematics and upper limits on the costs. It is up to the city, construction manager and architect to make sure it comes in under that dollar amount.

Corliss said they would arrive at a guaranteed maximum price that is under the level approved by the city commission.

Amyx said he just wanted to see and wanted people to understand that we would be going through our bidding processes for accepting low and best bids.

Corliss said the preconstruction amounts were set and the construction amounts were a percentage but capped.

Cromwell said he was pleased we could select a good Lawrence contractor for this project. It was good that a local company was the best bidder for this. He knew they would do a good job.

**Moved by Schumm, seconded by Dever,** to authorize the City Manager to execute contract documents with BA Green Construction for construction management services for the library expansion/renovation project. Motion carried unanimously.

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

Chief Khatib, Police Chief, outlined plans for Final Four celebrations downtown.

Cromwell said he appreciated the work of the police department and the parks department for their work keeping downtown safe and clean.

Corliss said we had a lot of city departments involved in this.

Schumm said on Saturday after we win the game, would there be any thought to closing off Mass to keep conflicts between vehicles and pedestrians from happening.

Khatib said yes, Massachusetts and the cross streets.

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

**D. REGULAR AGENDA ITEMS:**

**1. AFTER THE PUBLIC HEARING IS OPENED, THIS ITEM WILL BE CONTINUED UNTIL APRIL 10, 2012. Consider the following determinations by the Historic Resources Commission concerning the proposed project to be located at 900 New Hampshire Street:**

- a) Consider making a determination based on a consideration of all relevant factors that there is/is not a feasible and prudent alternative to the proposed project at 900 New Hampshire Street and that the proposed project includes/does not include all possible planning to minimize harm to the listed properties. The Historic Resources Commission determined (7-0) on February 16, 2012 that this project will encroach upon, damage or destroy the listed historic properties and their environs.
- b) Consider an appeal of the HRC determination to deny a Certificate of Appropriateness for the proposed project to be located at 900 New Hampshire Street. The HRC determined (7-0) on February 16, 2012 that this project will encroach upon, damage or destroy the listed historic properties and their environs.
- c) Receive request and consider adopting a resolution on the proposed redevelopment district and adopt on first reading, an ordinance to remove the east side from the current TIF district and refer to the Public Incentives Review Committee.

Mayor Cromwell opened the public hearing.

**Moved by Schumm, seconded by Amyx** to continue the hearing to the April 10, 2012 meeting. Motion carried unanimously.

2. **DEFERRED INDEFINITELY. Consider implementation of a lighting plan for lighting eight tennis courts at Centennial School and consider authorizing staff to solicit bids for the installation of the lighting.**
3. **Consider adoption of Complete Streets policy.**

Scott McCullough, Director of Planning/Development Services, introduced the item.

Mark Thiel, Assistant Director of Public Works, presented a slideshow regarding the Complete Streets policy.

Mayor Cromwell called for public comment.

Charlie Bryan, Health Department, said since January the Health Department has administered a Complete Streets committee as part of the Live Well Lawrence program. He said the committee supported the policy. The committee was deliberately diverse and inclusive. The goal of the committee was to develop consensus regarding the complete streets policy. He said he was happy to report significant consensus with only two areas of dissent, noted in the memo submitted. It is important to acknowledge long time support for complete streets concepts by the city and other organizations before the completion of this policy.

Dot Mary says she was a member of the Complete Streets committee. Complete Streets were more than an abstract idea to people with mobility disabilities. They meant the difference between marginally accessible and truly accessible transportation systems. Complete Streets encourage more physical activity. We need more policies encouraging accessibility. Complete Streets make Lawrence a better, more accessible place to live.

Hank Booth, Chamber of Commerce, said the interaction of the different groups involved in the complete streets committee was encouraging. Complete Streets were good for business.

Dan Partridge, Health Department, said he encouraged support and adoption of the policy. It takes a lot of little things to improve the health of the community. This is a step toward a more active lifestyle in the community.



Mike Myers said he wanted to bring up an issue he hoped was not too tangential to the Complete Streets policy. He was interested in seeing the Burroughs Creek Trail extended through east Lawrence and into Old West Lawrence. He said a natural and cultural heritage grant program may have funding available for such a project. The path could be a linkage encompassing social, historical, and natural linkages. If the city staff could put together an application for this he thought it would be looked at positively in the grant review progress.

Schumm asked if the question tonight was whether anyone had time and ability to write and submit a grant application.

Myers said yes. The city may have more expertise than an individual to plan that, and the city would eventually be responsible for the path. The deadline was April 20.

Corliss said he had spoken with Myers on Monday. He was going to talk to staff about opportunities to do this. He was also going to speak with the county administrator about this. April 20 didn't concern him if it was a commission priority. We would present something in a few weeks and see if the commission would want to pursue him.

Schumm said if it came back on the 10<sup>th</sup> of April would that be enough time to complete something by the 20<sup>th</sup>.

Corliss said yes.

Michael Morley said another project that could be funded by that grant was a way to get through the old part of town safely for pedestrians and bicycles. He said he came up the idea of coming up 7<sup>th</sup> street. There are a lot of historic amenities along there. When you get to the top of 7<sup>th</sup> Street there is a big valley where Iowa comes through. His vision would be a bike/pedestrian bridge crossing Iowa into Centennial Park. He hoped they would consider that related to the complete streets.

Jessica Mortinger, Transportation Planner, said all the routes will be considered for future bicycle facilities.

Cromwell thanked everyone who had been involved in the complete streets initiative. This was a great document and he was in support of it. It hit on things important to him. He said he knew we were working on crosswalks but they still needed a little more safety. He said we were putting forward a new effort in that area. That and sidewalks in general. He knew sidewalk maintenance was not a city responsibility but it needed to be dealt with at some point. A lot had been accomplished and a lot more needed to be done.

Carter said he couldn't have said it better.

Amyx thanked everyone and said the amount of work done by people in the community was amazing. He appreciated all the thought that had been put into it. It was a great start.

Carter said there was just one other thing to mention, the economic benefits of complete streets. Complete Streets are a critical component of attracting retirees. It would put us on the leading edge. He said he did have one question regarding the League of Women Voters letter. Sections B and C talked about applicability and excessive cost. He said he could see that there may not be a current need, but he wondered about if there was not a current need maybe a benefit district could be set up for future needs.

McCullough said the justification used in the correspondence was that new areas developing had a lower demand, but current regulations did some things to address the future need. This was intended more to address rehabilitation of existing areas where it may be too costly to go back in and retrofit. He said he could think of one example where we did do a benefit district where we delayed the installation of sidewalks where they weren't needed now.

Carter said we had ways to address it with current regulations and it was written well now.

Dever said he believed implementing a policy like this took some of the guesswork out of when, where and how we would pay for it. We had been implementing these principles in new streets. It was harder when retrofitting existing streets. This made it more easy to quantify the benefits when doing those projects. We are in a position to put ourselves forward and

implement this. This is what we are going to strive for, and costs being considered, we were going to work toward implementing. He said he was supportive.

**Moved by Dever, seconded by Carter**, to adopt Complete Streets policy and direct preparation of appropriate implementing resolution. Motion carried unanimously.

**4. Consider adopting the draft 2013 Budget calendar.**

David Corliss, City Manager, introduced the item.

Casey Toomay, Budget Manager, presented the staff report.

Schumm asked if the 31<sup>st</sup> of July was a drop dead date.

Corliss said it can get done a little after, it probably can't be done before.

Schumm said he didn't want to be stingy but we didn't have a meeting that day.

Cromwell asked if it was possible to put that all two weeks back.

Corliss said the key was to get it published according to the deadlines. He said we could move it back into August.

Cromwell said the 7<sup>th</sup> and 14<sup>th</sup> for first and second reading if that worked.

Cromwell said this looked good with those changes.

Mayor Cromwell called for public comment. None was received.

**Moved by Schumm, seconded by Amyx**, to adopt the 2013 Budget calendar with amendments. Motion carried unanimously.

**5. Consider motion to recess into executive session for approximately 60 minutes for the purpose of discussing possible property acquisition, personnel matters of non-elected personnel, and consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep possible terms and conditions of property acquisition, personnel matters, and discussions with the attorney for the City confidential at this time.**

**Moved by Dever, seconded by Carter**, at 8:11 p.m. to recess into executive session for approximately 60 minutes for the purpose of discussing possible property acquisition, personnel matters of non-elected personnel, and consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep

possible terms and conditions of property acquisition, personnel matters, and discussions with the attorney for the City confidential at this time. Motion carried unanimously.

Cromwell, Schumm, Amyx and Dever returned to regular session at 9:11 p.m.

**Moved by Schumm, seconded by Amyx**, to extend the executive session for another 20 minutes. Motion carried 4-0.

The city commission returned to regular session at 9:31 p.m. No actions were taken following the executive session.

**E. PUBLIC COMMENT:**

Leslie Soden, East Lawrence Neighborhood Association, said she wanted to talk about the need for 3 dimension scale models in the planning process. They had noticed the planning department's reliance on 2-D models. Scale, size, and mass of buildings can be emphasized and de-emphasized by the perspective of the artist. This would be more open, honest and transparent, and she recommended the commission consider requiring 3-D scale models especially for contentious infill projects.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

Schumm said he continues to have people ask about more than 3 people not related by blood living in single family homes. He was surprised to find out in his own neighborhood that was a PUD that four could live together. He wanted to know how that could be corrected.

McCullough said they would have a report to the commission very shortly on that issue.

Schumm said that would have the path to get back to the original desire of the community regarding 3 unrelated.

McCullough said yes.

**H: CALENDAR:**

David Corliss, City Manager, reviewed calendar items

Dever asked if we would have a subcommittee reviewing social service agency requests.

Corliss said we had an advisory board making those recommendations. Last year we included those recommendations in the recommended budget.

Dever said it would be nice to have a clear policy and discourage mid year funding requests.

Corliss said he strongly agreed. His request to the advisory board would be to use the same amount of aggregate funds to fill the requests. The city commission would then be able to increase or decrease those amounts as desired.

Cromwell said it has been somewhat easier in past years because everyone was happy just to get what they did previously.

**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 Dever,** to adjourn at 9:43 p.m. Motion carried unanimously.

**APPROVED:**

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Aron E. Cromwell, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk