



# 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 19, 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 Boley, seconded by Commissioner Soden**, to approve the agenda as presented except for consent agenda items 9, 10 and 11 which are deferred. Aye: Mayor Larsen, Commissioner Boley, Commissioner Soden. Nay: Vice Mayor Ananda, Commissioner Herbert. Motion carried 3-2.

**B. RECOGNITION/PROCLAMATION/PRESENTATION:**

1. None.

**C. CONSENT AGENDA:**

Commissioner Soden requested removal of items 6(e), 6(f), 8(c), 8(d) and 8(g) for a separate vote.

Mayor Larsen requested removal of item 6(b).

**Moved by Vice Mayor Ananda, seconded by Commissioner Boley**, to approve the consent agenda as listed below except for items 6(b), 6(e), 6(f), 8(c), 8(d) and 8(g). Motion carried unanimously.

1. Approve City Commission meeting minutes from 03/05/19 and 03/12/19.

2. Receive minutes from various boards and commissions:

Affordable Housing Advisory Board meeting of 02/11/19  
Community Development Advisory Committee meeting of 01/24/19  
Parks & Recreation Advisory Board meeting of 12/10/18  
Planning Commission meeting of 01/23/19  
Sales Tax Audit Committee meeting of 12/17/18

3. Approve claims in the amount of \$6,861,569.57 to 298 vendors.



4. Approve licenses as recommended by the City Clerk's Office.

<b>Caterer</b>	<b>Expires</b>
Lawrence Arts Center 940 New Hampshire	03/31/2019
<b>Cereal Malt Beverage (Pending Departmental Approval)</b>	<b>Expires</b>
Aldi #86 3025 Iowa Street	New
CVS/Pharmacy #676 2300 Iowa Street	New
CVS/Pharmacy #3212 4841 Bauer Farm Drive	New
The Merc Coop 901 Iowa Street	New
<b>Drinking Establishment</b>	<b>Expires</b>
HuHot Mongolian Grill 2525 Iowa Street	03/09/2019
SpringHill Suites Lawrence 1 Riverfront Plaza, 300	03/05/2019
<b>Street Vendor</b>	<b>Location</b>
Coney Island Hot Dogs	Northeast Corner of 8 <sup>th</sup> Street and Massachusetts Street

5. Approve appointments as recommended by the Mayor.

Historic Resources Commission – Reappoint Dave Evans to a term that expires 03/01/22.

6. Bid and purchase items:

- a) Award Bid No. B1907, Burrough's Creek Trail Sanitary Sewer Interceptor Rehabilitation Project, to Visu-Sewer, Inc, in the amount of \$673,383.15, as part of the 2019 Clay Pipe/Manhole Rehabilitation Program.
- b) **REMOVED FOR SEPARATE VOTE:** Amend the 2019 Capital Improvement Program, authorizing a new project to repair the Rotary Arboretum parking lot (new CIP# PR1924) in the amount of \$150,000 and award Bid No. B1912 to King's Construction Co., Inc., in the amount of \$148,403.75, which includes a 10 percent project contingency.
- c) Award Bid No. B1911, 2019 Sidewalk Hazard Mitigation Program, to USA Concrete, Inc., in the amount of \$68,727.00.
- d) Award Bid No. B1910, Downtown Paver Replacements, to GSR Construction, Inc., in the amount of \$125,020, using bid pricing of \$26.60 per square foot.

- e) **REMOVED FOR SEPARATE VOTE:** Award Bid No. B1905, Mowing Contracts, to Golden Rule Lawn Care, in the amount of \$115,840.00.
  - f) **REMOVED FOR SEPARATE VOTE:** Award Bid No. B1906, for nine (9) police interceptor replacement vehicles for police operations, to Laird Noller Ford, in the amount of \$301,320.00.
7. Adopt on first reading, the following ordinances:
- a) Ordinance No. 9653, allowing the sale, possession, and consumption of alcohol on the public right-of-way in the 800 block of New Hampshire Street during the Over the Edge event.
  - b) Ordinance No. 9660, allowing the sale, possession and consumption of alcohol on the public right-of-way in the 1300 block of W. 7th Street between Michigan Street and Arkansas Street on Saturday, April 13, 2019, associated with the Louise's West Reunion Event.
8. Adopt on second and final 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 during the 2019 Buskerfest event.
  - c) **REMOVED FOR SEPARATE VOTE:** Ordinance No. 9643 (updated 03/15/19), approving a Special Use Permit, SUP-18-00564, for a Temporary Shelter for The DARE Center, located at 944 Kentucky Street. 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)
  - d) **REMOVED FOR SEPARATE VOTE:** Ordinance No. 9644, 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. 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)
  - e) Ordinance No. 9645, 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. 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)
  - f) Ordinance No. 9646, allowing the sale, possession and consumption of alcohol on the public right-of-way on Sunday, April 7, 2019 in the 800 block of

Pennsylvania Street associated with the Lawrence Beer Company Brew to Brew event.

- g) **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.
  - h) 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.
  - i) 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.
9. **DEFERRED:** Approve a Special Use Permit, SUP-18-00571, for a non-owner-occupied short-term rental, located at 1500 Rhode Island Street, in RS5 (Single-Dwelling Residential) Zoning District, and adopt on first reading, Ordinance No. 9657. Submitted by Jones Group LLC, property owner of record. (PC Item 3; approve 9-0 on 2/27/19)
  10. **DEFERRED:** Approve a Special Use Permit, SUP-18-00611, for a non-owner-occupied short-term rental, located at 1321 New Hampshire Street, in RS5 (Single-Dwelling Residential) Zoning District, and adopt on first reading, Ordinance No. 9658. Submitted by Kern Inc on behalf of Rayna Burkhart, property owner of record. (PC Item 4; approve 9-0 on 2/27/19)
  11. **DEFERRED:** Approve a Special Use Permit, SUP-18-00625, for a non-owner-occupied short-term rental, located at 630 Indiana Street, in RS5 (Single-Dwelling Residential) Zoning District, and adopt on first reading, Ordinance No. 9659. Submitted by Charles and Leda Sedlock, property owners of record. (PC Item 5; approve 9-0 on 2/27/19)
  12. Approve a Special Event Permit, SE-19-00066, for Brew to Brew Fundraising Run on April 7, 2019, with the finish line being located at 826 Pennsylvania Street. Submitted by Lawrence Beer Co. for Williams Management LLC, property owner of record.
  13. Approve a Special Event Permit, SE-19-00090, for "Over the Edge", a fundraiser hosted by the Boys & Girls Club of Lawrence, June 1, 2019, at 888 New Hampshire Street. Submitted by Boys & Girls Club of Lawrence for 100 East 9th Street LLC, property owner of record.
  14. Authorize the Mayor to sign a Release of Mortgage for Eugenia Miles, 1532 Powers Street.
  15. Authorize the City Manager to execute a right of way License Agreement with Eric Hodges, for property located at 1632 East Glenn Drive.
  16. Authorize the City Manager to provide written consent to an assignment from RG Fiber, LLC, to Kansas Fiber Network, LLC, of Addendum 1 to the Memorandum of Understanding between the City and RG Fiber, LLC, dated August 3, 2015.
  17. Approve outside agency application for 2020 funding.

18. Receive correspondence from the Sustainability Advisory Board regarding the City Manager search.

**Items removed for separate vote:**

6. Bid and purchase items:
  - b) Amend the 2019 Capital Improvement Program, authorizing a new project to repair the Rotary Arboretum parking lot (new CIP# PR1924) in the amount of \$150,000 and award Bid No. B1912 to King's Construction Co., Inc., in the amount of \$148,403.75, which includes a 10 percent project contingency.

Derek Rogers, Director Parks & Recreation, presented a staff report.

Steven M. Lashley, P.E., Senior Project Engineer, presented a staff report.

**Moved by Commissioner Boley, seconded by Vice Mayor Ananda,** to amend the 2019 Capital Improvement Program, authorizing a new project to repair the Rotary Arboretum parking lot (new CIP# PR1924) in the amount of \$150,000 and award Bid No. B1912 to King's Construction Co., Inc., in the amount of \$148,403.75, which includes a 10 percent project contingency. Motion carried unanimously.

- e) Bid No. B1905, Mowing Contracts, to Golden Rule Lawn Care, in the amount of \$115,840.00.

Mark Hecker, Assistant Director Parks and Recreation, presented the staff report.

**Moved by Commissioner Herbert, seconded by Commissioner Soden,** to award Bid No. B1905, Mowing Contracts, to Golden Rule Lawn Care, in the amount of \$115,840.00. Motion carried unanimously.

- f) Award Bid No. B1906, for nine (9) police interceptor replacement vehicles for police operations, to Laird Noller Ford, in the amount of \$301,320.00.

Bill Cory, Police Captain, presented the staff report.

**Moved by Commissioner Boley, seconded by Commissioner Soden,** to award Bid No. B1906, for nine (9) police interceptor replacement vehicles for police operations, to Laird Noller Ford, in the amount of \$301,320.00. Motion carried unanimously.

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

- c) Ordinance No. 9643 (updated 03/15/19), approving a Special Use Permit, SUP-18-00564, for a Temporary Shelter for The DARE Center, located at 944 Kentucky Street. 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)

**Moved by Commissioner Herbert, seconded by Commissioner Soden,** to adopt on second and final reading Ordinance No. 9643. Motion carried unanimously.

- d) Ordinance No. 9644, 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. 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)

**Moved by Commissioner Boley, seconded by Vice Mayor Ananda,** to adopt on second and final reading Ordinance No. 9644. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Boley, Commissioner Herbert. Nay: Commissioner Soden. Motion carried 4-1.

- g) Ordinance No. 9648, dissolving the Community Development Advisory Committee, effective June 30, 2019 and repealing an outdated version of the Citizen Participation Plan.

**Moved by Commissioner Boley, seconded by Vice Mayor Ananda,** to adopt on second and final reading Ordinance No. 9648, dissolving the Community Development Advisory Committee, effective June 30, 2019 and repealing an outdated version of the Citizen Participation Plan. 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. **Conduct a public hearing regarding the fire damaged structure (single-family detached house) located at 1116 New Jersey Street. Consider adopting Resolution No. 7284, declaring the structure to be unsafe and dangerous, and ordering the property owner to commence and complete substantial repairs to the structure by May 19, 2019.**

Brian Jimenez, Code Enforcement Manager, presented the staff report.

**Moved by Commissioner Boley, seconded by Vice Mayor Ananda,** to open the public hearing. Motion carried unanimously.

**Moved by Vice Mayor Ananda, seconded by Commissioner Boley,** to close the public hearing. Motion carried unanimously.

**Moved by Commissioner Soden, seconded by Commissioner Herbert,** to adopt Resolution No. 7284, declaring the structure located on the property at 1116 New Jersey Street to be unsafe and dangerous, ordering the property owner to commence and complete substantial repairs to the structure or to remove the structure by May 19, 2019. Motion carried unanimously.

2. **Consider proposed changes to Ordinance No. 9324, establishing the Community Police Review Board, as requested by the Community Police Review Board.**

Anthony Mitchell, Community Police Review Board Chair, presented the report.

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

**Moved by Commissioner Boley, seconded by Vice Mayor Ananda,** to direct staff to bring back an ordinance amending the language in section 1-2504(a)(8) of the City Code to address changes proposed by the Community Police Review Board. Motion carried unanimously.

**3. Consider adopting on first reading, Ordinance No. 9568, pertaining to amending the fines for first time marijuana possession.**

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

**Moved by Commissioner Herbert, seconded by Commissioner Soden,** to adopt on first reading, Ordinance No. 9568, setting a presumptive fine for first and second marijuana possession convictions of \$1.00 for persons 18 years of age and older, and allowing the court discretion to order a drug evaluation upon a first conviction but requiring such evaluation upon a second conviction. Aye: Mayor Larsen, Vice Mayor Ananda, Commissioner Herbert, Commissioner Soden. Nay: Commissioner Boley Motion carried 4-1.

The Commission took a 10-minute recess at 7:08 p.m.

**4. Receive Capital Improvement Project (CIP) Report.**

Danielle Buschkoetter, Budget and Strategic Initiatives Manager, presented the staff report.

**5. Receive presentation on priority-based budgeting open data site.**

Danielle Buschkoetter, Budget and Strategic Initiatives Manager, presented the staff report.

**6. Consider authorizing a revision to the 2019 Budget to fund a City-wide Traffic Signal Coordination and Timing Study, in the amount to \$250,000.**

Nick Hoyt, P.E., Engineering Program Manager, presented staff report.

**Moved by Vice Mayor Ananda, seconded by Commissioner Boley,** to authorize a revision to the 2019 Budget to fund a City-wide Traffic Signal Coordination and Timing Study, in the amount of \$250,000. Motion carried unanimously.

**F. COMMISSION ITEMS:**

a) Mayor Larsen provided an update regarding the City Manager search.

**Moved by Mayor Larsen, seconded by Commissioner Herbert,** to direct staff to prepare a call for a special meeting of the City Commission for Monday, April 8, 2019, in accordance with Section 1-108(C) of the City Code for the City Commission to hold interviews of the finalists in executive session and to include on the Commission's calendar the April 7<sup>th</sup> candidate presentations. Motion carried unanimously.

b) Future agenda item to add.

None.

c) Future work session item to add.

None.

d) Other items.

Commissioner Herbert discussed a ribbon cutting he was unable to attend.

Commissioner Soden discussed traffic safety concerns at 23<sup>rd</sup> and Louisiana and 21<sup>st</sup> and Iowa Street intersections.

Commissioner Boley expressed his concerns related to traffic safety at 21<sup>st</sup> and Iowa intersection.

**G. CITY MANAGER'S REPORT:**

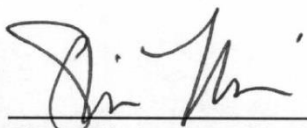
Thomas M Markus, City Manager, presented information on the following items: Lawrence Islamic Center, Response to Comments Regarding the Short Term Rental at 921 Holiday Drive, Lawrence Douglas County Fire Medical Chief Search, Animal Control, Strategic Plan Update, Safe Routes to School Implementation and Planning Work, City submits testimony supporting Senate Bill 124- the Kansas Energy Fairness Act and letter to the House Committee on Elections regarding SB 105, the bill that would reduce the "lame duck" period between local elections and the time when local elected officials would take office, Monthly Utility Billing Report, January 2019 Sales Tax Report, Transit Amenities Update, Transit Amenities at Franklin Road and 25th Terrace Update, Bike Boulevard Pop-up Layouts, Pothole Mitigation Summary, Snow event Summary of Salt Inventory, Municipal Services & Operations Department Update, City of Lawrence Participation in Earth Hour, Parks & Recreation Nutrition Education Program, Parks & Recreation Daddy/Daughter Date Night Follow-up, Future Agenda Items and Future Work Session Items.

**H. CALENDAR:**

The Commission reviewed calendar items.

**Moved by Commissioner Herbert, seconded by Commissioner Soden,** to adjourn at 10:54 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON APRIL 2, 2019.**

  
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Sherri Riedemann, City Clerk