



City of Lawrence

CITY COMMISSION

MAYOR
ARON E. CROMWELL

COMMISSIONERS
ROBERT J. SCHUMM
MICHAEL DEVER
HUGH CARTER
MIKE AMYX

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February 14, 2012

The Board of Commissioners of the City of Lawrence met in regular session at 5:00 p.m., in the City Commission Chambers in City Hall with Mayor Cromwell presiding and members Amyx, Carter, Dever and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. None.

B. CONSENT AGENDA

Amyx requested that items number 11 and 12 regarding Lawrence Activity and Wellness Center, be pulled from consent for separate discussion.

It was moved by Schumm, seconded by Amyx, to approve the consent agenda as below. Motion carried unanimously.

1. Approved City Commission meeting minutes from 1/24/12.
2. Received minutes from various boards and commissions:
Retiree Attraction Task Force meeting of 01/04/12
Destination Management meeting of 01/21/12
Hospital Board meeting of 12/21/11
3. Approved claims to 175 vendors in the amount of \$3,977,659.40 and payroll from January 29, 2012, to February 11, 2012, in the amount of \$1,798,748.03.
4. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment license for Henry's on Henry Street, 11 East 8th Street , Esquina, 801 Massachusetts, Shenago Lounge, 1520 Wakarusa, Ste:D, Eldridge Hotel, 701 Massachusetts, Willie's Bar, 2919 West 6th, Rick's Place, 846 Illinois Ste: F, La Tropicana Restaurant, 434 Locust, Abe & Jakes Landing, 8 East 6t Street, El Potro Mexican Café 2, 2351 West 31st, Street Vendor License for Green Violin Italian Ice, SW Corner of 8th & Mass



5. Approved appointment of Chris Rogge to a Lawrence Douglas County Bicycle Advisory Committee position that expires 12/31/12.
6. Bid and purchase items:
 - a) Awarded bid for hourly rates for carpentry work for Parks and Recreation Department to BA Green Construction Company, Inc.
 - b) Awarded bid for hourly rates for painting work for Parks and Recreation Department to Neider Contracting.
 - c) Awarded bid for hourly rates for excavation work for Parks and Recreation Department to RD Johnson.
 - d) Awarded bid for hourly rates for concrete work for Parks and Recreation Department to Elite Contractors providing licensing requirements met within 30 days.
 - e) Awarded bid for hourly rates for plumbing work for Parks and Recreation Department to First Management.
 - f) Awarded bid for hourly rates for HVAC work for Parks and Recreation Department to A&H Air Conditioning and Heating
 - g) Awarded bid for hourly rates for electrical work for Parks and Recreation Department to Randall Electric.
 - h) Awarded bids for patrol rifles to Tactical Weapons USA, and sights to Simmons Gun Specialties, in a total amount of approximately \$106,652. Total may vary depending on models chosen by officers. Purchases will be repaid to the city through payroll deduction by the participating officers.
7. Adopted on second and final reading, Ordinance No. 8703, establishing no parking along the north side of 12th Street between Indiana Street and Mississippi Street, rescinding any ordinance in conflict. (TSC Item 3; approved 5-3 on 11/7/11; approved by City Commission on 01/24/12).
8. Approved rezoning, Z-11-26-11, approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street. Submitted by Struct/Restruct, LLC, property owner of record. Adopted on first reading, Ordinance No. 8704, to rezone (Z-11-26-11) approximately .20 acres from IG (General Industrial) to IL (Limited Industrial), located at 920 and 920 ½ Delaware Street. (PC Item 8A; approved 7-0 on 1/25/12)
9. Approved a Preliminary Plat, PP-11-11-11, for Even Lower East Side Addition, a one lot subdivision containing approximately .20 acres, located at 920 and 920 ½ Delaware Street. The request includes a variance request from the Subdivision Design Standards, specifically 20-809(d) regarding the minimum area of the proposed lot. Submitted by Struct/Restruct, LLC, property owner of record. (PC Item 8B; approved 7-0 on 1/25/12)

10. Authorized the City Manager to provide written notice, pursuant to K.S.A. 2010 Supp. 12-539, to Rural Water District No. 1 of the City's intent to annex approximately 125 acres of land owned by North Tank, L.C., Burning Tree, L.L.C., Alvamar, Inc., and Kansas Athletics, Inc., including Yankee Tank (commonly known as Lake Alvamar) and three tracts adjacent thereto, all of which are contiguous to the City.
11. DEFERRED. Authorization of the City Manager to execute a contract with Gould Evans for conceptual design, construction estimates, and site selection service for the proposed Lawrence Activity and Wellness Center for \$55,000.
12. DEFERRED. Authorization of the City Manager to execute a contract with Jeffrey Byrne & Associates, Inc., to provide the fundraising campaign feasibility study for the Lawrence Activity and Wellness Center for \$16,500.
13. Approved amendment to Consulting Services Agreement with Hays Companies for health plan and other related benefit services as outlined through March 31, 2015 in the amount of \$50,000 annually.
14. Authorized the Mayor to execute an amendment to the lease between the City of Lawrence and Lawrence Arts Center, Inc. for the lease of the Lawrence Arts Center facility, located at 940 New Hampshire, allowing for an additional ten-year term.
15. Authorized the City Manager to execute an agreement for the Lawrence Police Department's Facility Needs Assessment with Wilson-Estes Police Architects and Treanor Architects.
16. Authorized the Mayor to sign Subordination Agreements for Diane Bucia, 333 Johnson Avenue and Patricia Huebner, 1068 Home Circle.

Regarding items number 11 and 12 regarding Lawrence Activity and Wellness Center, Amyx said he had not been supportive of this issue in the past because of the timing, and he wished to remain consistent with those votes.

Dever said he had conversations with private individuals interested in building a similar private facility. He said if we do approve these contracts, he suggested asking the City Manager to hold off signing those contracts for a week.

Schumm said he had similar conversations and would support waiting a couple weeks. He would be supportive of moving ahead but not executing the documents to see if we could pull something together.

Corliss said a meeting was scheduled some time next week. It might be good to have the items back on an agenda, maybe in two weeks, with a report back and options to proceed or not proceed at that time.

Schumm said it may be prudent to table these contracts rather than going through a process of rescinding a vote if that becomes necessary.

Corliss suggested putting these items on a regular agenda in two weeks.

Dever said it was important to gauge whether there is support. His desire in voting on these contracts was to see if we had support. It is fine to table these items, but it is important to know if there is commission support.

Cromwell said the vote could be more of a sign of what we want to see.

Dever said the private investment wouldn't come without city investment also at least on infrastructure. The vote could signal the city's desire to participate. Support would be a good thing for whatever project moves forward.

Schumm said that was a good point, to send a green light signal to move forward to people interested in this project. He said he was fine with rescinding votes if they had to.

Cromwell said if we can't get something on the private side we would have the agreements in place, but if we could we could consider that.

Corliss said you could motion to defer to February 28, endorsing the direction that we are proceeding but directing staff to move forward with discussions with private interested parties.

Amyx said he thought he was being caught in the middle. Earlier his comments had been whether we have to own the facility, and the city manager had said no at that time. He said he was hesitant to move forward until he actually saw something.

Jana Dawson, Parks and Rec Advisory Board, said the board was available to answer questions. She said bring private funds in was a good thing, but they wanted to make sure private facilities would be available for Parks and Rec programming.

Cromwell said it would be critical to have the advisory board's participation.

Moved by Carter, seconded by Dever, to defer to February 28 consideration of a contract with Gould Evans for conceptual design, construction estimates, and site selection service for the proposed Lawrence Activity and Wellness Center, endorsing forward progress on the Activity and Wellness Center but directing staff to move forward with discussions regarding private funding options. Motion carried 4-1 with Amyx in dissent.

Moved by Carter, seconded by Schumm, to defer to February 28 consideration of a contract with Jeffrey Byrne & Associates, Inc., to provide the fundraising campaign feasibility study for the Lawrence Activity and Wellness Center, endorsing forward progress on the Activity and Wellness Center but directing staff to move forward with discussions regarding private funding options. Motion carried 4-1 with Amyx in dissent.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the City Manager's Report.

Cromwell asked if the LED savings was just electricity or if it included bulb replacements.

Corliss said just electricity, the bulbs would be more savings.

D. REGULAR AGENDA ITEMS:

1. Consider the following items related to 1900 W. 31st Street:

a) Consider a request to rezone, Z-11-28-11, approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31st Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record. Consider adopting on first reading, Ordinance No. 8705, to rezone (Z-11-28-11) approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31st Street. (PC Item 10A; approved 7-0 on 1/25/12)

b) Consider a Preliminary Plat, PP-11-12-11, for Aspen Heights Addition, approximately 41.15 acres, located at 1900 W. 31st Street. The request includes variance requests from the Subdivision Design Standards, specifically 20-810(d) regarding the dedication of additional right-of-way for the adjacent arterial street; connection of at least one street connection to each adjacent subdivision; and the dedication of the remainder of right-of-way for Ousdahl Road (extended). Submitted by

Landplan Engineering for Mid-America Manufactured Housing Communities, Inc., property owner of record. (PC Item 10B; approved 6-1 on 1/25/12)

- c) **Consider a Special Use Permit, SUP-11-5-11, for Aspen Heights Addition for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code. The property is located at 1900 W. 31st Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record. Consider adopting on first reading, Ordinance No. 8706, for Special Use Permit (SUP-11-5-11) for Aspen Heights for the development of multiple detached dwelling structures on a single lot in an RM District as required by Section 20-402 of the Land Development Code. (PC Item 10C; approved 7-0 on 1/25/12)**

Scott McCullough, Director of Planning and Development Services presented the staff report.

Amyx asked why the variance was granted.

McCullough said the total right-of-way width required was 150 feet. The applicant, to address a gas line easement, presented an option to use a combination of right-of-way and easement to exceed the requirements and serve the public good, but the right-of-way itself was below the requirement.

Amyx said the entrance on Ousdahl was within the right of way and we could order the improvements anyway.

McCullough said yes, but we typically work with the adjoining property owners.

Amyx said the owner of the property had not been worked with yet.

McCullough said the tenant was Home Depot but the property owner had not been brought into the conversation yet.

Dever asked where the conditions could be found.

McCullough displayed the conditions.

Dever said there was a drainage way where Ousdahl connects.

McCullough displayed a map.

Dever said regarding the pedestrian access path, the blue path crossed the drainage way and provided connection to Ousdahl to the north.

McCullough said there was pedestrian access.

Dever asked if a bike could get through.

McCullough said yes.

Dever said it was a drainage easement but there would be access across it with a culvert or something.

Amyx asked if the emergency access was at Ousdahl or Ridge Ct.

McCullough said Ousdahl.

Corliss said Commissioners should disclose any ex parte contacts at this time.

Cromwell said he met with the applicant and had various emails which were in the public record. None of the meetings or encounters he had added anything substantial to the current public record before the City Commission.

Schumm said he had a meeting with the applicant and an owner of a commercial property that was interested in the remediation of the right hand turn.

Dever said he had a brief discussion with the applicant's attorney and did not meet with the applicant, but met with Dale Willey about the access on the southern Ousdahl extension bulb out and nothing they discussed was different than they were presently talking about.

Amyx said he had contact with the applicant and the applicant's attorney, Dale Willey and his partner at Dale Willey Pontiac about the bulb out on South Ousdahl and their feelings of vehicular traffic through that commercial site.

Carter said he had a couple of emails from Dale Willey which were covered in agenda. He said he met with the applicant and his attorney and the only item that he had not heard, but had covered, was bus and shuttle service. They indicated that possibly a bus could come down into that turnabout because it was big enough to add a bus stop. If not, they were willing to add a shuttle as well.

Charlie Vaderov, Aspen Heights, said whether or not there was a shuttle would come down to customer service. They would love to integrate with the bus service. If the residents weren't happy with the existing bus service they would consider a shuttle directly to campus from their location.

Brian Sturm, Landplan Engineering, representing the applicant, presented a powerpoint presentation.

Sturm requested that rezoning approval be conditioned on approval of the final plat.

McCullough said we used to practice that type of approval, but had some concern. If it went to a point where they hadn't seen it in 6 months, staff might want to present the rezoning back to the City Commission.

Dever asked about the existing road connections and preservation of existing vegetation.

Sturm said they wanted to preserve as much as possible but they couldn't commit at this time because they haven't done final grading plans. They hoped to save mature trees whenever possible.

Dever asked if the focus was to build into the existing layout.

Sturm said the grid structures overlapped in places. It is unlikely they would save any of the pavement as it stands today.

Dever said matching some of the road grid would allow preservation of some of the existing vegetation.

Sturm said it was possible and something they would look at.

Mayor Cromwell called for public comment.

None was received.

Schumm said he wanted to make sure that the people that are there are going to be taken care of. He would like to hear that presented tonight.

Tom Horner, MHP Management, said there were about 125 homes sitting in that area. Of the 125 probably 8 of those are unoccupied, 4 are abandoned and will have to be moved by MHP. There are another 4 under contract to be bought and moved. There are about 7 others that owe 6 or more months of rent. In those cases the homes are in pretty bad shape and often end up being abandoned. There are about 200 vacant lots in other parks in town, so there are plenty of lots available. What our plan has been has been to stay ahead of it by communicating with residents in our monthly newsletter. We also sent other letters on an as needed basis as information became available. We have had individual meetings with residents to see what they want. We can't assume to know what they want so we try to meet with them. For some people it was an opportunity for people to get out from under their homes. There is a risk to getting too far out ahead because some people's needs change. Some other parks have already paid for moves. We have an affiliation with Brookwood and are paying to relocate people there. We are dealing with it on a case by case basis.

Cromwell said he thinks this is an improvement over what we have now in terms of infrastructure and connection to walking and biking paths.

Amyx said he shared those comments. He thought the applicant tried to meet all the requirements in place. He thanked Horner for working with the residents, and Dale Willey for raising the issue of the connectivity and cut through traffic.

Moved by Amyx, seconded by Schumm, to approve request to rezone (Z-11-28-11) approximately 41.15 acres, located at 1900 W. 31st Street, from RS10 to RM 12, and adopt on first reading, Ordinance No. 8705 with the additional condition to make the rezoning contingent on receiving final plat approval. Motion carried unanimously.

Move by Amyx, seconded by Schumm to approve Preliminary Plat (PP-11-21-11) and variance requests for Aspen Heights Addition, located at 1900 W. 31st Street, for approximately 41.15 acres. Motion carried unanimously.

Moved by Amyx, seconded by Schumm to approve Special Use Permit (SUP-11-5-11) for Aspen Heights Addition, located at 1900 W. 31st Street, for the development of multiple detached dwelling structures on a single lot in an RM District and adopt on first reading, Ordinance No. 8706, with an additional condition reading “The applicant shall, at its expense and prior to occupancy of any structures, install curbing and signs within city right-of-way at the driveway entrance of the Home Depot site at its intersection with Ousdahl Road, in a manner substantially similar to the example shown on this SUP (site plan shall be modified to show the public improvements). City shall notify owner of the Home Depot site of the planned right-of-way modifications and owner shall have the right to appeal the design to the City Commission.” Motion carried unanimously.

2. **Consider motion to recess into executive session for 15 minutes for the purpose of discussion of personnel matters of nonelected personnel. The justification for the executive session is to keep personnel matters confidential. After the executive session, the City Commission will resume the public meeting in the City Commission Room.**

It was **moved by Schumm, seconded by Dever**, to recess into executive session for 15 minutes for the purpose of discussion of personnel matters of nonelected personnel, at 6:03 p.m. The justification for the executive session is to keep personnel matters confidential. Motion carried unanimously.

The City Commission returned to regular session at 6:20 p.m. No action was taken following the executive session.

E. PUBLIC COMMENT:

Jennifer Lattimore said she had worked with Depot Redux and supported city ownership of the depot. She was a supportive of good safe public transit. She did not support putting a bus transit hub at the depot for various reasons including distance from downtown, increased traffic, increased diesel particulate matter, and lack of services. The location would exacerbate homelessness issues. There were multiple sites in downtown that would be more appropriate

than the residential neighborhood. There has been no site selection process. If the project is federally funded it will have to meet federal guidelines for such site selections. There is no evidence that a site selection process was utilized other than the suggestion of people with very specific objectives. She said she had statements from neighboring property owners and her own comments in writing.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

None.

H: CALENDAR:

David Corliss, City Manager, reviewed calendar items.

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Schumm, seconded by Dever, to adjourn at 6:26 p.m. Motion carried unanimously.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk