



# City of Lawrence

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## CITY COMMISSION

**MAYOR**  
ROBERT J. SCHUMM

**COMMISSIONERS**  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX  
ARON E. CROMWELL

May 22, 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 Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

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

1. Proclaimed June 3 – 9, 2012 as Relay For Life Week.
2. Recognition of Bicycle Friendly Community Award.

### **B. CONSENT AGENDA**

Bob Schumm requested that item number 12, Lawrence Giveback event, be pulled from consent.

**It was moved by Amyx, seconded by Dever** to approve the consent agenda as below, minus item 12. Motion carried unanimously.

1. Approved City Commission meeting minutes from 05/01/12.
2. Received minutes from the Lawrence-Douglas County Bicycle Advisory Committee meeting of 03/20/12
3. Approved claims to 284 vendors in the amount of \$2,452,338.32 and payroll from May 6, 2012, to May 19, 2012, in the amount of \$1,849,422.36.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License for Oh Boy Chicken/The Orient, 1006 Massachusetts Street, Retail Liquor License for Mom & Pops Liquor, 1906 Massachusetts and Scrap Metal Dealer Registration for 12<sup>th</sup> & Haskell Recycling Center, 1146 Haskell Avenue.

5. Bid and purchase items:

- a) Set bid date of June 12, 2012 for the Comprehensive Rehabilitation Program Projects at 918 Murrow Ct., 930 Murrow Ct. and 2123 Marvonne Rd.
  - b) Authorized City Manager to enter into an agreement with BG Consultants for engineering design services for the 23rd & Iowa Geometric Improvements project in the amount of \$178,176.
  - c) Authorized expenditure, in an amount not to exceed \$30,000, from the previously approved unit price bid from Elite Construction, for the installation of a concrete basketball court and connecting sidewalks at Deerfield Park.
6. Adopted on first reading, the following ordinances associated with the Mercato Development located north of Highway 40 (6<sup>th</sup> Street) and east of K-10 Highway:
- a) Ordinance No. 8720, for rezoning (Z-01-10-05) of approximately 29 acres from County A (Agriculture) to RS7 (Single-Dwelling Residential) [previous designation: RS-2] (PC approved 4/17/06; CC approved 5/9/06).
  - b) Ordinance No. 8721, for rezoning (Z-01-11-05) of approximately 4 acres from County A (Agriculture) to RM12D (Multi-Dwelling Residential) [previous designation: RM-D] (PC approved 4/17/06; CC approved 5/9/06).
  - c) Ordinance No. 8722, for rezoning (Z-01-12-05) of approximately 13 acres from County A (Agriculture) to RM24 (Multi-Dwelling Residential) (previous designation: RM-2] (PC approved 4/17/06; CC approved 5/9/06).
  - d) Ordinance No. 8723, for rezoning (Z-03-05-06) of approximately 45 acres from County A (Agriculture) to PCD [Mercato] [previous designation: PCD-2] (Planned Commercial Development) (PC approved 4/17/06; CC approved 5/9/06).
  - e) Ordinance No. 8724, for rezoning (Z-03-06-06) of approximately 31.12 acres from County A (Agriculture) to RMO (Multi-Dwelling Residential-Office) [previous designation: RO-1A] (PC approved 4/17/06; CC approved 5/9/06).
  - f) Ordinance No. 8736, for rezoning (Z-10-17-09) of approximately 24 acres from CC400 (Community Commercial) to CC400 (Community Commercial) to reflect revisions in plat. (PC approved 12/14/09; CC approved 1/5/10) *Rezoning ordinance 8481 published on January 23, 2010. This ordinance is a correction to the previously adopted ordinance.*
7. Adopted on second and final readings, the following ordinances:
- a) Ordinance No. 8733, allowing the possession and consumption of alcoholic liquor on certain public rights-of-way for the Tour of Lawrence June 29 and July 1, 2012.
  - b) Ordinance No. 8730, annexing (A-3-1-12) approximately 146 acres plus adjacent public right-of-way of property at the northwest corner of W. 6<sup>th</sup> Street (US-40) and K-10.

- c) Joint City Ordinance No. 8732/County Resolution No. \_\_\_\_\_, for Comprehensive Plan Amendment (CPA-2-1-12) to amend Horizon 2020, Chapter 14, Inverness Park District Plan.
8. Adopted the following resolutions, amended as directed by the City Commission on 05/15/12:
- a) Resolution No. 6971, declaring that the structures at 1313 Haskell Avenue (house and accessory garage) remain in an unsafe and dangerous condition and order the demolition of the structures if the 15 repair items identified in Resolution No. 6885 are not completed by August 14, 2012. Should the owner fail to comply the City would contract for the removal of the structures.
  - b) Resolution No. 6972, declaring the structures at 1106 Rhode Island unsafe and dangerous and ordering the property owner to repair or remove the structures by July 17, 2012. Should the property owner fail to comply, the City would contact for the removal of the structures.
  - c) Resolution No. 6973, declaring exterior yard conditions at 1106 Rhode Island to be in violation of the City's Environmental Code and ordering the property owner to remove all violations by July 17, 2012. Should the owner fail to comply, the City would contract for the removal of the exterior yard violations.
9. Approved a Site Plan, SP-4-26-12, for a sidewalk dining and hospitality area for 712 Massachusetts Street. Submitted by Paul Werner Architects for SJC VII LLC, property owners of record. Approved a sidewalk dining and hospitality license for Mexquisito, 712 Massachusetts Street, contingent on receipt of valid Kansas Food Service License.
10. Adopted findings of fact regarding The Taste, LLC, and authorized the Mayor to sign a letter to the Director of Alcoholic Beverage Control.
11. Approved amended Order of Vacation for right-of ways that were platted in 1959 by Austin and Ruth Turney.
12. THIS ITEM WAS PULLED FROM CONSENT FOR SEPARATE DISCUSSION. DATE OF EVENT WAS CHANGED FROM JUNE 12 TO JUNE 19. Approved free parking on Massachusetts Street from 6<sup>th</sup> Street to 11<sup>th</sup> Street and on the 100 blocks of East and West 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> streets on Tuesday, June 19, 2012 for a Lawrence GiveBack event.
13. Authorized the Mayor to sign a Release of Mortgage for Arthur Turner, 2535 Belle Haven Drive.
14. Authorized the City Manager to sign a Sales Agreement, transferring Kansas Historic Credits from the City of Lawrence to William Stueck.

Regarding consent agenda item number 12, Lawrence Giveback Event, Schumm said that there had been a request for a change to the item.

Jonathan Douglass, City Clerk/Assistant to the City Manager, said that the applicant had requested a change in the date from June 12 to June 19. Downtown Lawrence, Inc. had sent correspondence supporting the new date.

**Moved by Amyx, seconded by Dever,** to approve free parking on Massachusetts Street from 6th Street to 11th Street and on the 100 blocks of East and West 7th, 8th, 9th, 10th, and 11th streets on Tuesday, June 19, 2012 for a Lawrence GiveBack event. Motion carried unanimously.

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

David Corliss, City Manager, presented the report.

**D. REGULAR AGENDA ITEMS:**

1. ***Consider approving a Temporary Use of Public Right-of-Way Permit and adopt on first reading Ordinance No. 8735, allowing possession and consumption of alcohol on the right-of-way, for the Liberty Hall 100 Year Anniversary event, closing a portion of the 600 block of Massachusetts Street from 1:00 p.m. – midnight on Friday, June 22, 2012.***

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

Rob Fitzgerald, event manager at Liberty Hall, said this event would feature a number of their partners, in celebration of their 100 year anniversary, a little street festival.

Amyx asked what kind of response they received from their neighbors.

Fitzgerald said that the folks at Winfield House had some concerns. They tried to structure the event when most of the businesses would be closed. He said he thought they had talked to most everyone.

Schumm said we always have a grand discussion when Massachusetts Street was closed. Would you be interested in having 7<sup>th</sup> from NH to Mass closed instead?

Fitzgerald said you would lose some of the grand backdrop of the party. They had talked about it in the planning stages and thought they could make it work.

Schumm asked what if they had 7<sup>th</sup> Street and the sidewalk in front of the Brewery and Liberty Hall.

Fitzgerald said that could work. They have a large event that night also.

Dever asked for clarification of Schumm's proposal.

Schumm said he suggested the sidewalk and east parking places on Massachusetts, but to keep the street open, and then close 7<sup>th</sup> Street between New Hampshire and Massachusetts. He asked if there would be a kid zone.

Fitzgerald said the trampoline and stage could be located on the south side of theater on 7<sup>th</sup> Street.

Schumm asked if there would be a band.

Fitzgerald said there would probably be music. He said they were talking to street performers (busker type atmosphere) to mingle with the crowd, but nothing has been set yet because they wanted to make sure that everyone was on board and had the necessary approvals.

Mayor Schumm called for public comment.

Matt Schwabauer said the show sounded like a lot of fun.

Cromwell said he didn't have any information on anyone objecting.

Schumm said he received a couple of phone calls today.

Amyx said he probably received the same comments regarding blocking Massachusetts Street. We had the same discussion a year ago with the Nash Dash event. He was under the impression that we would try to use our side streets and that seemed to be working okay. He said he liked Schumm's ideas.

Cromwell said if you moved it to the side it would be different neighbors.

Fitzgerald said they would need to talk to the Raven Book Store and the Lawrence Journal World, but did not know if there would be any concerns. On the other side of the street was a coffee shop and that shop owner ran a dance studio at Liberty Hall and was a tenant. He

said Liberty Hall did a lot of rock concerts in town and had a lot of bus traffic. He said tenants were fine with Liberty Hall parking busses, but he knew their neighbors were a little uneasy about busses parked in front of their businesses in years past.

Schumm said whenever streets were closed off it negatively impacted some people as well as the traffic pattern being disrupted. He said 7<sup>th</sup> Street seemed like a reasonable alternative, especially given the use of the sidewalk in front of Liberty Hall and parking spaces. He said he was sure those thousands of Liberty Hall patrons would find the music as they walked out the door.

Carter said he concurred, but a 100 year anniversary happened once and he would not want to diminish that celebration, but at the same time, he thought Liberty Hall could have that sense of arrival by using that front parking, but have the band and majority of people on the south side.

Fitzgerald said there would be no problem in using the side area especially with having the consideration to using the parking spaces for photo opportunities and would help alleviate congestion.

Cromwell asked about the location notification process.

Douglass said if wanting to follow Mayor Shumm's idea, he suggested adopting on first reading the ordinance allowing alcohol in the 600 Block of Massachusetts Street with an amendment to also state the 100 block of E 7<sup>th</sup> Street. He said Liberty Hall would be required by their temporary permit to contain the alcohol at a certain portion of the 600 Block of Massachusetts Street. On the June 5<sup>th</sup> City Commission meeting, the amended right-of-way permit could be placed on that agenda along with the second reading of the ordinance. He said the only reason he suggested adopting that ordinance on first reading tonight was because the timeline was tight for their application to Alcoholic Beverage Control.

Dever suggested the City Commission request a rendering showing the area to be blocked off on Massachusetts to make sure it was acceptable and everyone was notified.

**Moved by Carter, seconded by Cromwell,** to adopt on first reading, Ordinance No. 8735, allowing possession and consumption of alcohol on the right-of-way, for the Liberty Hall 100 Year Anniversary event, on a portion of the 600 block of Massachusetts Street and on the 100 block of E 7<sup>th</sup> Street from 1:00 p.m. – midnight on Friday, June 22, 2012, and direct staff to place the Temporary Use of Public Right-of-Way permit on the June 5 agenda for consideration. Motion carried unanimously.

2. **Consider motion to recess into executive session for approximately 30 minutes for the purpose of discussing possible property acquisition 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 and discussions with the attorney confidential at this time.**

**Moved by Carter, seconded by Cromwell,** to recess into executive session at 7:03 p.m. for approximately 30 minutes for the purpose of discussing possible property acquisition 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 and discussions with the attorney confidential at this time. Motion carried unanimously.

Schumm, Dever and Cromwell resumed the regular session at 7:33 p.m.

**Moved by Dever, seconded by Cromwell,** to extend the executive session by 20 minutes. Motion carried 3-0.

The City Commission resumed the regular session at 7:55 p.m.

No actions were taken following the executive session.

**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 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 7:58 p.m. Motion carried unanimously.

**APPROVED:**

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Robert J. Schumm, Mayor

**ATTEST:**

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Jonathan M. Douglass, City Clerk