



City of Lawrence

CITY COMMISSION

MAYOR
LISA LARSEN

COMMISSIONERS
JENNIFER ANANDA, JD, MSW
MATTHEW J. HERBERT
LESLIE SODEN
STUART BOLEY

THOMAS M. MARKUS
CITY MANAGER

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March 5, 2019

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 Larsen presiding and Vice Mayor Ananda, Commissioner Boley, Commissioner Herbert and Commissioner Soden present.

A. APPROVE AGENDA:

1. The City Commission reserves the right to amend, supplement, or re-order the agenda during the meeting.

Moved by Commissioner Herbert, seconded by Commissioner Boley, to re-order the agenda by moving regular agenda item 8 to the first item on the regular agenda. Motion carried unanimously.

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim Sunday, March 17, 2019 as the Thirty-Second Annual St. Patrick's Day Parade.

C. CONSENT AGENDA:

Commissioner Soden requested removal of items 7(f) and 8(c) for a separate vote.

Moved by Commissioner Herbert, seconded by Vice Mayor Ananda, to approve the consent agenda as listed below except for items 7(f) and 8(c). Motion carried unanimously.

1. Approve City Commission meeting minutes from 02/19/19.
2. Receive minutes from various boards and commissions:

Affordable Housing Advisory Board meeting of 01/14/19
Bert Nash Governing Body Board meetings of 12/11/18 and 01/29/19
Human Relations Commission meeting of 11/16/18
LMH Health Governing Board meeting of 01/16/19
Lawrence Douglas County Advocacy Council on Aging meeting of 01/15/19
Lawrence Douglas County Housing Authority meeting of 01/28/19
Transportation Commission meetings of 11/28/18 and 12/03/18

3. Approve claims in the amount of \$5,209,939.44 to 294 vendors.
4. Approve licenses as recommended by the City Clerk's Office.



Cereal Malt Beverage	Expires
La Estrella La Estrella Latina, LLC 2449 Iowa St Suite D	New
Drinking Establishment	Expires
Blue Moose 525 Wakarusa Dr Suite D	02/28/2019
Jayhawk Club 1809 Crossgate Dr	03/09/2019
Twisted Fresh 4931 West 6 th Street Suite 118A	New
Retail Liquor	Expires
Harper Liquor 2220 Harper St Suite C	02/27/2019
Parkway Wine & Spirits Fadden Enterprises, LLC 3514 Clinton Parkway Suite B	12/22/2018

5. Approve appointments as recommended by the Mayor.

Douglas County Food Policy Council: Appoint Connie Fitzpatrick to a term that expires 12/31/20.

Historic Resources Commission: Appoint Chad Foster to a term that expires 03/01/22.

Public Health Board: Reappoint Stephen B. Fawcett, Ph.D. to an additional term that expires 03/31/22.

Sustainability Advisory Board: Appoint Lei-Lei Mitchell to a position that expires 12/31/21.

6. Bid and purchase items:

- a) Award Bid No. B1908 - Rehabilitation of the elevator at the New Hampshire Street Parking Garage (PW1906, PW20B4CIP) – to KONE Inc. in the amount of \$108,400.00 and authorize the City Manager to execute an agreement.
- b) Authorize the purchase of two (2) emergency standby generators for Water Treatment Plant operations from Foley Equipment, in the total amount of \$392,319.16, utilizing the Sourcewell cooperative contract, as part of the 2019 CIP (UT9900CIP) and (UT9901CIP) schedule.
- c) Authorize the purchase of one (1) Stepp STPH 4.0 truck mounted patch body from American Equipment, in the amount of \$107,236.00, utilizing the HGAC cooperative contract, and one (1) truck chassis purchase, from Summit Truck

Group, in the amount of \$81,548.00, utilizing the MACPP cooperative contract, as part of the 2019 CIP (PW22F13CIP) replacement schedule.

- d) Approve Change Order 2, in the amount of \$74,872.67, to Sunflower Paving, Inc. for work to be performed on Capital Improvement Project PW18E10CIP/PW18E9CIP/UT9902CIP, 23rd Street Waterline and Geometric Improvements.
- e) Revise Vendor and Bid Price for Aluminum Sulfate in awarded Bid No. B1848, to Chemtrade for \$0.3345/lb., for 2019 Water and Wastewater Chemical Program.

7. Adopt on first reading, the following ordinances:

- a) Ordinance No. 9610, authorizing the City Manager to administratively determine the dates and times for the prohibition of glass bottles and containers and the prohibition of rooftop access at specified periods during the NCAA Men's Basketball Tournament.
- b) Ordinance No. 9639, allowing the sale, possession, and consumption of alcohol in the 900 block of New Hampshire Street and in the 100 block of east 8th Street on the public right-of-way on the during the 2019 Buskerfest event.
- c) Ordinance No. 9646, allowing the sale, possession, and consumption of alcohol on the public right-of-way on Sunday, April 7, 2019 from 8:00 a.m. to 5:00 p.m. on the 800 block of Pennsylvania Street associated with the Lawrence Beer Company Brew to Brew event.
- d) Ordinance No. 9649, allowing the sale, possession, and consumption of alcohol on the public right-of-way in the 900 block of New Hampshire Street during the Art Tougeau Street Party.
- e) Ordinance No. 9655, pertaining to the sale of beer containing not more than six percent (6.0%) alcohol by volume by any person possessing a cereal malt beverage license.
- f) **REMOVED FOR SEPARATE VOTE:** Ordinance No. 9648, dissolving the Community Development Advisory Committee, effective June 30, 2019 and repealing an outdated version of the Citizen Participation Plan.

8. Adopt on second and final reading, the following ordinances:

- a) Ordinance No. 9640, for a Special Use Permit (SUP-18-00556) for a non-owner-occupied short-term rental located at 508 Florida Street in RM24 (Multi-Dwelling Residential) Zoning District. (PC Item 9; approved 9-0 on 1/23/19)
- b) Ordinance No. 9641, for a Special Use Permit (SUP-18-00563) for a non-owner-occupied short-term rental located at 815 Alabama Street in RS5 (Single-Dwelling Residential) Zoning District. (PC Item 10; approved 9-0 on 1/23/19)
- c) **REMOVED FOR SEPARATE VOTE:** Ordinance No. 9622, Ordinance No. 9623, and Ordinance No. 9624, rezoning (Z-18-00505) approximately 16.116 acres

from OS (Open Space) District, CS (Strip Commercial) District, & IG (General Industrial) District to CD-PD (Downtown Commercial with Planned Development Overlay) District, and to affirm the findings for publication of Comprehensive Plan Amendment, CPA-11-8-11, expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, and 505 N. 2nd Street. (PC Item 2A; approved 9-1 on 12/19/18)

- d) Ordinance No. 9650, adding responsibilities to the Affordable Housing Advisory Board regarding recommendations of HOME investment partnership fund allocations, currently a responsibility of the Community Development Advisory Committee.
 - e) Ordinance No. 9615, pertaining to the regulation of animals.
9. Accept dedication of easements and rights-of-way associated with a Final Plat, PF-19-00014, for Heritage Tractor, located at 1110 E. 23rd Street. Submitted by Area Surveyors, for Muth Properties, LLC, property owner of record.
 10. Authorize the City Manager to execute Supplemental Engineering Services Agreement No. 1 to the Engineering Services Agreement, CIP #UT1892CIP – Naismith Valley Interceptor and Pump Station 8 Abandonment, with Black & Veatch, in the amount of \$329,938.00.
 11. Authorize the City Manager to execute a license agreement with Lawrence Farmers Market, Inc., allowing the use of the Public Library Plaza Park and Vermont Street Parking Garage for Tuesday markets, and City Parking Lot 8 for Saturday markets, during the 2019 Farmers Market season.
 12. Authorize the City Manager to execute a license agreement with Greyhound Lines, Inc. for the use of the City's right-of-way for a bus stop on West 7th Street, between Kentucky Street and Vermont Street.
 13. Authorize the City Manager to execute Supplemental Agreement No. 1 to the Engineering Services Agreement with GHD Inc., for the Farmland Remediation Project, in the amount of \$142,644.
 14. Direct the City Attorney's Office to prepare a call for a special meeting of the City Commission for Saturday, March 23, 2019, in accordance with Section 1-108 (C) of the City Code.

Items removed for separate vote:

7. Adopt on first reading, the following ordinances:
 - f) Ordinance No. 9648, dissolving the Community Development Advisory Committee, effective June 30, 2019 and repealing an outdated version of the Citizen Participation Plan.

Danelle Walters, Community Development Manager, presented the staff report.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to adopt on first reading Ordinance No. 9648. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Boley, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 4-1.

8. Adopt on second and final reading, the following ordinances:

- c. Ordinance No. 9622, Ordinance No. 9623, and Ordinance No. 9624, rezoning (Z-18-00505) approximately 16.116 acres from OS (Open Space) District, CS (Strip Commercial) District, & IG (General Industrial) District to CD-PD (Downtown Commercial with Planned Development Overlay) District, and to affirm the findings for publication of Comprehensive Plan Amendment, CPA-11-8-11, expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, and 505 N. 2nd Street. (PC Item 2A; approved 9-1 on 12/19/18)

Moved by Vice Mayor Ananda, seconded by Commissioner Boley, to adopt on second and final reading Ordinance No. 9622, Ordinance No. 9623, and Ordinance No. 9624, rezoning (Z-18-00505) approximately 16.116 acres from OS (Open Space) District, CS (Strip Commercial) District, & IG (General Industrial) District to CD-PD (Downtown Commercial with Planned Development Overlay) District, and to affirm the findings for publication of Comprehensive Plan Amendment, CPA-11-8-11, expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, and 505 N. 2nd Street. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Boley, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 4-1.

D. PUBLIC COMMENT:

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

E. REGULAR AGENDA ITEMS:

1. **Consider awarding Bid No. B1903, for janitorial services for various City facilities, to Service Systems, in the amount of \$177,192.00.**

Brandon McGuire, Assistant City Manager, presented the staff report.

Moved by Commissioner Herbert, seconded by Commissioner Boley, to award Bid No. B1903 for janitorial services. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Boley, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 4-1.

2. **Consider the following items related to the sale of General Obligations Bonds, Series 2019-A and General Obligation Temporary Notes, Series 2019-I:**

- a) **Consider declaring an emergency and adopt on first and second reading, Ordinance No. 9652, providing for the issuance of General Obligation Bonds, Series 2019-A of the City of Lawrence, Kansas.**
- b) **Consider adopting Resolution No. 7282 prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Bonds, Series 2019-A, of the City of Lawrence, Kansas.**

- c) **Consider adopting Resolution No. 7283 authorizing and directing the issuance, sale, and delivery of General Obligation Temporary Notes, Series 2019-I, of the City of Lawrence.**

Jeremey Willmoth, Finance Director, presented the staff report.

David MacGillivray, Chairman of Springsted Inc., presented a report.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to declare an emergency and adopt on first and second reading, Ordinance No. 9652. Motion carried unanimously.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to adopt Resolution No. 7282. Motion carried unanimously.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to adopt Resolution No. 7283. Motion carried unanimously.

3. **Receive update on the Police Facility Phase 1, Project PD1803CIP.**

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

Katherine Waldrop, Senior Associate Hoefler Wysocki, presented a report.

4. **Consider approving a Special Use Permit, SUP-18-00564, for a Temporary Shelter for The DARE Center, located at 944 Kentucky Street, and adopt on first reading, Ordinance No. 9643. Submitted by the Coalition for Homeless Concerns Inc on behalf of James Dunn, property owner of record. (PC Item 8; approved 5-4 on 1/23/19) Commissioners will need to declare Ex Parte Communications. A valid protest petition has been received; therefore, a super-majority vote (at least 4 out of 5 votes) is required for approval of the Special Use Permit.**

Commissioners declared Ex Parte Communications.

Mary Miller, Planner, presented the staff report.

Moved by Commissioner Herbert, seconded by Vice Mayor Ananda, to approve a Special Use Permit (SUP-18-00564) for a Temporary Shelter for The DARE Center, located at 944 Kentucky Street; and, adopt on first reading, Ordinance No. 9643 including amended language requiring neighborhood meetings every six months for the first year and expiration of the special use permit shall be three years from the publication date of the ordinance. Motion carried unanimously.

The Commission was advised by the City Clerk that the motion for regular agenda item 1 did not include authorization to execute the contract.

Consider awarding Bid No. B1903, for janitorial services for various City facilities, to Service Systems, in the amount of \$177,192.00.

Moved by Commissioner Herbert, seconded by Vice Mayor Ananda, to authorize the City Manager to execute a custodial services agreement with Service Systems, Inc., in the amount of \$177,192.00. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Boley, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 4-1.

5. **Consider approving a Special Use Permit, SUP-18-00572, for a non-owner-occupied short-term rental located at 921 Holiday Drive in PUD (Planned Unit Development) Zoning District and adopt on first reading, Ordinance No. 9642. Submitted by Bingham Investment LLC, property owner of record. (PC Item 12; approved 9-0 on 1/23/19 Commissioners will need to declare Ex Parte Communications. A valid protest petition has been received; therefore, a super-majority vote (at least 4 out of 5 votes) is required for approval of the Special Use Permit.**

Commissioners declared Ex Parte Communications.

Mary Miller, Planner, presented the staff report.

Moved by Vice Mayor Ananda, seconded by Commissioner Soden, to deny a Special Use Permit (SUP-18-00572) for a non-owner-occupied short-term rental located at 921 Holiday Drive in PUD (Planned Unit Development) Zoning District, after finding that a valid protest petition was filed, the use is not compatible with the neighborhood, safety concerns related to the lack of sidewalks and the impact on affordable housing issues. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Boley, Commissioner Soden. Nay: Commissioner Herbert. Motion carried 4-1.

6. **Consider approving a Special Use Permit, SUP-18-00565, for non-owner-occupied short-term rentals located at 888 New Hampshire Street, Units 208, 209, and 216 in CD (Downtown Commercial) Zoning District and adopt on first reading, Ordinance No. 9644. Submitted by First Management Inc on behalf of 100 E. 9th LLC, property owner of record. (PC Item 11; approved 6-3 on 1/23/19) Commissioners will need to declare Ex Parte Communications.**

Commissioners declared Ex Parte Communications.

Katherine Weik, Planner, presented staff report.

Moved by Commissioner Ananda, seconded by Commissioner Boley, to approve a Special Use Permit (SUP-18-00565) for non-owner-occupied short-term rentals located at 888 New Hampshire Street, Units 208, 209, and 216 in CD (Downtown Commercial) Zoning District, and adopt on first reading, Ordinance No. 9644. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Boley, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 4-1.

7. **Consider a request to establish an Infill Community Plan associated with the SmartCode at 1401 W. 23rd Street and 1300 W. 24th Street:**

Commissioners declared Ex Parte Communications.

- a) **Consider a Preliminary Development Plan, PDP-18-00537, (Infill Community Plan - SmartCode) for 23rd Street Mixed Use development, including 119**

residential units for a density of 27 dwelling units per acre and 8,811 square feet of retail space on property located at 1401 W. 23rd Street and 1300 W. 24th Street. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record. (PC Item 13C; approved 9-0 on 1/23/19)

Sandra Day, Planner, presented the staff report.

Moved by Commissioner Herbert, seconded by Commissioner Soden, to approve a Preliminary Development Plan (PDP-18-00537) Infill Community Plan - SmartCode for 23rd Street Mixed Use development at 1401 W. 23rd Street and 1300 W. 24th Street. Motion carried unanimously.

- b) **Consider a request to rezone, Z-18-00536, approximately 5.2 acres from CS (Strip Commercial) District and RM32 (Multi-Dwelling Residential) District to SmartCode T-5, located at 1401 W. 23rd Street and 1300 W. 24th Street and adopt on first reading, Ordinance No. 9645. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record. (PC Item 13B; approved 9-0 on 1/23/19)**

Moved by Commissioner Soden, seconded by Vice Mayor Ananda, to approve rezoning (Z-18-00536) approximately 5.2 acres from CS (Strip Commercial) District and RM32 (Multi-Dwelling Residential) District to SmartCode T-5, located at 1401 W. 23rd Street and 1300 W. 24th Street, and adopt on first reading, Ordinance No. 9645. Motion carried unanimously.

- c) **Consider accepting dedication of easements and right-of-way associated with a Minor Subdivision, MS-18-00535, for South Hills No. 3 Second Replat, for 1401 W. 23rd Street and 1300 W. 24th Street. Submitted by Opus Development Company LLC, for George B. Leinmiller and Marlene J. Leinmiller, property owners of record.**

Moved by Vice Mayor Ananda, seconded by Commissioner Boley, to accept dedication of easements and right-of-way for South Hills No. 3 Second Replat (MS-18-00535). Motion carried unanimously.

8. **Consider authorizing the City Manager to execute an agreement with TSP Environmental, in an amount of \$1,235,158.00, for Bowersock Dam Scour Hole Repairs (CIP #UT1885) and Kansas Riverbank Stabilization (CIP #PW17E9) and engineering design of additional recreational features.**

Charles Soules, Assistant Director, presented the staff report.

Moved by Vice Mayor Ananda, seconded by Commissioner Herbert, to authorize the City Manager to execute an agreement with TSP Environmental. Motion carried unanimously.

9. **Receive report on the Strategic Plan.**

Moved by Commissioner Boley, seconded by Vice Mayor Ananda, to defer this item due to the late hour. Motion carried unanimously.

F. COMMISSION ITEMS:

a) Future agenda item to add.

None.

b) Future work session item to add.

None.

c) Other items.

Commissioner Boley discussed the summer food service program.

Mayor Larsen discussed videotaping some of the other board and commission meetings, specifically Board of Zoning Appeals (BZA) and Historic Resources Commission (HRC).

G. CITY MANAGER'S REPORT:

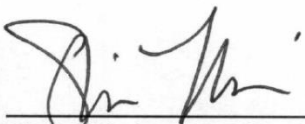
Thomas M Markus, City Manager, presented information on the following items: Lawrence Douglas County Fire Medical Chief Search, Statements of Substantial Interest, Updated 2020 Budget Calendar, Moody's Investment Ratings, State Joint Legislative Transportation Vision Task Force Report, Staff provides comments on the K-10 Highway Supplemental Environmental Impact Statement (SEIS) Purpose and Needs Statement draft, Downtown Master Plan Community Outreach Update, HUD updates to low- moderate Income data for Lawrence MSA, Opportunity Zones Update, Bipartisan Coalition of Senators Secures \$3 Million Grant Match for Southwest Chief, Sidewalk Hazard Mitigation Program, Future Agenda Items and Future Work Session Items.

H. CALENDAR:

The Commission reviewed calendar items.

Moved by Commissioner Herbert, seconded by Vice Mayor Ananda, to adjourn at 11:29 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON MARCH 12, 2019.



Sherril Riedemann, City Clerk