



# City of Lawrence

## CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR  
MIKE AMYX

COMMISSIONERS  
JEREMY FARMER  
DR. TERRY RIORDAN  
ROBERT J. SCHUMM  
MICHAEL DEVER

May 13, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Dever, Farmer, and Schumm. Riordan was absent.

### A. EXECUTIVE SESSION:

1. **Consider motion to recess into executive session for approximately one hour for the purpose of discussing non-elected personnel matters. The justification for closing the meeting is to keep personnel matters confidential at this time and to protect the privacy of non-elected personnel.**

It was moved by Schumm, seconded by Farmer, to approve motion to recess into executive session for approximately one hour. Aye: Amyx, Dever, Farmer, and Schumm. Motion carried.

Commissioner Riordan arrived at 4:02 p.m.

After the executive session, the City Commission Meeting reconvened at 6:35 p.m.

### B. RECOGNITION/PROCLAMATION/PRESENTATION

1. Proclaimed the week of May 11 – 17, 2014 as Police Week and Thursday, May 15, 2014 as Peace Officers Memorial Day.
2. Proclaimed the week of May 16 – 18, 2014 as Lawrence Fill the Boot Days for MDA.
3. Proclaimed the week of May 18 – 24, 2014 as Public Works Week.
4. Proclaimed the month of May, 2014 as Mental Health Month.
5. Presented the 2014 Lawrence Cultural Arts Commission Community Art Grant Awards.

### C. CONSENT AGENDA

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



1. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved claims to 206 vendors in the amount of \$2,713,091.45.
2. Received minutes from the Community Development Advisory Committee meeting of 04/10/14
3. Approved all claims. The list of approved claims will be posted to the agenda the day after the City Commission meeting.
4. Approved Drinking Establishment licenses for Genovese, 941 Massachusetts St. and The Burger Stand at the Casbah, 803 Massachusetts St.
5. Approved appointment of Laura Williams to the Sister Cities Advisory Board to a term that would expire 12/31/15.
6. Bid and purchase items:
  - a) Awarded City Bid No. B1423, Project PW1338, Yankee Tank Estates, Phase 1, Street, Storm Sewer, and Waterline Improvements (Benefit District) to RD Johnson Excavating Co., Inc. in the total amount of \$553,554.80.
  - b) Awarded City Bid No. B1427, Project PW1314, Vermont Street, 21<sup>st</sup> Street to 22<sup>nd</sup> Street, Brick Street Reconstruction, to R.D. Johnson Excavating Co., Inc., in the amount of \$294,011.96, provided the contractor can meet the terms established in the contract documents.
  - c) Awarded City Bid No. B1422, PW1401, (KLINK) 6<sup>th</sup> Street, (U.S. 40 HWY) From K-10 to Folks Road, 23<sup>rd</sup> Street (K-10 HWY) From Iowa Street to Ousdahl Road, to Vance Brothers, Inc., in the total amount of \$667,714.12, provided the contractor can meet the terms established in the contract documents.
  - d) Awarded the construction contract for Bid No. B1412 to Banks Construction LLC, in the amount of \$763,231, and authorized the City Manager to execute the construction contract for project UT1313, Mississippi Street Waterline Replacement.
  - e) Authorized staff to proceed with preliminary engineering services and material acquisition with the Emery Sapp and Son, Inc./BG Consultants project team for UT1415 – Emergency Sanitary Sewer Repair (1000 block of Connecticut Street) and authorized staff to execute a contract based on the time and material budget
  - f) Authorized the City Manager to execute a proposal from Star Signs, LLC for a permanent 60 square foot monument sign for the entrance of Lawrence VenturePark in the amount of \$16,950.
7. Adopted on first reading, Ordinance No. 8987, changing the names of various streets within Lawrence VenturePark business park.
8. Adopted on second and final reading, the following ordinances:

- a) Ordinance No. 8793, establishing no parking, 7:00 a.m. – 5:00 p.m., Monday–Friday, along the west side of Hilltop Drive between Harvard Road and Oxford Road.
  - b) Ordinance No. 8984, to rezone (Z-14-00056) approximately .126 acre from RSO (Single-Dwelling Residential-Office) District to CN1 (Inner Neighborhood Commercial) District, located at 512-514 Locust St.
  - c) Ordinance No. 8985, for Comprehensive Plan Amendment (CPA-14-00059) to Horizon 2020, Chapters 6 and 14 to revise the maximum retail cap from 72,000 SF to 122,000 square feet to permit a proposed grocery development in Bauer Farm, located at 4700 Overland Drive.
  - d) **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Ordinance No. 8986, to rezone (Z-14-00057) approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive.
9. Approved Final Plat, PF-14-00054, for Bauer Farm Sixth Plat, located at 4700 Overland Dr. Submitted by Treanor Architects, PA, for Free State Group, LLC, property owner of record.
  10. Received request from Lawrence Community Shelter to increase the occupancy limit of the shelter during cold weather from 125 to 160; refer to staff for recommendation.
  11. Authorized renewal of Public Official Liability and Law Enforcement Liability insurance.

Amyx pulled consent agenda item no. 3 regarding claims for a separate vote.

**Moved by Schumm, seconded by Dever,** to approve non-Rock Chalk Park related claims to 204 vendors in the amount of \$2,708,288.25. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

**Moved by Riordan, seconded by Farmer,** to approve Rock Chalk Park related claims to 2 vendors in the amount of \$4,803.20. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Abstain: None. Motion carried.

**Schumm removed 8(d) for separate discussion.** Ordinance No. 8986, to rezone (Z-14-00057) approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive. He said he had a call from the chair of the school board regarding questions about the appropriateness of a hotel at that site in terms of traffic, ingress, egress, amount of parking available, potential for becoming an attractive nuisance to the

students in the area. He asked staff to go over the item with the commission in terms of the compatibility of this use.

Scott McCullough, Planning and Development Services Director, said this was the preliminary development plan approved in association with the re-zoning of this commercial area. McCullough walked the commission through the specifics of the plan for Bauer Farm.

Schumm asked if they took egress off of Overland Drive.

Sandra Day, Planner, said there is a shared access that takes you into the commercial development. From there you can go to either of those buildings.

McCullough said it was a use originally not included with the zoning. There were many uses not associated with the original plan. The variables were that some of the uses didn't fit within the new urbanism concept. This was a use we discussed with the applicant early on as a way to keep some sort of residential use, albeit transient residential use, at this location because that's the use it's replacing. The second reading tonight comes with the revised condition per your direction last week, that any accessory bar use has to derive 55% of its gross receipts from the sale of food. There won't be a stand-alone bar in the hotel.

Riordan asked if a future Commission change that area into a bar.

McCullough said because it was tied to the zoning ordinance it would be a full planning commission review, public hearing, notices provided and go through the re-zoning process.

Riordan said that was what he had told the caller and that the public would have the opportunity to make statements at that time.

McCullough said it wouldn't be anything we could administratively lift.

Amyx asked under the rules of the PCD what other process does this project have to go through for approval.

McCullough said it would go through final development plan and that would be an administrative process. We would compare it to this preliminary development plan approved by the city commission. It would be a final development plan and building permits.

Amyx asked if there was a process to appeal that process, to have the final development plan to come to this body.

McCullough said he would need to research the former code and determine the exact process for that.

Amyx asked if it's like a normal site plan process.

McCullough said he believes it's a different process.

Amyx said he was asked that.

Farmer asked if the commission would they see the Final Development Plan again before permits were issued. The concern from those affiliated with the school, they got in on the process late. I think you have potential for greater disturbances from an apartment complex than a hotel. Giving as much opportunity for input would be preferred. Is there a way to bring it back and include more people in that conversation? That was where he would be more comfortable.

McCullough said we processed this via our typical notice procedure. The school district was part of that notice area. We have made a condition of zoning that a final site plan, in this case development plan, be brought to the city commission for processing.

Mayor Amyx called for public comment.

Dr. Rick Doll said they debated a lot, whether they should come because this is an issue which is a concern to us. It's not a life or death matter but we wanted to get our concerns on the record. The overall character of that corner will change. It was close to Free State so anything that goes there is going to be a concern. Intermixing out of town people, strangers, with high school students was a bit scary. It's a little scary for us than a grocery store or others. Even residential, you usually know who your neighbors are and try to be good neighbors. We are thinking about our kids as being a negative part of this as much as the adults. That increased possibility of interaction with kids and the people that will be staying at the hotel. Traffic was always a concern. He said it was their fault that they missed that. They were focused on the

grocery store and didn't see any real issues on that. We are always concerned about the mix of alcohol and kids. We appreciated the fact that you have taken that into consideration. Doll said, Ed West, principal at Free State, probably stated it the best when he said, "In this day of instant communication and instant gratification, having out of town strangers running in and out of the vicinity of Free State is a bit scary. I can say with a sense of confidence that our students and the hotel customers will interact. It would be ridiculous to think that they won't. I may be a bit overprotective but the sense of safety I have regarding students out for a variety of community activities would be compromised in this situation." Doll said he would appreciate having input when it comes time for final approval. He said that making it harder for kids to get into the hotel premises, security cameras, could go a long way in allaying some of their fears.

Bill Flemming said part of the issue was the high school was by commercially zoned areas. Some of these issues are inherent by nature of where they located the high school. That's not to say they don't have valid concerns. They don't have an actual hotel operator right now but when they do they will work together with Dr. Doll on the safety and traffic issues. They are interested in maintaining a great relationship with the high school and want to be good neighbors.

Amyx asked if it would be a problem if it was necessary for the final approval to come back to this body.

Flemming said that's your decision not mine.

Heather Corliss said this issue sends up red flags for her as a parent. She has, and will have children at Free State and sees kids going across the lot all the time. The traffic, safety and alcohol issues sound very scary. This is a use she would not like to see there.

McCullough said the Final Development Plan was submitted to the planning commission for their approval with notice. It essentially stops there unless the land owner appeals a decision by the planning commission to the city commission. If they desire the city commission

to see it, it would be on top of that process. If you're comfortable with notice and planning commission review, then you have that as your basis.

Schumm said he would like to see it come back to the commission after the planning commission.

Amyx said we are going to bring it back to this body.

Farmer said he appreciated the admission that this was something that was missed. He didn't want to be controversial about this issue. There were ways to work it out. The development group is amenable to whatever it takes to ensure the safety of these kids. They aren't out to make things unsafe for kids at Free State. A good compromise can be worked out. As much public input as we can have, the better.

**Moved by Farmer, seconded by Dever**, to adopt Ordinance No. 8986, to rezone (Z-14-00057) approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive with the additional condition of final approval of the PCD for the hotel use be brought back to the City Commission. Aye: Amyx, Dever, Farmer, and Schumm. Nay: Riordan. Motion carried

**D. CITY MANAGER'S REPORT:**

David Corliss, City Manager, presented the report.

Schumm said he is always amazed how efficient that process is.

**E. REGULAR AGENDA ITEMS:**

1. **Consider adopting the 2014 Annual Action Plan and 2014 Investment Summary of the 2013-2017 Consolidated Plan, and consider adopting Resolution No. 7072, authorizing the Mayor to execute agreements for the 2014 CDBG and HOME programs and other such documents as may be required to be submitted to the U.S. Department of Housing and Urban Development for such programs.**

Danelle Dresslar, Community Development Manager, presented the staff report.

Schumm said he received an email from a person that wanted to know why the City was granting CDBG money to Tenants to Homeowners for the Cedarwood Infrastructure Project when that project hadn't been brought back to the City Commission for final approval.

Dresslar said the CDBG money was granted based on their application. Obviously it was a moot point if that project didn't move forward. She said that money could only be used for that specific item so if the project didn't make it through the process, that money would be reallocated.

Schumm said it would follow the plan.

Dresslar said absolutely.

Amyx asked if that was where the extra funds to be reallocated this year came from because some of the projects didn't go through last year.

Dresslar said yes. She said if agencies or neighborhoods didn't spend their money or used only a portion of their money, because of the regulatory caps, they couldn't put that money back to public services and it turned into a reallocated amount for capital improvements. She said that reallocated money was a buildup of that money not being spent and under budget projects and additional programs came from people paying off their mortgages from projects that they did.

Amyx asked if the neighbor that lived fairly close to the project had to go through all of the approval process of the planning department and all those approvals had to be met before this money could go to Tenants to Homeowners.

Dresslar said yes, because it was part of that project and if that project wasn't approved that money wouldn't go to that project.

Mayor Amyx called for public comment.

James Dunn, resident of the Oread Neighborhood Association, said this funding cycle didn't have any funding for the Oread Neighborhood Association which was a targeted and high density area. He said he realized there was a process, but he did go to one of the earlier meetings after he became aware there were no proposals from the Oread Neighborhood Association. He said his point was to ask the Commissioners to direct staff to do some extra activities in the Oread Neighborhood so they could get back on track for the next cycle.

Amyx asked if the Oread Neighborhood made application.

Dresslar said there was an application that was submitted for the Oread Neighborhood Association for coordinator funding and operating. Typically in the past, they had some capital improvement applications from Oread but they didn't this year.

Amyx said he wanted to thank the members of the advisory board for their work. He said when the City Commission went through the budget process it only worked if people stepped up.

**Moved by Riordan, seconded by Farmer,** to adopt the 2014 Annual Action Plan and 2014 Investment Summary 2013-2017 Consolidated Plan and adopt Resolution No. 7072, authorizing the Mayor to execute necessary documents.

**2. Received presentation from the Sustainability Action Network regarding bicycle transportation funding.**

Michael Almon presented the report.

Schumm said he remembered the last budget session, last year. Michael had come in kind of late in the game. He said we heard you and here you are. Let's see if we can move it forward. He thanked Almon for the work he is doing.

Almon said he hoped the information he's presenting is of use.

Amyx thanked him for putting together all the information and the work he had done.

Mayor Amyx called for public comment.

Mike Myers, Hernly Architects and chair of Live Well Lawrence said he wanted to thank the city staff and different departments for all they have done, without dedicated funding. He said Live Well Lawrence is wholeheartedly behind the idea of a dedicated funding stream and staff for producing those facilities.

Lisa Holdrick, Chair of the Lawrence/Douglas County Bicycle Advisory Committee, said she was very pleased with the way planning has managed to add additional facilities for non-motorists without dedicated funding. Having dedicated funding, staff and engineering toward

this goal is a real opportunity to create a system that addresses the non-motorists address specific non-motorist needs and safety related issues.

Aaron Paden said she served on the Bicycle Advisory Committee and Live Well Lawrence. She said it was nice to see the improvements being made even without dedicated funding. The bicycle and pedestrian funding needs to be approved because it's been in the plan for 35 years and the mode share is currently around 3% but the funding is less than 1%. The funding is important for our health, sustainability, choices in transportation, but it was also important to economic development because people want to move to vibrant and active communities. She said she thinks that dedicated funding would help Lawrence progress along with someone to administer it professionally.

Reed Nelson said he thinks it's a quality of life issue for Lawrence. He uses the Clinton Parkway bike paths every weekend to get downtown and thinks it's time for Lawrence to take the next step and make it better.

Schumm said there seems to be a common theme that we need to do more and that he was in complete agreement with that. He said there were two options we should consider: put together a task force to study the issues and come in with policies or have a permanent advisory board to set policy and bring issues to us. Without a permanent funding source it will continue to not go anywhere. He said that the commission would look at a funding source of approximately half mil to be considered in this budget session so it's available in 2015.

Amyx asked Schumm if the task force he mentioned was something he would want to do immediately to set up the program.

Schumm said he was not sure if a task force or a permanent advisory board is the right mechanism. He thought it should be set up quickly because there was a lot of energy surrounding the issue right now. They have had good results with the last few task forces that were formed.

Amyx said next Tuesday they would have the opportunity in the study session to begin discussion about the budget process. They enjoyed citizen input during the two meetings that they had last week. There was a lot of discussion about financing bicycle and pedestrian improvements. One of the things that would be important was where it's going to rank during the budget process.

Riordan said he thought this was a very important project and one he would like to support. He had some concerns about timing and allocating funds for it before the task force says what they want to do with them. A mil levy increase or a sales tax, or a combination of both, are their only revenue abilities. He said they can't take the money away from streets because they are still trying to catch up. He said he was in favor of providing this type of transportation for the citizens of Lawrence.

**Moved by Schumm, seconded by Riordan, to receive presentation.**

**3. Conduct public hearing and consider recommendations from the Historic Resources Commission to designate the following properties as Landmarks on the Lawrence Register of Historic Places:**

**a) L-14-00032: 1300 Haskell Avenue, Charles and Elizabeth Haskell French House.**

**b) L-14-00033: 1340 Haskell Avenue, John G. Haskell House**

Lynne Braddock Zollner, Historic Resources Administrator, presented the staff report.

Dever asked how Zollner knows when the additions were put on.

Zollner said that was mostly supplied by the applicant when they turned in the nomination information. They then look at tax records to see when there is an increase in tax valuation. For the Haskell house there was a report in the Lawrence newspaper that talked about the addition.

Schumm asked if the house in between those two homes was historic.

Zollner said it was. She said it was recently purchased and will hopefully, someday be on the Lawrence Register of Historic Places as well. It had an association with John Haskell as well.

Amyx asked what effect this designation will have on the house on the west side of the 1300 block that was going through a tough time since it will be in the environs of these designations. He asked if Zollner had heard from anyone that was in the environs.

Zollner said the only communication from Mr. Cromwell regarding the house in the middle. She said the only time they would review the particular property he was asking about would be if they were coming before the city for a building or demolition permit.

Amyx asked if all the necessary permits had been asked for and picked up.

McCullough said he didn't believe there would be an impact to what we're trying to do with that property for these listings.

Moved by Schumm, seconded by Farmer, to open the public hearing. Motion carried.

Dennis Brown, President of the Preservation Alliance said the property the mayor had a question about is done and dealt with. Brown stated the LPA was in support of the designation as landmarks because of the historical importance of the properties and the architectural significance.

Michael Almon said there had been concerns in the past that these properties wouldn't survive because they had been zoned RMD. Almon said the neighborhood was in favor of the designation as landmarks.

Moved by Farmer, seconded by Schumm, to close the public hearing.

Amyx said he thought it was a smart move and thanked the individuals for their private investments in these historic properties.

**Moved by Schumm, seconded by Riordan,** to conduct public hearing. Adopted on first reading, Ordinance No. 8988, for landmark designation of 1300 Haskell Avenue to the Lawrence Register of Historic Places, Ordinance No. 8989, for landmark designation of 1340 Haskell Avenue to the Lawrence Register of Historic Places.

**4. Receive updated staff report on Dawn Fiber project conduit issue.**

James Wisdom, Director of Information Technology, presented the staff report.

Riordan said the agreement states that we could do whatever we wanted with the fiber but only city employees could enter the hand holes. He asked if that meant to repair a break or something that needed to be done inside.

Wisdom said that was right.

Riordan asked if we, presently, go inside these hand holes and do repairs. He said he thought we sent that out to a third party.

Wisdom said that they did, occasionally, but do subcontract that out a lot. Their goal was to eventually be able to do that in house. Usually the supervisor or someone from Public Works was there to monitor the work that was going on and to give someone access.

Riordan said that at one time there was a request from Wicked Fiber that we consider letting them do their own repairs on fiber that they control. He asked if that would not be allowed.

Wisdom said that was the way he saw it.

Amyx asked if his recommendation was still the inch and a quarter.

Wisdom said that was his personal recommendation. He said if the commission wanted to put larger conduit in, that would be fine.

Amyx said he was not looking to spend an extra \$80,000.00 if we don't have to.

Wisdom said he was trying to make the best use of the money, city wide. He said this was one project, there were other projects and he was trying to do the best with the money that was available.

Amyx asked if he was recommending the inch and a quarter, with the balance of the funds that we might spend for the two inch, that it's better spent somewhere else in IT.

Wisdom said this was not an IT fund or budget. The funds for part of this were in question anyway. He said they didn't need to install any fiber at this time. They could just have the conduit installed and install the fiber at a later date. It would be good to do it now because of good pricing and the locations at 11<sup>th</sup> & Haskell struggle with connectivity at times.

Dever asked if it was \$8,000.00 or \$80,000.00.

Amyx said it was \$8,000.00. He asked Farmer if this answered his questions from last week.

Farmer said his concern was if Google wanted to come in and use our conduit, they would be able to. He said he understood that they would.

Corliss said that they would but we would have absolute control of the hand holes.

Farmer asked if we could choose to waive any fees associated with that.

Corliss said they could. He said it falls under the federal law requirement that we are competitively neutral to people using our right-of-way.

Mayor Amyx called for public comment.

Riordan said we had the electronic capability to increase the fiber and we can do other projects with the money we save, so he is in favor of it with the one and a quarter.

**Moved by Riordan, seconded by Schumm, to direct staff as appropriate.**

**F. PUBLIC COMMENT: None**

**G. FUTURE AGENDA ITEMS:**

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

**H: COMMISSION ITEMS:** None

**I: CALENDAR:**

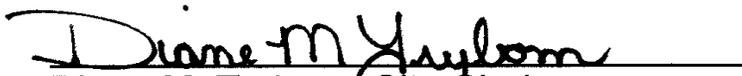
David Corliss, City Manager, reviewed calendar items

**J: 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 Farmer,** to adjourn at 8:42 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON AUGUST 19, 2014.**

  
Diane M. Trybom (City Clerk)