



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
MIKE AMYX

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN

August 16, 2016

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

A complete video recording of this meeting is available on the City's website at www.lawrenceks.org/agendas.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

B. CONSENT AGENDA:

Consent Agenda items removed for separate vote:

Vice Mayor Soden requested removal of item 8 for a separate vote.

Moved by Commissioner Herbert, seconded by Commissioner Boley, to approve the consent agenda as below. Motion carried unanimously.

1. Approve City Commission meeting minutes from 08/09/16.
2. Receive minutes from various boards and commissions:

Board of Zoning Appeals meetings of 04/07/16 and 05/05/16
Homeless Issues Advisory Committee meeting of 01/12/16
Lawrence Cultural Arts Commission meetings of 04/13/16, 05/11/16, and 06/08/16
Sister Cities Advisory Board meetings of 04/13/16, 05/11/16, and 06/08/16
3. Approve claims and payroll in the amount of \$8,189,498.66 to 200 vendors.
4. Bid and purchase items:
 - a) Approve change order for \$2,218 to Fortiline Waterworks, for additional identified repairs to Mueller CL-12 drilling machine following inspection, thereby increasing the total amount to \$15,193.
 - b) Approve the sole source purchase of Badger meters from Midwest Meter, in the amount of \$21,168.50, for replacement activities in 2016 pursuant to the 15-Year Large Water Meter Replacement Program.



- c) Authorize the City Manager to execute the Engineering Services Agreement with Professional Engineering Consultants in the amount of \$87,545 for the Lower Naismith Valley Interceptor Project UT1608.
 - d) Approve a purchase order in the amount of \$32,147.00 to Logic, Inc. to continue the use of the SCADA Wonderware software for the period September 30, 2016 to September 30, 2017.
 - e) Authorize a \$305,144 contract extension to R.D. Johnson Excavation Company on the Baldwin Creek Trail Project to extend the new concrete trail through Rock Chalk Park. Accept grant funding from the Sunflower Foundation in the amount of \$110,000 to fund a portion of the trail extension in Rock Chalk Park.
 - f) Approve the purchase of snow plow replacement parts for the Public Works Department, from American Equipment Co. in an amount not exceed \$40,000.00, utilizing the City of Olathe cooperative bid contract.
 - g) Approve the disposal of surplus vehicles utilizing Purple Wave Auctions.
5. Adopt on first reading, the following ordinances:
- a. Ordinance No. 9275, relating to No Parking on Kentucky Street and Vermont Street adjacent to Cordley Elementary School.
 - b. Ordinance No. 9276, relating to No Parking on Diamondhead Drive adjacent to Langston Hughes Elementary School.
 - c. Ordinance No. 9282, adopting the 2016 Standard Traffic Ordinance, Edition 2016.
6. Adopt on second and final reading, the following ordinances:
- a) Ordinance No. 9274, approving and appropriating the 2017 City of Lawrence Operating and Capital Improvement Budget.
 - b) Ordinance No. 9277, to rezone (Z-16-00215) 2.11 acres from IBP (Industrial/Business Park) District to IL (Limited Industrial) District, located at 1300 Research Park Drive, Lot 3, Block 3.
7. Initiate a Text Amendment, TA-16-00335, to the City of Lawrence Land Development Code, Chapter 20, Article 5, Section 20-529 Telecommunications Facilities, and Article 17 to revise standards to align with new federal standards that take effect in October, 2016.
8. **REMOVED FOR SEPARATE VOTE:** Receive a request to annex, A-16-00305, approximately 55 acres in the southwest corner of the intersection of W. 31st Street and Michigan Street and authorize the City Manager to give statutory notice to Westar Energy of the City's intent to annex the subject property.
9. Approve rezoning, Z-16-00147, approximately 7.7 acres located at 711 E. 23rd Street from GPI (General Public and Institutional Use) District to IG (General Industrial) District

for the purpose of USD 497 Vehicle Storage. Submitted by Lawrence Public Schools USD #497 and BG Consultants, Inc. on behalf of Douglas County, property owner of record. Adopt on first reading, Ordinance No. 9278, rezoning (Z-16-00147) approximately 7.7 acres located at 711 E. 23rd Street from GPI (General Public and Institutional Use) District to IG (General Industrial) District. (PC Item 2; approved 10-0 on 7/25/16.)

10. Approve Special Use Permit, SUP-16-00217, for Seeds From Italy, located at 1501 Learnard Avenue. The applicant proposes to renovate an existing building on the property for office and warehouse use supporting their mail-order garden seed business. Submitted by Lynn Byczynski, for Sunrise Green LLC, property owner of record. Adopt on first reading, Ordinance No. 9279, for a Special Use Permit (SUP-16-00217) for Seeds From Italy, located at 1501 Learnard Avenue. (PC Item 4; approved 8-0-2 on 7/25/16.)
11. Approve a Street Event Temporary use of right-a-way permit allowing the closure of W. 29th Terrace (between Iowa Street frontage road and Four Wheel Drive) on Friday, October 7, 2016 from 8:00 a.m. to Saturday, October 8, 2016 to 12:00 p.m. for the Rock the Block – Kick Cancer Event. Adopt on first reading Ordinance No. 9267, allowing the sale, possession and consumption of alcohol on W. 29th Terrace (between Iowa Street frontage road and Four Wheel Drive) on Friday, October 7, 2016 from 6:00 p.m. to 10:00 p.m. during the event.
12. Approve an amendment to the Street Event Temporary use of right-of-way permit for Savor Lawrence to close a portion of the 700 block of Vermont Street adjacent to the Library on Sunday, October 23, 2016 from 10:00 a.m. to 6:00 p.m., for their 2016 Fall Food Truck Festival Event to include the sale, possession, and consumption of alcohol on the public right of way. Adopt on first reading Ordinance No. 9273, allowing the sale, possession, and consumption of alcohol on 700 block of Vermont Street adjacent to the Library on Sunday, October 23, 2016 from 1:00 p.m. to 5:00 p.m. during the event.
13. Approve a street event temporary use of right-of-way permit for the KU Homecoming Parade and Pep Rally event to use various downtown streets for the parade and to close the 100 block of East 8th Street for the pep rally on Friday, October 21, 2016 from 12:00 p.m. to 11:00 p.m., to include the donation of Public Works and Police Department services. Adopt on first reading, Ordinance No. 9270, allowing the sale, possession, and consumption of alcoholic liquor on public property on the 100 block of East 8th Street on Friday, October 21, 2016 from 12:00 p.m. – 11:00 p.m., for the KU Homecoming Pep Rally event.; provided the sale, possession, and consumption of alcoholic liquor are pursuant to City of Lawrence and State of Kansas law.
14. Approve a street event temporary use of public right-of-way permit for use of various city streets, including the rolling closure of the northbound lane of Massachusetts Street downtown from 8:30 a.m. – 9:45 a.m., on Sunday, October 9, 2016, for The Yirah Tri(ke) 5K.
15. Receive Bert Nash Community Mental Health Center 2016 First Quarter Performance Report.

Items removed for separate vote:

8. Receive a request to annex, A-16-00305, approximately 55 acres in the southwest corner of the intersection of W. 31st Street and Michigan Street and authorize the City Manager to give statutory notice to Westar Energy of the City's intent to annex the subject property.

Moved by Commissioner Herbert, seconded by Commissioner Larsen, to receive a request to annex, A-16-00305, approximately 55 acres in the southwest corner of the intersection of W. 31st Street and Michigan Street and authorize the City Manager to give statutory notice to Westar Energy of the City's intent to annex the subject property. Aye: Mayor Amyx, Commissioner Boley, Commissioner Herbert and Commissioner Larsen. Nay: Vice Mayor Soden. Motion carried 4-1.

C. PUBLIC COMMENT:

Steve Smaczniak addressed the commission regarding the Annual Racial or Other Bias-Based Policing Report being presented as part of the City Managers Report.

KT Walsh addressed the commission regarding the 11th and Rhode Island intersection; the removal of the unsanctioned skate park in the Riverside neighborhood; and, the lack of river access for the Riverside neighborhood.

Nicholas Ward addressed the commission regarding the removal of the unsanctioned skate park in the Riverside neighborhood.

Megan Jones addressed the commission regarding the impact of concealed carry in the Lawrence Public Library.

David Cooper addressed the commission regarding the impact of concealed carry in the Lawrence Public Library

D. REGULAR AGENDA ITEMS:

1. **Consider approving a request to rezone, Z-16-00219, approximately 13.268 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 751 W. 29th Terrace. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record. Adopt on first reading, Ordinance No. 9280, rezoning (Z-16-00219) approximately 13.268 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 751 W. 29th Terrace. (PC Item 5A; approved 10-0 on 7/25/16).**

Sandy Day, Planner II, presented the staff report for Regular Agenda Items 1 and 2.

The City Commission was asked to disclose any ex parte communications on Regular Agenda Items 1 and 2. There was none.

Moved by Commissioner Herbert, seconded by Commissioner Boley, to approve rezoning (Z-16-00219) approximately 13.268 acres from RM12D to RS5, located at 751 W. 29th Terrace and adopt on first reading, Ordinance No. 9280. Motion carried unanimously.

2. **Consider approving a request to rezone, Z-16-00220, approximately 1.262 acres from RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay) District to RS5-FP (Single-Dwelling Residential-Floodplain Overlay) District, located at 751 W. 29th Terrace. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record. Adopt on first reading, Ordinance No. 9281, Ordinance No. 9283, and Ordinance No. 9284, rezoning (Z-16-00220) approximately 1.262 acres from RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay) District to RS5-FP (Single-Dwelling Residential-Floodplain Overlay) District, located at 751 W. 29th Terrace. (PC Item 5B; approved 9-1 on 7/25/16)**

Moved by Commissioner Larsen, seconded by Commissioner Herbert, to approve rezoning (Z-16-00220) approximately 1.262 acres from RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay) District to RS5-FP (Single-Dwelling Residential-Floodplain Overlay) District, located at 751 W. 29th Terrace and adopt on first reading, Ordinance No. 9281, Ordinance No. 9283, and Ordinance 9284. Motion carried unanimously.

3. **Receive report on financial indicators from the City Auditor.**

Michael Eglinski, City Auditor, presented the staff report.

Moved by Commissioner Herbert, seconded by Commissioner Larsen, to receive report. Motion carried unanimously.

The City Manager's Report was presented before the executive session to facilitate public comment on the item.

F. CITY MANAGER'S REPORT:

Chief Khatib presented the Annual Racial or Other Bias-Based Policing Report and responded to the suggested reforms outlined in the Black Lives Matter Campaign Zero initiative.

The commission received public comment on the Black Lives Matter initiative.

Tom Markus, City Manager, presented his report.

4. **Consider motion to recess into executive session for approximately 45 minutes for the purpose of consultation with attorneys for the City deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential at this time. The City Commission will resume its regular meeting in the Commission Room upon completion of the executive session.**

Moved by Commissioner Herbert, seconded by Commissioner Boley, to approve motion to recess into executive session for approximately 30 minutes. Motion carried unanimously.

Moved by Vice Mayor Soden, seconded by Commissioner Boley, to extend the executive session for approximately 15 minutes. Motion carried 3-0.

The City Commission had nothing to report and took no action after the executive session.

E. COMMISSION ITEMS:

Commissioner discussion of items not scheduled on the agenda.

G. CALENDAR:

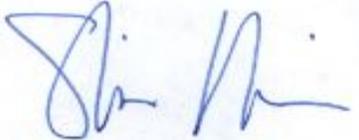
Review of calendar items.

H. CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Commissioner Herbert, seconded by Commissioner Larsen, to adjourn at 9:39 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON SEPTEMBER 6, 2016.



Sherri Riedemann, City Clerk