



City of Lawrence

CITY MANAGER'S OFFICE

THOMAS M. MARKUS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
STUART BOLEY

COMMISSIONERS
LISA LARSEN
JENNIFER ANANDA, JD, MSW
MATTHEW J. HERBERT
LESLIE SODEN

December 18, 2018

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Boley presiding and Vice Mayor Larsen, Commissioner Herbert and Commissioner Soden present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Recognition of Webelos Den Pack 3370.

B. CONSENT AGENDA:

Vice Mayor Larsen requested removal of items 13 and 14 for separate vote.

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to approve the consent agenda as below except for items 13 and 14. Motion carried unanimously.

1. Approve City Commission meeting minutes from 12/11/18.
2. Receive minutes from various boards and commissions:

Affordable Housing Advisory Board meeting of 11/12/18
Community Police Review Board meeting of 10/10/18
Parks & Recreation Advisory Board meetings of 08/13/18, 09/10/18, 10/08/18, and 11/12/18
Public Transit Advisory Committee meeting of 10/08/18
3. Approve claims in the amount of \$7,539,336.77 to 223 vendors.
4. Approve licenses as recommended by the City Clerk's Office.

| Caterer | Expires |
|---|----------------------------|
| The Cider Gallery 810 Gallery LLC 810 Pennsylvania St | New Change in Ownership |
| Cereal Malt Beverage – Off Premise Pending Departmental Approval | Expires |
| Checkers 2300 Louisiana | 12/31/2018 |
| Circle K #1628 Circle K Stores | 12/31/2018 |



| | |
|--|------------|
| 1802 West 23 rd St | |
| Circle K #1634 Circle K Stores 2330 Iowa St | 12/31/2018 |
| Circle K #1635 Circle K Stores 1030 North 3 rd St | 12/31/2018 |
| Commerce Plaza BP 3020 Iowa St | 12/31/2018 |
| Dillon's #19 4701 West 6 th St | 12/31/2018 |
| Dillon's #68 3000 West 6 th St | 12/31/2018 |
| Dillon's #70 1015 West 23 rd St | 12/31/2018 |
| Dillon's #98 1740 Massachusetts St | 12/31/2018 |
| Hy-Vee #1 3504 Clinton Pkwy | 12/31/2018 |
| Hy-Vee Gas #1 3905 Clinton Pkwy | 12/31/2018 |
| Hy-Vee #2 4000 West 6 th St | 12/31/2018 |
| Hy-Vee Gas #2 4020 West 6 th St | 12/31/2018 |
| Jayhawk Food Mart 701 West 9 th St Suite A | 12/31/2018 |
| Kwik Shop #702 1846 Massachusetts St | 12/31/2018 |
| Kwik Shop #718 3440 West 6 th St | 12/31/2018 |
| Kwik Shop #721 845 Mississippi St | 12/31/2018 |
| Kwik Shop #784 1420 Kasold | 12/31/2018 |
| Kwik Shop #785 1611 East 23 rd St | 12/31/2018 |
| Kwik Shop #786 4841 West 6 th St | 12/31/2018 |
| Lawrence Campground, Inc Kansas City West KOA 1473 Hwy 40 | 12/31/2018 |
| QuikTrip #167 1020 East 23 rd St | 12/31/2018 |
| Sprouts Farmers Market #173 | 12/31/2018 |

| | |
|---|----------------|
| SFM, LLC 4740 Bauer Farm Road | |
| Stanley James Smokehouse CheckersXtra LC 1500 E. 23 rd St | New |
| Target Store T-0531 3201 Iowa St | 12/31/2018 |
| Tobacco Bazaar Shafeen Retail LLC 14 East 8 th St | 12/31/2018 |
| Walgreens #03055 321 West 6 th St | 12/31/2018 |
| Walgreens #03056 400 West 23 rd St | 12/31/2018 |
| Walmart #484 3300 Iowa St | 12/31/2018 |
| Cereal Malt Beverage – On Premise Pending Departmental Approval | Expires |
| Biemers BBQ 2120 West 9 th St | 12/31/2018 |
| Border Bandido 1528 West 23 rd St | 12/31/2018 |
| Burgers by Biggs 4801 Bauer Farm Dr Suite A | 12/31/2018 |
| Country Inn & Suites by Radisson Cave Inn LLC 2176 East 23 rd St | 12/31/2018 |
| Eagle Bend Golf Course 1250 E 902 Rd | 12/31/2018 |
| Pyramid Pizza 1029 Massachusetts St | 12/31/2018 |
| SpringHill Suites Lawrence BCL ABC_KS LLC 1 Riverfront Plaza | 12/31/2018 |
| Stanley James Smokehouse CheckersXtra LC 1500 E. 23 rd St | New |
| Towne Place Suites 900 New Hampshire | 12/31/2018 |
| Drinking Establishment | Expires |
| Gaslight Garden, LLC 317 North 2 nd | 12/31/2018 |
| McLains Market 1420 Crescent Rd | 12/31/2018 |

| Sidewalk Dining & Hospitality | Address |
|--|-------------------|
| Luckyberry Juice Café | 845 Massachusetts |
| Ramen Bowls | 918 Massachusetts |

5. Bid and purchase items:
 - a) Award Bid No. B1856 for one (1) Roll off container refuse truck for the Solid Waste Division, to Armor Equipment Company in the amount of \$126,188.00, as part of the 2019 CIP (PW19SW4CIP) replacement schedule.
 - b) Authorize the City Manager to execute purchase orders not to exceed \$200,000 for any individual pre-qualified plumbing contractor and \$1,000,000 total for all plumbing contractors for 2019 private property inflow and infiltration repairs associated with the Rapid Inflow and Infiltration Reduction Program (CIP #UT9909).
6. Adopt Resolution No. 7277, authorizing the City to invest certain city funds in accordance with State Law governing the investment of public funds. Due to an administrative error in last week's consent agenda item, staff is requesting to adopt this Resolution again.
7. Approve a request to rezone, Z-18-00481, approximately 1.6 acres from IL (Limited Industrial) District to IBP (Industrial/Business Park) District, located at 1314 Research Park Drive, and adopt on first reading, Ordinance No. 9611. Initiated by City Commission on 11/6/18. (PC Item 6; approved 10-0 on 11/14/18)
8. Approve a Text Amendment, TA-18-00466, to the City of Lawrence Code, Chapters 18 & 20, regarding the use of synthetic turf, and adopt on first reading, Ordinance No. 9612 and Ordinance No. 9616. Initiated by City Commission on 10/16/18. (PC Item 3; approved 9-1 on 11/14/18)
9. Approve a Comprehensive Plan Amendment, CPA-18-00365, to Horizon 2020, Chapter 14 Specific Plans, to amend the Southeast Area Plan to include the southeast corner of the intersection of E. 23rd Street and O'Connell Road related to development located at 2110, 2120 and 2130 Exchange Court, and adopt on first reading, Joint City Ordinance No. 9613/County Resolution No. _____. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record. (PC Item 5A; approved 8-2 on 11/14/18)
10. Approve a request to rezone, Z-18-00364, approximately 4.31 acres from CO (Office Commercial) District to CN2 (Neighborhood Shopping Center) District [Original request was from CO (Office Commercial) District to CC200 (Community Commercial) District] excluding and prohibiting specific uses within the CC200 District, located at 2110, 2120 and 2130 Exchange Court and adopt on first reading, Ordinance No. 9614. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record. (PC Item 5B; approved 8-2 on 11/14/18)
11. Authorize the City Manager to enter into an agreement with US Bank for banking services for 2019.

12. Authorize the City Manager to enter into an agreement with RSM US LLC to conduct the 2018 annual financial audit with an option to extend an additional three (3) years.
13. **REMOVED FOR SEPARATE VOTE:** Receive the recommendations for 2018 Housing Trust Fund applications from the Affordable Housing Advisory Board. Direct staff to draft agreements with Tenants to Homeowners, Inc. and the Willow Domestic Violence Center, and Lawrence-Douglas County Housing Authority and Family Promise of Lawrence, in accordance with the recommendations by the Affordable Housing Advisory Board.
14. **REMOVED FOR SEPARATE VOTE:** Authorize the City Manager to sign a letter agreement and any other necessary documents with Willdan Group, Inc. of Lawrence, Kansas enabling the City of Lawrence to participate in any tax savings enjoyed by Willdan Group, Inc. related to the design of various energy efficient projects for the City of Lawrence.
15. Authorize the addition of regular agenda items to the January 8, 2019 City Commission meeting.
16. Authorize the Mayor to sign the Subordination Agreement for Marily Mulingbayan, 3408 Sweet Grass Court.
17. Receive County response to city letter in follow up to joint City/County/School District meeting in September 2018.

Items removed for a separate vote:

13. Receive the recommendations for 2018 Housing Trust Fund applications from the Affordable Housing Advisory Board. Direct staff to draft agreements with Tenants to Homeowners, Inc. and the Willow Domestic Violence Center, and Lawrence-Douglas County Housing Authority and Family Promise of Lawrence, in accordance with the recommendations by the Affordable Housing Advisory Board.

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

Ron Gaches, Affordable Housing Advisory Board Vice-Chair, presented a report.

Moved by Vice Mayor Larsen, seconded by Commissioner Herbert, to direct staff to draft agreements with Tenants to Homeowners, Inc. and the Willow Domestic Violence Center, and Lawrence-Douglas County Housing Authority and Family Promise of Lawrence, in accordance with the recommendations by the Affordable Housing Advisory Board. Motion carried unanimously.

Moved by Vice Mayor Larsen, seconded by Mayor Boley, to send back to the Affordable Housing Advisory Board to review the \$90,000 that was not funded for Lawrence-Douglas County Housing Authority and Family Promise of Lawrence and consider the possibility of fully funding the request from the fiscal year 2019 budget. Motion carried unanimously.

14. Authorize the City Manager to sign a letter agreement and any other necessary documents with Willdan Group, Inc. of Lawrence, Kansas enabling the City of Lawrence

to participate in any tax savings enjoyed by Willdan Group, Inc. related to the design of various energy efficient projects for the City of Lawrence.

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

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to authorize the City Manager to sign a letter agreement and any other necessary documents with Willdan Group, Inc. of Lawrence, Kansas enabling the City of Lawrence to participate in any tax savings enjoyed by Willdan Group, Inc. related to the design of various energy efficient projects for the City of Lawrence. Motion carried unanimously.

C. PUBLIC COMMENT:

The Commission heard public comment on items and issues not scheduled on the agenda.

D. REGULAR AGENDA ITEMS:

1. **Consider adopting Resolution No. 7276, finding it in the public interest to appropriate, through the exercise of eminent domain, certain private property interests, including a utility and pedestrian easement and a temporary construction easement, for the use of the City for the purpose of a road and waterline improvement project, including construction of sidewalks and other appurtenances thereto, on property commonly located at 2305 Vermont Street, Lawrence, Douglas County, Kansas.**

Maria Garcia, Assistant City Attorney, presented a staff report.

Melinda Harger, MSO Assistant Director, presented a staff report.

Moved by Mayor Boley to adopt Resolution No. 7276. Motion failed for lack of a second.

Moved by Mayor Boley, seconded by Vice Mayor Larsen, to defer consideration of Resolution No. 7276 until January 8th. Aye: Mayor Boley, Vice Mayor Larsen, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 3-1.

2. **Consider approving the third amendment to the lease agreement between the City of Lawrence, Douglas County, and the Bioscience Technology Business Center (BTBC) to extend the lease repayment schedule for the BTBC expansion facility located at 4950 Bob Billings Parkway for one year through 2019, as requested by the BTBC.**

Britt Crum-Cano, Economic Development Coordinator, presented the staff report.

Adam Courtney, BTBC Vice President of Finance, presented a report.

Commissioner Ananda joined the meeting at 7:19 p.m.

Moved by Commissioner Soden, seconded by Commissioner Herbert, to approve the third amendment to the lease agreement between the City of Lawrence, Douglas County, and the Bioscience Technology Business Center. Motion carried unanimously.

3. **Consider authorizing the City Manager to execute a Cooperative Agreement for study of Traffic and Pedestrian Stops with Douglas County, Eudora, Baldwin City, and the University of Kansas.**

Gregory Burns, Chief of Police, presented the staff report.

Moved by Commissioner Soden, seconded by Commissioner Ananda, to authorize the City Manager to execute a Cooperative Agreement for a study of Traffic and Pedestrian Stops with Douglas County, Eudora, Baldwin City, and the University of Kansas. Motion carried unanimously.

The Commission took a 5-minute break at 8:07 p.m.

4. **Consider authorizing the City Manager to execute a construction management agreement with Turner Construction, in the amount of \$35,000 for preconstruction services, and 2.45% of the Guaranteed Maximum Price for Construction, to be established later in 2019, for the Police Facility Phase 1, Project PD1803CIP.**

Melinda Harger, MSO Assistant Director, presented the staff report.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to authorize the City Manager to execute a construction management agreement with Turner Construction. Motion carried unanimously.

5. **Brief tour of City Hall Riverfront that will house Planning & Development Services and Municipal Court.**

Scott McCullough, Planning & Development Services Director, presented the staff report.

The executive session was moved to the end of the meeting.

E. COMMISSION ITEMS:

Commissioner Soden discussed attendance at the National League of Cities Conference in March; and, asked staff to follow up on public comment on wind energy.

Mayor Boley asked staff to follow up on the cost of incarceration for marijuana offenses.

F. CITY MANAGER'S REPORT:

Thomas M Markus, City Manager, presented information on the following items: Sales Tax Collections, Update on Lawrence Transit Transfer Hub Location Discussions, Follow Up Regarding Utility Billing Refunds, November 2018 Utility Billing Report, Update on Queens Road Next Steps, 19th and Iowa Streets Signal Timing, City Boundary Description, Fleet Manager, Robert Aaron, becomes Certified Public Fleet Professional (CPFP) through the American Public Works Association, Former Farmland Property Update, Update on Audit of Lawrence Sports

Corp Junior Olympic Expenses, Update on Master Plans per Vice-Mayor request, Follow Up Information on Residency Requirements for City Employees, Employee Performance Appraisal Follow Up Information, Affordable Housing Article, Economic Impact of Tourism in Douglas County, Future Agenda Items, and Future Work Session Items.

G. CALENDAR:

The Commission reviewed calendar items.


H. EXECUTIVE SESSION:

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to recess into executive session at 9:31 p.m. for approximately 15 minutes to discuss an employment matter involving specific employees pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The open meeting will resume in the City Commission room at the conclusion of the executive session. Motion carried unanimously.

The Commission returned at 9:46 p.m. and had nothing to report.

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to adjourn at 9:48 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JANUARY 8, 2019.



Sherril Riedemann, City Clerk