



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT J. SCHUMM

COMMISSIONERS
MICHAEL DEVER
HUGH CARTER
MIKE AMYX
ARON E. CROMWELL

March 12, 2013

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 a.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:

Proclaimed the week of March 10 – 16, 2013 as Sunshine Week.

B. CONSENT AGENDA

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

1. Approved the City Commission meeting minutes from February 12, 2013, February 19, 2013, and February 26, 2013.
2. Received the Public Health Board meeting minutes of December 17, 2013; the Sister Cities Advisory Board meeting minutes of January 16, 2013; and the Traffic Safety Commission meeting minutes of January 17, 2013.
3. Approved claims to 224 vendors in the amount of \$2,467,808.98 and payroll from February 24, 2013 – March 9, 2013, in the amount of \$1,876,103.56.
4. Bid and purchase items:
 - a) Awarded the bid for contract mowing the landscape areas 1 and 2 for the Parks and Recreation Department to Golden Rules Lawn Care for \$85,760.
 - b) Awarded City Bid No. B1307: Eight (8) 2013 Ford Police utility Interceptors to Shawnee Mission Ford in the amount of \$205,600.
 - c) Awarded City Bid No. B1311, Project No. PW1318 - 2013 Microsurfacing Program, to Bettis Asphalt & Construction, Inc., in the total amount of \$474,300.50.
5. Adopted on first reading the following ordinances:



- a) Ordinance No. 8843, amending Sections 6-108.16 and 6-804 of the City Code regarding solicitor/peddler license fees.
 - b) Ordinance No. 8852, prohibiting the possession of glass bottles and other glass containers in the downtown district from 12:00 p.m. on Saturday, March 30 through 12:00 p.m. on Monday, April 1 and 12:00 p.m. on Saturday, April 6 through 12:00 p.m. on Tuesday, April 9, 2013.
6. Adopted on second and final reading, the following ordinances:
- a) Ordinance No. 8848, providing for the dedication of public right-of-way on the east side of Park West Subdivision and Glenwood Addition No. 2, additions to the City of Lawrence, Douglas County, Kansas (along Eisenhower Drive on the Northwest side of City park property generally located at Wakarusa Drive and Overland Drive).
 - b) Ordinance No. 8849, providing for the dedication of public right-of-way on the south side of Lot 3A, Lot Split of Lot 2 and Lot 3, University Corporate and Research Park Subdivision No. 1, an addition to the City of Lawrence, Douglas County, Kansas (along Bob Billings Parkway adjacent to the Investigation and Training Center).
 - c) Ordinance No. 8850, providing for the dedication of public right-of-way on the south side of Tract A of the amended plat of Quail Run No. 2, an addition to the City of Lawrence, Douglas County, Kansas (along Bob Billings Parkway adjacent to the McGrew Nature Trail).
7. Adopted Resolution No. 7018, City support of Poehler Phase II's development of affordable housing in the City of Lawrence.
8. Approved a Special Event, SE-13-00041, for antique auto show parking May 3-5, 2013, to be located on the western portion of the Farmland property, adjacent to the Douglas County Fairgrounds. Submitted by Ralph Reschke, for the Antique Automobile Club of America.
9. Approved vacation of existing utility, drainage, and pedestrian easements and dedication of new utility, drainage and pedestrian easements to accommodate the reduced number of lots and larger lot sizes included in the Minor Subdivision, MS-13-00026, for Landon Court Addition, located at 200-266 Landon Court.
10. Approved Comprehensive Plan Amendment, CPA-5-5-11, to Chapter 6 of Horizon 2020 to add policies for the Auto-Related Commercial Centers designation. Adopted on first reading, Joint City Ordinance No. 8841/County Resolution No. _____, for Comprehensive Plan Amendment (CPA-5-5-11) to Chapter 6 of Horizon 2020 to add policies for the Auto-Related Commercial Centers designation. (PC Item 4; approved 9-0 on 1/28/13)
11. Approved temporary use of right-of-way permit for the Lawrence Art Guild to close Massachusetts Street from North Park Street to South Park Street on Sunday, May 5 from 6:00 a.m. – 7:30 p.m. for the 2013 Art in the Park Art Fair.

12. Approved the following related Kansas Relays events to be held in downtown Lawrence on 4/17/13 and 4/18/13:
 - a) Approved a Temporary Use of Public Right-of-Way Permit for the closure of the 100 block of E 8th St and the intersection of 8th St and New Hampshire St from 6:00 a.m., 4/17/13 to 6:00 a.m. 4/18/13, and the closure of the 100 block of W 8th St from 11:00 a.m. to midnight on 04/18/13.
 - b) Adopted on first reading, Ordinance No. 8845, authorizing the possession and consumption of alcoholic liquor on the 100 block of E 8th St and the intersection of 8th St and New Hampshire St from 4:00 p.m. – 10:00 p.m. on 04/17/13, and on the 100 block of W 8th St from 4:00 p.m. – 10:00 p.m. on 04/18/13.
13. Authorized the Mayor to sign Subordination Agreements for Arthur and Shirley Tarp, 625 Lake Street; James Martinez, 2471 Brookside Drive; and Ruth Townsend, 1061 Home Circle.

C. CITY MANAGER’S REPORT:

David Corliss, City Manager, presented the report. In addition to the report, he said that on the March 26th City Commission agenda, staff was planning on setting a bid date for the Rec Center and a public open house on that day from 4:00 – 6:00 p.m., regarding the plans for the Rec Center. Staff would be posting renderings of the facility on the website tomorrow.

D. REGULAR AGENDA ITEMS:

1. **Conducted a public hearing to consider the vacation of a right-of-way on Redbud Lane, south of 26th Street in Southridge Addition No. 3, as requested by property owner Bluejay Apartments, Inc.**

Mike Amyx said he owned the property directly south of the project on the east side and he was also representing his mother who also owned property in that area. He said he thought it was wise for him not to vote on the item. At 6:50 p.m. he left the City Commission dais.

David Cronin, City Engineer, presented the staff report.

Moved by Carter, seconded by Cromwell, to open the public hearing. Motion carried 4-0 with Amyx abstaining.

Mike Amyx said his question was that part of the restaurant development that had been requested nearby involved a vacation of right-of-way. He asked about the access to the property to the west.

Moved by Carter, seconded by Cromwell, to close the public hearing. Motion carried 4-0 with Amyx abstaining.

Scott McCullough, Planning Director, said that this development had an approved preliminary plat that involved vacating ten feet of the existing 60 feet, with clear intention to access that property. This property, as he recalled, was a developable lot that would need access to Redbud Lane in the future. The preliminary plat had not expired, and 50 feet was adequate for access.

Schumm asked if the property owners had to pay for the street construction.

McCullough said yes.

Schumm asked if it would be a cul-de-sac.

McCullough said yes.

Schumm asked if a cul-de-sac could be constructed in 50 feet.

David Corliss, City Manager, said additional right-of-way dedication might be needed from the property owners.

Moved by Dever, seconded by Carter, to approve the Order of Vacation of right-of-way on Redbud Lane, south of 26th Street in Southridge Addition. Motion carried 4-0 with Amyx abstaining.

Amyx returned to the dais at 6:56 p.m.

2. **Considered the following items related to Water and Wastewater master plan:**

a) Received update on 2010 Census challenge and impact to water and wastewater master plan.

b) Considered adopting the 2012 Water and Wastewater Master Plans.

c) Considered adopting the 2013–2017 Capital Improvement Program (CIP) for Scenario 5 – Taste, Odor, & Microtoxins.

- d) Considered adopting on first reading, Ordinance No. 8846, adopting the 2013 Water and Wastewater Rates.
- e) Considered adopting on first reading, Ordinance No. 8847, adopting the 2013–2017 Water and Wastewater System Development Charges (SDCs).
- f) Considered authorizing the City Manager to execute Supplemental Agreement No.1 to the existing Engineering Services Agreement with Burns & McDonnell for Project UT0701DS – Kaw WTP Water Transmission Main Redefining the Project Scope and reducing the contract amount by \$343,996 to \$787,658.
- g) Considered authorizing the City Manager to execute an Engineering Services Agreement with Burns & McDonnell in the amount of \$137,128 for Project UT1209 – Taste and Odor, and Algal Toxin Water Treatment Process Evaluation.
- h) Considered authorizing staff to negotiate a Supplemental Agreement to the existing Engineering Services Contract with Black & Veatch for Engineering Services for Project UT1102KA Kaw WTP Raw Water Intake Replacement.
- i) Considered setting a bid date of April 9, 2013 for Bid No. B1314; UT1212-2013 Sanitary Sewer Cured-In-Place-Pipe Rehabilitation Project.
- j) Considered authorizing staff to advertise Request for Proposals R1308 for Engineering Services for Project UT1304 Wakarusa Wastewater Treatment Plant, and Request for Proposals R1309 for Engineering Services for Project UT1306 Wakarusa Conveyance Corridor Facilities, and consider authorizing staff to negotiate with the Kansas Biological Survey for a Biota Study on the Wakarusa River.
- k) Considered authorizing staff to advertise Request for Proposals R1307 for Engineering Services for Project UT1305 – Rapid Inflow and Infiltration Reduction.
- l) Considered awarding the construction contract for Bid No. B1305 to the low bidder, Garney Construction, in the amount of \$1,967,967 and consider authorizing the City Manager to execute the construction contract; consider authorizing the City Manager to execute Supplemental Agreement No. 2 with Wilson and Company in the amount of \$33,800 for construction phase engineering services for project UT1206DS O’Connell Road Waterline.
- m) Consider authorizing staff to distribute Request for Proposals for Oread Tank and Pump Station replacement project.

David Corliss, City Manager, presented the staff report.

Amyx said Corliss had talked about the new sewer plant and the potential growth in the future. He said even if this City didn't have growth, due to the wet weather events, this plant was necessary to deal with problems the city was currently experiencing.

Corliss said that is correct, those problems were occurring now. The city was fortunate that the EPA was working us on that, largely because of our work on the master plan.

Amyx asked if sand was one of the major problems with the Kaw intakes.

Corliss said staff had a pretty good confidence level that they wanted the intakes roughly in the area those intakes were now. Staff had looked at other options and costs, including wells.

Amyx said he was always under the impression that sand was our enemy there, and the pumps were quite expensive.

Philip Ciesielski, Assistant Director of Utilities, said staff did bathometric surveys of the river bed. A consultant did the modeling of how sand moves during events and staff found that the same general area was a viable long term solution.

Amyx said in talking to Corliss, he concluded it was a great deal of money to address the taste and odor. It seemed like the cost per gallon was quite high, but as part of the study, the study included an extensive look several other options.

Corliss said that was his understanding.

Dave Wagner, Utilities Director, said the study would look at multiple options at both treatment plants. The cost estimates were hopefully a maximum. At worst, staff could learn through the study how to improve the City's processes with current capabilities. The study would provide the real costs of the treatment options.

Amyx said he assumed other communities had dealt with the same problem and Lawrence couldn't possibly be the first to deal with this type of issue.

Wagner said no. Every community was different though.

Carter said on page 23 of the presentation at the study session, the recommendations with the three bullet points were in scenario 5. All of those actions addressed those points plus scenario 5 added the taste and odor issues.

Corliss said all of the scenarios responded to the need for a WWTP facility. The difference was that the scenario that had the biggest rate impact had the taste and odor component.

Carter said the plan still required annual commitments and approvals for aspects.

Corliss said yes. He said at this time he would like to have staff address the census issue and the issues of how quickly the City was growing.

Amy Miller, Planner, presented the staff report regarding the census numbers.

Schumm said it seemed like an unbelievable number to be off.

Cromwell said in looking at growth and wondering about the numbers, it matters more on how they figured in the 2000 housing figures, and the City needed to have a consistent way of counting.

Miller said they had all of the City's housing unit numbers to the 50's. Going back to 1980s staff was able to corroborate the 2000 housing figures and felt those figures were more accurate.

Carter asked if the census committed to changes to the methodology for future census counts.

Miller said they didn't explicitly address it. Staff was able to confirm that the LUCA numbers on housing units submitted before the census survey were correct.

Schumm asked if surveys just weren't mailed.

Miller said the census said it was a pre-survey error.

Amyx asked if there was a similar problem in 2005.

Corliss said staff based a lot of work in 2006-2008 on a growth rate that was much more rapid than what staff experienced. It was hard to sustain the growth rate, certainly in the past few years.

Amyx said he thought it was better to work with the numbers from staff rather than the census.

Dever asked about the American Community Survey.

Miller said it was based on a smaller sample size.

Dever asked who did that survey.

Miller said the Census Bureau.

Dever asked what kind of growth the City had between 2010 and now.

Miller said she hadn't calculated that growth.

Dever asked what number was the most up to date.

Miller said the estimate was based on the 2000 census.

Dever said Miller took the 2000 census and benchmarked from that point, added the numbers of housing units, and came up with the 94,000 number.

Miller said yes.

Corliss said he would like to have Wagner talk about the population's relevance to Utilities.

Wagner said what staff knew for sure was the organic load. If they used the organic loading and the historic per capita load, it validated Planning's estimates. They had approximately 2,000 lbs. available that could be treated in addition to what they had currently done. The utilities could handle a 12,000 population increase equivalent, but industrial uses might change that. The bottom line was that no matter which number was accurate, they knew how much more capacity they had for wastewater treatment. The census estimate didn't change their recommendation.

Dever said for the purpose of finding population, he asked if the US Census included all of the students living in housing at the university or not.

Corliss said it included students claiming Lawrence as their residence on April 1.

Dever said there was this institutional use with plans to construct housing on campus, with more people in the city or in the community in Lawrence without living Lawrence. He asked if they could effectively plan for those types of institutional uses. This City was a unique community with a lot of moving parts with the university commuters and labs.

Wagner said the wastewater treatment plant data could detect the impact.

Schumm said if doing the simple math with the load available and the population, if increasing the population more services such as restaurants and stores could be added. He said he thought it was wrong to leave this meeting thinking there was plenty of space.

Wagner said 12,000 population equivalents didn't necessary mean 12,000 people could move to town and the City could absorb their waste load inclusive of everything they might do with jobs and commercial operations.

Cater said if looking at 5 years lead time and 12,000 people, that's not a long time anyway.

Amyx said in 2005 and 2006 when they were trying to find a location for a new plant along the Wakarusa River, Wagner indicted that there was population equivalents of 10,000 to 12,000. He said there might be additional capacity of an extra 10,000, but it seemed like the City used that 10,000 capacity and now the City was down to the critical 10,000 to 12,000 population equivalents.

Wagner said that was accurate information. He said there were several ways to look at capacity at wastewater plants accurately. One way was by wet weather loading at 125% of the existing load. If he looked at the boiler plate of the wastewater treatment plant, he would give a number that was less than 12,000. However, staff thought they could go beyond 100% on organic load as well and still meet all of the regulatory requirements as well as doing a good job

of meeting the needs of the community beyond the boiler plate and could run 100%. He said they were using some of the reserves and some of the flexibility that was built into the plant and made good choices to extend it beyond what staff thought could be done.

Amyx said he didn't recall the real emphasis 7-8 years ago on the wet weather events being as critical an issue. So that was a change that made the decision tonight even more critical.

Wagner said staff had significantly more information, and also on our actual infrastructure, than they had 7-8 years ago. This master plan model was a lot more accurate than the tools they previously had.

McCullough said regarding Cromwell's question about the annual growth rate since 2010 to 2013 was 0.9% per year.

Mayor Schumm called for public comment. None was received.

Schumm said the question was whether the City needed to take on the full palette. The city was taking on some projects that were going to lead to growth in our community – the Rec Center, K10 Completion, Farmland, and a hotel downtown. He said for the city not to be able to accommodate that growth would be penny wise and dollar foolish. On the question of taste and odor, 1 in 5 people that had issues with it didn't seem like much, but at his restaurant if 20% of the people were dissatisfied with the taste of the food, he would be horrified. The community had to figure out that it could get worse. It could get more difficult to treat and last for a more sustained time. It just doesn't speak to the kind of quality of life the city was trying to provide in Lawrence.

Carter said he would echo Schumm comments. There was nothing sexy about it, but this was a core service with a lot of good things happening. He said he felt pretty comfortable knowing that it needed to be done. This wasn't a Band-Aid solution, but would allow the city to capitalize on good things happening and set this community up for future success. He said he was ready to move forward on Scenario 5.

Cromwell said with Scenario 5, they were just talking about money for a study on taste and odor, but not money to do anything about it.

Corliss said that was correct. That report would indicate to staff, with good detail, what things the city could do operationally and the best capital improvements needed. It wouldn't be the design of the facility, but it would be enough detail to decide whether to move forward on solutions. Staff thought it would cost \$8-9 million per plant to address it and the city wasn't funding that now.

Cromwell said he wanted to make a clarification, because it sounded like scenario 5 was solving our taste and odor problems, and he wanted it clarified.

Corliss said this was a necessary step, but not the end solution.

Amyx said this city had been living a little on the dangerous side with the river intakes. The City was fortunate not to have a major eruption with the Oread tanks. Scenario 5 would take care of maintenance that was needed. When looking at the location of the WWTP, they weren't talking about the wet weather events. That issue had escalated and become more critical. The city didn't want to spend all the money or raise rates, but sometimes decisions needed to be made for the future. The city had several things that needed to be addressed at this time, even if the city didn't have any growth. He said as the city looked at the basic core services, this was one of them. He said he was ready to go.

Schumm said he recalled this summer all of the broken water mains. A large portion of this plan was water main replacement. This plan addressed the whole host of issues the city needed to take care of.

Moved by Dever, seconded by Amyx to adopt the 2012 Water and Wastewater Master Plans. Motion carried unanimously.

Moved by Amyx, seconded by Carter, to adopt the 2013–2017 Capital Improvement Program (CIP) for Scenario 5 – Taste, Odor, & Microtoxins. Motion carried unanimously.

Moved by Carter, seconded by Cromwell, to adopt on first reading, Ordinance No. 8846, adopting the 2013 Water and Wastewater Rates. Motion carried unanimously.

Moved by Dever, seconded by Amyx, to adopt on first reading, Ordinance No. 8847, adopting the 2013–2017 Water and Wastewater System Development Charges (SDCs). Motion carried unanimously.

Moved by Cromwell, seconded by Carter to authorize the City Manager to execute Supplemental Agreement No.1 to the existing Engineering Services Agreement with Burns & McDonnell for Project UT0701DS – Kaw WTP Water Transmission Main Redefining the Project Scope and reducing the contract amount by \$343,996 to \$787,658. Motion carried unanimously.

Moved by Amyx, second by Dever, to authorize the City Manager to execute an Engineering Services Agreement with Burns & McDonnell in the amount of \$137,128 for Project UT1209 – Taste and Odor, and Algal Toxin Water Treatment Process Evaluation. Motion carried unanimously.

Moved by Amyx, seconded by Cromwell, to authorize staff to negotiate a Supplemental Agreement to the existing Engineering Services Contract with Black & Veatch for Engineering Services for Project UT1102KA Kaw WTP Raw Water Intake Replacement. Motion carried unanimously.

Moved by Carter, seconded by Cromwell, to set a bid date of April 9, 2013 for Bid No. B1314; UT1212-2013 Sanitary Sewer Cured-In-Place-Pipe Rehabilitation Project. Motion carried unanimously.

Moved by Amyx, seconded by Cromwell to authorize staff to advertise Request for Proposals R1308 for Engineering Services for Project UT1304 Wakarusa Wastewater Treatment Plant, and Request for Proposals R1309 for Engineering Services for Project UT1306 Wakarusa Conveyance Corridor Facilities, and to authorize staff to negotiate with the Kansas Biological Survey for a Biota Study on the Wakarusa River. Motion carried unanimously.

Moved by Dever, seconded by Amyx to authorize staff to advertise Request for Proposals R1307 for Engineering Services for Project UT1305 – Rapid Inflow and Infiltration Reduction. Motion carried unanimously.

Moved by Carter, seconded by Cromwell to award the construction contract for Bid No. B1305 to the low bidder, Garney Construction, in the amount of \$1,967,967 and to authorize the City Manager to execute the construction contract; to authorize the City Manager to execute Supplemental Agreement No. 2 with Wilson and Company in the amount of \$33,800 for construction phase engineering services for project UT1206DS O’Connell Road Waterline. Motion carried unanimously.

Moved by Amyx, seconded by Dever to authorize staff to distribute Request for Proposals for Oread Tank and Pump Station replacement project. Motion carried unanimously.

E. PUBLIC COMMENT: None.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS: None.

H: CALENDAR:

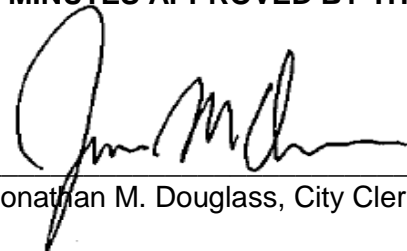
David Corliss, City Manager, reviewed calendar items.

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Cromwell, seconded by Dever, to adjourn at 8:09 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON MARCH 26, 2013.



Jonathan M. Douglass, City Clerk