



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT J. SCHUMM

COMMISSIONERS
MICHAEL DEVER
HUGH CARTER
MIKE AMYX
ARON E. CROMWELL

June 5, 2012

The Board of Commissioners of the City of Lawrence met in study session at 4:30 p.m., in the City Commission Chambers in City Hall with Mayor Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

A. STUDY SESSION:

1. City Commission study session with the Retiree Attraction Task Force.

After a short break at 6:00 p.m., the regularly scheduled City Commission Meeting began at 6:35 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION

1. None.

C. CONSENT AGENDA

Mayor Schumm removed item number 5, appointments, from the consent agenda for separate discussion.

It was moved by Amyx, seconded by Cromwell to approve the consent agenda as below, minus item number 5. Motion carried unanimously.

1. Approved City Commission meeting minutes from 05/08/12, 05/15/12, and 05/22/12.
2. Received minutes from the following boards and commissions.

Traffic Safety Commission meeting of 05/07/12
Human Relations Commission meeting of 02/16/12
Public Health Board meeting of 03/19/12
Planning Commission meeting of 04/23/12



3. Approved claims to 289 vendors in the amount of \$2,414,582.04 and payroll from May 20, 2012 to June 2, 2012 in the amount of \$1,945,948.30.
4. Approved licenses as recommended by the City Clerk's Office.
Drinking Establishment licenses for Six Mile Tavern, 4931 West 6th Ste: 135, Kokoro Japanese Sushi & Steakhouse, 601 Kasold Ste: D102 & 103, Red Lyon Tavern, 944 Massachusetts, The Burger Stand at the Casbah, 803 Massachusetts and a Retail Liquor License for Texas Jack's Liquor, 3020 Iowa, Ste: B
5. THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved appointments as recommended by the Mayor.
Appointed Robert Heacock to the Electrical Code Board of Appeals to the at-large position with a term expiration date of March 31, 2014.
Appointed Chris Champagne to the Mechanical Code Board of Appeals to a term that expires 03/31/15.
Appointed to the Lawrence Douglas County Metropolitan Planning Commission Jon Josserand to a term that expires 05/31/15 and reappointed Bryan Culver to an additional term that will expire 05/31/15.
6. Bid and purchase items:
 - a) Set a bid opening date of June 26, 2012, for Bid No.B1237 - Clinton Water Treatment Plant Transfer Pump #3 Replacement.
 - b) Awarded bid for 2,500 tons of road salt for Public Works Department to Cargill Salt for \$49.98 a ton or \$124,950 with an option for additional 1,000 tons if needed for \$49,980, for a total of \$174.930.
 - c) Awarded bid for the 2012 Overlay Program - Phase 2, Project No. PW1210, to Sunflower Paving, Inc., for \$1,321,483.30.
 - d) Authorized payment to the University of Kansas in an amount of \$75,000 from the street maintenance program and \$30,000 from the infrastructure sales tax for the reconstruction of 19th Street and video detection of the intersection of 19th Street and Iowa Street.
 - e) Authorized payment of \$15,314 to Information Access Systems, Inc., for annual software maintenance for OnBase Imaging Software.
7. Adopted the following ordinances on second and final reading:
 - 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.*
8. Adopted Resolution No. 6975, setting a public hearing date of July 24, 2012, to review the condition of the dilapidated structure located at 785 Maple Street and to consider declaring the structure unsafe and ordering the repair or removal within a specified period of time.
9. Approved items related to A-5-2-12:
- a) Received request to annex, A-5-2-12, approximately 12.29 acres, located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street), for Lawrence Recycle Center and forward to the Lawrence-Douglas County Metropolitan Planning Commission for consideration at their June 25, 2012 regular meeting. Submitted by Landplan Engineering, for Advantage Metals Recycling LLC, property owner of record.
 - b) Authorized the City Manager to provide written notice, pursuant to K.S.A. 2011 Supp. 12-539, to Jefferson County Rural Water District No. 13 and, pursuant to K.S.A. 66-1,176, to Westar Energy of the City's intent to annex approximately 12.29 acres of land owned by Advantage Metals Recycling, L.L.C., located at 1783 E. 1450 Road (also known as 1545 N. 3rd Street), which land is contiguous to the City.
10. Approved Special Use Permit, SUP-3-2-12, for Bishop Seabury Academy, located at 4120 Clinton Parkway, for an extended parking lot and a 3,200 square foot building addition. Submitted by Landplan Engineering, for Bishop Seabury Academy, property owner of record. Adopted on first reading, Ordinance No. 8745, for Special Use Permit (SUP-3-2-12) for Bishop Seabury Academy, located at 4120 Clinton Parkway. (PC Item 2; approved 9-0 on 5/21/12)
11. Approved a text amendment, TA-4-2-12, to the City of Lawrence Land Development Code to create a mental health care use within an appropriately determined existing zoning district. *Initiated by City Commission on 4/17/12.* Adopted on first reading, Ordinance No. 8744, for a text amendment (TA-4-2-12) to the City of Lawrence Land

Development Code to create a mental health care use within an appropriately determined existing zoning district. (PC Item 3; approved 9-0 on 5/21/12)

12. Approved a Special Use Permit, SUP-2-1-12, for an Extended Care Medical Facility, located in the 1600 Block of Research Park Drive. Submitted by Paul Werner Architects, for Mabet #2, LC, Alvamar Development Corporation, property owner of record. Adopted on first reading, Ordinance No. 8743, for Special Use Permit (SUP-2-1-12) for an Extended Care Medical Facility, located in the 1600 Block of Research Park Drive. (PC Item 4B; approved 8-0-1 on 5/21/12)
13. Accepted a Historic Preservation Fund Grant in the amount of \$7,200 to update Lawrence's Multiple Property Documentation Form and authorized the City Manager to execute a project agreement with the Kansas Historical Society.
14. Approved the following Traffic Safety Commission recommendations:
 - a) Denied the request to prohibit parking along one side of Morning Dove Circle (TSC item#2; recommended denial 9-0 on 5/7/12.)
 - b) Denied the request to prohibit parking along one side of stone creek drive between Harvard Road and Legends Drive (TSC item#3; recommended denial 9-0 on 5/7/12.)
 - c) Denied the request to permit parking on Lawrence Avenue north of Bob Billings Parkway (TSC item#4; recommended denial 9-0 on 5/7/12.)
15. Approved as "signs of community interest", a request from the Lawrence Metaphysical Fair to place signs in various rights-of-way from July 6, 2012 through July 8, 2012.
16. Approved as "signs of community interest", a request from the Lawrence Farmers' Market to place flags in various locations each weekend from mid-April through October, 2012.

Regarding item number 5, Mayor Schumm introduced Jon Josserand and Bryan Culver and said service on the planning commission was a big job and he wanted to recognize their service.

Moved by Cromwell seconded by Carter, to approve appointments as recommended by the Mayor. Motion carried unanimously.

D. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

E. REGULAR AGENDA ITEMS:

1. **Consider adopting on first reading, Ordinance No. 8746, authorizing the issuance of industrial revenue bonds to refinance existing bonds for Lawrence Memorial Hospital, not to exceed \$10,500,000.**

David Corliss, City Manager, presented the staff report.

Mayor Schumm called for public comment. None was received.

Moved by Cromwell, seconded by Dever , to adopt on first reading, Ordinance No.

8746. Motion carried unanimously.

2. **Consider approving a Temporary Use of Public Right-of-Way Permit for the Liberty Hall 100 Year Anniversary event, allowing the use of the sidewalk and parking stalls in front of Liberty Hall (644 Massachusetts Street) and the closure of the 100 block of E 7th Street, from 1:00 p.m. – midnight on Friday, June 22, 2012. Consider adopting on second and final reading, Ordinance No. 8735, allowing the possession and consumption of alcohol on the public right-of-way during the event.**

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

Rob Fitzgerald, Liberty Hall, said he was available for questions.

Mayor Schumm called for public comment. None was received.

Moved by Dever, seconded by Amyx, to approve a Temporary Use of Public Right-of-Way Permit for Liberty Hall, allowing the use of the sidewalk and parking stalls on the east side of the 600 block of Massachusetts Street in front of Liberty Hall, and the closure of the 100 block of E 7th Street, from 1:00 p.m. – midnight on Friday, June 22, 2012. Motion carried unanimously.

Moved by Dever, seconded by Amyx, to adopt on second and final reading, Ordinance No. 8735, allowing the possession and consumption of alcohol on a portion of the public right-of-way on the 600 block of Massachusetts Street and on the 100 block of E 7th Street from 1:00 p.m. – midnight on Friday, June 22, 2012. Motion carried unanimously.

3. **Consider authorizing staff to request Grant Funds from the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) for Douglas County Sheriff's Office/Lawrence Police Department enhancement of public safety for downtown Lawrence through use of video technology, for \$46,800.**

Tarik Khatib, Chief of Police, presented the staff report.

Schumm asked how many cameras or locations we were considering

Khatib said 2 or 3, along with servers and fiber to service them.

Cromwell said we seemed to have issues with the alley and tagging, and why not use them in the alleys instead of Massachusetts.

Khatib said there probably is a need for those additional locations.

Mayor Schumm called for public comment.

Laura Green said she had some information to distribute. It is a report from the ACLU that looked at proliferation of cameras in cities across California. Their first recommendation was regarding notification; we should let the public know where the cameras are going to be and what they will be capturing. The grant is vague about where they will go. It is misleading to say there are no matching funds. Someone will have to watch the film. If we are going to have someone sitting at a terminal watching a video feed there is a cost to the taxpayers. We need to look at other alternatives. Could we use the cameras on a temporary basis as an alternative? I don't believe we should start down the road of using cameras to capture free people in a free society doing innocent things. Cameras don't prevent crime they just relocate it. Are there other things such as lighting or more police presence downtown. If we are going to step off this ledge of public privacy we should look at what will really be effective. We need to have a public debate and discussion about this. People didn't have time to prepare their comments for tonight. Let's talk about what we want people to know about these cameras.

Gary Brunk, ACLU, said he suggested broad public debate about the use of cameras before deploying them. The chief said he wanted a system that stored film for only 48 hours, which demonstrating sensitivity to privacy concerns. Today's cameras allow zooming, facial recognition, automatic tracking, and other capacities that can enhance public safety but are also susceptible to great abuse. In another state such a system was abused. Video surveillance can have a chilling effect on public life. It is prudent to ask if we want to live in a city where people are constantly under observation. 4.2 million cameras blanket the UK, 1 camera for every 14 people. Camera programs inevitably expand. Is that the kind of society we want? Studies have

shown that cameras don't have a large effect on crime. Other communities have adopted explicit policies regarding use of cameras, and ACLU would be happy to assist in their development.

KT Walsh said she was very opposed to this idea. We need a wide dialogue and deep research before we do this. There was a quote from the chief of police in London that said they paid millions to mostly catch incidents of public urination. A decent tradeoff if this is allowed would be to authorize a citizen's review board for the police department. When the police department is asking for a new police station, this is a way to alienate supporters.

Laura Routh said she wanted to talk about the process. The chief said he expected to hear some concerns about privacy. If you anticipated commentary, why was it put on the consent agenda? This is the second time the department has requested controversial equipment purchases and tried to slide them through on the consent agenda. The way this was brought forward does not help community relations. There are also budget issues. Grants create unintended expenses. The public should be able to discuss the way the police department uses public money. It is not clear where this technology fits in their department's strategic plan. If this goes through I would expect the city to regularly release information about these cameras, their location, use, and cost, as well as allegations of their misuse. This is a slippery slope and you should commit to public information about this if they are approved.

Schumm asked if there was a time frame for applying for this.

Khatib said the deadline was this month. Once the governing body consents we can request the funds. He said we could get the money for this or another project.

Amyx said regarding the priorities of the department, is this the highest priority we have for now for this amount.

Khatib said it isn't our top overall priority, but it fits the grant requirements and funding amount. We try to use the grant to fund things outside of the normal budgeted items.

Corliss said he would be recommending increases to the department's equipment budget. For the grant we can't fund replacement of existing equipment, which is what we would do if we could. We can't change the federal government's grant requirements.

Carter asked the chief to speak to the costs and efficiencies of the program.

Khatib said comments regarding grants and ongoing costs are valid concerns. As far as these cameras it depends on how much you want to invest in them. As for crime prevention those are valid concerns too, but crime solving is valid too. I am trying to find innovative ways to increase public safety downtown. I don't envision having someone monitor these live.

Corliss asked for an explanation of what the university does.

Khatib said the university had 20-30 cameras that are monitored live by part time students. They use it for campus safety.

Schumm asked if there are any policy guidelines on how this information is used.

Khatib said we have general policies about use of law enforcement systems for public use. Any tool can be used in a perverse way if you allow that to be your culture and we do not allow that.

Dever said he guesses he is desensitized from being watched. He didn't realize there would be so much concern about this. The only reason these would be a good tool would be to help us solve crimes. Mass Street is similar in some ways to a shopping mall. There's not a place you can go in a mall where you aren't on camera. People's rights are important but the ability to solve crimes is pretty powerful as well. This technology is valuable but the concerns about privacy are valid as well. We need to have a plan in place. He said he would be willing to table this and have a discussion about our policy, but he thought these cameras were important. The chief is just looking for ways to make this a safer community.

Amyx asked what the deadline was.

Khatib said he thought it was the end of June.

Amyx said if that is the case we have time to discuss the policy of how the information would be used. We have an obligation to show that to the public. The public safety part is extremely important. Private businesses feel they have responsibilities for themselves and their customers. We want downtown to be safe and successful. When the chief says it is one of the things they need I believe what he tells me. If we look at our investment in downtown we have responsibility to make it safe for people to come there. I would support the discussion of the policy.

Carter said he would echo those comments, but he differed on holding off on the grant acceptance to have the policy discussion. He understood the concerns about abuses. He thought the majority would support the camera use. He said cameras can identify where staff needs to be deployed. Ideally they are there to solve crimes. There may be nuisance issues this could help with. There are people who spend a great amount of time downtown that are serial offenders of nuisance issues. The film could help us prosecute such things. We need to monitor the costs and the effectiveness, but looking at just a few cameras downtown he said he was in favor of moving forward on the deployment while the policy is under development instead of holding off on it.

Cromwell said downtown is pretty well video wired already. He doubted this would prevent crime but he did think it helped solve them. Solving crimes easier does free up resources to prevent other crimes though. It was important to come up with some guidelines. He said he was willing to accept the grant under the condition that we would look at the guidelines. He said he was willing to move forward on it now, but if we want to table it and tackle it all together that is fine too.

Schumm said he had been a victim of a lot of crime over the years, and anything we can do to catch perpetrators is a plus. If we allow Mass to become unsafe we do great damage to our community. He was willing to move forward on the grant tonight and looking at the policy too. It was important to realize that on any Tuesday night the city commission could order the

cameras to come down. He would be happy to move ahead with the grant tonight and look at the policy before they are implemented.

Dever asked if we would apply for the grant, not knowing where the cameras would go and how we would use them, and whether there were better uses of the money.

Schumm said that was not his understanding. He thought the data would be stored for some amount of time and could be reviewed if needed. We would have a discussion of proper use of the cameras. He said he didn't have a problem letting the public know where the cameras are.

Amyx asked if we decided not to use cameras what would happen to the money.

Corliss said we could reapply for something else or we could send it back. The chief could draft a policy and bring it back for city commission consideration. Before we install them we would have a policy in place.

Dever said with TASERS we had the policies in place beforehand. We should have a plan in place for the cameras before we get them. He had seen this issue backfire in other places.

Corliss said we can guarantee that we wouldn't install them until the policy is approved.

Amyx asked when we were getting the money.

Corliss said the chief would notify the DOJ that we accept the money. He didn't know exactly when the funds would arrive but it is often a reimbursement.

Amyx said the next decision would be to review a draft policy before purchasing the cameras.

Corliss said if that was the direction, yes.

Schumm said if we don't approve the policy we wouldn't buy the cameras.

Moved by Dever, seconded by Amyx, to authorize staff to request Grant Funds from the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) for Douglas County Sheriff's Office/Lawrence Police Department enhancement of public safety for downtown Lawrence

through use of video technology, for \$46,800, with the condition that the purchase of the equipment will not take place until after a policy regarding the use of the cameras is adopted by the city commission. Motion carried unanimously.

4. Receive staff and consultant briefing on infrastructure planning for the former Farmland property.

David L. Corliss, City Manager, introduced the item.

Darron Ammon, Bartlett and West, presented information regarding the planning activities for the property.

Joe Caldwell, Bartlett and West, presented the road configurations.

Dever asked what would happen with the substation relocation.

Corliss said we were in discussions with Westar regarding a land exchange agreement to facilitate the relocation of the substation.

Caldwell continued his presentation.

Eileen Horn, City/County Sustainability Coordinator, presented sustainability related design features at the site.

Carter asked where we are on the environmental remediation.

Matt Bond, Stormwater Engineer, said the concentrations of nitrogen are going down, which is good and bad news, because the farmers have to put more of the water on their crops to get the nitrogen concentrations they need. We are still looking at 20 years of remediation but we will have to continue to monitor.

Corliss said that is all towards the north part of the property.

Bond said yes.

Dever asked if they had explored increasing the nitrogen level by active or passive evaporation.

Bond said some of the algae growth project would allow us to explore that. Once the interceptor trenches are in place we will also be able to increase the nitrogen concentrations.

Dever asked where the sandstone hill is on the map.

Bond pointed out the area on the map.

Dever asked Bond to highlight the triangle of unusable land.

Bond pointed it out and said it would never be zoned for any residential. The area would be used for regional stormwater detention.

Carter asked where the 75 acre lot was.

Bond pointed it out on the map.

Ammond concluded his presentation.

Mayor Schumm called for public comment. None was received.

Corliss said the next step was to initiate the platting process. I also want your permission to have discussions with Douglas County regarding the cell tower property. We need their blessing because it will be a joint plat. We would also prepare a special assessment benefit district for the infrastructure costs. We would defer the assessments on the county owned property until we have a final primary job tenant. That is our process regarding platting and infrastructure. We would then ask you to initiate rezoning of the property. We would move concurrently on a number of facets, including the Westar relocation. I hope to have you out there with golden shovels breaking ground in 2013.

Carter said as far as actual renderings, once we rezone it we have talked about having drawings done and maybe going as far as building a spec building.

Corliss said we know there is interest in this property. One of the next steps is whether we want to go ahead and start moving dirt and having pad ready sites. We know there are companies interested in coming. We are in good shape to move along those lines.

Carter said one of the things that the new Chamber executive raised was certified industrial sites.

Corliss said that meant we had sites ready to go for the business and just the administratively approved site plan was needed.

Dever asked if there is any way to get a 3D rendering of the topography and also the same drawing with the aerial photos as an underlay.

Ammond said they had a conceptual 3D model and their intent was to update that.

Dever said he was looking for more of a relief. The other question is whether we have talked to the county about having a rendering of where the lot lines for the two parks come together and if lots could merge. That is something to talk to the county about.

Corliss said those were good discussions. The county wants to be our partner. Eventually we want a private owner to own those lots and not the city or county. The one thing we know about the process is that we need to give prospective companies options but we also need to have infrastructure in place. We are trying to balance both of those things.

Schumm asked regarding lots 6-9, just driving by those seem relatively flat. If we are anxious to move forward quickly, how much dirt needs to be moved to make those buildable.

Ammond said we need to tie the design into the east west road. When we create that road the elevations aren't clear on the 2D map, but it goes up and down. In order to tie a pad site into that, he didn't want anyone to think that the entire pad sites are buildable from corner to corner.

Schumm said we were anxious to demonstrate that we are serious about locating people here. We could identify a lot or two and start working on grading them to make them buildable more quickly, and that makes a statement that we are serious about getting things done and making this happen.

Ammond said he definitely agreed that having lots at the front that are ready it makes a bold statement.

Amyx said it was neat the talk about sustainability efforts. One of the important things was flexibility and doing things on a timely basis. This entire community can be proud of this kind of development and this entry into the community. These are solid recommendations on what this property can be.

Schumm said that staff should go ahead with initiation of the platting.

5. **Consider motion to recess into executive session for approximately 45 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 for the City confidential at this time.**

Moved by Cromwell, seconded by Carter, to recess into executive session for approximately 45 minutes to discuss possible property acquisition and consultation with attorneys for the City deemed privileged under the attorney-client relationship at 8:36 p.m. The justification for the executive session is to keep possible terms and conditions of property acquisition and discussions with the attorney for the City confidential at this time.

Schumm, Cromwell, and Carter resumed the regular session at 9:25 p.m.

Moved by Cromwell, seconded by Carter, to extend the executive session by approximately 20 minutes, at 9:25 p.m.

The City Commission returned to regular session at 9:44 p.m.

No action was taken following the executive session.

F. PUBLIC COMMENT:

None.

G. FUTURE AGENDA ITEMS:

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

H: COMMISSION ITEMS:

Carter asked if it should be an agenda item to consider creating a retiree attraction advisory board.

Amyx asked if we should have that as part of the budget considerations, during the study session.

Corliss said we can, or we can have it as a regular agenda item. He said he understood that we should put together an analysis of the budget considerations of having the staff position. We would report back no later than the 19th.

Amyx asked if we were planning a short agenda or an earlier meeting on July 3.

Corliss said he didn't see a problem scheduling it earlier in the day with non-controversial items.

Schumm said it ought to be just a minimal quick agenda at 5:00.

I: CALENDAR:

David Corliss, City Manager, reviewed calendar items

J: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Carter, seconded by Cromwell, to adjourn at 9:50 p.m. Motion carried unanimously.

APPROVED:

Robert J. Schumm, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk