



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL DEVER

COMMISSIONERS
MIKE AMYX
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM

February 25, 2014

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 Dever presiding and members Amyx, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION

1. Presentation from Lawrence Community Shelter.

Mayor Dever said this was tremendous for The Shelter to pay this loan ahead of time and honor their commitment to the City, but it was also an honor to get to know Henderson over the last 7 years and all the things Henderson did for the community. It was a thankless job and Henderson received benefits that none of them could quite understand because of the job Henderson had done and wanted to thank him on behalf of the City and treating those at most in need in this community with dignity and care and developing this plan and program to pay for great gifts they were all given. He said he was going to miss the opportunity to work with Henderson on a regular basis and Henderson was leaving the Shelter in good hands. He said he was grateful for Henderson for presenting this payment to the City and proving the City's trust and faith in Henderson and his organization and the Shelter's leaders was well founded.

Henderson said in context of that loan, he had great appreciation for working with City Manager David Corliss and Budget Manager, Casey Toomay that always made things efficient and smooth and over the years working with the City's Planning Department because it was wonderful.

B. CONSENT AGENDA



It was moved by Amyx, seconded by Farmer, to approve the consent agenda as below, minus consent agenda item no. 2, regarding claims; consent item no. 3, regarding licenses, and consent agenda item no. 5d, regarding lighting fixtures for the New Hampshire Parking Structure. Motion carried unanimously.

1. Received minutes from various boards and commissions:

Aviation Advisory Board meeting of 10/30/13
Community Development Advisory Committee meeting of 01/23/14
Human Relations Commission meeting of 11/14/13
Lawrence Douglas County Bicycle Advisory Committee meeting of 12/17/13
Public Health Board meeting minutes of 12/16/13
Traffic Safety Commission meeting of 01/06/14

2. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved all claims to 203 vendors in the amount of \$2,457,688.04 and payroll from February 9, 2014 to February 22, 2014 in the amount of \$1,932,713.83.
3. **PULLED FOR A SEPARATE VOTE.** Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment License

	Expiration Date
Famous Daves Concord B Que Corp. 4931 W 6 th St. Ste. 130	February 13, 2014
Mariscos RU Hungry Inc. 4821 W 6 th St. Ste. A	February 14, 2014
Allstars Lawrence Entertainment Inc. 913 N 2 nd St. Ste. C	February 28, 2014
Quintons Bar & Deli Mann Restaurants Inc. 615 Massachusetts St.	February 28, 2014
Limestone Pizza Kitchen Bar Limestone PK&B LLC 814 Massachusetts St.	New License

4. Approved appointments as recommended by the Mayor.

Citizen Advisory Board:

Appointed Brian Goodack (719.650.5473) to a position that will expire 03/01/17.

Historic Resources Commission:

Reappointed Mike Arp (785.838.4908) and Tracy Quillin (785.550.4822) to additional terms that would expire 03/01/17.

Homeless Issues Advisory Committee:

Appointed Jo Anne Blair (785.505.6364) as the LMH Representative, with a term to expire 12/31/15.

Public Health Board:

Reappointed David Ambler (785.842.9973) to an additional term that would expire 03/31/17.

5. Bid and purchase items:

- a) Set a bid date of March 11, 2014 for City Bid No. B1411, Project No. PW1402 - 2014 Overlay, Patch, and Microsurfacing Program.
- b) Approved the purchase of a firmware upgrade for the existing Trimble GPS/GNSS Reference Receiver and 2 Trimble GPS Rover/Data Collectors from Seiler Instrument in amount of \$60,595.
- c) Approved the sole source purchase of six (6) Motorola MDC Model MW810 and accessories for the Fire/Medical Department, utilizing Kansas State Contract #28440, for a total of \$33,391.
- d) **TABLED FOR TWO WEEKS.** Approved the purchase of new energy efficient LED lighting fixtures from Kriz-Davis for the New Hampshire Parking Structure in the amount of \$36,683.20. Public Works Staff would perform the installation.
- e) Authorized the execution of a purchase agreement with Logic Inc. in the amount of \$93,807.19 plus actual shipping costs for the purchase of an ABB Variable Frequency Drive (VFD) and Baldor Motor with a 5 year warranty per Quote 206308 for Clinton Raw Water Pump 4 and set a bid date of March 25, 2014, for Bid B1413, Project UT1407 - installation of the motor and VFD for Clinton Raw Water Pump 4.
- f) Approved sole source purchase of ten Motorola XTS 5000 portable radios for the Police Department, utilizing the State of Kansas Contract, for a total of \$48,684.20.

6. Concurred with the following recommendations of the Traffic Safety Commission:

- a) Established No Parking 7am–5pm Monday–Friday along the south side of Stratford Road between Iowa Street & Sunset Drive and adopted on first reading, Ordinance No. 8960, establishing the No Parking (TSC item #2; approved 7-0 on 1/6/14).
- b) Installed a Pedestrian Hybrid Beacon on Maine Street at 5th Street (TSC item #3; approved 7-0 on 1/6/14). There was no funding currently budgeted for this project.

- c) Installed a Pedestrian Hybrid Beacon on Haskell Avenue at Pinecone Drive (TSC item #4; approved 7-0 on 1/6/14). There was no funding currently budgeted for this project.
 - d) Established No Parking along the west side of Louisiana Street from 18th Street, north 320 feet and adopted on first reading Ordinance No. 8962, establishing the No Parking (TSC item #8; approved 7-0 on 1/6/14).
7. Authorized the City Manager to enter into a purchase agreement with Richard and Judy Holder for the acquisition of 1220 E 1600 Road in the amount of \$115,000.
8. Received the 2013 Utility System Development Charges Report.

Amyx pulled consent agenda item no. 2 regarding claims for a separate vote.

Moved by Amyx, seconded by Farmer, to approve non-Rock Chalk Park related claims to 202 vendors in the amount of \$2,452,083.04 and payroll from February 9, 2014 to February 22, 2014 in the amount of \$1,932,713.83. Aye: Amyx, Dever, Riordan and Schumm. Nay: None. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, to approve Rock Chalk Park related claims to 1 vendor in the amount of \$5,605.00. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

Schumm pulled consent agenda item no. 3, regarding licensing for a separate vote.

Moved by Amyx, seconded by Riordan, to approve the licenses as recommended by the City Clerk's Office. Aye: Amyx, Dever, Farmer and Riordan. Nay: None. Abstain: Schumm. Motion carried.

Farmer pulled consent agenda no 5d, regarding the purchase of new energy efficient LED lighting fixtures from Kriz-Davis for the New Hampshire Parking Structure in the amount of \$36,683.20. He said the Commission received two emails today from local businesses and thought it would be fair of the City Commission to look at and consider this item, rather than going with an out of town business. He said the City's policy was that a responsible bid from a local business entity that was no more than one percent (1%) and no more than \$10,000 higher

than the lowest responsible bid could be preferred over the lowest responsible bid. He said he suggested deferring this item for a couple of weeks to discuss this matter.

Amyx said it needed to be a regular agenda item.

Riordan said when saying they were going to delay it for two weeks, he asked if they would be adding new bidders.

Farmer said he didn't know if he would say add new bids, but he thought they needed to give those two local businesses and opportunity to comment and provide some clarity regarding their bids and placing item on as a regular agenda item would be wise.

Riordan said he had no problems with that, but the data was there as far as what staff recommended. He said they weren't going to rebid, but have some ancillary information that would help decide.

Farmer said he would like to see the bids to figure out where everyone was.

Riordan said he saw that the bids were numerically made by different weighted grades. He didn't remember seeing where the financial aspect of that was.

Schumm said this was a little bit clumsy because they had a bid and a low bidder with a recommendation from staff. He said he was in agreement that they should look at the way it was graded or rated because that was the commentary that the two individuals suggested that the grading or rating and how they spread it across might be open to some other interpretation that would give them a more favorable spot. He asked if it would be appropriate to throw out all the bids at this time and start over.

David Corliss, City Manager, said he didn't think the City would want to do that. They had gone through a process, but staff was prepared to walk the City Commission through staff's analysis, wait two weeks to discuss this item or staff was prepared to provide information staff had, or they could start over. He said it wouldn't be cumbersome for staff to rebid this item, but a little awkward to rebid it when all the vendors had exposed their prices. He said it could be done, but it was not favored in public bidding to do something like that. He said it was an

analysis not only of the cost, but also the expected lifetime use of the lighting. He said staff had every interest in getting the cost down and the quality to be at an appropriate length, but more importantly they wanted to make sure the City Commission understood what staff was recommending. He said if it was not clear this evening, staff would work to make it clearer and take the City Commission's direction in a couple of weeks.

Schumm said he would like to hear the presentation from staff to get a better understanding of what was going on. After the City Commission heard the presentation, they could decide whether they want to move forward or delay it and look at in a couple of weeks. He said it would help him understand the tables if the Commission had an explanation.

Riordan said the two letters were important and understandable, but his concern was that the City had a bidding process. The way this was done weighted that aspect, but there were other things staff through were also important. He said it wasn't just cost, but other items such as how long the lighting would last, the quality, the track record and all that made it difficult to do LED's and would like to hear the presentation too. He said he certainly wanted to be fair to people in Lawrence, but at the same time wanted to make sure the city had the best possible lighting with the best possible situation.

Schumm asked if staff received the two emails that the City Commission did.

Mark Thiel, Assistant Public Works Director, said he wasn't sure which two emails, but staff did receive some emails. He said he had correspondence and phone conversation with Sunlite today, but had not had personally any other correspondence with any of the other vendors.

Schumm asked if Thiel received an email from Adam Richie.

Thiel said no. He said Steve Bennett and Bill Musick that were part of the review process indicated that they did not receive that email as well.

Schumm said the other email was from Jeff Chen from Sunlite.

Dever said Adam Richie was the person that sent the email that staff didn't receive and he was LED source no. 2 which happened to be within 4/100's of the winning bid.

Dever asked how Musick arrived at this matrix and the differentiation of the weighted percentages.

Thiel said he would let Musick explain, but a little bit of history might be a good idea. He said staff had solicited lighting fixtures to research that staff had done to actually put in the garage to evaluate 3 different fixtures. At that point, they put out a traditional bid which would be to provide the light fixture that they thought was the best fixture for the application and it would be evaluated traditionally on bid alone. During that process additional vendors and manufacturers came forward and asked to be included and asked that staff evaluate differently and at that point staff threw out those bids before they were presented to the City Commission and developed the RFP (Request for Proposals) for which the City's procurement office sent out notices for bids or for proposals.

Bill Musick, Building Maintenance, said the weighting was to try and establish a relative merit to each of those different aspects of what they were hoping to accomplish with this lighting. He said they came up with a large list and combined some of that list and set others aside that were important in one way or another.

The cost with the 20 year life expectancy was not a life cycle cost and did not include how much energy it cost to run them and was basically a measure of with a hope of a 20 year run on this fixture and how much it would cost the City to own the fixture. He said with all of those fixtures, they had an L70 number which was basically an estimate of how long that fixture was going to be still able to put out at least 70% of its initial light output because they did degrade overtime. He said that number over 20 years was approximately 172,000 hours. Any of the fixtures that had an L70 number in their published specifications that were less than 172,000 hours, he did a multiplier and figured out how many hours it would run by the vendor's numbers and multiplied it out. Unfortunately, one of the submittals did have a number that was

in the 65,000 hour range and by the vendors number would need to replace it 2.7 times over that hopeful 20 year span.

The energy savings per year criteria, staff knew how much they spent per year in that facility and they were ranked how much they would save the City overall.

Ease of install serviceability was how long it would take staff to put it in and was in going to be just a swap this piece for that piece or did they need to a bunch of re-piping, running new wire and how much extra work there was to install it.

Vandal and Bird Resistance were how robust the fixture was and how resistant it was to have birds land on that fixture because that garage did have pigeon problems.

The Light Quality was not a measure of the CRI (Color Rendering Index) and it wasn't figured in because they were all very similar. He said that was basically a measure of how even the lighting was based on a photometric analysis that was done on each of the fixtures, how even the lighting was, the average foot candles, how big the difference was between the brightest spot and the dimmest spot because there were certain industry minimums. One foot candle minimum everywhere and three foot candles average or more was the industry standards. There was also a penalty for how much wattage that system took because it was possible to bring that first part up higher with a more energy using system and didn't want to give a bonus for spending more energy.

Schumm asked if Musick gave 10 points being the highest for each category.

Musick said yes.

Schumm asked if Musick used a ratio of the 10 points and the percentage to get a numeric total for each and every condition that Musick was measuring.

Musick said yes and explained why he had to make it a relative number.

Amyx said when he looked at the equipment that was bid on the top line of the matrix and saw the difference from 38 watt to 106 watt, he asked if Musick was able to build that matrix

and apply the rankings and rating system. He said was there any significance given to the fact that one was a lower wattage and one was a higher wattage.

Musick said in the matrix equation in the first line item, the energy was left out and was purely cost of the equipment relative to each other all of the energy was taken care of in the second line item.

Amyx said in looking at Musick's recommendation on the second vendor, the 56 watt versus the 38 watt and the only significant difference was the 20 year life expectancy and the like quality. He said those were the two differences in those companies and asked if there was a difference in that fixture.

Musick said in the first line it was just the absolute dollars and how much it cost for that fixture. It was a relatively expensive fixture versus the 56 watt fixture.

Thiel said regarding the 20 year average, there were 12 proposals and 8 fixtures of those 12 proposals that were evaluated and there were 5 manufacturers. The 20 year was established as what staff wanted for a life expectancy for this project. Several of the manufacturers submitted life cycles that well exceeded that 20 years and one of the manufacturer's data that was submitted was less than a 20 year cycle. In order for staff to compare those fixtures as apples to apples, staff had to come up with that expected life cycle because there was no way to weight a fixture based on each of the manufacturers proposed hours of operation and so staff went off of the 20 year fixture. He said every one of the fixtures that staff reviewed, except for two fixtures exceeded 185,000 hours of life. In order to get the lower hours of life fixture up to that 20 year, he took the cost of that fixture times the 2.7 times it would take to replace that fixture so that it would be equal in hours of operation to a fixture that they reviewed, for example, that had 185,000 hours.

Dever said one of the bidders, in an email, stated that a person could not reliably indicate the useful life for the expectancy of those fixtures when those fixtures hadn't actually

been tested nor certified and just estimated the fixtures life expectancy and that the actual luminary of the light they were talking about, had only been on the market for 4 months.

Thiel said the fixture had only been out for 4 months, but the LED chip in that fixture had been out for a number of years. He said no one knows with LED's. If a companies were marketing their product and in their research and they were saying 185,000, 250,000, 350,000 hours, what staff had to go on was the data that was submitted by those manufacturers. There were companies like Phillips and Cooper that were 100 plus year companies. He said staff took the research data submitted and took it on as faith on its face value.

Dever said because Chin indicated that 5 years was all that his fixture was on the market, Chin could claim it could be any longer and that was held against that vendor in the formula because that fixture had to be replaced 4 times.

Thiel said Sunlite could answer that specifically on how they did their research and evaluation, but one of the charts that they submitted with their proposal showed the L number and at L80, they were at 40,000 hours and if you extrapolate that out to an L70 number that was about 65,000 hours that they were saying their fixture would reached that L70 which was the industry number where LED's no longer produced the effective light that they should and it was recommended that they be replaced. He asked would the lights be replaced at L70, he said there were a lot things out there dealing with LED's that they just didn't know, not only here, but by the industry as well.

Schumm said staff was recommending the price of \$229.27 plus the hardware per fixture and it was safe to say there were other fixtures that were cheaper.

Thiel said that was one of the lower price fixtures.

Schumm said when taking everything into consideration then you get the true cost of what the product was over 20 years.

Musick said that was the lowest cost option.

Thiel said not just with lighting, but industry wise a lot of agencies were starting to do those types of evaluations for products. He said from some of things staff was looking at purchasing for the Street Division, they weren't just looking at the upfront purchase price cost but looking at leasing buy back options and maintenance cost. Currently the City had out for proposal, 2 dump trucks and part of that proposal was not necessarily the lowest bidder, but the lowest life time cost to the City for owning that piece of equipment. He said staff was trying to be smarter on how they located those things instead of just pricing. He said that was one of the reasons staff decided, when they initially bid those groups of light fixtures solely on price to go back out with some other criteria and would give the vendors and opportunity to not miss out by price being the only factor.

Riordan said he was curious about the light quality. In an email it stated that some of those fixtures, because of the way they were manufactured, would have more shadows and the fact that they were actually one of the lower ones on the light quality, although they had the best rating of all was of interest to him.

Thiel suggested that by showing an example of how Musick did the foot candle evaluation for each of the fixtures might be helpful. He said it showed how the light distribution from the fixture where it was high and low.

Musick explained the foot candle evaluation.

Thiel said Musick did the evaluation for each of the 8 fixtures that were submitted based on the high foot candle output, the low foot candle output and the average and that was data that was supplied to staff by the manufacturer for each of the proposals.

Amyx said regarding the matrix, he asked if it was about the light quality.

Musick said yes.

Amyx said so they were talking about a dark parking garage that was all about safety and wouldn't they want the best light quality possible in that building.

Musick said yes.

Amyx said so wouldn't he take into consideration that 8.4 rating over all the rest of the proposals was the best bid. He said the bid that was recommended had 3.7 in light quality, which told him that it was dim.

Musick said he had a caveat on that bid. He said the fixture that staff was recommending had 4 adjustable heads so staff could tailor where that light aimed. This analysis was done with one fixed 30 degree angle and showed the Commission the analysis. He said the reason there was a bigger difference in that analysis was that there was less hot spots of light and was more even overall, but the average foot candles were very similar. He said the numbers were what the numbers were, but just looking at he couldn't tell what the major difference between the two were, other than the formula that he made up which showed that there was a difference and it was all about the evenness of the light.

Amyx said at the end of the day, he asked if the light would be better and create a safer environment in that garage.

Musick said those two bids were very similar. He said he wouldn't say his analysis was 100% accurate or intuitive, but either one was a good option. In fact, all of those were not bad options or bad fixtures, but in certain situations, some were better than others and it came down to other criteria bumped one or another up or down on the scale.

Schumm asked if those two bidders were Kriz-Davis and LEDSource No. 2.

Musick said yes.

Schumm said in the value for light quality one was 3.7 and the other was 8.4, but Musick stated that those two bidders were relatively close to each other.

Musick said again, when just looking at those two bids, they looked very similar. He said he was trying to put a factor in there of how that maximum/minimum light output ratio affected how the light was distributed. The Lumark Quadcast fixtures in the Kriz-Davis option had some hotspots by this analysis. The LEDSource did not have as many of those hotspots and they weren't as intense, but overall those two bidders were very similar.

Schumm asked what kind of lights were in the new garage.

Musick said those were a different manufacturer and didn't consider that manufacturer and wasn't involved in picking those and were a more expensive option.

Schumm said that company didn't bid on the bid they were currently discussing.

Musick said no.

Mayor Dever called for public comment.

Adam Ritchie, LED Source, said to the point about the light quality, one of the reasons you want to have an even general illumination was when having all of those hotspots, the other areas in the garage appeared darker. He said if something were to happen and you were around the hotspot, you would see that hotspot and would try to see what's going on around you and would not be able to see as well. If you look up at the light and look somewhere else, you would be blinded a little bit and was one of the major differences, he believed, in the light quality. He said his company had a much more expensive fixture, if the City would like to look at that fixture similar to the one in the other parking garage.

Dever said Ritchie made a comment in his email about not hearing about the bid until 3 days before it was due.

Ritchie said correct.

Dever asked if Ritchie investigated that or ask anyone from the City what happened.

Ritchie said he did and he was told they meant to do it and got caught up in daily life and it slipped their mind. He said he understood it wasn't their responsibility to inform him that there was a bid or a RFP. He said he had looked originally when the Lumark Quadcast fixtures went out for bid. He said he saw that on DemandStar and that wasn't a fixture they had access to or carry, or felt like they could stand behind, so he chose not to bid. Occasionally, every month, he would look at the DemandStar website and saw LED New Hampshire Street Parking Garage and saw nothing out of the ordinary to investigate further and take a look, but it was a new RFP and the previous bid was cancelled. The way the process worked with lighting manufacturers

like Phillips, they needed a little bit of time to investigate every project. He said he asked for pricing and it took the manufacturers time to get it to him and he was not able to get that within that 3 days.

Garrett Tufty asked if the matrix was light quality or light saturation.

Musick said it was a term he made up.

Tufty said quality of light would probably refer to the aspects of light that stated whether it was highly beneficial or relevant to sunlight or to a candle light as opposed to the actual force.

Kirsten Oswald, Sunlite Science and Technology, said they wanted to clarify in their email that was sent to the City Commission, that the \$65,000 hours that was discussed earlier was a fair and conservative number submitted based on an L70 that was in-line with the top chip manufacturers around the world. She said they would put to question how manufacturers could claim a life-time longer than the chips that were going into their fixtures. They also believed and wanted to state for the light quality portion that both LED Source and their company light quality was becoming a very important factor both in sustainable design, number of fixtures and lower wattage, over higher intense fixtures. She said this went along with the glare quality as well which you were definitely get would be get from those hotspots in the difference of a plan.

Schumm asked if Oswald had been in the new parking garage on Vermont Street.

Oswald said yes.

Schumm asked how Oswald would characterize those lights.

Oswald said she would characterize those lights as very offensive to driver eyes, especially from coming down the street and driving by the pool because you could see those lights from the street.

Schumm asked how about the in the garage itself.

Oswald said inside the garage itself, walking as a pedestrian, she would question their brightness, but it was a very safe environment.

Schumm asked a question of being too bright or each fixture having a little bit lower illumination.

Oschwald said she would question the intensity overall versus what a person would experience on the street at night, moving from the sidewalk into that parking garage and approaching your car, your eyes take time to adjust.

Schumm said he was just trying to get a handle on what fixtures did what and was trying to understand everything.

Suo Fong, Sunlite Science and Technology, said regarding the other parking garage and her experience was that it was dark and bright and wasn't comfortable to adjust to.

Dever asked Thiel to explain the energy usage. Clearly, if something was brighter it was going to be using more energy, more than what was needed. He asked if staff looked at the parking garage that was just constructed and tried to determine how this related and whether or not they were overlooking the energy savings portion and knew those were low energy consumers. He said he never had gotten an understanding earlier on what kind of value were placed on the energy as it related to the cost of the fixture. He said they were presuming the certain life expectancy and rating that cost based on replacement needs and had the actual operation of the fixtures and the cost of energy associated with that. The second line item appeared to reflect the amount of energy that was consumed by those fixtures. He asked if staff had any idea of what the energy consumption was on the lights that they already installed at the current parking garage and where would they rate. He said was it more important or was there enough energy consumed to create a higher weight on that level, meaning the actual cost of operating the light.

Thiel said the lights in the Vermont garage were bid by B.A. Green as part of that project. The City had some initial input during design, but ultimately the architect and the committee as a whole decided on that fixture. He said he did not believe, since the City hadn't taken ownership completely of that garage yet and didn't have all the OM Manuals to know the

data to compare it to those particular fixtures. He said he knew the City probably wouldn't have chosen that light fixture if it was just a City bid without having done the data research that was done on those other fixtures. He said staff had noticed since those fixtures had been installed some inherent issues, but they worked and lit the garage. He said he had been in the garage and hadn't noticed personally any significant difference over those lights or the lights that were currently at New Hampshire or the fluorescent lights at this garage. He said ultimately the goal was to get a fixture that would save the City money and was the overall intent of this fixture that the lights that were changed out 3 years ago in the Riverfront garage. The current lights at New Hampshire had been there 13 years. He said technology would change and the needs would change for the garage, but to get to the question of the energy consumption it rated at 25 and he guessed they could have picked a different number.

Dever said he was trying to make sure they all had a relative sense of what they were talking about when staff picked one or the other as to its efficiency.

Musick said regarding the new Vermont Street parking garage, there was a lighting analysis completed with the Quadcast fixture versus what was eventually selected to go in at that location. He said as he remembered, those were chosen by the architect. The analysis that they did showed that the Quadcast was a little more even in the lighting than the one they selected, but as an aesthetic choice the architects wanted a more linear looking light fixture and that was the one they chose, but wasn't the one he recommended. He said as with all of those that were submitted they would work and would do an adequate job. All but one met the minimum requirements but didn't know what the actual wattage was in the Vermont garage. The ones that were in the RFP, he listed the wattage of all of those and the only modification to those was the actual fixture count and that was taken into account on this second line and was the total system wattage which was how many watts per fixture, how many fixtures totaled up and then ranked relative to what the City's current consumption was. He said for instance the Kirz-Davis solution would cost the City a little over \$7,000 per year for those fixtures to run. The

LED Source option was about a \$5,000 per year cost of operation versus nearly \$30,000 a year currently. He said that was the number he put all of those relative to and was why they were all close to each other.

Riordan said in the future when there were separate lighting bids he asked if this would be the template that the City would use.

Musick said he didn't know. He said this was what he came up with trying to figure out a way to empirically compare the fixtures. He said he didn't know if it was 100% internally consistent. He said he didn't know if it was the best way to do it. He said it was hard to evaluate something this way and then the data was all over the place and was surprised how broad the spectrum of numbers he was getting. He said when he put it together he tried to figure out if it made sense and was it reasonable.

Thiel said based on what was submitted and what they discovered through this process of going through an initial bid solely on price and then a proposal, what staff knew about the LED industry which was a moving target constantly, he thought a proposal whether it was in this format or in a revised format from something staff might learn from this process, would probably be staff's choice moving forward for any additional lighting on scale. He said if staff was going to do a complete retro-fit for an entire facility, whether it was exterior or interior, they would probably want to consider the proposal process.

Riordan said when the City did bids that were strictly on price, it was pretty straight forward, but this one was not as quite as straight forward. He said regarding LED Source 2 if taking their numbers was 99.45% within the first one and they were local. He asked why staff didn't recommend that since it was within .55%.

Thiel said the total cost was double the cost of the Quadcast light, as originally submitted. He said that was one of the negatives in doing a proposal because they might score higher in certain categories that were important to the community such as energy efficiency, but if looking at all 5 criteria together, price being one of the things staff looked at, then that was

how the ranking came out. If cost wasn't an issue for staff with the budget, staff wouldn't of evaluated on cost similarly to sometimes how they didn't necessarily rank cost as high for design proposals for construction projects. He said in this particular situation the way those were evaluated, cost was considered.

Riordan said he was struggling with that since the City was used a system that puts within .5% for a local contractor and then staff stated that that was not what they were going to use and use cost which was in there but was weighted. He said that didn't make sense.

Schumm asked if the cost twice as much because they used more fixtures. He said the Kriz-Davis was a 56 watt fixture and the LED Source was a 38 watt fixture.

Musick said the Kriz-Davis was 160 fixtures which was a 1 for 1 swap with what was existing. The LED Source was 149 fixtures and it took less power to run that and was a lower wattage fixture.

Schumm said the fixture were twice as much.

Musick said the fixture was substantially more expensive.

Dever asked if that based on having to replace that fixture more often.

Musick said no, that was straight up base cost.

Thiel said while it was regrettable that they had 3 days, this bid was out for 6 weeks for bid. He said that was typically longer than they put most products of that nature and usually it was a 2 week turnaround. He said because of the nature of the proposal, staff wanted to make sure that there was sufficient time for vendors to see it on the City's avenues for advertisement.

Amyx said one of the things that might be helpful was to see the dollar amount of the bids, how much equipment was coming from each one of the vendors so that the City Commission could do their own analysis, plus the rating system would help.

Schumm asked if it would be possible to get the literature on those fixtures on Vermont Street and grade it like this proposal to see where that fell out.

Thiel said certainly.

Dever said in Sunlite's letter they mentioned they would do an entire floor for free.

Thiel said staff had heard that subsequent to the proposal and was not part of the original package that staff had information to evaluate.

Dever said it would nice to see an understanding of what that meant relative to the cost of all the fixtures. He said this wasn't a huge sum of money and was sorry for beleaguering this point, but since they had several local people submit bids, one of which staff helped through City process, he would like to make sure whatever decision was made was the best one for everyone, including the unsuccessful bidders.

Moved by Schumm, seconded by Riordan, to table for two weeks, the purchase of new energy efficient LED lighting fixtures from Kriz-Davis for the New Hampshire Parking Structure in the amount of \$36,683.20. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

Amyx said he asked the City Manager for information on the Fire/Medical response and how it dealt with scheduling the meetings to discuss the rental registration was listed. He said he wanted to get an idea of how many of the fire runs and how many of those were rental properties, the reason of the fire, whether it was a code violation on a building and was not up to standard.

Corliss said staff started looking through the cause an origin of the 82 building fires and determine whether it was owner/occupied or not. He said staff might not be able to inquire about what the rental structure was, but if it wasn't owner/occupied then it was probably being rented to someone or was vacant.

Amyx said life/safety issues had been discussed regarding rental real estate and staff was making life/safety runs and it was the fault of the property or whoever.

D. REGULAR AGENDA ITEMS:

1. **Considered recommendation of the Traffic Safety Commission establishing No Parking along both sides of Steven Drive from Lawrence Avenue east 50 feet; and on the north side of Steven Drive from 50 feet east of Pamela Lane to 50 feet west of Pamela Lane; and adopted on first reading Ordinance No. 8961, establishing the No Parking (TSC item #5; approved 5-2 on 1/6/14).**

David Woosley, Transportation/Traffic Engineer, presented the staff report.

Amyx said when there was a change in the item before going to the TSC, he asked if there was a re-notification process.

Woosley said if it was degrading of the request, cutting back from the original request, usually not, but if it was expanding the request such as more parking then staff would definitely re-notify the neighborhood.

Schumm said this was in between because the original request was just off one side.

Woosley said the entire length.

Schumm said it was cut, but then they used both sides of the street.

Woosley said for 50 feet right adjacent to Lawrence Avenue which was typical for no parking adjacent to an intersection anyway, with a sidewalk and a stop sign.

Schumm said originally it was just going to remove the parking on one side of the street for the entire length.

Woosley said correct.

Schumm said then they chopped it down to no parking on either side for 50 feet.

Woosley said 50 feet adjacent to Lawrence Avenue on the north and south sides and at Pamela Lane, 50 feet along the north side 50 feet east.

Schumm asked if that constituted a change worthy of notifying the public. He asked if Woosley had heard any comment since then.

Woosley said no.

Schumm said if he lived on a street and they took his parking off where he use to park and didn't know about it, he might be concerned.

Dever said, but it was less parking lost than what they originally started with.

Schumm said if he had parking in front of his house and wanted to keep it and then all of sudden it went away, he might be concerned.

Amyx said the original request was to remove parking on both sides.

Dever said no, the entire length of the north side.

Schumm said but now they were removing less distance, but on both sides.

Amyx asked Woosley if he generally had the authority to remove parking away from an intersection.

Woosley said only if it met certain criteria by state code. He said such as not being able to park within 30 feet of a stop sign or any other traffic control device, park within 20 feet where a sidewalk intersected the curb line. He said those were incorporated into state law and couldn't install signs under those conditions.

Amyx asked if the criteria were met at those intersections.

Woosley said with a sidewalk at that location, the sidewalk was about 10 to 15 feet from the curb line back and you couldn't park within 20 feet of that and would get you up to 30 to 40 feet back anyway that you couldn't park adjacent to Lawrence Avenue and this stated 50 feet.

David Corliss, City Manager said a possible solution could be that staff contacted the impacted property owner. If the impacted property owners acquiesced, this would proceed, but if the property owners didn't then the process would be started over. If it was alright with the property owners, then the City Commission might be alright with it.

Mayor Dever called for public comment.

After receiving no public comment, Schumm said Traffic Safety Commissioner Koprince stated it would be his preference to amend the request and get notice out to everyone affected and bring this item back next month and they seemed to have gotten astray from the original request. He supposed they could contact the two property owners.

Dever said there was only one on the south side before a driveway. He said one abuts Steven Drive and the other resident's driveway was on Lawrence Avenue.

Schumm said it was not just the driveway, but guests coming over to your house.

Dever said there would be two residences.

Amyx said the City Commission could direct staff to contact the individuals and place it back on the consent agenda next week for first reading of the ordinance.

Moved by Schumm, seconded by Rirodan, to direct staff to contact the two property owners to see if there was any concern with the additional no parking 50 feet either side of Pamela Lane on the south side and to bring it back to the City Commission on a consent agenda if there wasn't any concern. Motion carried unanimously.

2. **Considered authorizing the City Manager to approve an Event Permit for Saturday, August 23, 2014, to close Massachusetts Street from 11th Street to 13th Street, 6:00 am to 6:00 pm for the Hot Rod Hullabaloo event, and prohibit public parking on North Park Street from Massachusetts Street to Vermont Street and on New Hampshire Street from South Park Street to 12th Street.**

Mark Thiel, Public Works Director, present the staff report.

Amyx asked if the event was earlier in the month last year.

Stephen Chronister, applicant, said two years ago the event was on August 11th. He said they attempted to have the even in September in the past, but they always had to work around the KU Football schedule because they didn't want to have this event when there was a home game. He said it became cumbersome to work around that schedule and decided to

move it back to August and this event would be a week before Labor Day and didn't want to schedule the event during hot weather. He said last year it was late September.

Dever asked how much money was donated to charity last year.

Chronister said last year was about \$5,500 to Ballard Center and that was with the rainout. The year before that was about \$8,000 to Just Food. He said they were working with the Ballard Center this year.

Mayor Dever called for public comment.

After receiving no public comment, Schumm said this event was the same that it had been in the past and worked out well.

Moved by Schumm, seconded by Amyx, to authorize the City Manager to approve an Event Permit for the Hot Rod Hullabaloo event on Saturday, August 23, 2014. Motion carried unanimously.

3. **Received a recommendation from RFP review committee for the use of \$50,000 held by the Douglas County Community Foundation to further historic preservation in Lawrence.**

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

Mayor Dever called for public comment.

After receiving no public comment, Riordan said he thought this was a particularly difficult decision to make and after reviewing the decision, he determined that the committee did a wonderful job. It was nice to be able to give away money, but it was also difficult when there were seven times more requests than you have money to give away. He said the requests that were selected seemed as good a decision as any. He said he was pleased with the outcome.

Amyx said he agreed and it was hard to decide when money was thin and trying to meet the needs of a number of projects because there were a lot of worthy projects. He said he wanted to thank Dennis Brown and the Lawrence Preservation Alliance, in their continuing efforts for the Turnhalle project and hopefully the City might be able to help with that project also. Again, there were a lot of worthy projects to take into consideration, but he appreciated the work of the committee in figuring out a way to continue historic resources and everything that went along with it.

Moved by Farmer, seconded by Riordan, to approve the recommendation and forward to the Douglas County Community Foundation. Motion carried unanimously.

4. **Considered authorizing distribution of Request for Proposals for the purchase of 1106 Rhode Island Street, Lawrence, Kansas and rehabilitation of property's historically significant structures.**

David Corliss, City Manager, presented the staff report.

Mayor Dever called for public comment.

After receiving no public comment, Schumm said this followed through on what they were doing.

Amyx said the City Manager talked about the City Commission's ability to negotiate on this project. He said the City had an investment and wanted to make sure they could protect the public investment. He said the Commission had the flexibility of being part of this project.

Corliss said correct. He said when staff had discussions with Stan Hernly, Hernly Associates, Hernly indicated the possible acquisition price and the cost to rehabilitate the property. He said it wasn't working out financially, but it wouldn't surprise to see some level of public participation in the rehabilitation of this property. It might not be in the acquisition price and they might pay the full acquisition price and the City could help with something else or they could pay less than that and the City could help with something else. He said they talked about the Neighborhood Revitalization Act, Property Tax Rebate, and a number of other items to get

at this piece of property. He said they would need to wait and see what the City received and they might get back proposals that didn't appropriately compensate the public in which case the City might hold on to the property for a better day.

Moved by Schumm, seconded by Amyx, to authorize distribution of Request for Proposals. Motion carried unanimously.

D. PUBLIC COMMENT:

Alan Cowles said he had an issue of the quality of information which was given at least on one occasion had been given information on which to make a decision. He said he was thinking specifically of the November 18th memo which was produced by the City's Public Works Department for the City Commission as a basis of a decision. He said there was a very similar power point presentation. He said in the memo and in the presentation there were six studies cited and he used an open records request to get copies of the six studies and the Public Works Department was very helpful. He said his finding showed the following:

1. They cited an Institute for Highway Safety which showed a decrease in crashes with some details given, but what the memo failed to report was that the information as reported and published by the institute to promote its own interest, no information was given to support the findings, the researchers were not identified and no literature source for the information as given.

2. The November 18th memo cited a study of vehicle emissions and mentioned that there was a reduction in a fuel consumption and vehicle emissions by a vehicles that was going through the roundabouts as opposed to stopping at a stop sign or traffic light and starting up, but what the memo failed to report was that substantial portion of drivers went out of their way to avoid the roundabout totally, probably increasing vehicle emissions and not decreasing those emissions.

3. The memo failed to mention the only statistically significant finding and the crash rates were property damage only had one roundabout. The other findings were not statistically significant.

4. They cited the KDOT Operational Performance Roundabout Study and mentioned that intersection delays went down, but what they failed to report was that this was a study about 125 pages and about 98% of that study was not mentioned.

5. The memo mentioned the study of two roundabouts, the same with lane configuration in Topeka and talked about a reduction in injury crashes, but what the memo failed to point out was that there were no statistics cited with regard to two lane roundabouts. He said the memo failed to report that there was an increase in crashes at both of the two lane roundabouts.

6. The memo mentioned that in Golden, Colorado, they took a half mile straight stretch of highway, put four roundabouts in that half mile and found that vehicles speeds went down, but he wasn't sure of the relevance to the issue the Commission faced with deciding.

In summary, none of the six studies cited in this memo was reported fully and accurately. He said there were a good number of studies that had been published apparently that were never looked in to. The November 18th memo was basically a promotional piece based on half-truths and it repeatedly failed to distinguish, for instance, between one and two lane roundabouts and failed to include most of the findings of the studies that were cited. He said he thought he Commission would agree that the first principle of City government should be full and honest reporting and hoped when people came to the City Commission with information for the City Commission to use as the basis of decisions, that they try to be fully honest in their reporting and fully accurate. He said he hoped the City Commission would take the lead in this issue and remind City Hall staff that they were working for the citizens of Lawrence and that if the democratic process was going to function well, it had to function on basis of full and honest reporting at least as best as could be done.

Dennis Brown, President of the Lawrence Preservation Alliance, said the Turnhalle was for sale and although they were just beginning the sales process, they were talking with a couple of prospective buyers and were pleased to report that those buyers were trying to include community uses in the main hall. LPA had completed all the goals they had when they purchased the property and thanks to the County grant from the Natural and Cultural Heritage Program, their phase 1 stabilization project which would stop the water infiltration and address several structural issues was well underway. The Turnhalle was in terrible shape when they bought it and it still needed a lot of attention. Of course they bought it because they felt it was one of the most threatened historic structures in the City. It was uninsurable and unmarketable. He said their idea was to remove some of the question marks, clean it up, and begin some of the rehab tasks to the point where it was marketable again, at least to the right buyer. It was if LPA was starting a relay race and were 100 yards away from the starting line. The starting line was basic marketability. He said they realized that they were unlikely to recoup costs that they put into the building for insurance, taxes, and legal fees, but with the help of about 30 LPA friends and several small grants, they thought the Turnhalle was now at the starting line and the County grant probably put it about 50 yards further down the track. He said when they had this off to a new buyer they would still have a long way to go. A reasonable investment on their part would soon put a new tenant in the basement level and put the buyer basically in a revenue neutral position, or close to it, but to finish the rehab from there would still require a sizable investment and some passage of time before that buyer could begin to see any positive return. Two potential issues were a balloon payment on the mortgage due only a few years after completion of the rehab and an immediate jump in property taxes, due to the buyers' courageous investment. LPA would still be there helping the buyer to locate grant money after the sale, but there were tools available to the City that could help with issues like those. He said it would be similar to what Corliss discussed with Hernly at 1106 Rhode Island. It was to everyone's benefit for the buyer to succeed. It saved and maximized a nationally recognized

historic resources, it strengthened this culture and downtown, strengthened our economy and our sales tax dollars. He said they were asking that the Commissioner's register their support for the City Manager working with the LPA and their chosen buyer when that time came, to identify a slate of City actions, pending City Commission approval, that could help the buyer complete the saving of the Turnhalle.

Schumm said regarding the comment by the first speaker, the gentleman laid down an allegation that the Commission wasn't given sufficient information. He asked if Cowles would submit in writing his charges and give staff a chance to rebut the charges and get all the information on the table.

Schumm said with regard to the Turnhalle, that building was a public structure and were blessed that the City didn't own it because there was a lot of liability in terms of the money that needed to be spent to restore that structure. He said it was part of Lawrence history and was a public building in the view scape and would service the public in the future, in terms of the operation open to the public to have different events at that location. He said it was genuinely a public asset. He said they should look at whatever tools the City had to help that along when a new owner purchases it and if the Neighborhood Reinvestment Act worked and wanted to use an IRB, in terms of getting sales tax relief on materials, he was for all of those things and wouldn't cost the City anything because what they were getting right now was a base line level of property tax and if nothing happened they wouldn't even get that because it would fall down. In order to restore it and put it in the public view in good shape meant a lot in terms of this community. He said he would support using any and all of those tools and hoped the rest of the City Commission did as well.

Amyx said he agreed. It was a public facility and was part of the heritage of the community. He said the City Manager had creative ideas that might be able to help in this matter.

Riordan said having restored an old structure it took a lot more money than a person would have. He said Brown mentioned that one of the difficulties was after restoring, the price would go up and the taxes would go up significantly. He said there were many times with historic preservation that a person could freeze tax basis at the lower level. He said if there was some way to do that, he would like to help LPA in that way.

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 Amyx, to adjourn at 8:24 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON MARCH 25, 2014.


Diane M. Trybom (City Clerk)