



City of Lawrence

CITY MANAGER'S OFFICE

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CITY MANAGER

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CITY COMMISSION

MAYOR
STUART BOLEY

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

May 15, 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 Ananda and Commissioner Herbert present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim the week of May 20 – 26, 2018 as Public Works Week.
2. Proclaim Saturday, June 2, 2018 as National Gun Violence Day.
3. Presentation from Lauren Mitchell's 4th Grade Class from Kennedy Elementary on Project Plastic.

B. CONSENT AGENDA:

Vice Mayor Larsen requested removal of items 2 and 8(a) for a separate vote.

Mayor Boley requested the nomination of Gwyn Isenhouer to the Aviation Advisory Board be removed from item 5 for a separate vote.

A member of the public requested removal of item 11 for a separate vote.

A member of the public requested removal of item 14 for a separate vote.

Moved by Commissioner Ananda, seconded by Vice Mayor Larsen, to approve the consent agenda as below except for items 2, 8(a), 11, 14 and the nomination of Gwyn Isenhouer to the Aviation Advisory Board. Motion carried unanimously.

1. Approve City Commission meeting minutes from 05/01/18 and 05/08/18.
2. **REMOVED FOR SEPARATE VOTE:** Receive minutes from various boards and commissions:

Parks & Recreation Advisory Board meetings of 03/13/18 and 04/10/18
3. Approve claims in the amount of \$1,393,699.35 to 181 vendors.
4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment	Expires
Jefferson's	



Jefferson's Downtown LLC 1540 Wakarusa Dr Ste L	
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5. Approve appointments as recommended by the Mayor.

Aviation Advisory Board: Appoint Michael Kelly, Gwyn Isenhouer **(REMOVED FOR SEPARATE VOTE)** and Don Kinney to terms that expire 05/31/21.

Douglas County Community Corrections Advisory Board: Reappoint Verdell Taylor to an additional term that expires 05/31/20.

Public Transit Advisory Committee: Appoint Nick Kuzmyak to a term that expires 12/31/18.

Transient Guest Tax Grant Program Advisory Board: Appoint Heather Shull to a term that expires 05/31/21. Reappoint Tim Metz and Derek Felch to additional terms that expire 05/31/21.

6. Bid and purchase items:

- a) Award bid for 3,500 tons of de-icing salt, to Independent Salt Company of Kannapolis, Kansas, for \$163,975.00, utilizing the Douglas County Cooperative Bid No. 18-F-008.
- b) Authorize a change order for the East Lawrence Recreation Center parking lot addition project to RD Johnson Excavation Co., Inc., for \$9,444.00 to replace an existing storm sewer pipe under the proposed parking area.
- c) Award Bid No. B1819 – Lawrence Indoor Aquatic Center Pool Painting, to J.F. McGivern, Inc., in the amount of \$111,430.00.

7. Adopt on first reading the following ordinance(s):

- a) Ordinance No. 9463, allowing the sale, possession, and consumption of alcohol in the public right-of-way on Friday, August 31, 2018 in the 800 block of Pennsylvania Street and on 8th Street, from Pennsylvania Street to New Jersey Street, from 6:00 p.m. to 11:00 p.m., for the Lawrence Beer Company Block Party event.
- b) Ordinance No. 9464, to amend code section references in two (2) sections of Chapter V, Article 18 of the City Code, which pertains to the regulation of signs (Sign Code).
- c) Ordinance No. 9472, allowing the sale, possession, and consumption of alcohol on the public right-of-way on Friday, August 10, 2018 from 1:00 p.m. to Saturday, August 11, 2018 to 1:00 a.m., and on Saturday, August 11, 2018 from 1:00 p.m. to Sunday, August 12, 2018 to 1:00 a.m. in the E. 100 block of 8th Street for the Sandbar Birthday Celebration event.
- d) Ordinance No. 9473, allowing the sale, possession, and consumption of alcohol on the public right-of-way on Saturday, August 25, 2018, from 9:00 a.m. to 5:00 p.m. in the E. 200 block of 9th Street for the Over the Edge event.

- e) Ordinance No. 9474, designating 21st Street within the corporate limits of the city and Harvard Road within the corporate limits of the city as major or main trafficways.
 - f) Ordinance No. 9475, repealing Ordinance No. 5799, which established the Sister Cities Advisory Board.
8. Adopt the following resolution(s):
- a) **REMOVED FOR SEPARATE VOTE:** Resolution No. 7246, declaring the City's intent to issue General Obligation Bonds in the amount of \$950,000 for the design and construction of Louisiana Street from 12th Street to 13th Street (CIP Project No. PW18E8), and improvements to 23rd Street from Massachusetts Street to Louisiana Street (CIP Project No. PW18E10).
 - b) Resolution No. 7250, authorizing the 2018 Annual Action Plan and Investment Summary for the Community Development Block Grant (CDBG) and the HOME Investment Partnership Program, as well as the 2018-2022 Consolidated Plan. (Staff has received official allocation numbers from HUD and they represent an approximately 30% increase in HOME and around a 12% increase in CDBG over the 2017 amounts. Staff has called a meeting for the Community Development Advisory Committee on 5/10/18 to give them an opportunity to recommend allocation of the "new" money. An update to this agenda item will occur on 5/11/18 with the increased recommended dollar amounts on the 2018 Investment Summary.)
 - c) Resolution No. 7251, authorizing the application for 2018 Kansas Emergency Solutions Grant.
 - d) Resolution No. 7252, amending bond documents related to the HERE project at 1101 Indiana Street, to extend the documents through December 31, 2018.
9. Authorize staff to submit three (3) applications to the Kansas Department of Transportation's Call for Competitive Consolidated Planning Grant Projects. The three (3) projects include: a 23rd Street (Learnard Avenue to East City Limits) Multimodal Corridor Study, Intelligent Transportation Systems: Implementation and Data Collection program, and a Multimodal Traffic Impact Study Methodology and Guidelines Study.
10. Approve a Special Use Permit, SUP-17-00697, for Bridge Haven, located at 1701 Research Park Drive and the property located generally northwest of Research Park Drive and W. 18th Street (known as 1601 Research Park Drive in GIS mapping) and adopt on first reading, Ordinance No. 9465. Submitted by Paul Werner Architect, for Beckmeisters LLC, property owner of record. (PC Item 1B; approved 7-0-1 on 4/23/18)
11. **REMOVED FOR SEPARATE VOTE:** Approve a Special Use Permit, SUP-18-00076, for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen, and chapel spaces, located at 4120 Clinton Parkway, and adopt on first reading, Ordinance No. 9466. Submitted by BBN Architects Inc, for Bishop Seabury Academy, property owner of record. (PC Item 2; approved 7-0-1 on 4/23/18)

12. Approve a Text Amendment, TA-18-00121, to the City of Lawrence Land Development Code, Articles 4 and 9, to permit Group Homes in the GPI district. Initiated by Planning Commission on 2/21/18, and adopt on first reading, Ordinance No. 9467. (PC Item 5; approved 8-0 on 4/23/18)
13. Accept dedication and vacation of easements associated with Minor Subdivision, MS-18-00113, for Eagle Subdivision No. 2, located at 1803 W. 6th Street. Submitted by BG Engineers on behalf of Mount Oread AERIE 309 FOE, Inc., property owner of record.
14. **REMOVED FOR SEPARATE VOTE:** Approve the following items related to Sinclair's Addition No. 2. These items were deferred from May 8, 2015.
 - a) Adopt on second and final reading, Ordinance No. 9459, to rezone (Z-18-00024) approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. (PC Item 1A; approved 10-0 on 3/28/18)
 - b) Accept dedication of easements and vacation of right-of-way associated with Minor Subdivision, MS-18-00046, for Sinclair's Addition No. 2, located at 929 Arkansas Street, 913, 931, and 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.
15. Approve the spending plan for the \$450,000 of the 2018 Sidewalk/Bike/Ped Improvements/ADA Ramps as well as the remaining \$150,000 of 2017 Sidewalk/Bike/Ped Improvements/ADA Ramps.
16. Authorize use of two consultants, Professional Engineering Consultants (PEC) and George Butler Associates (GBA), to provide watermain replacement engineering services from 2018 to 2020.
17. Authorize the Mayor to execute a letter to the Congressional delegation expressing concern about any reduction or elimination of Amtrak's Southwest Chief route, which serves Lawrence.
18. **MOVED TO REGULAR AGENDA:** Receive request from Womxn of Color, to install a mural, entitled WAK'Ó MUJERES PHỤ NỮ WOMXN MURAL, on the south and west wall of the Lawrence Public Library building.
19. Authorize the Mayor to sign the Subordination Agreement for Arthur Jr. and Shirley Ann Tarpy, 625 Lake Street.
20. Authorize the Mayor to sign a Release of Mortgage for Beverlie J. Anderson, 308 Glenview Drive, and David D. Shannon, 1808 Miller Drive.
21. Authorize the Mayor to sign a Release of Lien for Tenants to Homeowners for 611 Wrigley Lane.

22. Approve travel expense statement for Commissioner Ananda from the League of Kansas Municipalities Governing Body Institute Conference, April 20-21, 2018.

ITEMS REMOVED FOR SEPARATE VOTE:

2. Receive minutes from various boards and commissions:

Parks & Recreation Advisory Board meetings of 03/13/18 and 04/10/18

Moved by Vice Mayor Larsen, seconded by Commissioner Ananda, to receive minutes from the Parks & Recreation Advisory Board meetings of 03/13/18 and 04/10/18. Motion carried unanimously.

5. Approve appointments as recommended by the Mayor.

Aviation Advisory Board: Appoint Gwyn Isenhouer to a term that expire 05/31/21.

Moved by Mayor Boley, seconded by Commissioner Ananda, to defer nomination of Gwyn Isenhouer to the Aviation Advisory Board. Motion carried unanimously.

8. Adopt the following resolution:

- a) Resolution No. 7246, declaring the City's intent to issue General Obligation Bonds in the amount of \$950,000 for the design and construction of Louisiana Street from 12th Street to 13th Street (CIP Project No. PW18E8), and improvements to 23rd Street from Massachusetts Street to Louisiana Street (CIP Project No. PW18E10).

Zachary Baker, Public Works Project Engineer, presented a staff report.

Bryan Kidney, Finance Director, presented a staff report.

Moved by Vice Mayor Larsen, seconded by Commissioner Ananda, to adopt Resolution No. 7246, declaring the City's intent to issue General Obligation Bonds in the amount of \$950,000 for the design and construction of Louisiana Street from 12th Street to 13th Street (CIP Project No. PW18E8), and improvements to 23rd Street from Massachusetts Street to Louisiana Street (CIP Project No. PW18E10). Motion carried unanimously.

11. Approve a Special Use Permit, SUP-18-00076, for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen, and chapel spaces, located at 4120 Clinton Parkway, and adopt on first reading, Ordinance No. 9466. Submitted by BBN Architects Inc, for Bishop Seabury Academy, property owner of record. (PC Item 2; approved 7-0-1 on 4/23/18)

Becky Pepper, Planner, presented the staff report.

Moved by Vice Mayor Larsen, seconded by Commissioner Herbert, to approve a Special Use Permit, SUP-18-00076, for a 30,342 SF building addition at Bishop Seabury Academy, to accommodate additional classrooms, office, cafeteria/kitchen, and chapel spaces, located at 4120 Clinton Parkway, and adopt on first reading, Ordinance No. 9466. Motion carried unanimously.

14. Approve the following items related to Sinclair's Addition No. 2. These items were deferred from May 8, 2015.
- a) Adopt on second and final reading, Ordinance No. 9459, to rezone (Z-18-00024) approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. (PC Item 1A; approved 10-0 on 3/28/18)

Moved by Commissioner Ananda, seconded by Vice Mayor Larsen, to adopt on second and final reading, Ordinance No. 9459, to rezone (Z-18-00024) approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. Motion carried unanimously.

- b) Accept dedication of easements and vacation of right-of-way associated with Minor Subdivision, MS-18-00046, for Sinclair's Addition No. 2, located at 929 Arkansas Street, 913, 931, and 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to accept dedication of easements and vacation of right-of-way associated with Minor Subdivision, MS-18-00046, for Sinclair's Addition No. 2, located at 929 Arkansas Street, 913, 931, and 935 Michigan Street and 1000 Emery Road. Submitted by BG Consultants, on behalf of DJC Holdings LLC, Kirsten & Robin Krug, property owner of record. Motion carried unanimously.

The Commission took a 5-minute break at 7:15 p.m.

C. PUBLIC COMMENT:

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

D. REGULAR AGENDA ITEMS:

1. **Conduct a public hearing to consider a vacation request, submitted by Kaw Valley Engineering, Inc. for Moliur, Inc., to vacate a 10-foot utility easement along the east side of 1626 W 23rd Street.**

David Cronin, P.E., City Engineer, presented the staff report.

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

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to close the public hearing. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to approve the order of vacation. Motion carried unanimously.

2. **Conduct a public hearing regarding a distance limitation waiver for the 2018 Live on Mass #1 event to be held in the 1000 block of Massachusetts Street, on Friday, June 29, 2018 from 6:00 p.m. to 11:30 p.m. and consider adopting on first reading, Ordinance No. 9461, allowing the sale, possession, and consumption of alcohol in the 1000 block of Massachusetts Street on the public right-of-way during the event. Consider approving a Street Event Permit and Special Event Permit (SE-18-00174) for the event.**

Mark Thiel, Assistant Public Works Director, presented the staff report.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to open the public hearing. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to close the public hearing. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to find that the proximity of the temporary sale of alcoholic liquor for the 2018 Live on Mass #1 event is not averse to the public welfare or safety and grant a distance limitation waiver; and, adopt on first reading Ordinance No. 9461; and, approve a Street Event Permit and a Special Event Permit. Motion carried unanimously.

3. **Conduct a public hearing regarding a distance limitation waiver for the 2018 Live on Mass #2 event to be held in the 1000 block of Massachusetts Street, on Tuesday, July 3, 2018 from 6:00 p.m. to 11:30 p.m. and consider adopting on first reading, Ordinance No. 9462, allowing the sale, possession, and consumption of alcohol in the 1000 block of Massachusetts Street on the public right-of-way during the event. Consider approving a Street Event Permit and a Special Event Permit (SE-18-00175) for the event.**

Mark Thiel, Assistant Public Works Director, presented the staff report.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to open the public hearing. Motion carried unanimously.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to close the public hearing. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to find that the proximity of the temporary sale of alcoholic liquor for the 2018 Live on Mass #2 event is not averse to the public welfare or safety and grant a distance limitation waiver; and, adopt on first reading Ordinance No. 9462; and, approve a Street Event Permit and a Special Event Permit. Motion carried unanimously.

4. **Receive request from Womxn of Color to install a mural, entitled WAK'Ó MUJERES PHU NÚ WOMXN MURAL, on the south and west wall of the Lawrence Public Library building.**

Porter Arneill, Director of Communications and Creative Resources, presented the staff report.

Connie Fiorella-Fitzpatrick, Marilyn Jinojosa and Imani Wadud, Womxn of Color, presented the request.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to receive the request from the Womxn of Color to install a mural, entitled WAK'Ó MUJERES PHU NŪ WOMXN MURAL, on the south and west wall of the Lawrence Public Library building; and, direct staff to work with the Womxn of Color on next steps in the process; and, direct staff to bring back to the City Commission for consideration on July 12th. Motion carried unanimously.

The Commission took a 10-minute break at 9:13 p.m.

5. Receive update on Westar Street Light issue

Toni Wheeler, City Attorney, presented the staff report.

Thomas Wright, outside counsel, presented a report.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to direct staff to move forward with the indemnification issue with Westar prior to making a decision regarding the 3000K LED fixtures. Motion carried unanimously.

6. Consider options related to the delivery method for Phase I of the Police Facility as it relates to design services.

Moved by Vice Mayor Larsen, seconded by Mayor Boley, to defer item 6 pending upcoming budget conversations and the presence of a full Commission. Aye: Mayor Boley, Vice Mayor Larsen. Nay: Commissioner Ananda, Commissioner Herbert. Motion failed.

Anthony Brixius, Police Captain, and Melinda Harger, Assistant Director of Utilities, presented the staff report.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to authorize the City Manager to utilize the Construction Manager at Risk (CMAR) delivery method for Phase I of the Police Facility finding it is in the public interest pursuant to Charter Ordinance No. 45 and authorize staff to advertise a Request for Proposal, RFP R1809, for design services. Aye: Vice Mayor Larsen, Commissioner Ananda, Commissioner Herbert. Nay: Mayor Boley. Motion carried 3-1.

7. Consider adopting on second and final reading, Ordinance No. 9324, pertaining to a Community Police Review Board.

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

Moved by Commissioner Ananda, seconded by Vice Mayor Larsen, to defer adoption of Ordinance No. 9324 until June 5th; and, direct staff to consider amended language in items 1-2504(b)(2) (Specific Duties of the Board) and 1-2512 (Retaliation Prohibited). Motion carried unanimously.

8. Consider adopting on first reading, Ordinance No. 9471, pertaining to the passage of ordinances on first reading.

Toni R. Wheeler, City Attorney, presented the staff report.

The Commission took no action on this item.

The Commission took a 5-minute break at 10:46 p.m.

9. Consider motion to recess into executive session.

Moved by Commissioner Herbert, seconded by Vice Mayor Larsen, to recess into executive session for approximately 35 minutes at 10:52 p.m. to discuss potential litigation and pending claims involving the City pursuant to the exception set forth in K.S.A. 75-4319(b)(1) for consultation with attorneys for the City which would be deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client privileged matters confidential at this time. At the end of the executive session, the City Commission will resume its regular meeting in the City Commission Chambers. Motion carried unanimously.

The City Commission recessed into executive session at 10:52 p.m.

The City Commission resumed its regular meeting at 11:28 p.m.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to direct the City Attorney to cause an action to be brought against the owner and occupant of 623 Vermont Street, declaring the canopy structure located thereon to be a nuisance and ordering the same to be removed or to come into compliance with the City's Building Code. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Commissioner Ananda, to direct the City Attorney to cause an action to be brought against Integrated Animal Health, Inc, a Kansas corporation, seeking to recoup one-third of the economic incentives that were granted to it in accordance with the City's Economic Development Policy and the agreement governing that grant, if the Company does not come into compliance therewith by May 31, 2018. Motion carried unanimously.

E. COMMISSION ITEMS:

The Commission discussed options for addressing the length of meetings.

F. CITY MANAGER'S REPORT:

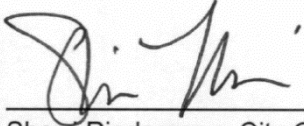
Tom Markus, City Manager, presented information on the following items: 2017 Annual Report: Economic Development Support & Compliance, Massage Ordinance Update, Monthly Utility Billing Report, Monthly Building Permit Reports, Parks and Recreation Updates on Promotions/Programs with Free/Reduced Pricing, 2018 Point in Time Homeless Count, Leadership Exploration and Development (LEAD) Program, Official designation of Grover Barn as a Network to Freedom site Received from the National Park Service, Advisory Board Diversity Survey Results, Two Opportunity Zones Designated in Lawrence, Future Agenda Items and Future Work Session Items.

G. CALENDAR:

The Commission reviewed calendar items.

Moved by Commissioner Ananda, seconded by Commissioner Herbert, to adjourn at 11:49 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JUNE 5, 2018.

A handwritten signature in black ink, appearing to read "Sherril Riedemann", written over a horizontal line.

Sherril Riedemann, City Clerk