



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
LESLIE SODEN

COMMISSIONERS
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN
MIKE AMYX

July 11, 2017

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 Soden presiding and Vice Mayor Boley, Commissioner Amyx, 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. Proclaim Saturday, July 15, 2017 as George William "Nash" Walker Day.
2. Recognition of the 100th Anniversary of City Management in Kansas.
3. Proclaim the month of July 2017 as Parks and Recreation Month.

B. CONSENT AGENDA:

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

1. Receive minutes from various boards and commissions:

Affordable Housing Advisory Board meeting of 05/08/17
Lawrence Douglas County Housing Authority Board meeting of 05/22/17
Lawrence Human Relations Commission meeting of 02/16/17
Mental Health Board meeting of 05/30/17
Parks and Recreation Advisory Board meeting of 06/13/17
Planning Commission meeting of 05/24/17
Senior Resource Center for Douglas County, Inc., Board meeting of 05/23/17

2. Approve claims and payroll in the amount of \$9,924,751.58 to 412 vendors including payments over \$1,000,000.00 to Lawrence Public Library for \$1,586,565.18 and Miles Excavating Inc. for \$1,235,787.55.
3. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment	Expires
Leeway Franks Leeway Franks LLC 935 Iowa St., Suite 7	06/30/17



Chipotle Mexican Grill Chipotle Mexican Grill of Kansas LLC 911 Massachusetts St.	07/22/17
Chipotle Mexican Grill Chipotle Mexican Grill of Kansas LLC 4000 W. 6 th St., Ste #1	07/22/17
Chipotle Mexican Grill Chipotle Mexican Grill of Kansas LLC 1420 W. 23 rd St.	07/22/17
Caterer	Expires
Centerplate Centerplate of Kansas Inc. 1651 Naismith Dr.	New

4. Approve appointments as recommended by the Mayor.

Affordable Housing Advisory Board: Appoint Zachariah Davis to a term that expires 12/31/19.

Douglas County Emergency Management Board: Reappoint Truman Waugh to a term that expires 07/01/18.

5. Bid and purchase items:

- a) Award Bid No. 1741, hourly rate and unit priced contractual services related to on-call emergency City sanitary sewer main repairs, to Vito's Plumbing, Inc. as outlined in the attached bid tabulation, and authorize the City Manager to execute the construction contract related to on-call emergency City sanitary sewer main repairs.

6. Adopt on first reading, Ordinance No. 9376, allowing the sale, possession and consumption of alcohol in the public right-of-way on Saturday, September 16, 2017, from 1:00 p.m. to 10:00 p.m. in the 700 block of Mississippi Street for the Old West Lawrence Neighborhood Association Block Party event.

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

- a) Ordinance No. 9367, rezoning (Z-17-00157) approximately 8.566 acres from PRD (Planned Residential Development) District to RM15 (Multi-Dwelling Residential) District, located at 2115 Exchange Court. (PC Item 3; approved 8-0 on 5/24/17)
- b) Ordinance No. 9368, for Special Use Permit/Institutional Development Plan (SUP-17-00153) for a new parking lot at Lawrence Memorial Hospital and a master plan for the Hospital uses, located at 3rd and Michigan Streets. (PC Item 1A; approved 6-2 on 5/24/17)

- c) Ordinance No. 9369, rezoning (Z-17-00158) approximately 1.38 acres from RS5 (Single-Dwelling Residential) District to H (Hospital) District, located at 302 Michigan Street, 306 Michigan Street, 310 Michigan Street, 314 Michigan Street, 318 Michigan Street, and 322 Michigan Street. (PC Item 1A; approved 6-2 on 5/24/17)
 - d) Ordinance No. 9372, allowing for the sale, possession, and consumption of alcohol in the public right-of-way on Friday, July 14, from 4:00 p.m. – 11:59 p.m. on the sidewalk from 1016 Massachusetts Street to 1040 Massachusetts Street for the Lawrence Field Day Festival event.
 - e) Ordinance No. 9373, pertaining to seat belts and the fines associated with failure to wear a seatbelt.
8. Approve the following items related to the Lawrence Beer Company Block Party Event:
- a) Approve a Special Event Permit, SE-17-00324, for a street party on August 25, 2017 for the grand opening of Lawrence Beer Company, located at 826 Pennsylvania Street. Submitted by Lawrence Beer Company, for Williams Management, property owner of record.
 - b) Adopt on first reading, Ordinance No. 9377, allowing the sale, possession and consumption of alcohol in the public right-of-way on Friday, August 25, 2017, from 9:00 a.m. to 11:59 p.m. in the 800 block of Pennsylvania Street and on 8th Street from Pennsylvania Street to New Jersey Street for the Lawrence Beer Company Block Party event.
9. Authorize the City Manager to sign the Airport Preservation Agreement with the Kansas Department of Transportation for the Apron Pavement Replacement Project.
10. Authorize staff to bind coverage for property insurance with Hartford and Arch Insurance Companies for \$169,981 and the Emergency Service Organization Package Insurance for \$65,618 for the insurance period of July 1, 2017 through July 1, 2018, for a combined total of \$235,599.
11. Approve employee healthcare plan service providers as recommended and authorize the City Manager to negotiate agreements with each service provider effective January 1, 2018.
12. Authorize the City Manager to negotiate an agreement with Nationwide, to provide administrative, recordkeeping and investment services with respect to the City's 457 Deferred Compensation Plan.
13. Adopt the Douglas County Food System Plan.
14. Receive letter from the Sustainability Advisory Board regarding the City of Lawrence Sustainable Building Policy Proposal.
15. Authorize the Mayor to sign Releases of Mortgage for the following:
- a) Sandra Scott, 1901 Barker Avenue.

- b) Brian and Heather Bingham, 1713 Atherton Court.
- c) Enrique Penalzoza and Sandra K. Sloop, 2539 Ridge Court.
- d) Amber Smith, 1534 Vermont Street.

16. Authorize the Mayor to sign a Mortgage Subordination Agreement for Kathleen M. Hunt, 2606 Belle Haven Drive.

C. PUBLIC COMMENT:

Brad Gibson addressed the Commission regarding the East Ninth Project and El Dorado Inc.

D. REGULAR AGENDA ITEMS:

1. **Consider the following items related to Cedar Grove Residential Rezoning, located north of Legends Drive and in the 1100 block of Biltmore Drive and Research Park Drive. This item was deferred by the City Commission on May 16, 2017.**

Commissioners declared Ex Parte Communications. A protest petition was not submitted for this application.

Sandra Day, Planner, presented the staff report for items a, b and c.

- a) **Consider a Comprehensive Plan Amendment, CPA-17-00135, to Horizon 2020, Chapter 7, to amend the boundary of the Oread West Research Park, related to rezonings Z-17-00079 and Z-17-00080 for the undeveloped properties north of Legends Drive and in the 1100 block of Biltmore Drive and Research Park Drive. Submitted by BG Consultants. (PC Item 5A; approved 7-3 on 4/24/17).**

Moved by Commissioner Amyx, seconded by Commissioner Larsen, to approve the Comprehensive Plan Amendment (CPA-17-00135) to amend the boundary of the Oread West Research Park, and direct staff to draft ordinance. Motion carried unanimously.

- b) **Consider a request to rezone, Z-17-00079, approximately 25.4 acres from IBP (Industrial/Business Park) District to RS7 (Single-Dwelling Residential) District, located in the 1100 Block of Biltmore Drive and Research Park Drive. Submitted by BG Consultants, for WE1929, LLC, property owner of record. (PC Item 5B; approved 7-3 on 4/24/17).**

Moved by Commissioner Amyx, seconded by Commissioner Herbert, to approve rezoning (Z-17-00079) 25.4 acres from IBP to RS7 located in the 1100 Block of Biltmore Drive and Research Park Drive, and direct staff to draft ordinance. Motion carried unanimously.

- c) **Consider a request to rezone, Z-17-00080, approximately 10.0 acres from IBP (Industrial/Business Park) District to RM12D (Multi-Dwelling Residential) District, located in the 1100 Block of Biltmore Drive and Research Park Drive. Submitted by BG Consultants, for WE1929, LLC, property owner of record. (PC Item 5C; approved 7-3 on 4/24/17).**

Moved by Commissioner Amyx, seconded by Commissioner Larsen, to approve rezoning (Z-17-00079) 10 acres from IBP to RM12D located in the 1100 Block of Biltmore Drive and Research Park Drive, and direct staff to draft ordinance. Motion carried unanimously.

2. Consider the following items related to the 2018 Operating and Capital Improvement Budget:

Bryan Kidney, Finance Director, presented the staff report.

a) Consider authorizing publication of the 2017 amended budget summary and establishing August 1, 2017 as the public hearing date.

Moved by Mayor Soden, seconded by Commissioner Larsen, to authorize publication of the 2017 amended budget summary and establish August 1, 2017 as the public hearing date. Motion carried unanimously.

b) Consider adopting on first reading the following ordinances and adopt resolution establishing rates for City Utilities for 2018:

- i. Ordinance No. 9375, establishing 2018 water and wastewater service rates and establishing 2018 water and wastewater system development charges, effective November 15, 2017.**
- ii. Resolution No. 7212 pertaining to sanitary sewer and water service fees and authorize changes to Administrative Policy 52 to comply with Resolution No. 7212, effective February 1, 2018.**
- iii. Ordinance No. 9371, establishing 2018 stormwater service rates, effective November 15, 2017.**
- iv. Ordinance No. 9370, establishing 2018 solid waste rates, effective November 15, 2017.**

Bryan Kidney, Finance Director, presented the staff report.

Moved by Vice Mayor Boley, seconded by Commissioner Amyx, to defer until August 1, approval on first reading, of Ordinance No. 9375; and, Resolution No. 7212; and, Ordinance No. 9371; and, Ordinance No. 9370. Motion carried unanimously.

c) Consider authorizing publication of the 2018 budget summary and establishing August 1, 2017 as the public hearing date. This establishes the maximum budget authority and property tax mill levy for the 2018 budget.

Bryan Kidney, Finance Director, presented the staff report.

Moved by Commissioner Amyx, seconded by Vice Mayor Boley, to authorize publication of the 2018 budget summary and establish August 1, 2017 as the public hearing date. Motion carried unanimously.

The Commission took a 10-minute break at 8:00 p.m.

3. Consider the following items related to the Notice of Special Question Election for City sales tax election to be held on November 7, 2017:

Casey Toomay, Assistant City Manager, presented the staff report.

- a) **Consider authorizing the publication of the Notice of Special Question Election for City sales tax election to be held on November 7, 2017**
- b) **Consider adopting the following resolutions:**
 - i. **Resolution No. 7214, submitting a question to the voters, proposing levying a two-tenths of one percent (0.2%) retailers' sales tax for the purpose of operating the City Public Transit System.**
 - ii. **Resolution No. 7215, submitting a question to the voters, proposing levying a three-tenths of one percent (0.3%) retailers' sales tax for the purpose of improving and maintaining streets, sidewalks, and storm water facilities; constructing and maintaining recreational trails and paths; purchasing and replacing fire apparatus and for other related City fire equipment purchases and infrastructure projects.**
 - iii. **Resolution No. 7216, submitting a question to the voters, proposing levying a five one-hundredths of one percent (0.05%) retailers' sales tax for the purpose of providing additional revenues for affordable housing projects and programs in the City and other related improvements.**

Moved by Commissioner Larsen, seconded by Commissioner Amyx, to authorize publication of the Notice of Special Question Election, in accordance with the law, for City sales tax election to be held on November 7, 2017; and, adopt Resolution No. 7214, submitting a question to the voters proposing levying 0.2% sales tax increase for the purpose of operating the City Public Transit System; and, adopt Resolution No. 7215, submitting a question to the voters proposing levying 0.3% retailers' sales tax for the purpose of improving and maintaining streets, sidewalk, and storm facilities and constructing and maintaining recreational trails and paths, and purchasing and replacing fire apparatus and other fire equipment purchases and infrastructure projects, and Resolution No. 7216, submitting a question to the voters proposing levying 0.05% retailers' sales tax for the purpose of providing additional revenues for affordable housing projects and programs in the City and other related improvements. Motion carried unanimously.

4. **Receive reconsideration request from Vermont LLC for economic development assistance, under the Neighborhood Revitalization Area Policy in place at the original time of application, to support a mixed-use development at 815 Vermont Street.**

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

Robert Schumm, Vermont LLC, presented his request.

Moved by Commissioner Amyx, seconded by Commissioner Larsen, to receive request and refer to the Public Incentives Review Committee for review and establish a public hearing date of September 19, 2017 on the proposed NRA and Revitalization Plan; and, acknowledge the pre-existing fee schedule in place at the time of the initial request will be

applied. Aye: Vice Mayor Boley, Commissioner Amyx, Commissioner Herbert, Commissioner Larsen. Nay: Mayor Soden. Motion carried 4-1.

5. **Conduct a public hearing regarding special assessments for Lawrence VenturePark and consider adopting on second reading, Ordinance No. 9374, levying special assessments on certain property to pay the construction cost of internal improvements in the City of Lawrence, KS, as previously authorized by Resolution No. 7016 and Resolution No. 7049 of the City; and providing for the collection of such special assessments.**

Moved by Mayor Soden, seconded by Commissioner Amyx, to open the public hearing. Motion carried unanimously.

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

Moved by Vice Mayor Boley, seconded by Commissioner Larsen, to adopt on second reading, Ordinance No. 9374, levying special assessments on certain property to pay the construction cost of internal improvements in the City of Lawrence, KS, as previously authorized by Resolution No. 7016 and Resolution No. 7049 of the City; and providing for the collection of such special assessments. Motion carried unanimously.

6. **Conduct a public hearing for VanTrust Real Estate, LLC Catalyst incentive package.**

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

Moved by Mayor Soden, seconded by Commissioner Herbert, to open public hearing. Motion carried unanimously.

Moved by Mayor Soden, seconded by Commissioner Herbert, to continue the public hearing until July 18, 2017 at 6:00 p.m., or as soon thereafter as it may be held, on July 18, 2017. Motion carried unanimously.

E. COMMISSION ITEMS:

None.

F. CITY MANAGER'S REPORT:

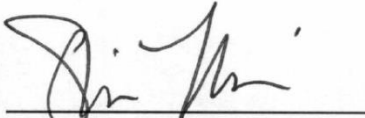
Tom Markus, City Manager, presented information on the following items: City Commission Meeting Procedures, Sports Pavilion Lawrence Structure Evaluation, May 2017 Monthly Building Permit Report, Lawrence Municipal Airport Parachute Landing Area Status Report, Brick Street Maintenance Update, Maple Street Pump Station Update, Future Agenda Items, and Future Work Session Items.

G. CALENDAR:

The Commission reviewed calendar items.

Moved by Mayor Soden, seconded by Commissioner Amyx, to adjourn at 9:39 p.m.
Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JULY 18, 2017.



Sherril Riedemann, City Clerk