



City of Lawrence

CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM
MICHAEL DEVER

August 12, 2014

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 Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION. None

B. CONSENT AGENDA

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

1. Approved the City Commission Meeting minutes from 01/07/14, 04/01/14, 04/08/14, 04/15/14, and 04/22/14.
2. Received the minutes from various boards and commissions:

Lawrence Douglas County Bicycle Advisory Committee meetings of 06/17/14, 06/23/14, and 07/15/14
3. Approved claims to 204 vendors in the amount of \$14,844,192.28 and payroll from July 27, 2014 to August 9, 2014 in the amount of \$2,011,842.58.
4. **REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE.** Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment

Biggs on Mass
Biggs Express LLC
719 Massachusetts St.

Expiration

New License

Cereal Malt Beverage – Off Premise

Friends Corner
Mohan T. Reddy
1900 Haskell Avenue

New License

5. Approved appointments as recommended by the Mayor.



Convention & Visitors Bureau Advisory Board: Reappointed Sam Bhakta, Katy Isben, Bernie Kish and Jason Booker to additional terms that would expire 07/01/18 and appointed Derek Kwan to a position that would expire 07/01/18.

6. Bid and purchase items:
 - a) Approved the purchase of miscellaneous office furniture from Staples Advantage, for a total of \$62,816, funded from the \$18 million library renovation debt issuance.
 - b) Authorized the renewal of the City's annual agreement for Microsoft software maintenance for the period of July 1, 2014 – June 30, 2015 to Software House International for \$89,264.
7. Adopted on second and final reading the following ordinances:
 - a) Ordinance No. 9024, allowing the sale, possession and consumption of alcohol on Delaware Street, from 8th Street to 9th Street, and the parking lot south of the Poehler Lofts, 619 E 8th Street, from 4:00 p.m. to 11:00 p.m. on Saturday September 13, 2014, associated with the 2014 SeedCo Harvest Event.
 - b) Ordinance No. 9030, approving and appropriating the 2015 City of Lawrence Operating and Capital Improvement Budget.
 - c) Ordinance No. 9031, attesting to the increase in property taxes levied for 2015, and authorized publication of the notice of vote.
 - d) Ordinance No. 9004, establishing solid waste service rates, effective November 15, 2014.
 - e) Ordinance No. 9025, designating K-10 within the city limits as a main Trafficway.
 - f) Ordinance No. 9032, removing Pennsylvania Street from 8th Street to 9th Street, from the Schedule of Truck Delivery Routes.
8. Adopted Resolution No. 7085, declaring 1246 Prairie Avenue environmentally blighted and ordering the property owner to abate the violations within 20 days of the passage of said resolution. Failure of the property owner to comply would result in the City contracting to have the blight removed with expenses being assessed against the property.
9. **REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE.** Authorized the City Manager to execute the performance agreement with HERE Kansas, LLC regarding the Neighborhood Revitalization Act project at 1101 and 1115 Indiana Street.
10. Authorized the City Manager to execute a License Agreement permitting USD 497 to use a portion of the Vermont Street Right of Way for the installation of 24 angled parking spaces for use by Cordley Elementary School in accordance with the terms of that Agreement.

11. Received a letter from the Bicycle Advisory Committee to support the creation of a taskforce to recommend implementation priorities for the multimodal studies.
12. Approved temporary parking on the north side of East 15th Street, east of Haskell Avenue adjacent to East Heights Elementary school site during drop-off periods. The parking would be allowed temporarily in the bicycle lanes, only during drop off periods and only while East Heights is used during school construction projects.

REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE. Approved licenses as recommended by the City Clerk's Office.

Commissioner Schumm removed item 2 from the consent agenda for a separate vote regarding approval of the licenses as recommended by the City Clerk's Office.

Moved by Riordan, seconded by Dever, to approve the licenses as recommended by the City Clerk's Office. Aye: Amyx, Dever, Farmer and Riordan. Nay: None. Abstain: Schumm. Motion carried.

Mayor Amyx removed item 9 from the consent agenda for separate vote.

Amyx asked Corliss to discuss the item.

Corliss stated this is a standard agreement they prepared and negotiated with the applicant.

Moved by Farmer, seconded by Riordan, to authorize the City Manager to execute the performance agreement with HERE Kansas, LLC regarding the Neighborhood Revitalization Act project at 1101 and 1115 Indiana Street. Aye: Dever, Farmer and Riordan. Nay: Amyx and Schumm. Motion carried.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding special population's camps; and, the video tour of Sports Pavilion Lawrence.

Riordan stated we recently had a storm and he wanted to commend the city for doing the clean-up in such an expeditious and safe way.

Amyx thanked everyone that works in those departments that helped get things cleaned up and the city back in business.

D. REGULAR AGENDA ITEMS:

1. **Considered adopting Resolution No. 7083-A, authorizing and calling a special question election submitting to the voters the proposition of levying a special one-quarter of one percent city retailers sales tax to pay the cost of constructing and equipping a police facility and directing notice of special question election to be published, or Resolution No. 7083-B, authorizing and calling a special question election submitting to the voters the proposition of levying a special two-tenths of one percent city retailers sales tax to pay the cost of constructing and equipping a police facility and directing notice of special question election to be published.**

David Corliss, City Manager, presented the staff report.

Schumm stated I am looking at the two charts in your staff memo, the one that has .2 percent, the other one at .25. At the end of 10 years under .2 there's almost 1.6 million in surplus if the projection comes in. Where does that money end up?

Corliss stated we turn it off sooner if that's where we're landing. The state doesn't allow us to do increments other than a .05 percent. Theoretically, you could write it so you could have a zero balance. I wouldn't recommend that, it's too tight. It has to be spent on the facility.

Schumm stated we would turn off the tax quicker and there would be a very small balance left we would put grass seed in the lawn or something.

Corliss stated we have the ability to do that. Give the state, I think, 90 days' notice. We should be able to forecast it pretty well.

Mayor Amyx called for public comment.

After receiving no public comment, Mayor Amyx thanked the Commission for getting the price tag to a place that everyone feels comfortable with. It will pay for and equip a building that will take us into generations into the future. It's affordable at two-tenths of one percent. Are we comfortable with the two issues, the two resolutions that are before us? Is there one we want to talk about over the other? My recommendation would be the two-tenths at 9 years. I believe that Resolution 7083-B is the best way to go because it appears to be a more affordable rate. It's as close as we can get and still cover all the costs.

Schumm agreed.

Riordan stated he thinks the .2 makes the most sense.

Schumm stated another way to explain that to people is that it's two dimes per \$100.00.

Farmer stated thanks for the work on the \$24.2 million as opposed to the \$25.7 million. I think that's going to be important. Folks should understand the difference between general purposes verses a special purpose sales tax. This is a special purpose sales tax which is different than the 1994 sales tax which was a general purpose sales tax. After 9 years, or such time, we collect enough money to pay for this, it's turned off. It can't be extended for other general governmental purposes. This is the culmination of a lot of hard work from all of us who have made this a priority and I'm ecstatic for our police department. They've deserved and needed this for a long time. The real work is just beginning. We've got a 90 day fast and furious campaign that's going to have to go before the community. I hope the folks of Lawrence will step up to the plate and fund this and be proud that we've made this a priority. I think the 24.2 is a great number and thanks to all of you guys for getting behind it. The Hallmark site is the best one and we'll see long term benefits and gains from that in relationship to the amount of time and resources, the indirect costs that will be saved over the next 20 years.

Schumm stated he wanted to point out for the public that because this site is the site we're selecting, it helps five other entities in terms of their mission. It's going to help the hospital in terms of parking, the school system in terms of another maintenance opportunity, Boys and Girls Club, we hope, will land there for their teen center and there is an opportunity for a recreation center that we can't find a place for in the community. The site itself is advantageous for answering the needs for other people so it's a nice community fit.

Moved by Farmer, seconded by Schumm, to adopt Resolution No. 7083-B, authorizing and providing for the calling of a special question election in the City of Lawrence, Kansas, for the purpose of submitting to the qualified electors of the City the proposition of levying a special two-tenths of one percent (0.20%) retailers' sales tax in the City, for the

purpose of paying the cost of constructing and equipping a police facility and related parking and infrastructure improvements therefor. Motion carried unanimously.

2. **Considered authorizing the Mayor to execute the amendment to the 2012-2015 Memorandum of Understanding with the Lawrence Professional Firefighters IAFF Local 1596 concerning the 2015 general wage adjustment.**

Diane Stoddard, Assistant City Manager, presented the staff report.

Amyx asked for 2015, this increase is going to be paid from where?

Stoddard stated it's, approximately, a \$90,000 increase and, at your direction, there is appropriate expenditure authority within the cash balance of the general fund, that I understand, would be a source.

Schumm asked if we're only liable for 75% of that amount.

Stoddard stated that's correct.

Schumm stated it was in the paper that it was going to be a \$90,000 charge but it's really 75% of that amount.

Stoddard stated because the county would take on the remaining share.

Mayor Amyx called for public comment.

After receiving no public comment Mayor Amyx stated he wanted to thank Stoddard for heading up the negotiating team and the work she has put in this year getting all this done. He thanked Schumm, and all the members, for their time and hard work on this.

Moved by Schumm, seconded by Riordan, to authorize the Mayor to execute the amendment to the 2012-2015 Memorandum of Understanding with the Lawrence Professional Firefighters IAFF Local 1596 concerning the 2015 general wage adjustment. Motion carried unanimously.

3. **City auditor report: Performance Audit on Rock Chalk Park Infrastructure Improvement monitoring.**

Michael Eglinski, City Auditor, presented the City auditor report.

Amyx asked Eglinski if the RCP audit is a public document.

Eglinski stated it's in the construction contract. That's a contract between RCP and the developer, who's building the project. It calls for the owner, which is RCP, their auditors, to review and report in writing on the contractor's final accounting within 30 days after delivery of the final accounting to the architect by the contractor. So, we're not really part of that in that it's not coming to you. I don't know if we have access to it.

Corliss stated I've asked the University of Kansas Endowment Association whether or not we'll have access to that and I've been advised that the answer is yes. We'll have access to every document that they'll have access to in regards to this.

Amyx stated my question then is, if someone were to request those, once it comes to us, does that mean it's a public document.

Corliss stated I would insist that it be a public document. We would put it up on the website.

Eglinski stated I think it could be a strong control.

Corliss stated what I've asked Monte Soukup, who is vice president, our primary liaison with the KU Endowment Association on this, is would we have access to that audit. He told me we would have access to all the documents that he'll have access to in regards to the documents that showed the payments and such throughout the project.

Schumm asked is that what the city pays, is what the audit shows?

Corliss stated the audit will be a verification tool to show that the work was done and what the costs are. What we'll pay is, pursuant to the development agreement, costs that we can show are appropriately verified for the work that's appropriately verified. You have been receiving the monthly reports.

Schumm asked what if there's a substantial difference between the numbers.

Corliss stated we'll have a pretty healthy discussion. We're going to pay what the contract that we have with them says that we'll pay for.

Mayor Amyx called for public comment.

Moved by Farmer, seconded by Riordan, to receive the report.

D. PUBLIC COMMENT:

Robin Krug, coach with Ad Astra Area Aquatics, stated we're a swim club in town. We're an off shoot of what was originally Aquahawks. We're having difficulty negotiating with the Parks and Recreation department and I was hoping that one of you, or you can direct us somewhere where we can get a third party, to help us negotiate the use of the indoor aquatics center. We currently have 159 swimmers and we've acquired the use of Haskell for a few hours each night to alleviate some of it but we just don't have enough lane space. The relationship doesn't seem to be getting any better. I know some of you have heard about this from a few years ago when space between two teams was important for each of us. We're back to that place again. I'm here to ask for some help.

Amyx asked if we came up with an agreement a few years ago to deal with this.

Krug stated it has been working fairly well. However, this year we have ½ the lanes we had last year and we don't have enough space to have the kids in the water. We're trying to work with Haskell to allow us to use the pool later to accommodate. I think there are 12 or 14 lanes available after school and before kids go to bed. We have 9 year olds that can't be up that late at night. As of the meeting, it was worked out prior to today but now we have 4 lanes for our kids and it's not getting better it seems to be getting worse.

Amyx stated I think what we need to do is direct you to the City Manager and to see if it can be worked out. If it can't then this body as a whole ought to be the final decision on all of this as it was before.

Corliss stated this is news to me, as far as a current issue. We'll get some contact information, find out and give you a comprehensive report as to what we're doing. If we're not balancing it appropriately the free swim interests, the club interests, the meet interests, the school interests, you will direct us accordingly.

Mallory Liss stated what this is, is a petition that I started on Friday on behalf of downtown Lawrence employees. It's pretty straightforward on the front. The reason I did it, is because in September the New Hampshire parking garage will no longer have free parking on the top level. I am a downtown employee and know a lot of people that work downtown and it had been a constant issue for years with parking. What I'm proposing is if this is now a fee for parking on the top that the city comes up with some type of system for either discounted or free passes for employees that can prove they work downtown with a paystub, something of that nature, for either an annual or a monthly pass.

Amyx stated the current passes are \$192 a year and on a 5 day week that's like 73 cents a day.

Liss stated the angle that I was going with, with the monthly pass, is that for a lot of people that work downtown we work retail, restaurants, we don't make a lot of money. The \$200.00 chunk, at one time, can be difficult. So, if there was some kind of discounted, monthly pass that would be a smaller chunk at a time which I think would be easier.

Amyx asked Liss, would your employer be willing to help with parking for employees.

Liss stated I'm not sure, I would have to ask. Do you mean the business? Would they be willing to pay for it?

Amyx asked if they would be willing to buy a permit for you.

Liss stated I'm not sure but I can ask. I would hope so. I know that I'm in support of it. With this petition, I sent it out to a lot of different restaurants, shops, bars, different places downtown through both email and Facebook. I've heard back from quite a few places so far and I just started this petition last Friday. So, it's been five days and I already have 184 signatures. With that print out that has the signatures and at the end it has comments. I think if you take the time to read through the comments you can see that it's a really common thing for downtown employees to have issues parking.

Amyx stated I have employees too that go through the same thing.

Liss stated if there is something we can do to compromise with the New Hampshire top level not being free long term parking anymore, it would help us out a lot. This far, I have heard back with support from Weaver's, Acme, Liberty Hall, Encore, Merchants, Ramen Bowls, Yarn Barn, Salon DiMarco, Third Planet, Minsky's Pizza and the Dusty Book Shelf which is a lot of support in 5 days.

Schumm stated I traded a couple of emails with you this week. I pointed out that the top floor of the 700 block of Vermont is free. Some of those stores that you just read off are right across the street from my office and I park up there, so I don't understand, it's not that far from Weaver's. If we're offering free space, it seems like that answers the situation. There are quite a few spaces. The whole unit is 300 so there are probably about 70 or 80 per floor. It seems like it was underutilized and we want to get activity there so free sounds like the best price.

Liss stated I think with that one, the New Hampshire garage was so much more centralized than the Vermont St. so that's why a lot of people park there and it's been there longer. I agree it's really nice.

Schumm stated if we're in New York or even the Plaza that would be a very short walk. It's healthy, it's good exercise and you get to enjoy downtown.

Liss stated if you want to have one that's free and one pay, you could have the Vermont St. for the pay one and New Hampshire is free.

Schumm stated that's not where the demand is. The demand for parking is because the building that's going at 9th and New Hampshire is where we're trying to control the parking, where we're trying to facilitate parking and the demand. We've got less demand on the other one so we're making that free.

Liss stated that's why I'm not just saying free passes for parking, I'm also saying discounted for monthly and annually. If it was a little bit cheaper, a little bit easier for people with less income that more people would buy passes. I don't know how many people buy

annual passes now at the \$192 price but I feel if it went down a little bit you'd make more income that way to help with maintaining the garages.

Amyx stated what we'll do is visit with the City Manager, get some cost numbers and have this put on the City Manager's report in the next several weeks and see if we can come to some kind of conclusion about whether or not we want to change the use on the top floor or maybe discount something.

Farmer stated I got your email about the number of total passes sold, 672 for the year, thus far, which generates, at \$192, \$129,024 in revenue. Do we know what it costs to maintain those spots? Is it balanced with what the fees that are collected verses what it costs the city to maintain?

Corliss stated the parking fund provides enough money for staffing the parking control officers that help us with turnover and it's for a police officer which is part of the whole system but we put some funds for that for a police officer and some money for beautification. We do not have enough revenue generated from parking passes and from meters and fines to pay to maintain our system. We have to issue debt the entire community pays for in order to rehabilitate parking garages which is a growing concern with adding more parking garages. We also pay for resurfacing lots, which almost always comes from the city's general fund where we're paying for street maintenance. The parking fund does not generate enough revenue to take care of our parking system. We do need to have some revenue contributions in order to keep the system in operation. I came up with the idea of making the New Hampshire Street garage free 10 years ago. I'm glad we did it because it was heavily underutilized, but we moved people there that didn't have the ability to pay. It's now seeing a great increase in utilization because of a lot of things we've done in an area and when the hotel opens up and that retail opens up, I think it will see even more. That's why the suggestion was to start having payment in a very modest amount. The \$192 pass has not changed since 1996, almost 20 years ago. It's a modest contribution to pay for parking.

Farmer stated in relationship to a lot of programs that offer reduced rates or free things, in my experience folks have to prove what their income is, it's not just a self-declaration statement of how much money you make, it's like you have to bring in a bank statement etc... Is that something you would be willing to do to bring in how much money you make to disclose that information to the City in exchange for reduced parking?

List stated I would personally.

Amyx stated we'll look at it and I'll get in touch with you over the next couple of weeks.

Liss stated okay.

Schumm stated in that report that comes back from the City Manager, can you include two things. First, the load factor on the 7th Street upper parking deck during peak hours and second what KU charges for parking.

Farmer stated Corliss talked about visiting communities where the parking rates were significantly higher than what it is in Downtown Lawrence. I'd be interested in seeing some other comparable communities with thriving downtowns to see what there parking rates are and what they do for other folks, if they have a program for people that work downtown and perhaps in similar situations, I'd like that to be included in the report too.

Corliss stated we'll get that information together.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Amyx stated I was talking with the people that were involved with possibility of having a grocery store downtown and discussion about potential traditional liquor store downtown. I was really surprised that it was an allowed use downtown.

Corliss stated the CD zoning district a retail liquor store is an allowed use.

Amyx stated I was under the impression that it was not after the last one closed, it seemed like quite a few years ago. I always thought it wasn't an allowed use. One of the

things I would like to ask Corliss is to give me and the Commission history about what can happen if we wanted to do a change in the use tables in the CD zoning district. I don't know if it's something we want to initiate, but to give a little bit of an update in the next several weeks.

Corliss stated okay.

Schumm stated I can understand the push for the competition.

Amyx stated I'm trying to separate the two.

Schumm stated it's actually a miss-founded rumor, it's not happening. On the other hand as you put more and more dwelling units, you want more services that mimic the strip centers where we live. You want drycleaners, liquor stores, quick service groceries, and things like that. If we start outlawing uses which actually support the living units that we want to get down here we're kind of fighting ourselves. We'll take a look but maybe you want to put a size on it. In the 1970's there was 4 or 5 liquor stores downtown.

Amyx stated I understand, but we haven't had a liquor store in a long time. I thought the use had changed at not allowed.

H: CALENDAR:

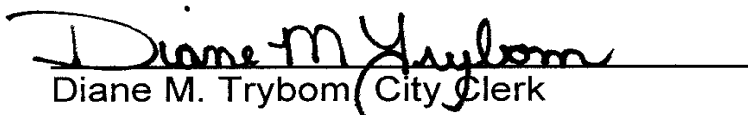
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Farmer, to adjourn at 7:27 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON OCTOBER 7, 2014.


Diane M. Trybom (City Clerk)

