



City of Lawrence

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CITY COMMISSION

MAYOR
ROBERT CHESTNUT

COMMISSIONERS
MIKE AMYX
ARON CROMWELL
LANCE JOHNSON
MICHAEL DEVER

July 7, 2009

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Chestnut presiding and members Amyx, Dever, Cromwell, and Johnson present.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve the City Commission meeting minutes of June 16, 2009 and June 23, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to receive the Planning Commission meeting minutes of May 18 - 20, 2009; the Hospital Board meeting minutes of May 20, 2009; the Convention and Visitors Bureau Advisory Board meeting minutes of February 17, 2009; the Traffic Safety Commission meeting minutes of May 14, 2009; the Parks and Recreation Advisory Board meeting minutes of June 9, 2009; and the Mechanical Code Board of Appeals meeting minutes of May 28, 2009. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve claims to 523 vendors in the amount of \$3,948,317.40 and payroll from June 21, 2009 to July 4, 2009, in the amount of \$1,925,873.58. Motion carried unanimously.

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve the Drinking Establishment License for Sandbar, 17 East 8th Street; KOKORO Japanese Sushi & Steakhouse, 601 Kasold Dr Ste: D102-103; and Gaslight Tavern &



Coffeehouse, 317 North 2nd; the Retail Liquor License for Ray's Liquor Warehouse, 1215 West 6th; and Ray's Wine & Spirits, 721 Wakarusa, Ste: 107. Motion carried unanimously.

The City Commission reviewed the bids for 2009 Chemical Root Control Program. The bids were:

BIDDER	BID AMOUNT
Duke's Root Control, Inc.	\$99,959.21
Ace Pipe Cleaning	\$72,092.67

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to award the bid to Duke's Root Control, Inc., in the amount of \$99,959.21. Motion carried unanimously.

(1)

The City Commission reviewed the bids for 2009 Overlay Program Phase 2. The bids were:

BIDDER	BID AMOUNT
Engineer's Estimate	\$1,221,207.50
R.D. Johnson Excavating	\$1,093,390.58
Bettis Asphalt & Construction	\$1,096,764.60
LRM Industries	\$1,135,282.35
Kansas Heavy Construction	\$1,140,310.00
Miller Paving & Construction	\$1,174,536.05
Freeman Concrete Construction	\$1,671,813.10

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to award the bid to R.D. Johnson Excavating, in the amount of \$1,093,390.58. Motion carried unanimously.

(2)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to asset a Bid Opening Date of July 28, 2009 for Bid No. B09039; Project UT0901KA – Kaw WTP building

Envelope and roofing Repairs Year 3. Motion carried unanimously. (3)

Ordinance No. 8419, incorporating by reference, Text Amendments (TA-5-6-09 & TA-5-7-09) to various sections of Chapter 20 of the Developmetn Code to address implementation issues regarding Plan Approvals/Extensions and Site Plan Notice provisions, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to adopt the ordinance. Aye: Chestnut, Amyx, Dever, Cromwell, Johnson. Nay: None. Motion carried unanimously. (4)

Ordinance No. 8410, authorizing the temporary sale, possession and consumption of alcoholic beverages at South Park on Saturday, July 18, 2009, from 12:00 – 10:00 p.m. for the Americana Music Festival, was read a second time. As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to adopt the ordinance. Aye: Chestnut, Amyx, Dever, Cromwell, Johnson. Nay: None. Motion carried unanimously. (5)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to adopt Resolution No. 6840, adopting the Douglas County, Kansas Emergency Operations Plan. Motion carried unanimously. (6)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to initiate text amendments to the Land Development Code, Chapter 20 – Code of the City of Lawrence, Kansas to (1) exempt certain projects in the CD, Downtown Commercial District, from site planning requirements, and (2) revise certain requirements in Article 13 Development Review Procedures related to Major, Standard and Minor Development Projects. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve rezoning Z-4-4-09, to rezone a residential lot approximately 6,732 square feet, located at 1646 Illinois Street, Lot 7, Block 3 of University Place, from U-KU (University – Kansas University) to RS5 (Single-Dwelling Residential) and adopt on first reading Ordinance No. 8427,

for the rezoning (Z-4-4-09) of 1646 Illinois Street from U-KU (University – Kansas University) to RS5 (Single-Dwelling Residential). Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to authorize the publication of Request for Qualifications for Architectural Services related to the BNSF Depot. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to authorize staff to negotiate an Engineering Services Agreement with BG Consultants for design and construction phase engineering services for the sanitary sewer main replacement project for the 1100 block of Delaware Street and the 1500 block of New Hampshire Street. Motion carried unanimously. (10)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to authorize the City Manager to execute a purchase agreement with Acorn East, L.L.C., for acquisition of abandoned railroad right-of-way and a sanitary sewer easement in the amount of \$35,750 for the Burroughs Creek Trail Project (Tract 35). Motion carried unanimously. (11)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to approve payment to Computer Sciences Corporation for the annual fee for the Riskmaster software used for self-administration of the City's workers compensation program, for \$15,718.61. Motion carried unanimously. (12)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to authorize the Mayor to sign a Release of Mortgage for Andrea Arnaud, 1536 New Hampshire Street. Motion carried unanimously. (13)

As part of the consent agenda, **it was moved by Dever, seconded by Amyx** to authorize the Mayor to execute and approve a License Agreement between the City of Lawrence and the Lawrence Country Club. (14)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the report included two energy conservation projects which were the LED Park Lighting at Lyons Park and the installation of a big fan at the Indoor Aquatic Centers; a mid-year street maintenance program update; recognition of the City Attorney, Jerry Cooley, by the Kansas Bar Association for 50 years of service in the legal profession; recognition of Tim Hayes, Mechanic II, Central Maintenance Garage, as a World Class Technician; Community Wireless Communications intention to provide video services in the City of Lawrence and was pursuing a state franchise for cable operators; plans for distribution of a flood information brochure; the completion of a roof replacement for Douglas County Senior Center; the publication of revised standards and details for watermains and sanitary sewer by the Department of Utilities; and the completion of the City Hall Server Room Air-Conditioner.

He said on next week's City Manager's Report, staff would include the certification of the levee from FEMA and believed the City was in first place in the core region to receive that certification.

Mayor Chestnut said regarding the Community Wireless request, Sunflower Broadband had sent a letter to the Kansas Corporation Commission, and asked if KCC would consider that letter before moving forward.

Corliss said staff received information yesterday and legal staff would take a look at that information and advise the City Commission. Staff was familiar with the statute and the obligations, and would advise the City Commission as soon as they could. (15)

REGULAR AGENDA ITEMS:

Direct staff concerning the project scope for Bowersock Dam Proposed Rehabilitation and Repair Plan. Consider authorizing staff to negotiate a scope of work and cost with Hamm Construction and United Construction and consider waiving City bid requirements.

Charles Soules, Public Works Director, presented the staff report. He said Matt Bond, Stormwater Engineer, and Shoeb Uddin, City Engineer, had been working with regulatory

agencies such as the Federal Energy Regulatory Commission (FERC), US Army Corps of Engineers, Division of Water Resources of the Kansas Department of Agriculture, Kansas Wildlife and Park, and Kansas Department of Transportation. As a result, the following were the major components of the proposed plan:

1. Build a Rock Work Platform (Rock Cofferdam / Causeway) upstream of the dam, face up stream side with clay. Pump out water between the work platform and the dam which will enable closer and thorough examination of the extent of leaks and damage on the upstream face of the dam.
2. There is a lot of concrete debris and riprap from the old highway bridges. Some of this material will need to be removed in order to drive the sheet piling.
3. Backfill the area between the sheet piles and dam and place a concrete cap.
4. Repair cracks, holes, erosions, and gaps in the existing dam to protect the timber structure. These repairs were previously recommended and received concurrence from City staff, Bowersock Mill and various state and federal agencies.
5. This work will provide a long term solution for the north half of the dam.
6. The south half of the dam is a masonry structure that appears to be stable (not leaking through the structure); however, there is a scoured area on the downstream side. Repair of this area is not included in this project scope.

He said FERC wanted to see a formal plan to address future issues because the flashboards were a temporary fix to get the mill running.

The project costs were estimated at approximately \$2 - \$2.5 million.

Commissioner Johnson said what the answer was to the flow question from KDOT for that one pier, because the City did not think there would be a problem.

Shoeb Uddin, City Engineer, said staff did not know the velocity question for sure, but based on the data regarding high flow during the rainy season, it was approximately 10 times higher than the low flow. KDOT's concern was that when the coffer dam was being built, the water would be diverted onto KDOT's pier, but the work would be conducted during low flow and the flow would be much lower than the piers would encounter during the high flow season.

Commissioner Johnson asked if a hydraulic analysis could be conducted to receive more quantitative numbers.

Uddin said Olson and Associates, consultants for the Bowersock Mill, was working on the proposed north plant and had performed an analysis for that entire stretch. Staff had not seen that analysis yet, but that information would be shared with City staff regarding flow velocity, stage, hydrographs and other information in that study.

Soules said everyone thought the proposed plan was a great idea, and now they were looking at the details. He said staff could talk to KDOT to receive their ideas and ask KDOT to be a partner.

Vice Mayor Amyx said the proposed plans looked good at this point. He said at the south end of that dam, he had concerns with the damaged masonry structure. He said by securing the north half of that dam and not touching the south end, if there was a break in south portion of the dam, he asked what kind of effect that would have on the water plant and would there be enough water to pool to make the water plant work.

Soules said he believed so. Under normal pooling at the dam elevation, the pumps work very efficiently. He said if a break occurred, with the design of the current pumps, those pumps would still work and supply water.

Philip Ciesielski, Assistant Utilities Director, said if the failure was large enough to lose the pool effect, the existing intake, the way it was designed, would not function. They had emergency pumping and procedures to get some level of service to the Kaw Plant under those conditions, but if losing a section of the dam or having an incident large enough to where the water was not ponding behind the dam, the elevation of that window on the intake was reliant upon some level of pooling behind the dam at least at the concrete level of the existing structure.

Vice Mayor Amyx said the current dam needed to be at a certain level to keep the pooling high enough so those intakes would work.

Ciesielski said the current intake structure was designed around that water surface elevation.

Vice Mayor Amyx said there was a comment from the media that indicated if there was a failure in the structure, the effect on bridges and other structures would be severe. He said KDOT should take the media's comment into consideration and it made sense for KDOT to participate because of the costs associated with bridges today.

Soules said in staff's last conversation with KDOT, the door was not closed. He said KDOT was going to have discussions about that matter.

Commissioner Cromwell asked if staff was feeling reasonably comfortable about the integrity on the south side and if there would be a cost savings for in correcting it at this time. He said there were scouring issues and asked if there would be an advantage of dealing with that issue at this time.

Soules said everyone thought the scouring on the south half of the dam, on the downstream side, was significant, but did not think that half of the dam would fail tomorrow. It was a budget issue. He said while the contractor was doing work on the dam, staff could take the opportunity to use that contractor for work on the downstream side, but staff had not looked at how much that work would cost or the scope of the project.

Mayor Chestnut called for public comment.

Hank Booth, Chamber of Commerce, said the business history of the community of Lawrence was significantly tied to that dam and to what that dam had done for over 100 years for the community. He said it would be wonderful for those people who dreamt and built the early dam to now see the creation of that dam and to say it would be nice if the City could make the same investment today in 2009, looking ahead at 2109 and that the City Commission, at that time, could make a significant investment in fixing that first investment.

The Lawrence Chamber of Commerce stood in support of the City taking action that would make sure 100 years from now, the City Commission, at that time, would have the opportunity to fix it again, if needed.

K.T. Walsh, Lawrence, said if the water was not pooling and the City needed to go into emergency water procedures, she asked how long the City had, before being in big trouble.

David Corliss, City Manager, said Lawrence was fortunate the City had two independent water sources and two separate water treatment plants. In the protocol for problems at the Kaw Plant, whether it was regarding the pond for intake or with the treatment plant itself was to fully operate the Clinton Water Treatment Plant on Wakarusa, which was recently expanded to a larger treatment capacity than the Kaw. That would be the City's first step and if it was happening this time of year where water demand was high, the City would look at a number of other options and it might be work on the actual intake itself to get water in a stream effect of the Kaw River. There would be conservation opportunities in those situations.

Walsh said it was great to hear that information, but suggested relaying that information in the newspaper so the community knew the City had a plan.

Corliss said the information could be placed on the City's website.

Ciesielski said the Clinton Plant was recently upgraded and under production at the capacity to make 25 million gallons a day with the second treatment and additional treatment installed. The Kaw Water Treatment Plant's existing capacity was about 16.5 million gallons a day. Last week's production had only been in the 13 – 16 million gallons a day range. The community was very fortunate with multiple independent sources and multiple plants. The City could supply off of one plant, generally, the demands of the City with the exception of those high demand times in the summer.

Corliss said it did not mean the City did not want to do the project or that the City did not want to have two independent sources because in the redundancy, if something happened to the Clinton Plant, then the City had a challenge.

Vice Mayor Amyx said if the breach of the dam was bad enough, what would happen with the wastewater plant.

Ciesielski said the wastewater plant discharged downstream of that dam. The water flowing across that location was the same whether the dam was in place or not.

Corliss said the dam was important to rehabilitate and staff understood that roughly at a price tag of approximately 2.5 million dollars, the City could fix the northern half of the dam which was a good 50 year fix on the structural integrity of the facility. The community needed to do something similar, in scope and size, but not in price tag, because it would be several years, if not decades, to where the City would need to do something similar on the south side.

Mayor Chestnut said Commissioner Cromwell brought up an interesting point that while the City was looking at the dam, if it was significantly cost effective to expand the scope of that project and not build the coffer dam, but the work platform for further repair on the south end.

Commissioner Cromwell said the dam was incredibly important to the community to provide drinking water, recreation, safety in terms of the bridge and energy and for over 100 years had been providing energy for the town. The time might come in the future where this was a minor energy source for the community, but in the future it might be that it became more important for a local source and it was a fantastic example of a green project that the community should be touting more in terms of making the community appear to be as green as the community knew it was. He was wholeheartedly behind this repair.

Vice Mayor Amyx said the dam was important to the infrastructure for the community. Failure of the dam could be extremely severe, even with all the emergency plans and operations in place. The price tag the community had invested over the years for the Kaw River Water Treatment Plant he estimated to be between \$50 million and \$100 million. To put pressure on one treatment plant with the emergency plans in place, would not work. This step would help assure the community that an ample supply of fresh drinking water would always be available. This was a very small price tag to pay for maintenance for a facility that they could not put a price tag on for fresh water.

Commissioner Dever said they discussed other repairs to the dam, but by taking time to analyze this project, they came up with a better prospect and hopefully those changes would allow additional green power to the community. The money the City would be spending paled in comparison to the benefit they would receive from the money. This was a necessary and obligation the City had. He looked forward to the City reinforcing control and agreement on how to take care of the dam in the future because there was more money to be spent and the community needed to make sure they all agreed on how this would be done and when they spent this money they would have a plan in place in the future. He was 100% in favor of this plan.

Commissioner Johnson said in 2009 in the budget crunches the City was facing and the costs, this was not an easy decision, but it was the right decision. He thought it was an opportunity for the City to step up. He was in support of this plan.

Mayor Chestnut said it was a tough decision, but there was opportunity which played into the comments of Commissioner Cromwell. He said they could not forget that KU built a 6 million dollar facility right down the road with the anticipation of the way the water would flow and that would precipitously change if that dam was not at that location. That was an important situation and everyone believed, at that time, it was an opportunity for KU and an economic development opportunity so it played into that as well.

He said he was excited for the opportunity to expand hydroelectric power in the community because the federal administration would have an alternate energy bill that would most likely require a significant amount of delivery of alternate energy nationwide and Kansas was a State that was not necessarily hydro, but wind and other things that would be a tremendous opportunity not only locally, but for the state.

He said he wanted to direct staff to look at what it would take to expand this project and not necessarily put any parameters on the project. He said the timeline or price might not make

sense, but the City might as well look at alternatives. In a very short period of time, staff had gotten to a great solution.

He said the City already bonded a million dollars in this project so half of this project was already in the City's rates.

Moved by Dever, seconded by Cromwell, to waive bidding requirements and authorize staff to negotiate a scope of work and cost with Hamm Construction and United Construction, and to direct staff to investigate feasibility and costs of expanding the proposed work platform to the south. Motion passed unanimously.

Corliss said he understood the motion meant that staff would explore not only the south end work, but the no-work platform option as well.

Mayor Chestnut concurred.

(16)

Receive report on recommendations from the Bicycle Advisory Committee and the Traffic Safety Commission and provide direction to staff regarding bike lanes along West 9th Street (from Tennessee to Indiana).

Shoeb Uddin, City Engineer, presented the staff report. He said at the Traffic Safety Commission meeting, the members of the Bicycle Advisory Committee were in attendance and presented their recommendation. Their recommendation had three options with respect to the bike lane configurations. He said there was also public comment in favor of the request for parking removal and striping bike lanes. There were no comments from the public opposing the request. Staff received letters and communication in favor of the parking removal and bike lane options from various individuals and neighborhood organizations. Staff also received a letter from a property owner at 615 West 9th Street expressing objection to the removal of parking because that property did not have any off-street parking. After a long discussion, the Traffic Safety Commission made a recommendation and the recommendation passed 7 – 1. The recommendation consisted of two parts: 1) the removal of the parking; and, 2) the recommendation with respect to lane configuration.

He said the request for removal of parking was one block on the north side, from Tennessee to Ohio and on the south side, two blocks from Ohio to Indiana. This request was recommended by the Traffic Safety Commission.

He said three options were presented by the Bicycle Advisory Committee to the Traffic Safety Commission, in order by preference, and the Traffic Safety Commission recommended option 1. The options were:

Option No. 1

Provide a 5 feet bike lane on the south side, an 11 feet lane, a 10.50 feet lane, a 10.5 feet lane, an 11 feet lane and 12 feet for parking and bike lane on north side. In this option, bike lanes on both sides meet minimum AASHTO criteria, although 13 feet is recommended for a combination of parking and bike lane if there is a high turnover of parking. Although relatively narrower, the two through lanes (each 10.50 feet wide) at the center of the road do meet minimum AASHTO criteria. (See Lane configuration in BAC minutes)

Option No. 2

Provide a 5 feet bike lane on the south side, 4 lanes (each 11 feet wide) and 11 feet for parking and bike lane on the north side. The only issue with this option is that 11 feet for parking and bike lane does not meet the minimum AASHTO criteria and may not be safe for bicyclists; therefore, staff cannot recommend this option. (See Lane configuration in BAC minutes)

Option No. 3

Provide a 15 feet "sharrow" lane on the south side, 2 travel lanes each 11 feet wide, a 15 feet "sharrow" lane and 8 feet for parking on the north side. "Sharrow" lanes are wide lanes with symbols of bicyclists marked on the pavement and are intended to be shared by bicyclists and automobiles. Currently, there are no minimum AASHTO criteria or standards for this layout. (See Lane configuration in BAC minutes)

He said staff was asking the City Commission to provide direction for the bike lane striping options and with respect to the construction schedule of the project, staff had plenty of time to discuss the schedule with the contractor.

Vice Mayor Amyx asked if the only concern for Option 1 were the 2 center lanes meeting standards.

Uddin said the two 10.5 foot lanes was a concern, but met the AASHTO Standard, which stated the travel lanes should be between 10 – 12 feet. However, if using a lane width of less than 12 feet, caution should be used and recommended the use of local experience. He said

that way, it was a minor concern because it was a lower end and the traffic volume was high at that location.

Chuck Soules, Public Works Director, said the speed limit at that location was 30 mph, but he was not sure if people drove that speed limit because of the high volume of that traffic.

Commissioner Johnson said if staff was using the curb and gutter as part of the travel lane width as well.

Uddin said no. The center lanes were measured from the center line of the striping to the center line of the striping. The edges were not part of the travel lane because the 12 feet was a combination of parking and bike lanes.

Commissioner Johnson said he was looking at the edges and knew there was discussion about storm sewer inlets

Uddin said those storm sewer inlets were on the south side and the five feet was from the face of the curb. He said from the face of the curb, the five feet met the AASHTO criteria because there were 1.5 feet in the gutter pan and 3.5 feet in the asphalt, which was adequate.

Vice Mayor Amyx said the Bicycle Advisory Committee and Traffic Safety Commission thought that Option 1 was the best option which met the AASHTO criteria. He said the center lane standards would slow traffic and make the situation safer for everyone.

Uddin said the 12 foot met the minimum criteria, but did not meet the recommended criteria for high turnover.

Commissioner Cromwell said he was curious about the business that had no parking.

Mayor Chestnut said it was a rental house.

Commissioner Cromwell asked if the rental house was on the north or south side.

Uddin said the rental house was on the south side.

Mayor Chestnut said on Indiana there was parking only on the west side of the street.

Commissioner Cromwell said if they were creating a situation where eliminating parking, the residence would no longer be in compliance.

Mayor Chestnut said the residence was presently in non-compliance and was a non-conforming use. That rental house was at that location before the code was approved.

David Corliss, City Manager, said the removal of parking on a street was not going to change its zoning code compliance.

Mayor Chestnut said the 10.5 foot lanes went from which street to which street and then would widen to 11 feet or 12 feet.

Uddin said the 10.5 foot lane was from Ohio to Indiana, two blocks.

Mayor Chestnut asked about the width to the west.

Uddin said the width was at least 11 feet.

Mayor Chestnut said the lanes to the east went out to at least 11 feet.

Uddin said yes. He said it was the City's practice that for travel lanes, 11 feet was used as a minimum width and 10.5 feet for turn lanes.

Vice Mayor Amyx said starting at Ohio Street, going east to Tennessee Street, he asked if there would be three lanes, including the right hand turn lane marked out.

Uddin said yes.

Vice Mayor Amyx asked if the right turn lane was currently 10.5 feet.

Uddin said currently, the right turn lane was somewhat less than 10.5 feet, but once completed and parking was moved to the north side, it would be at least 10.5 feet.

Mayor Chestnut said the City Commission was provided a list of the merchants polled and three merchants opposed were the rental property, and both Jansen Clinic and Images, which both had off street parking.

Uddin said correct.

Mayor Chestnut called for public comment.

Dave Jansen, owner of Jansen Clinic, said he opposed the recommendation because of the rental property, especially when the students returned and the parking lot became full, those students tended to park in his spots even though those students were told not to park in that lot.

There was not enough off-street parking on Indiana to compensate for the amount of units at that location. He said he understood bicyclists wanting better safety on that street, but did not know that taking away parking for two blocks created that much of a difference. He said he wondered why parking spots were proposed to be taken away from the south side and not the north. Also, in consideration of KU football, that parking was so close to the stadium, it was overflowing in his spots as well without the off-street parking.

Michael Almon, Lawrence, said pieces were finally falling into place, but there were still some concerns and issues. A month ago when this issue came up, the City Commission wanted to find out if the information he determined in 2000 was still valid and comparable support for this proposal in 2009. He said he talked to as many merchants as he could, and provided the City Commission with the survey results for the record. From the numbers he had, the 67% in support was a compilation of several merchants who were firmly neutral which jokingly recognized that silence was consent, but the merchants were not going to say anything publicly because those were institutions and those institutions had to be sensitive to any number of their clientele. He said he talked with representatives from Douglas County Bank, US Bank, and Petefish Immel Heeb and Hird an attorney firm and that was the position taken. A number of people he tried to reach were unavailable and it was hard to know if that meant those people did not care or were not sure and could oppose the bike lanes at the last minute, but he assumed that those people did not care which indicated indirect support.

He said there were three people who were opposed and only one person took the time to send a letter, but Jansen spoke tonight. He said he understood Jansen's position and wanted to address why three blocks of bicycle lanes were valid. He said 9th Street was the key link between KU and downtown. It was probably the heaviest traveled three blocks on bicycles in the entire city and was also the highest accident rate for bicycles and automobiles. Bicyclists were going to use the street and used the street all the way up the hill to Iowa because there was not much option. Some arguments came up that creating three blocks of bicycle lanes and

then the bicyclists were on their own at the end and dumped into traffic, it was dangerous situation. He said it was and was not. Right now without bicycle lanes, those bicyclists were dumped into traffic and it was dangerous, but those bicyclists were going to be there anyway. The whole point was to create refuge for bicyclists in the range they were able to do at a time when City policy dictated to implement bicycle lanes when redoing a street and as Vice Mayor Amyx pointed out, having narrower traffic lanes was a traffic calming device and the bicycle lanes themselves were a traffic calming device. For all those reasons as well as the increased visibility of bicyclists and motorists of each other, as opposed to bicyclists being on the sidewalk and out of the line of vision for the automobiles that might be turning, there were a number of reasons why it would be safer. He said the final reason why they would want those bicycle lanes was because they could. They could not have bicycle lanes west of Mississippi Street, unless reconfiguring lanes, but could have bicycle lanes in the proposed segment.

He said he wanted to address the issue of parking. The person who wrote opposing the bike lane proposal lived at 615 West 9th. That person wrote in his letter that his single tenant house was a one story house that had no off-street parking. When he looked at the site and saw the aerial photograph, he wanted to point out his observation. He said he did not know if that person wanted to nuance this proposal for his personal benefit or not because that person was not able to provide enough parking on his own. He said he saw 6 mailboxes at 908 Indiana and 8 parking spaces in the alley numbers 1 – 8. On the east side of the building, there was a driveway and when he went out to that location he saw a car parked in that driveway and there was a space behind with front to back parking for two spaces. It was his impression that it was the parking for the house because it was where the sidewalk led to and went right through the hedge and between the two buildings. Overall, it was still a sub quantity of what should be provided, but the owner had options.

He said because this property owner did not provide enough parking spaces for his tenants, it resulted in the adjacent property objecting to the entire proposal. He said to respond

to that one person who was, in effect, causing some of the problem, he was not sure if that was a wise thing to do when there was so much benefit to be gained for the entire community and the safety of bicyclists.

He said he hoped the City Commission would consider this similarly and unlike the year 2000 when people shrugged and said they did not have the curb to curb width or a way to remove parking, the Traffic Safety Commission, at that time, ruled on one proposal and said it could not be done. He said this year was different because everyone he talked to put their heads together and came up with a good solution. He said he appreciated everyone's contribution.

Joe Douglas, Lawrence, said he used a bicycle, frequently, for transportation. Some years ago, he attended the funeral of an avid cyclist who was killed at the corner of 9th and Tennessee. He said there were dangers involved in riding a bicycle, more so in the City than in a car, so anything they could do to make it safer for both cyclists and motorists would be a good thing. Getting cyclists to be more responsible in the way they ride would be a very good thing, but that was not going to happen any time soon. He said the proposed changes could make a difference in making that section of street safer for cyclists and it was a low cost enterprise and cost effective proposal. He said he strongly supported this proposal and appreciated the efforts of the Bicycle Advisory Commission and Traffic Safety Commission and their work on this proposal.

Sarah Hill-Nelson, member of the Sustainability Advisory Board, said she wanted to make the comment that the Sustainability Advisory Board wrote a letter in support of those bike lanes on the south side of 9th Street and appreciated the City's consideration of this request.

Jansen said he wanted to add that he respected their wishes regarding safety, but it should not be overlooked about the impact on the commercial businesses. He said he was not sure why it was determined to take the parking off of the south side of the street as opposed to the north, and he was not sure of the situation of the rental properties around him, but knew that

the buildings were built at that location a long time ago. It was hard to retrofit this area of town to accommodate something like this and take away parking that had been there for such a long time and the impact on the surrounding area should be in consideration. He understood the safety issues.

Eric Struckoff, Chair of the Bicycle Advisory Committee, said he appreciated everyone willing to look at the possibilities. At the Bicycle Advisory Committee, they liked to talk about connectivity a lot. This project was just a couple of blocks long, but it was a unique situation because it was a commercial area that had shown a high rate of conflicts between automobile and bicycles. In this case, they had an opportunity to provide a spot of safety in an area they knew needed to be addressed. The Bicycle Advisory Committee was wholeheartedly in support of this proposal in terms of bike lanes and was an opportunity to provide separate spaces on the road surfaces. He thought it would benefit all cyclists throughout the City.

Almon said regarding the shared parking and bicycle lane on the north, he asked if staff could clarify if the parking spaces would be striped and the width relative to those lanes.

Uddin said in situations like this, only the bike lanes were striped and did not need to stripe the parking area, but that striping could be done. There would be 4 feet for parking and the rest would be a bike lane.

Mayor Chestnut said it would be good to address the north versus the south side for parking.

Uddin said the location of the parking removal on the north and south was not chosen by staff. It was proposed by Almon and decided upon when they met with the Bicycle Advisory Committee and in consultation with the Bicycle Advisory Committee those locations were chosen with the understanding that it would have a lesser impact if the parking was to be removed from the south side as opposed to the north side.

Mayor Chestnut in summary, there were more spaces for parking on the north side than the south side on that stretch of 9th Street.

Uddin said yes and the rationale was that the parking on the north side was used more often than on the south side.

Commissioner Dever said the east side of that block also had a service station and there were mainly driveways and no parking spaces on the east side on that block between Indiana and Louisiana. He said there was an office building on the west side. He said he did not know if it was because of that type of parking situation or the use. He said someone needed to clarify for the record, why the north side was chosen instead of the south side.

Uddin said it was a combination of those factors with the number of parking spaces and that parking on the south side was used less often than the north side. He said if removing parking on the south side, there would be a lesser impact than on the north side.

Commissioner Cromwell said this was another opportunity for a healthier and greener community.

Mayor Chestnut said it was hard to take parking away. He said his family, at one time, owned that building and realized the off-street parking was very appealing to many people in the area and was tough to control. He said the community was committed to expand its connectivity and bicycle lanes. Unfortunately, that connectivity and bicycle lanes were claimed incrementally and it was a lot like right-of-way when going through commercial or residential areas and at some point, the entire strip would have connectivity. He said they needed to start at some place or they were never going to get anywhere. He said he agreed that 9th Street had a tremendous amount of bicycle traffic and there were a lot of conflicts in the area because of curb cuts. He said the proposal did not remedy the situation, but it was an appropriate proposal and was a solution that did not make everyone happy, but was for the greater good.

He said he was concerned about the off-street parking situation for that one house, but it was a non-conforming use and he was not sure there was enough parking to start with. It would exacerbate the situation, but people tended to find a solution over time. Especially during day time hours, it was not a highly used situation. He said if there were 60 or 70 percent of the

merchants that were in opposition of this proposal, he would probably have a different view. He said given the fact there was a solid majority that saw the value, he thought it was appropriate.

Commissioner Dever said he agreed.

Vice Mayor Amyx said a parking situation existed for 615 West 9th Street, but he was not sure the public right-of-way was the Commission's responsibility in providing that parking. He said 4 – 5 parking spaces were used on a regular basis.

He said this was also a safety issues with automobiles, bicyclist and pedestrians, but two of those safety issues could be addressed with this proposal. He said he would be supportive of this proposal because it took care of safety issues along that street.

Commissioner Johnson said he did not think this proposal was the best solution, but it was a solution. He said he hoped, in the future, if looking at fixing the geometry of 9th Street and widening, they could come up with a better solution. He said this proposal started out as an overlay project, but was caught in midstream to re-stripe for less costs, if not any costs, and hopefully provide that safety for the bikers. In the future, he hoped they would not assume there was a sixty foot road and if they were to rebuild 9th Street, he would want those corrected lane widths. He said he had discomfort going toward minimum standards, but in this situation it was a solution for the greater good and was in support.

Eric Struckoff said with installing this facility, which was noted earlier, there were a lot of curb cuts for commercial stores. It might be good to consider signage along that area. A common conflict between cars and bicycles was that when a car was approaching its right turn, it might speed up to pass the bicyclist and when the bicyclist was out of sight, the motorist believed the bicyclist stopped. This might be an opportunity to put signage up for yielding to bike lane traffic, before turning right, to make it clear this was a through lane.

Vice Mayor Amyx said to Struckhoff to pass the message onto bicycles about passing cars on the right and the potential danger.

Mayor Chestnut said the City Commission could discuss the recommendation of the Traffic Safety Commission and the Bicycle Advisory Committee in combination with Option 1. He said he did not think Option 3 was something that was seriously considered and Option 2, the 11 foot on the north was outside the standards. Option 1 met all the criteria, at least at a minimum.

Moved by Amyx, seconded by Cromwell, to adopt Option 1 as recommended by the Traffic Safety Commission and Bicycle Advisory Committee to establish bike lanes along West 9th Street (from Tennessee to Indiana). Motion passed unanimously. (17)

Consider Traffic Safety Commission recommendation to deny a request to establish a school reduced speed zone on George Williams Way adjacent to Langston Hughes Elementary (TSC voted 5-1 to deny).

David Woosley, Transportation/Traffic Engineer, presented the staff report. He said the Traffic Safety Commission voted 5 – 1 to deny the request because it did not comply with the City’s adopted policy on school’s crossing control. The school crossing control policy was initially adopted by the City Commission in March 1996 and subsequently in August 2005 and January 2008. In each of those cases, the criteria for reduced speed zone were, “A reduced speed zone may be provided for each marked school crosswalk that was not protected by a stop sign, traffic signal, or adult crossing guard.” In this particular area, there were no school crosswalks to be protected or a reduced speed zone. There were crosswalks at George Williams and Harvard, which was at the roundabout and protected with an adult guard, and also at Bob Billings and George Williams Way, again, protected by an adult crossing guard. It was the reason Traffic Safety Commission voted to deny the request.

Vice Mayor Amyx said if the Traffic Safety Commission had information about the speed near Harvard along the school driveway and the south, at Longleaf Drive.

Woosley said the TSC requested information regarding speed, but speed was not in the City's criteria. There were no official crosswalks for the children at that location and they were not supposed to be in the street.

Mayor Chestnut said that in the City's current guideline, St. John's would not have slow down zone.

Woosley said correct. In fact, St John's did not have a crosswalk anymore, but that reduced speed zone was established many years before the City had a policy on reduced speed zones around schools.

Commissioner Cromwell said he had a big problem with crosswalks and schools in the City of Lawrence. He said it was just decided to eliminate the crosswalks and as a result, did not need to worry about the school zones. Some places it was impossible to get to the school without a car and the fact that there was no crosswalk at that location, was a symptom of a problem. There was a need for a crosswalk which would then create a need for the school zone.

Mayor Chestnut said he agreed, having three of his children attending Langston Hughes Elementary, but he was most concerned with traffic going north bound on George Williams Way toward the roundabout from Bob Billings because that street was a very wide straight shot. Basically, a child would be going on that entire front side of the school before hitting that roundabout and speeds were excessive and dangerous in that situation. He said he did not know why there was not a crosswalk in that area, but guessed when the school was built, across the street was DeVictor Park, but DeVictor Park was not at that location to start with and did not think there was a sidewalk across the street on the other side for a period of time. Now, there was a sidewalk that went through the entire park and connected George Williams around the corner, down Harvard which that route did not exist when the school was built.

Commissioner Johnson asked how a person would get by, with Longleaf Drive connecting to George Williams Way, without a crosswalk. There were a number of students that crossed Longleaf, walking down George Williams Way and there was only a yield sign.

Woosley said the City's policy indicated a yield sign was needed where a street intersects a collector street which George Williams Way was a collector, unless there were further criteria met because of traffic conditions. The children in that area were to cross with the adult guard which was provided at Bob Billings and then walk down the west side of the street. If there was a sufficient number of students, based upon the City's policy, the City could provide crosswalks at any location where requested and met the City's criteria. The adopted policy was 10 students crossing either in the morning or afternoon and if there were that many students crossing, then the City provided crosswalks.

Commissioner Johnson said on paper it stated one thing, but in reality it was different. He said he took his daughter school everyday and would not let his daughter walk across Bob Billings Parkway in which there was a crossing guard at that location. He said to expect that crossing guard to walk those children down past Longleaf Drive was crazy because of the kids walking across the street with that traffic. He said this issue needed to be addressed.

Vice Mayor Amyx said recently there was a change by the school district on who had to walk to school and the community would see more kids that had to walk or brought to school by other means and the City needed to look at the school safety issue and crossing zones throughout the entire community.

Mayor Chestnut said Bob Billings at George Williams Way there was a large curve going directly to the school. There were probably 200 – 300 yards between Bob Billings going past Longleaf Drive, with a wide 2 lane road and bicycle lanes on both sides. He said his recommendation would be to refer this issue back to the Traffic Safety Commission consider not only a reduce speed, but a crosswalk at the end of the school property that went across George Williams Way.

David Corliss, City Manager, said he suggested the TSC also look at a crossing guard for that new crosswalk. He said he had concerns with an unattended crosswalk and whether or not that would be safe for kids.

Commissioner Dever said there would be major changes to the rule, if not happy with the changes, for that particular street.

Corliss said there was an additional request to reduce the speed in which the City Commission could act on that request and then this issue would go to an August TSC meeting to talk about the crosswalks, but suggested also talking about a crossing guard.

Commissioner Cromwell said he would like the entire issue studied. He asked if there were 10 students that walked to Central Junior High School

Woosley said the policy was for elementary students only. It was determined in the 1990's that Junior High Students should be able to walk to school on their own without assistance from the City.

Corliss said Commissioner Cromwell was talking about how to encourage students of all ages to get to school safely with crosswalks and appropriate connections.

Commissioner Cromwell said part of the issue was the idea of a crossing guard and there might be some instances where the crosswalk would only need to be striped and a warning sign available. He said reducing the speed near Langston Hughes would be helpful, but looking at various options outside of what they had written right now would be helpful.

Mayor Chestnut called for public comment.

Moved by Cromwell, seconded by Amyx, to defer this item and direct staff to provide a recommendation for reduced speed as well as distance information for consideration by the City Commission and refer this issue back to the Traffic Safety Commission for further discussion about a school zone in front of Langston Hughes. **(18)**

Consider Traffic Safety Commission recommendation to approve the request for traffic calming devices on New Hampshire Street between 19th Street and 23rd Street. There are no funds currently budgeted for these traffic calming devices.

David Woosley, Transportation/Traffic Engineer, presented the staff report. He said studies were conducted earlier in the year, but the study happened during KU's break and the speeds were not quite high enough to meet the criteria, so Traffic Safety Commission requested redoing the speed studies, which was completed and brought back to the City Commission in May. The traffic volume, through that stretch, did not meet the criteria for traffic calming, but the speeds did. Basically, the criteria were if the 85th percentile speed was 5 mph or more over the speed limit, then it was a criteria to consider traffic calming. The speed limit was 30 mph by state law and in this section the 85th percentile speed was over 35 mph. It met the criteria and the Traffic Safety Commission voted 4 – 2 to recommend installation of traffic calming devices at some point in time in the future when funding was available. There were two people against this item. One person did not like traffic calming devices that slowed people below what they would normally be able to drive and the other individual did not think that New Hampshire would be a candidate for traffic calming devices.

Vice Mayor Amyx said there were currently 14 pending requests ahead of this request and no funding for those projects.

Woosley said that was correct.

Vice Mayor Amyx said the City Commission needed to discuss how those projects would be paid and whether a benefit district might come into play. If not, there would be a backlog of projects with expectations from residents thinking it would be their turn, but could find that the projects were re-ranked.

Commissioner Dever asked about the speed humps and where those speed humps would be located.

Woosley said generally speed humps were located at mid-block locations because that was where the speed was highest.

Commissioner Dever asked what type of speed humps would be installed.

Woosley said it would not be the speed humps that had slots because those were speed cushions and was done on collector type streets for emergency vehicles purposes. It would be a hump constructed with concrete or asphalt.

Commissioner Cromwell said by the time the project was funded, there might be something completely different for speed humps by then.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said he did not like entering into a discussion like this without having information and he thought that it was appropriate to see what was in the queue. He said it was appropriate to determine the number of projects, the ranking system and how it worked, and what was outstanding. Also, staff's recommendations on those projects, if financed by benefit districts, would be determined. He said it was also important to received suggestions on where those benefit district might stop and start. He asked that this issue be placed on a future agenda, but as far as the current recommendation, he asked the Commission their thoughts.

Vice Mayor Amyx said this recommendation met criteria for approval and concur with the Traffic Safety Commission.

Mayor Chestnut said he drove that stretch and it was a long shot and real convenient off of 23rd Street if wanting to get around, especially if wanting any queuing of traffic at the traffic light on Massachusetts. It was a very convenient spot to rapidly drive four blocks. It was an appropriate recommendation based on the current policy.

Commissioner Dever said speed humps seemed to be working well where those humps were installed and he preferred those humps over anything else. He said he was not positive when that street was last resurfaced, but it would be nice to dovetail it. He was in favor of putting that project on the list because the Commission knew the expectations and would figure out how to pay for those projects and had a good reason to seek funding from bonding or benefit district.

Mayor Chestnut said in looking at this list, he suggested including in those considerations, the pavement index of those streets that were being recommended for traffic calming because if it looked like the street was going to be resurfaced in the next two years, it might be appropriate to defer those projects and as the bidding took place for the entire area, it could be included.

The second issue was the City Commission changed their opinion on how to do traffic calming and that had evolved since the first project was approved and not funded. If looking at those projects in totality and with a cost effective approach, could they fund a majority of those projects very cost effectively with some kind of consistent methodology that would make the number go down. The current numbers were the recommendations adopted at that time, but it could be that it was the calming and not the method the neighbors cared about. He said it might be time to take a more comprehensive approach and could get to a number of those projects for a lot less, if the City was creative.

Moved by Cromwell, seconded by Dever, to approve request for traffic calming devices on New Hampshire Street between 19th Street and 23rd Street. Motion passed unanimously. (19)

Receive update on Lawrence Community Shelter compliance issues and consider establishing a hearing date of August 4, 2009 pursuant to Section 20-1306(I) of the Land Development Code to consider an amendment to SUP-01-02-07 to increase the overnight participant occupancy from 31 to 73 (75 total including staff).

Scott McCullough, Planning and Development Services Director, presented the staff report. He said the number of additional occupants was still under review and according to the latest floor plan submitted to staff, it could be as high as an additional 52 occupants. Staff had some information from Loring Henderson, Lawrence Community Shelter, that there was a request for an additional 49, which would be 82 for the building, if receiving approval to increase the occupancy.

He said this was an issue of compliance with the existing special use permit and was created out of reaction to the Salvation Army closing. The Lawrence Community Shelter was exceeding its occupancy limitation of 31 occupants, as established by the special use permit. Staff understood that 42 additional people were currently sleeping at the shelter, either indoors or outdoors, but not in the basement. Staff had met with the shelter representatives and agreed not to occupy the basement as the basement had fire code issues for both occupants and fire fighters who would be responding to any event at the shelter.

He said the City Commission's packet materials included information on how the shelter would modify the structure to become code compliant from building and fire code perspective.

The SUP was out of compliance and the development code gave the City Commission the authority to amend, suspend, or revoke the special use permit after a hearing was completed. Assuming that the hearing was initiated tonight for August 4th and final reading of an approved ordinance on August 11th, staff could then grant building permits to modify the structure, which included finishing the basement portion. If the City Commission agreed and as an alternative to waiting to release the building permits, the City Commission could direct staff to issue the permits, but withhold occupancy until the decision about increasing occupancy was made for the existing site.

He said he provided the City Commission a timeline and action steps to bring the shelter into compliance with this occupancy issue. Also, a timeline was provided and action steps relative to the special use permit as it related to extending the time frame for the existing location and providing information about relocating the shelter. It would include a deadline of September 14th to submit an application to extend the time frame from the 3 year special use permit. This would get it into the City Commission's consideration in December. He said he also provided a couple of options about establishing the hearing date for August 4th, pursuant to the development code, to consider amending the code to increase the occupancy. Option 1 would be to withhold issuing permits until after that hearing was conducted and Option 2 would

be to issue the building permits, but withhold occupancy. The code provided other options which included a hearing to revoke the special use permits because the applicant was out of compliance. He said staff believed there should be consideration for the request to establish that hearing, hold the hearing, receive public comment, and hear from the shelter and staff as to the merits of that request.

Mayor Chestnut said the Shelter was not allowing overnight occupancy of the basement.

McCullough said that was correct and staff's understanding.

Mayor Chestnut called for public comment.

Loring Henderson, Director of the Lawrence Community Shelter, said he knew this issue was complicated and had received a lot of attention. He said people were not sleeping in the basement of the shelter and had not been since the middle of June when a meeting took place with city officials. He said the shelter fed 70 people and supplied sleeping quarters for 52 people a night and approximately 14 people slept outside. He said with the people from the Salvation Army there could be potentially 82 people to feed and house.

He said in preparation for getting the space up to code, quotes were received from several contractors. The expansion of the sprinkler system was fairly straight forward because there was already a sprinkler system for part of that building. The entire building would be sprinkled which included offices, the day room on the first floor, and the entire lower level.

The price for extending the sprinkler system was \$10,480; retrofitting and upgrading the alarm system was \$5,735; the window well and firewall to address the egress issue was \$9,635; the construction of two new showers was \$21,140; and, destruction of two non supporting walls, cleanup and painting was \$2,500 for a total of \$46,490. If the City Commission approved of this plan, the money from CDBG that was set aside for renovation work at 13th and Massachusetts building was approximately \$79,000 and was being held in reserve at this time.

He said his concern, as director of the shelter, was people sleeping outside and would like to have those people inside as quickly as possible. He said he preferred Option 2 of

McCullough's recommendations because if the work could be completed in conjunction with the modified SUP process, then they would be ready, assuming that it was approved. He said he was trying to be optimistic and needed to provide space for those people as soon as possible, which would make shelter ready by the middle of August to house people. The contractors said the project would take two to three weeks.

Commissioner Dever asked how the shelter proposed paying for those modifications.

Henderson said the Shelter had money now and money that was allocated for the renovations previously from CDBG and he hoped a portion could be used. The Shelter would pay up front and CDBG would reimburse the Shelter.

Mayor Chestnut said it would be appropriate to discuss Option 1 or 2. Option 1 was to set the hearing date, but withhold any building permits until that hearing date took place; or, move forward with the building permits, regardless of when the hearing date was set.

Commissioner Dever said the recommended plan of action submitted by staff talked about a variety of timelines and milestones. He said to discuss the preferred option, the timelines and how those timelines fell, relative to the milestone, needed to be discussed. He said he wanted to know where the milestones came from and how the milestones interacted or corresponded to the actual opportunities for a permanent shelter and if those dates were realistic based on the current code where those types of uses were allowed, and ultimately if those location could be built. It was all relative to what option the City Commission determined to take on this issue.

McCullough said the timelines in the packet had to do with the immediate issue of compliance with the existing special use permit. For some time, the shelter had been working in putting in some effort to account for the Salvation Army's closing. There was an application for a county building on Massachusetts Street and time was spent looking at the church across from the shelter as an option. There was also the idea about the existing shelter.

The second issue was the location of the shelter and staff had spent time looking at different sites with the shelter and how that meshed with the deadline of next April, for the special use permit. One of the assumptions from staff was an extension of the current special use permit was likely to be requested by the shelter while the shelter was looking at the nuts and bolts of relocating the shelter to some other location in the region. Staff was trying to set up some realistic ideas for now and in the future. The special use permit existing today required that if an extension request was made, then an update on the relocation efforts were also submitted. The shelter had been trying to get that information to the City Commission in moving toward relocation. At this point, the shelter was trying to meet the need for the Salvation Army closing and staff was trying to provide options to the shelter and help facilitate the land use process.

Commissioner Dever said staff looked at what was required in the previous determinations and tried to create a reasonable timeframe in order to alert everyone in what might need to be done in April of 2010.

McCullough said with previous commission meetings, he thought the Commission's direction was for the special use permit extension request, if there was going to be an extension by the end of this year, which gave a September deadline for the shelter to submit. There would then be a November Planning Commission meeting and December City Commission meeting. He said around that time, the church across the street met to talk about fire code issues and other issues with that particular structure and where he picked up direction to look at other alternatives including the existing site and try to get land use and compliance issues worked out with the special use permit and this was one of the better ways to do it by the City Commission establishing a hearing to talk about the compliance issues at the current location.

Mayor Chestnut asked if the hearing date on August 4th would not go through the Planning Commission.

McCullough said that was correct. It was all pursuant to code.

Commissioner Johnson said he could appreciate Henderson wanting to go with option 2 in wanting to move forward and get people moved in and trying to be positive and hopeful for an approval. He thought they were getting the cart before the horse in spirit of a public hearing, so he was in favor of option 1 where the public hearing date would be a 30 day delay.

He said what would happen to the additional CDBG money if they were only using roughly \$49,000 and the total amount of the grant money was \$79,000. There was roughly \$30,000 left over and knew there were other agencies that made requests of the CDBG money. He asked if the shelter could be in line for that grant money.

McCullough said he understood that money could be reallocate after taking it back to the committee and then before the City Commission, for approval.

Vice Mayor Amyx said he appreciated the work of the shelter, but if another business was in violation of a special use permit, he asked how the City Commission would handle that violation. He said he wanted to point that out because land use was always a big issue. He said he could not support Option 2, but supported Option 1.

Commissioner Cromwell said he had a lot of concern about getting people housed as quickly as possible. He said August 4th was not too far down the road and doubted the shelter could pull a permit and start digging tomorrow. He said he was going to favor Option 1, mostly out of concern, even though he would love to have those people moved in as quickly as possible, of wasting \$50,000 of the shelter's dollars when they could have waited two weeks before giving someone the go ahead.

Commissioner Dever said this was a unique situation and there were no competitors, no takers, and no one else was stepping up to the plate to offer those services. This was a unique, compassionate community service the Commission was trying to provide. Safety was Henderson's number one concern. He said it was presumptuous for the City Commission to approve spending the money with the idea the Commission would deny it. If the hearing involved a lot of new information and new concepts, the City Commission should be talking

about whether or not to approve the idea or concept now because unless there was another body making those decisions, the City Commission would be making those decisions. Moving quickly was in the best interest of everyone involved and if there was an idea the Commission would not approve it, he agreed that it would be a waste of money. He was not considering not approving the interim use of the facility so he would be in favor of moving forward because there was no other deciding factor other than the information that came before them between now and then. He was in support of moving forward, the quicker the better. He understood the process and procedure, but the Commission was already looking at the hurdles. He said he was in favor of Option 2 and agreed that normally if there were businesses and a for profit agency, there were a lot of different hurdles they had to address. This was a problem that was only going to be temporarily resolved with a hearing and then they had to talk about it in a month.

Mayor Chestnut said he was in support of Option 1 as far as holding off. He said he agreed the Community Shelter was the one emergency shelter, but took very seriously a public process which not only meant a decision by this body, but the willingness to take public comment from people who oppose or may have opposite opinions. He said there would be a lot of comment about some of the unintended consequences of increasing the intensity of use of the property. He said he understood part of the issue with the fact that it was not a matter of them questioning the use, but thought there would be significant comment on the intensity of that use. He was not sure he could support the recommendation of the intensity of use that was being put forth, only because he had a number of questions about how it would impede the other mission of the shelter, which was all the other programs because they were committing a significant amount of floor space which might compromise the goals that were set forward by the CCH and others as far as accomplishing helping people getting back onto the path of self sustaining livelihood. Hearing a lot of comment from people who lived in the surrounding area who were now looking at approval of double density of people who were there overnight and

what impact that had on the neighborhood. He said he took that pretty seriously and thought they needed to have the ability to listen. He said if the Commission moved forward with the building permits, the Commission would be attesting to approval. He said he wanted to move quickly and staff had availed themselves a lot to this issue over the last couple of months not only on the temporary but looking at other options for permanent locations and trying to be as flexible as possible. He said he echoed Vice Mayor Amyx's comments in that they had to be able to set special use permit limitations and had a challenging situation. As a body, they were trying to recognize the need, but also balance off the safety issues they had and welfare of the people being housed there and try to figure out how to balance all of this because they were somewhat in an adverse situation. He was not comfortable issuing building permits when the public hearing had not occurred and could anticipate the fact that they would have significant comment on people expressing concerns relative to having at least twice the density at the shelter for a period of probably 12 hours a day.

Vice Mayor Amyx said if there was action necessary to increase the number of individuals who could potentially stay overnight in the facility, and was there an opportunity for adjacent residents to protest that by protest petition.

McCullough said he needed to review the code. He said it was a hearing to look at an existing SUP for the governing body to amend, suspend or revoke per code. He said he would work with John Miller, Legal Staff, to answer that question. The code clearly called for a public hearing so the public could provide comments and testimony to the special use permit before the City Commission made their decision on how to address the non compliant SUP.

Vice Mayor Amyx said he voted against the last request, but was allowed to go through on a 5 year permit. He believed it was inappropriate for a member of this body to give their direction until such time that hearing took place.

Commissioner Dever said his point was that they could lead people down a path, make people think things were going to be a certain way, but the problem still existed. He said he

wanted to be straight up with people and if there was going to be a jack knife in the process; he wanted to know what it was so they could anticipate it and find a different place. He said he was afraid they would get to be a month away and then would have to be another month away because it would get denied or not approved. He said he wanted to make sure the City Commission acknowledged that there were people sleeping there and they should make sure they had the process in place so they would not continue to condone a use.

Vice Mayor Amyx said he would consider this issue after proper review in accordance with the code.

Commissioner Dever said he was under the impression that this would be a formality because the SUP was already in place.

Mayor Chestnut said it was not an across the board feeling that level of occupancy was necessarily going to be what some Commissioners would support. He said as a follow-up, he was going to have a bank of questions about the implications for the shelter and their programs.

He said he supported the three year SUP two years ago, to not be in this situation, regardless of what happened with the Salvation Army, it was clear by this point in the milestones the Commission approved, they would be at a place where they would be talking about a permanent facility, but they were not there. There was accountability which was implicit in extending the SUP. He said he shared the Vice Mayor's concerns about what this meant for the ultimate future. He said there were a lot of people in the community who thought there would not be an ultimate future. The hearing should bring out the discussion and a lot more information should be brought forward.

Moved by Dever, seconded by Johnson, to establish a hearing date of August 4, 2009 pursuant to Section 20-1306(l) of the Land Development Code to consider an amendment to SUP-01-02-07 to increase the overnight participant occupancy established per site plan note and withhold issuing building permits to modify the structure at 944 Kentucky until after a

hearing is conducted and a determination is made on amending SUP-01-02-07 to increase occupancy at the shelter. Motion passed unanimously. (20)

Consider adopting the 2010 City Commission Goals Statement.

David Corliss, City Manager, presented the staff report. He said in May the City Commission conducted a study session on their goals. The draft goals statement tried to capture the narrative of the goals for the City Commission. Commissioner Johnson asked that staff include financing options for economic development. The Commission's action was to further review the document and if appropriate adopt it as their goal statement. After the City Commission finished their work and adopted the goal statement, he would start working on the development of a work plan with staff on how to working out the different items over time. Staff would work on setting those goals out and keep track of things so the Commission could see progress on all those items.

Mayor Chestnut said he wanted to compliment staff on organizing the study session. He thought it was a good session and used the document to give a speech at Rotary on Monday. The feedback he received was a lot of impressions from the audience that they were very positive about the comprehensiveness in what the Commission's was doing, and it was a very coherent document. He said he also appreciated all the input of the Commissioners as well because everyone took the time to think about and put their different spin on what they were trying to do. He thought it would be a good work plan and hoped it would provide more direction to staff about where the Commission was going.

Mayor Chestnut called for public comment.

After receiving no public comment, Mayor Chestnut said hopefully this would be a good template for the City's future.

Moved by Cromwell, seconded by Amyx, to adopt the 2010 City Commission Goals Statement. Motion passed unanimously. (21)

PUBLIC COMMENT: None.

FUTURE AGENDA ITEMS:

Monday
07/13/09

- City Commission Study Session – 3:00 – 5:00 p.m. Topic: City Manager’s Recommended Budget.

07/14/09

CONSENT:

- Approve Rezoning Z-4-6-09, to rezone 15,625 sq. ft. located at 135 & 137 Pawnee Avenue from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office). Submitted by Landplan Engineering, for Haskell Light Inc, property owner of record. Adopt on first reading, Ordinance No. 8426, for the rezoning (Z-4-6-09) of 135 & 137 Pawnee Avenue from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office). (PC Item 5; approved 8-0-1)

REGULAR:

- Consider approving recommendations from the Parks & Recreation Advisory Board and Parks & Recreation staff regarding parks and recreation and golf course fees.

ACTION: Approve recommendations regarding parks and recreation and golf course fees, if appropriate.

- Consider adopting on first reading, Ordinance No. 8420, increasing fines for certain parking and traffic offenses. [Staff Memo & Attachments](#)

ACTION: Adopt on first reading, Ordinance No. 8420, increasing fines for certain parking and traffic offenses, if appropriate.

- Consider approval of downtown parking fees, fines, and enforcement hours.

ACTION: Direct staff as appropriate.

- Consider adopting on first reading, [Ordinance No. 8423](#), amending the alarm ordinance to eliminate the alarm user permit, eliminate provisions regarding false alarms, and adjust the alarm company license fee.

ACTION: Adopt on first reading, Ordinance No. 8423, amending the alarm ordinance to eliminate the alarm user permit, eliminate provisions regarding false alarms, and adjust the alarm company license fee, if appropriate.

- Bowersock Dam project.
- Water and Sewer Bond Sale

07/21/09

- Commissioner Johnson absent from July 21 City Commission Meeting.

- Authorize publication of the 2010 Budget Summary and establish August 11, 2009 as the public hearing date.

07/28/09

- Consider approving Comprehensive Plan Amendment, CPA-3-2-09, for revisions to Horizon 2020 Chapter Four – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County. Initiated by the Planning Commission on April 20, 2009. Requested by Rockwall Farms, LC. Approve on first reading, Ordinance No. 8415, for Comprehensive Plan Amendment (CPA-3-2-09) for revisions to Horizon 2020 Chapter Four – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County. (PC Item 4; approved 6-2 on 5/18/09, BoCC approved 3-0 on 6/24/09)

ACTION: Approve CPA 03-02-09 and adopt on first reading, Ordinance No. 8415, for revisions to Horizon 2020 Chapter Four – Growth Management and Chapter 6 – Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County, if appropriate.

08/04/09

- Authorize the City Manager or Mayor to send a letter to KDOT requesting the inclusion of certain improvements to the plans for the reconstruction of the 23rd Street bridge.

08/11/09

- Conduct public hearing on the proposed 2010 City budget.

08/18/09

- Adopt on second reading, Ordinance No. _____, adopting and appropriating by fund the 2010 budget for the City of Lawrence.

10/27/09

- 2009 LEAP Awards Ceremony

TBD

CONSENT

- Approve Text Amendment, TA-5-8-09, to various sections of the Lawrence SmartCode to revise the architectural standards. Approve on first reading, Ordinance No. 8430, for Text Amendment (TA-5-8-09), to various sections of the Lawrence SmartCode to revise the architectural standards. (PC Item 9; approved 9-0 on 6/24/09)
- Approve Text Amendment, TA-5-5-09, to various sections of Chapter 20 of the Development Code to address implementation issues regarding Parking Lot Landscaping Requirements. Approve on first reading, Ordinance No. 8429, for Text Amendment (TA-5-5-09) to various sections of Chapter 20 of the Development Code to address implementation issues regarding Parking Lot Landscaping Requirements. (PC Item 11; approved 9-0 on 6/24/09)

REGULAR

- Consider approving rezoning Z-4-5-09, to rezone the Lawrence Municipal Airport, containing approximately 503 acres, from GPI (General

Public and Institutional) to IG (General Industrial). There is existing ASO (Airspace Overlay District) and FP (Floodplain Management Regulations Overlay District) zoning overlays on all or portions of the property being rezoned to the base IG district. Initiated by City Commission on 4/7/09 and re-initiated on 5/26/09 to include 503 acres. Adopt on first reading, Ordinance No. 8425, for the rezoning (Z-4-5-09) of the Lawrence Municipal Airport from GPI (General Public and Institutional) to IG (General Industrial). (PC Item 4; approved 6-2 on 6/22/09)

ACTION: Approve rezoning Z-4-5-09, to rezone the Lawrence Municipal Airport, containing approximately 503 acres from GPI to IG and adopt on first reading, Ordinance No. 8425, if appropriate.

- Discussion of emergency vehicle access during the North 2nd and Locust intersection reconstruction.
- Consider Text Amendment, TA-4-3-09, to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code. Adopt on first reading, Ordinance No. 8428, for Text Amendment (TA-4-3-09) to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code. (PC Item 10; approved 7-2 on 6/24/09)

ACTION: Approve Text Amendment (TA-4-3-09) to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code and adopt on first reading, Ordinance No. 8428, if appropriate.

COMMISSION ITEMS:

Vice Mayor Amyx said that a constituent had asked about how boundaries were set for neighborhood associations. He asked staff to provide information on how the Oread Neighborhood Association changed its boundaries.

Moved by Amyx, seconded by Dever, to adjourn at 9:19 p.m. Motion carried unanimously.

APPROVED:

Robert Chestnut, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

CITY COMMISSION MEETING OF JULY 7, 2009

1. Contract – Duke’s Root Control, Inc., \$99,959.51, 2009 Chemical Root Control Program.
2. Bid – 2009 Overlay Program, Phase 2, R.D. Johnson Excavating, for \$1,093,390.58.
3. Bid Date – July 28, 2009, Kaw WTP Building Envelope & Roofing Repairs.
4. Ordinance No. 8419 – 2nd & Final Read, Text Amendment to Ch 20 Devel Code.
5. Ordinance No. 8410 – 2nd & Final Read, temp sale of liquor at S Park, July 18, 2009.
6. Resolution No. 6840 – adopt Dg Cty Emergency Operations Plan.
7. Text Amendments – Land Devel Code, Ch 20.
8. Ordinance No. 8427 – rezone 1646 Illinois St from U-KU to RS5.
9. Request for Qualifications – Architectural Srvcs, BNSF Depot.
10. Engineering Srvcs Agreement – BG Consultants, sanitary sewer main replacement, 1100 block Delaware St & 1500 block of New Hampshire.
11. Purchase Agreement – Acorn East LLC, ROW & sanitary sewer easement, \$35,750.
12. Payment – Computer Sciences Corp, Riskmaster software, for \$15,718.61.
13. Release of Mortgage – Andrea Arnaud, 1536 New Hampshire.
14. City Manager’s Report.
15. Bowersock Dam Proposed Rehabilitation 7 Repair Plan.
16. Report- Bicycle Advisory Committee & Traffic Safety Commission, bike lanes, W 9th St.
17. Request – reduced speed zone on George Williams Way.
18. Traffic calming devices – New Hampshire St betw 19th & 23rd St.
19. Lawrence Community Shelter – Compliance issues.
20. 2010 City Commission Goals Statement.