



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

May 20, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 3:30 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. STUDY SESSION (3:30 – 5:30):

2015 Budget Study Session.

The City Commission Meeting will convene in the City Commission Room at 6:35 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION: None

C. CONSENT AGENDA

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

1. Received minutes from various boards and commissions:

Human Relations Commission meeting of 02/20/14
Traffic Safety Commission meeting of 04/07/14

2. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved claims to 208 vendors in the amount of \$5,390,770.75 and payroll from May 4, 2014 to May 17, 2014 in the amount of \$1,914,200.50.

3. Approved a Drinking Establishment License for Paisano's Ristorante, 2112 West 25th Street as recommended by the City Clerk's Office.

4. Bid and purchase items:

- a) Setting a bid date of June 3, 2014, for the purchase of all City owned concessions equipment for the recreation facility at Rock Chalk Park.
- b) Setting a bid date of June 3, 2014, for the purchase of a scissor lift for the recreation facility at Rock Chalk Park.



- c) Set a bid date of June 10, 2014, for Bid No. B1424, Project UT1314 - Lawrence Avenue Waterline Replacement.
 - d) Awarded the construction contract for Bid No. B1425, to Nowak Construction Company, in the amount of \$172,260 and authorized the City Manager to execute the construction contract for project UT1405, Large Valve Replacement.
 - e) Authorized the Utilities Department to sole source purchase the meters for the 2014-2015 Year Large Water Meter Replacement Program.
 - f) Awarded a bid for the Comprehensive Rehabilitation Program at 937 La Salle Street to T & J Holdings, Inc. for \$22,000 and rejected the bid for Comprehensive Rehabilitation Program at 2565 Ridge Court as the bid amount exceeded the program limits of \$25,000.
 - g) **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved a change order for concrete base indoor track item, electrical, plumbing work at the recreation facility at Rock Chalk Park.
 - h) Awarded a bid for two one-ton trucks with plows for the Parks & Recreation Department, to Laird Noller Ford, for \$68,154.
5. Adopted the following ordinances on second and final reading:
- a) Ordinance No. 8987, changing the names of various streets within Lawrence VenturePark Business Park.
 - b) Ordinance No. 8988, for landmark designation (L-14-00032) of 1300 Haskell Avenue to the Lawrence Register of Historic Places.
 - c) Ordinance No. 8989, for landmark designation (L-14-00033) of 1340 Haskell Avenue to the Lawrence Register of Historic Places.
6. Approved revised conditions placed on rezonings (Z-3-16-05 and Z-6-08-07) for the Bauer Farm Development, SW corner of W. 6th Street and Folks Road, to remove the condition that a final plat be recorded with the Register of Deeds Office prior to the publication of the rezoning ordinance.
7. Approved a revised elevations for 9 Del Lofts Final Development Plan, FDP-13-00429, located at 900 Delaware Street. Submitted by Bartlett & West, Inc., for Ohio Mortgage LLC, property owner of record.
8. **REMOVED FOR SEPARATE DISCUSSION.** Concurred with the recommendation of the Traffic Safety Commission to establish no parking along the east and south sides of Raintree Place, along the west side of Valley Lane, and along the inside of the two curves, except within the eyebrow on the southeast corner, and rescind no parking 8 a.m.-4 p.m. Monday - Friday along the west and north sides of Raintree Place. Adopted on first reading, Ordinance No. 8990, establishing the no parking (TSC item #2; approved 7-0 on 4/7/14).

9. Authorized the Mayor to execute the First Amended Mutual Easement Agreement with 900 New Hampshire, L.L.C.
10. Authorized the Mayor to execute revised employment agreement with City Manager.
11. Authorized the Mayor to sign Releases of Mortgage for:
 - a) Russell C. and Carol L. Beeson, and Sam E. and Susan Fish, 2104 Tennessee Street; and
 - b) Jeffrey A. Huffman and Shawna H. Huffman, 805 Locust Street.

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

Moved by Farmer, seconded Riordan, to approve non-Rock Chalk Park related claims to 206 vendors in the amount of \$5,380,995.75 and payroll from May 4, 2014 to May 17, 2014 in the amount of \$1,914,200.50. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None.

Motion carried unanimously.

Moved by Schumm, seconded by Farmer , to approve Rock Chalk Park related claims to 2 vendors in the amount of \$9,775.00. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

Amyx pulled consent agenda item no. 4(g) approving a change order for concrete base indoor track item, electrical, plumbing work at the recreation facility at Rock Chalk Park, for a separate vote. He said regarding the concrete mixture and the cost, he asked if that would warranty that track.

David Corliss, City Manager, said he wanted to be careful about the use of the term “warranty.” The City had a number of warranties in the project, but he didn’t know if that particular item was so much a warranty as they talked to the representative of the indoor track vendor and they had recommended this in order for them to install the track, this time to ensure the surface was going to be applicable for the track. He said staff could speak to the level of assurance the City was getting as far as the performance, but he didn’t know that it was specifically warranted in the sense of if the concure concrete was warranted as that the track surface, running and walking surface would be in better shape.

Craig Penzler said he was under contract with the City to provide quality control management out at the recreational center. He said he spoke directly with the technical representative at Tarkett about this concure situation and indicated that they used it before. It was essentially a concrete add mixture that allowed them to pour the concrete with less water in it. It was like a plasticizer so they could pour concrete at lower moisture content so there was less water in the concrete and took less time to cure and dry out. He said that was the problem with that adhesive flooring that they were putting on the concrete because there was moisture in the concrete leaking out causing a seal problem. He said Tarkett recommended the use of this product and they did a lot of research. He said they talked to folks at the National Ready Mixed Concrete Association and Penny's Ready Mix. He said when he spoke to William and asked him about a letter of confidence from them that they could put their produce on the concrete if it was used with this and William said he would write that letter. He said William said also concure itself, when using that product it was a requirement of the manufacturer that they had a technical representative on-site at the plant where they were mixing the concrete and where they were placing it. He said the representative would write a certification letter when they were done and they had replaced the concrete with the appropriate add mixture and placed it using the appropriate means and methods and they actually write a letter to Tarkett and the general contractor that the installation met their recommendations and provide a date when they could install a product. He said between those two letters of confidence and the certification from concure, they were sure the material wouldn't have any issues with the use of the product.

Amyx said regarding the surface that was being put down on the elevated track, he asked if they had any problem with the other flooring anywhere.

Penzler said the concure was just being used on the elevated portion of the running track. That was the last pour that was being made because of the cycle where they had to get the foundation in and the first floor and build the steel frame to put it in. He said all of the other areas where that surface was going down those floors had been down for a while and had been curing for 2 to 3 months by the time they get ready to put that floor down they were thinking that the moisture

content in those floors would be ready to receive it. He said they also were going to close the building in and turn on the air conditioning and the humidifiers to acclimate the building to get ready for the wood floor installation and that would help those existing floors reach a moisture content that was necessary.

John Wilkins said the other areas where the flooring was going down, was a slab on grade and those slabs had been down for a while now. He said they weren't as concerned with getting the moisture out of those areas. Ultimately, the flooring manufacturer had to accept the slab before putting the material down and they would be doing moisture test in order to make sure that the slabs were ready. He said the concure mixture would allow them to accelerate that process on the elevated tracks.

Amyx said one of the comments in the report indicated that they believed this could not have been anticipated when the drawing were completed and bids were taken on this particular part of the building. He asked if there was consideration given about the timeframe.

Wilkins said they talked about that in all their construction meetings and there was a lot of pressure to try and get the building enclosed which was the key milestone they were talking about through the fall in terms of that occurring. He said they had a pretty harsh winter and moisture and delayed the whole ability to get the building enclosed. The comment in terms of when the drawings were put together was last spring and when they put those drawings together they really anticipated the entire closure to occur over the summer months and into the fall, but it didn't work out that way in terms of getting the contracts all signed.

Amyx said if they didn't spend the \$22,000, they wouldn't get the letter of confidence on the flooring surface.

Wilkins said the letter of confidence went with that product in using it and if they did not use the admixture then the risk was that the moisture levels in the slab would not be at acceptable level where they wanted those levels to be. The risk was that they could open up the facility without the

rubber flooring because they wouldn't put the rubber flooring down until the moisture was removed from the slab.

Schumm asked about the cure time on the concure.

Wilkins said the Tarkette representative indicated that the rule of thumb was a month for every inch of concrete and they had about 6 inches of concrete, but he thought the rep was being a little conservative from that standpoint. He said if they played that out it would be 6 months without the concure.

Penzler said with the concure it was 30 to 40 days.

Schumm said the track was looking good and the amazing thing was it was bigger than he imagined.

Penzler said there were 6 or 7 basketball goals installed and 2 of the volleyball nets.

Amyx said his concern was whether or not it should have been started at an earlier date, but realizing they had to get the building opened to start bringing revenue in.

Corliss said this concure came with staff recommendation.

Moved by Schumm, seconded by Riordan, to approve a change order for concrete base indoor track item, electrical, plumbing work at the recreation facility at Rock Chalk Park. Motion carried unanimously.

Kathy Bruner removed the recommendation of the Traffic Safety Commission to establish no parking along the east and south sides of Raintree Place, along the west side of Valley Lane, and along the inside of the two curves, except within the eyebrow on the southeast corner, and rescind no parking 8 a.m.-4 p.m. Monday - Friday along the west and north sides of Raintree Place. Adopted on first reading, Ordinance No. 8990, establishing the no parking (TSC item #2; approved 7-0 on 4/7/14).

David Woolsey said at the April Traffic Safety Commission they did hear this request from Fire/Medical there were 6 area residents that did appear, generally in support of the request from the Fire/Medical Department. Their biggest concern was that parking be retained

along at least one side of the street so that the larger pieces of fire equipment could get through the area. It was a unanimous recommendation by the TSC (7-0).

Mayor Amyx called for public comment.

Bruner said she was unable to attend that meeting because of her mother's death. She said they had a very congenial neighborhood and their only encounter with Fire/Medical in that neighborhood had been when an elderly neighbor fell out of bed and she would call the Fire/Medical Department to help her get back into bed. They were concerned that a prior Commission many years ago had allowed for overbuilding on Valley Lane which adjoins Raintree and the parking was very difficult at the best of circumstances. Every time KU raised its parking rates they saw more kids and their virtually very little parking at all between them and campus. She said she was requesting the ability to have parking passes for guest when they had friends and relatives visit. Also, she suggested as an economic issue that they considered not sending fire trucks, police cars and ambulances when someone falls out of bed or just recently they had a patient that had a heart attack and they knew he was deceased, but a fire truck, an ambulance and 4 or 5 police officers came which was something to consider whether or not they really needed to send a fire truck out for every occasion.

Schumm said Bruner was suggesting putting "no parking" signs on both sides but allow residence to park at that location with a permit.

Bruner said no. She said they did need permits for the opportunity to have guest or when people come for games to allow people to park at that location. She said they were going to end up with parking from Valley Lane on Raintree as a permanent parking lot.

Schumm asked if Bruner was opposed to what the Traffic Safety Commission did.

Bruner said no, but she wanted parking passes.

Schumm said if they had parking passes then they would have no parking for the transient type people.

Bruner said it was difficult when they had that limited amount of parking. She said they had a lot of transient parking and they knew they had to have some place for those people to park.

Schumm said Bruner was okay with no parking on one side but parking on the other, but she wanted parking to remain restricted for the use of the homeowners in the area.

Bruner said they wanted homeowners to have the ability to add parking on occasion.

Riordan asked if Bruner was looking to do that on a 24 hour basis. Sometimes they had parking during the daytime hours and in the evening it was only resident parking.

Bruner said it was difficult to enforce to just have resident parking at that location without a permit.

Riordan said the homeowners would have to have a permit of some type.

Bruner said her kids that lived out-of-state all had that type of permit.

Riordan said Bruner wasn't opposed to the Traffic Safety Commission's recommendation, but wanted it modified after the fact.

Bruner said yes and the ability to have it reviewed if it didn't work.

Amyx said that item would need to be considered by the Traffic Safety Commission.

Corliss said the City Commission had a couple of options, they could hold this at abeyance while they tried to work up some permit parking system that would be palatable to all the neighbors and see if that was something they wanted to do. At some point there was a little bit of an administrative cost to handle all of this because they talked about permitted parking. He said the City Commission could hold this item at abeyance or proceed with this change knowing that it was going to be summer and a little less university activity going on. He said there was no guarantee the Commission would approve a permit parking system unless they condition that. He said he could respond to the comments about fire trucks and ambulances, but he didn't know if the City Commission wanted him to spend any time on that. He said he could talk to Bruner separately if that would be appropriate.

Amyx said separate discussion was appropriate because he would like to discuss this item on the agenda. He asked Bruner if she didn't have any problem with what was recommended by the Traffic Safety Commission.

Bruner said as a neighborhood they didn't, but to the question about parking passes that could be issued to the permanent residence once, they could each get a couple and share them with the neighbors, like a handicapped parking sticker.

Kim Manz asked if the Fire/Medical Department knew how many street parking places they would lose by moving the parking from one side to the other.

Amyx said staff would get that answer for Manz and asked if there were any other issues.

Manz said his concern was that Valley Lane was so overbuilt and there was parking on both sides of the street at the moment. He said when those parking spaces go away, that meant those people would be parking on Raintree Place 24 hours a day so there wouldn't be any parking anyway.

David Woosley said looking at the aerial it looked like there were approximately 25 parking spaces around the entire outside parameter where they would not be able to park underneath this scenario, but then on the inside there were a number of spaces that they would be able to park that they currently couldn't during the day. He said it looked like there would be kind of a wash because there were very few driveways on the inside of that u-shaped area where it was currently restricted today.

Amyx asked Woolsey if it was a wash.

Woosley said it looked like it during the day, but at night they could actually park on both sides of the street.

Amyx said he encouraged Bruner and her neighbors that they need to make a request to the City Commission so they could initiate a process of looking at permit parking before the Traffic Safety Commission.

Corliss said he would suggest to the City Commission to adopt this Ordinance on first reading, but they might hold the ordinance effective until they got the permit parking situation worked out which might take a few weeks to come up with something. Staff had a number of those request as well and they hadn't had staff time in press of other business to work on a solution as to how they would administratively deal with all of that. He said that was his suggestion unless there was opposition, but with the idea that it wouldn't be effective until August 1st. He said staff would present something back to the City Commission as opposed to going to the Traffic Safety Commission.

Moved by Farmer, seconded by Schumm, to concur with Traffic Safety Commission recommendation to establish no parking along the east and south sides of Raintree Place, along the west side of Valley Lane, and along the inside of the two curves, except within the eyebrow on the southeast corner, and rescind no parking 8 a.m.-4 p.m. Monday - Friday along the west and north sides of Raintree Place. Adopted on first reading, Ordinance No. 8990, establishing no parking and hold the second reading until such time that staff could make a recommendation on the potential of permit parking.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

Kathy Richardson presented an update on the curbside recycling program.

Amyx said he wanted to thank Richardson's for her hard work. He said curbside recycling would be \$2.81 a month. He said it was one of the best deals for recycling.

Schumm said would there be recycling efforts in the downtown area.

Richardson said yes. She said there was some information within the memo for downtown recycling. She said their target date for having recycling bins downtown on America Recycles date which was November 15th. She said it was for pedestrian recycling containers and they were using the catch phrase "Recycle on the Go."

Schumm asked about the businesses and would they be able to access those as well.

Richardson said those were the pedestrian recycling bins that would be at the corners co-located with trash bins for commercial recycling and were hoping after they implement residential recycling they would be able to look at expanding their recycling program within the next year or two, to the commercial sector or single-stream recycling.

D. REGULAR AGENDA ITEMS:

1. Received public comment on the 2015 City of Lawrence budget.

Mayor Amyx introduced the item and called for public comment.

Carolyn Welch, Artistic Director of the Lawrence Children's Choir, said she wanted to thank the City Commission for helping them with scholarship funds this past year. The action taken by the City Commission had made a real difference in a bunch of kid's lives and they were hopeful the City Commission would consider them again. She said they were the only organization in Lawrence that provided choral music education specifically. She said they began in pre-school and continued up through grade 10. In their public schools choral music education as an elective begins in 7th grade an advanced level education begins in 11th grade. She said there was a real need and they wanted it to be a choir for any child who wished to participate. She said their Executive Director had planned to attend, but was called away by a family emergency. The Executive Director gave her the material and normally she didn't see the breakdown of the scholarship monies and who was getting them. She said she was shocked at how much need there was and how small some of their families incomes were and some of the extenuating circumstances that they were dealing with that cause them to have a need for assistance. She said they contribute to the community and give 3 major concerts as well as numerous smaller concerts. This year they performed in Wichita and given a major concert in Atchison and about to travel to New Orleans. She wanted to quote two children that were thanking them and the City for the assistance they've received. One child stated "LCC had taught me patients, perseverance, and most importantly how to sing. I have many more

friends than when I first auditioned for choristers 3 years ago, LCC had changed my life.” The second child stated “Thank you so much for giving me a scholarship, this will help my family and I a lot. I’m so grateful because with this scholarship I will be able to enjoy LCC for another year and go on next year’s tour. I’m so excited. LCC has been a great experience and has helped me grow. I am also glad I get to share the beautiful music with so many lovely people.”

Laura Routh, Lawrence Pedestrian Coalition, said the Lawrence Pedestrian Coalition was a joint effort of the Lawrence Association of Neighborhoods and the League of Women Voters. She thanked the City Commissioners and staff for their pursuit of an updated sidewalk inventory. They looked forward to learning more about the cost that the City projected for addressing problems associated with their current sidewalk network, but it must be said that this was not just about sidewalks, it was also about planning, design and implementation. The Lawrence Pedestrian Coalition believed that they needed to focus City resources on how they designed and build intersections and pedestrian crossings. In some cases, they might need to limit the width and speed of roadways to ensure safety pedestrian passage. They needed to design this city for safe pedestrian access to transit and bike trails. She said they needed community and driver education and enforcement of laws protecting pedestrians. They needed all those things to be part of this community’s commitment to pedestrian safety. The Lawrence Pedestrian Coalition supported whole heartedly dedicated funding for pedestrian infrastructure. However, as might not be terribly surprising to the City Commission, the Lawrence Pedestrian Coalition had not reached consensus on what should be the source of that funding. There were a variety of options they had talked about, property taxes, sales taxes, general fund and they were still having that discussion as the City Commission was as well. She said she wanted the City Commission to understand that they did not support continuation of the status quo and she wanted to provide the Commission with some examples of what they saw the status quo for pedestrians being currently. She said they saw minimal enforcement of City Code regarding sidewalk maintenance and repair. Currently, they saw the City spent on pedestrian

infrastructure only about 2% annually of what it took in revenue from the 2004 sales tax that was passed, most of which was spent on roads. They saw that currently that sidewalks and pedestrian infrastructure seemed to be an afterthought to road construction and repair. Their approach to pedestrian design construction was often piecemeal. Finally, they saw that children, persons with disabilities and the elderly were at times, at greatest risk because the City's pedestrian network was inadequate and in some cases, unsafe. It was their sense that pedestrian connectivity and safety in Lawrence had been largely ignored for a long time unless now it was a big enough problem that it was going to take several sources of funding and many years to rectify it. In spite of their group's diversity of opinion regarding possible funding options, the Lawrence Pedestrian Coalition agreed on the following:

1. They needed a pedestrian plan and a home for pedestrian issues and oversight at City Hall.
2. Before monies were committed to a particular City department, they needed staff trained in pedestrian design and input from people who actually walked.
3. They believed they needed a taskforce or advisory board to address pedestrian issues.
4. They needed a real commitment from the City Commission to implement the Complete Streets Plan.
5. They needed leadership dedicated to ensuring pedestrian received equity in both planning and funding resources.

She said to that end they requested that the City create a dedicated line item in the 2015 budget for pedestrian planning and infrastructure. She said they thanked the City Commission for their service to the citizens of Lawrence.

Robert Lewis said he had been on the Lawrence Pedestrian Coalition since the first day they started. He said he was a transplant in Lawrence and noticed a lot of things because of his very unique background. The sidewalks and maintenance of some of the infrastructure in Lawrence had been poor for years and it was time it was brought up to date with funding that was dependable year after year and had enforcement of practices that were adopted. He said he visited Manhattan, Kansas frequently and he couldn't help but note when he was there in late

March, how good the sidewalks were. The next time he went to Manhattan on April 27th, he took a camera. He presented those pictures to the City Commission and noted how hard Manhattan worked on fixing their sidewalks. He also presented pictures of Lawrence's sidewalks and said Lawrence needed a constant source of funding to fix the sidewalks.

Alan Black said he participated in the Lawrence Pedestrian Coalition. There had been a lot of emphasis on sidewalks and he wanted to make the point that there were other things that were important to pedestrians such as intersections, crosswalks, traffic signals and the right timing of the traffic signals. He said he saw a report of a study recently that timing the traffic signals was based on a national standard, but it was too fast for senior citizens and they were often caught in the middle of the street when the walk signal went off and the car signal turned green. Two years ago, a previous committee received a report from a member of the City staff that showed the location of all the pedestrian accidents that occurred over one year and the place of the most pedestrian accidents were at 9th and Massachusetts downtown. He said people argue that it was up to the landowners to take care of the sidewalks but that didn't apply to the intersections, the landowners were not responsible for the intersections, it was the City's responsibility.

Steve Ashley, representing the Lawrence Bicycle Club, said their club supported those types of programs, for instance, the funding stream that was recommended by Schumm last week. In particular, he was a former City councilman for the City of Derby and although not to Lawrence's City scale, he did have some significant level of experience with regard to long-term budgeting, strategic planning and those types of things and he knew there were never enough dollars to go around. He said they wanted to thank the City Commission for the amount of support that they had been given as cyclist over the years by the City of Lawrence and was one of the best places in the State to cycle. He said he had 200 members in his club and a significant portion of those individuals commute by bicycle, a lot of the members from the west side and were employed at the University. He said he wanted to make a distinction between

transportation and recreation. He said in his experience as a Commissioner that if they didn't have a dedicated stream of finance, then all of the strategic planning and long-term intermodal transportation that were put together essentially took a space on a shelf. He said what it came down to was that they would end up with discretionary funding and there was never enough dollars to go around. He said they supported a dedicated stream of funding, similar for alternative transportation, sidewalks, bicycles, things that were non-automobile related, otherwise, they would go another 30 years and nothing would happen. In particular, there were crossings and dedicated bike lanes which were all great but when getting down to downtown traffic were an issue. He said the more people they could get on a bicycle, the less people they had in cars which resulted in better parking, traffic, and didn't need to build more parking garages to deal with this issue. He said they encouraged the City Commission to look at pedestrian and bicycling as a long-term savings to the community, not a long-term cost to the community.

Aaron Paden said she was present to address non-motorized transportation funding also. She said since she moved back from Boulder Colorado where her kids biked and walked to school and downtown and she never had to worry about traffic. She said she wasn't asking Lawrence to go quite to the extent that Boulder did, but to fund it would be great. She said she and her children frequently biked and walked for transportation and she walked for recreation as well. She said she believed the City needed to hire an engineer with experience in pedestrian and bicycle program management in Public Works. Although she recognized raising taxes for funding those types of things, she knew it wasn't an absolute necessity. She said it was the most expedient way to do it, but would rather see existing public works dollars for transportation be used.

Lisa Hallberg, Chair of the Lawrence-Douglas County Bicycle Committee, said she would very much encourage the City Commission to find funding for multi-modal transportation. She said just to emphasize some of the points that had already been made, the Planning

Departments and the Metropolitan Planning Organization had for over a decade been studying and funding studies that emphasized the need to build this infrastructure into transportation planning. A study that she was looking at on the Lawrence website today was from 2003 that stated there needed to be more bicycle and pedestrian transportation infrastructure and just this past year the planning organization spent a good deal on yet another outside study that emphasized those same concepts. She said if they could find in the transportation budget some dedicated funding and ideally a dedicated individual whose expertise would help make sure that funding went to making sure to address the needs of pedestrians, cyclists and other users of the transportation system beside just drivers. She said she understood drivers were number one, but they could make it better for everyone if they just had a little better planning and funding dedicated for that.

Michael Almon, Sustainability Action Network, said he totally supported what the Pedestrian Coalition and Laura Routh had presented. In a way they could take what Routh stated and insert the word "bicycle" instead of the word "pedestrian", but there were various distinctions as they pointed out last week. He said they wouldn't be interested for instance, in a bike head coordinator, but that would be a good position possibly for the administrative staff to coordinate between departments in-house. He said for adequate bicycle design they needed a bicycle engineer in the position in the Public Works Department working on transportation to deal with intersection design, vertical and lateral deflection, auto closures, bicycle boulevards, protected cycle tracks, all those type of things would require expert engineering. One of the things they were certainly asking for was that position in Public Works. He said as they understood for 38 years, they had many plans but no funding. There were a couple of reasons for that being the case. One reason was that the initiatives/innovations that end up on the City budget never came from staff. When thinking about some large initiative like transit or the curbside recycling, that was not something that staff felt comfortable initiating. Staff didn't set policies, only the City Commission could do that and that was one reason they saw that the

departmental request issues document didn't mention bicycles anywhere even though there had been discussions about this for a long time. He said staff was not going to go out on that limb and could only be the City Commission. The other reason he didn't see staff initiating anything like that in Public Works was that they didn't have the functional guidelines to do that. When looking at the streets infrastructure they're doing cost benefit analysis, origin destination, level of service analysis, issuing warrants of sites that justify throwing money at. There was nothing of any similarity for determining bicycle transportation. Staff had no clue other than AASHTO (American Association of State Highway Transportation) and those were not very good guidelines in how to deal with a given street in a given community and that was why they needed an engineer on staff as well. As far as setting priorities another speaker made a comment about the budget and all of choices were hard and there was no wrong item in a budget, everything was right and deserved to be funded. The Sustainability Action asked that the City Commission shift some of those priorities and set policies. The City Commission could invest the political capital in order to make the investment capital. He said it was an investment for the sake of the people who were going to be using it. He showed a diagram of a breakdown of how people spent their money in a household. He said 25% of an auto depended neighborhood was transportation, but if they had a mobility option neighborhood with other types of transportation, those people cut their transportation cost down to 9% which gave them the money to spend on things like food and health care. He said you could shift the priorities in the City to help people shift their priorities in their households. He said they wanted to see that dedicated line item for transportation somewhere in the neighborhood of 2 million dollars a year and/or 10% shifted from the Public Works Streets Division. If wanting to go for a sales tax also, he thought that was great, but they wanted to see a shift in priorities and it was only the Commission that had the political capital to do that.

Amyx said the next study session was June 17th and there would be plenty of opportunities as they get closer to the final budget hearings.

2. **Considered a recommendation from the Traffic Safety Commission and established no parking along the north side of Tillerman Drive between Kasold Drive and Stonegate Court and considered adopting on first reading, Ordinance No. 8991, establishing the no parking (TSC item #3; approved 6-1 on 4/7/14).**

David Woosley, Traffic Engineer, presented the staff report.

Amyx asked if a person had to go across a double yellow line to pass the vehicles.

Woosley said correct. He said it was a double yellow line when approaching that splitter island at the roundabout.

Amyx said crossing a double yellow line was against the law.

Woosley said it was against the law to cross if passing a vehicle that was moving the same direction that you were moving. He said he didn't believe it was against the law to cross when passing a parked vehicle.

Amyx said if he wanted to make a U-turn downtown was that crossing the double line.

Corliss said no U-turns downtown.

Amyx said when the roundabout was installed and the double yellow lines were marked, he asked if there was any consideration in moving the parking.

Woosley said he didn't remember being involved in those discussions, but the two that attended the meeting, individually said they were told by City staff their parking in front of their house would not be affected by the construction.

Mayor Amyx called for public comment.

After receiving no public comment Amyx asked about the number of accidents at that location.

Woosley said at least during the last 3 years there was no record of any police department reports on crashes at that location.

Amyx said the individual that had asked the City Commission to consider this item, lived in that area.

Woosley said yes, that individual did not live adjacent to the intersection and did not appear at the Traffic Safety Commission meeting either.

Schumm asked if there would only be two unavailable parking spaces

Amyx said correct.

Woosley said the TSC recommended no parking on the north side of the street.

Moved by Dever, seconded by Schumm, to establish no parking along the north side of Tillerman Drive between Kasold Drive and Stonegate Court and considered adopting on first reading, Ordinance No. 8991, establishing the no parking. Motion carried unanimously.

3. Considered the following utility rate and utility project items:

- a) **Consider approving the 2015 Rate Scenario 1 for Phase I Taste & Odor and consider authorizing staff to draft the 2015 rate ordinance accordingly to be presented for commission approval in July to coincide with the award of construction contract 3 for UT1304 Wakarusa WWTP.**
- b) **Consider authorizing staff to negotiate a Supplemental Agreement with Burns & McDonnell for Engineering Services for Phase 1 Process Improvements for Project UT1209 – Taste and Odor, and Algal Toxin Water Treatment Process Evaluation.**
- c) **Consider setting bid date of June 24, 2014, for Bid No. B1435, Project UT1304 - Contract 3 (PW1405) Wakarusa WWTP Site Fill and E. 1600/N. 1175 Road Improvements and a bid date of July 22, 2014, for Bid No. B1434, Project UT1304 - Contract 2A Pump Station 10 Force Mains and consider adopting Resolution No. 7073, authorizing the use of the City's eminent domain authority and the making of a survey to obtain required right-of-way and easements for the improvement of E. 1600 Road.**
- d) **Consider authorizing the City Manager to execute RFC #014 to the construction contract with Emery Sapp & Sons for Project UT1205 – Contract 1, South Lawrence Trafficway Sanitary Sewer Relocations, increasing the contract amount by \$181,450.**
- e) **Consider authorizing the City Manager to execute an Engineering Services Agreement with Black & Veatch, in the amount of \$56,722, for Preliminary Engineering Services for Project UT1403 - Evaluation of Rehabilitation and Replacement Options for the Stratford Elevated Tank.**

David Corliss, City Manager, briefed the City Commission on regular agenda item number 3, (a) and (b).

Mike Lawless, Deputy Director of Utilities, presented the staff report on regular agenda item 3 (c) (d) and (e).

Amyx said according to the staff report it would cost the City approximately 4 cents a month for 4,000 gallons to take care of the taste and odor problem.

Lawless said correct, on an average annual increase and that was a monthly increase yearly.

Amyx asked if this would take care of this problem for good.

Lawless said he thought this wasn't a 100 percent guarantee because he thought the phase 2 improvements, depending on how they sized those, if staff had an extraordinary event, he did not know that staff could guarantee that they wouldn't have any bleed over or some of that taste and odor come through. He said whether it be just with the process improvements or the advanced treatment that was phase 2.

Amyx said under phase 1, what the City was buying right now was a best attempt to take care of the taste and odor problem with the water and this would get them through until such time as future regulatory requirements were enacted.

Lawless said yes.

Amyx said he believed that the City's job was to sell good water and he bought into the argument that it was worth 4 cents a month. He asked if this would commit the City for the next 5 years to those projects.

Corliss said correct.

Amyx said a change in the City Commission couldn't change things.

Corliss said a future Commission could not direct staff to set bid date or not accept bids. He said there was a 5 year plan for all of those different projects that were set out. He said this time next year they would have gone through an April election and there might be a different Commission that wanted to do something different, but this was a necessary but not sufficient step to complete all of those projects for the community.

Amyx said those infrastructure projects were huge and believed those were the best recommendations for the City, not only for the maintenance of the existing infrastructure but also the new facility that would be built and be planned for future expansion and growth in this community. He said he wanted to make sure they were doing something that would be in place over time and be taken care of through whatever contractual arrangements they had with vendors.

Corliss said he agreed with those comments.

Mayor Amyx called for public comment

Robert Lewis asked if the Stratford Tank was the water tower tank at Water Tower Park.

Corliss said Stratford Tank was the elevated water tank at Water Tower Park on Stratford Road. He said they were looking at the options essentially on-site. If it was rehabilitation, then the tank would stay where it was. He said a new tank might be built somewhere else in the park which was not necessarily a large park and the existing tank removed. He said they weren't talking about moving the tank someplace else.

Amyx said Corliss indicated that staff was starting discussion with the folks that had the antennas.

Corliss said correct. One of the elements which Black and Veatch would be involved in and had extensive experience in the frequency industry was coordination of the public and private communication uses that were on that tank so they could have a number of different options if they had any transition issues or those types of things. He said it was an important elevated structure for their emergency communication and knew that private communication company was interested as well and knew that a representative of Wicked Broadband spoke when they had this discussion earlier. He said it was an important point that they needed to plan not only for the utility purposes, but also for the other purposes that were associated with that.

Schumm said he felt strongly about working toward mitigating the taste and odor issue. He said it had gotten a lot better because a couple of years ago they had some really bad runs of that stuff and he didn't notice it quite as much last year as what it had been. He said it seemed like they were picking up information as they went along that was accumulative and even in the discussion today, they said they had learned how to do other things based on procedure. He said it sounded like it had been a good endeavor and thought they should move forward.

Riordan said a family of 3 – 5, buying bottled water would be spending more than that. It was really a nominal amount, but at the same time it was an important aspect of the City to provide the best water that they could and when water didn't smell good, people won't drink it.

Moved by Riordan, seconded by Farmer, to approve the 2015 Rate Scenario 1 for Phase I Taste & Odor and authorize staff to draft the 2015 rate ordinance accordingly. Motion carried unanimously.

Moved by Schumm, seconded by Farmer, to authorize staff to negotiate a Supplemental Agreement with Burns & McDonnell for Engineering Services for Phase 1 Process Improvements for Project UT1209 – Taste and Odor, and Algal Toxin Water Treatment Process Evaluation. Motion carried unanimously.

Moved by Riordan, seconded by Dever, to set a bid date of June 24, 2014 for Bid No. B1435, Project UT1304 - Contract 3 (PW1405) Wakarusa WWTP Site Fill and E. 1600/N. 1175 Road Improvements and July 22, 2014 for Bid No. B1434, Project UT1304 - Contract 2A Pump Station 10 Force Mains, and adopt Resolution No. 7073, authorizing the use of the City's eminent domain authority to obtain required right-of-way and easements for the improvement of E. 1600 Road. Motion carried unanimously.

Moved by Schumm, seconded by Farmer, to authorize the City Manager to execute RFC #014 to the construction contract with Emery Sapp & Sons for Project

UT1205 – Contract 1, South Lawrence Trafficway Sanitary Sewer Relocations. Motion carried unanimously.

Moved by Schumm, seconded by Dever, to authorize the City Manager to execute an Engineering Services Agreement with Black & Veatch, in the amount of \$56,722, for Preliminary Engineering Services for Project UT1403 - Evaluation of Rehabilitation and Replacement Options for the Stratford Elevated Tank. Motion carried unanimously.

4. Received a staff report regarding City Code provisions related to guns and knives to HB 2578

Maria Kaminska, City Attorney, presented the staff report.

Amyx said they were going to repeal ordinances that had worked well.

Kaminska said it was a State legislature issue that was pre-empted and those statutes would effectively be void and nullified on July 1st.

Mayor Amyx called for public comment

After receiving no public comment Amyx said this was a local issue. He said he knew this had to be done.

Schumm said it really didn't need to be done. He said he thought they needed to stand up and make a statement. He said they all voted 5-0 against the last recommendation that was to be aligned with the state, but he won't vote for it because he thought it was ridiculous. He said it put their citizens and police force at risk by people that might carry daggers, machetes, and swords in bars or they could take those weapons anywhere they wanted and when people get aggravated about something, there would be a lot of dangerous injuries. He said he didn't see the need for it or the logic behind it and it was ridiculous.

Amyx asked what happened if they didn't follow state regulations.

Corliss said he started off in this profession at the League of Municipalities defending home rule and he felt very strongly that local decisions should be made by local elected officials.

He said his concern about leaving it on the books was whether or not somebody that was out to make a litigation point against the City, might use that as some type of “weapon against us” as far as some claim against the City or the City was not following the law and had done something wrong. There was also the potential, if leaving it on the books, for some level of confusion about what the law was. He said the concern about leaving something on the books that was not allowed by state law did present a potential issue against somebody that was trying to make a point which the City wouldn’t agree with about the point they were trying to make. He said that wasn’t likely, but a possibility. He said one way they could do it was to put in recitals about how they didn’t like doing it and if this law would ever be repealed, the City’s ordinance would immediately pop back into effect. There was still a way to make that statement, but not creating potential confusion about what the City’s law was. He said that was why staff was presenting this issue to the City Commission. He said he wasn’t saying the City would end up in a lawsuit, but there was value in having clarity in the City’s law, even if it was something the City didn’t agree with.

Riordan asked if there was any way to suspend enforcement for a designated period of time. He said he would like to have this law still on the books and wanted to do it in a way that the police and City would not be at risk.

Kaminska said she wanted to clarify if Riordan was saying, suspend the City’s current ordinances.

Riordan asked if they could suspend this ordinance or the enforcement of this ordinance.

Kaminska said as Corliss indicated, they could automatically revive the ordinance as soon as anyone successfully challenged the legislation, but otherwise, she didn’t see another option.

Dever asked if Kaminska had talked to any other cities.

Kaminska said this was in the very early stages and had communicated with the City of Shawnee and they were looking at this as well, but that was the only City she had talked to and could correspond with other cities.

Amyx asked if Kaminska had heard anything from the League of Kansas Municipalities

Kaminska said she reached out to the League today and knew the League opposed this law when this legislation was being proposed and voted upon during the Legislative Session, but otherwise she hadn't heard anything from the League.

Amyx said he agreed with everything that Schumm had stated, but there was no way the City Commission wanted to jeopardize the City.

Schumm said he felt strongly enough about it that it was going so far overboard, so fast that someone needed to tap on the brakes at whatever chance they had. He asked if they wanted every other person walking on the street with an unconcealed carry. He said that was the goal, to get guns everywhere and he would not support any of it. Somewhere along the line they had to say it was enough and to back away. He said even in contrast, they took tenure away from teachers and said that was an issue that was better settled in the local school boards. Here the State was saying that local people, regarding guns and knives, were not smart enough or skilled enough to take charge so the State would take charge. He said that was a complete contradictory statement from this legislative body this year.

Farmer said let's face the facts, raise your hand if you're surprised by the nature of our crazy Kansas Legislature that continued to epically, in a bad way, enact policy that was completely and utterly amazingly stupid and he agreed 100% that it was putting people at risk. He said sadly what was going to need to happen, but he didn't wish this to happen or want it to happen, would be that some sort of poop needed to hit the fan before they wake up and realize the error of their ways. He said it was going to take something tragic and maybe even then those folks might not budge, but was there a way they could take a stand without putting the

City in jeopardy. He said he was in the same boat as the other Commissioners in that he didn't want to vote for this.

Schumm said last time they voted against the alignment with the State it was dutifully noted in Topeka. He said a number of people reported back to him that it was noticed at the higher end.

Riordan said he was hearing that the City might be at risk and not that the City was at risk. He said they were at a point where it wasn't civil disobedience, but it was civil enactment of a reasonable response to an unreasonable request and the City Commission should not allow this to happen because he didn't think the consequences warrant the City Commission acquiescing at this time. They had a situation where he hoped every other city in the State of Kansas would do the same thing and send the legislature a message that they didn't approve of this and they were doing it the only way they could.

Amyx asked if the City Commission could declare an emergency and adopt the ordinance on 1st and 2nd reading at the very end.

Kaminska said the bill became law on July 1st so any action the City Commission took would be prudent.

Amyx said he would make a recommendation to defer this item for further discussion.

Farmer asked if Kaminska would be willing to talk to several other communities to find out what they thought of uniformly standing in solidarity against this completely ridiculous legislation.

Kaminska said absolutely.

Moved by Dever, seconded by Riordan, to receive the staff report regarding City Code provisions related to guns and knives to HB 2578 and defer this item for future City Commission discussion. Motion carried unanimously.

5. Received a project update on South Lawrence Trafficway phasing plan.

David Cronin, City Engineer, presented the staff report.

Schumm asked if the new 31st Street stopped at O'Connell or did it go further east.

Cronin said it stopped at O'Connell, but there was a county road that continued on to the east, but their tie in with O'Connell was as far as they would go and at the end of this year they would close O'Connell to reconstruct that intersection to install a roundabout. He said Westar was relocating a transmission line which would go up O'Connell and staff would work with Westar to make sure it was phased appropriately. Haskell would still be opened when O'Connell was closed and then once O'Connell was completed, they would relocate Louisiana which had been referred to as Michigan Street, south of 31st Street. He said those streets would be opened before Haskell was closed and the second half of 15th Street to construct the interchange and relocate at Haskell, south into the County.

Farmer said if someone wanted to get from southeast Lawrence to south Lawrence to the shopping center, he asked if the advice would be to go to 23rd Street to Iowa and then down.

Cronin said that was one option, alternatively they could use County Road 458 to go over to 59 Highway and come in south Iowa into the City. He said Haskell would be reopened.

Riordan asked if 27th Street would be opened.

Cronin said yes.

Corliss said they would not encourage that detour.

Cronin said with the 23rd and Iowa project they understood that was under construction and staff had placed that into 8 phases. He said from phases 2-6, they would have 2 westbound through lanes and a left turn lane at 23rd and Iowa. They would still have 2 lanes of traffic on 23rd Street and a dedicated left turn lane for phases 2-6 on that project and would not have the dedicated right turn lane. It would be a week or two before they get to stage 2 and they would have 3 lanes, westbound 23rd Street.

Amyx said and the waterline replacement, Louisiana to Alabama as moving ahead.

Corliss said yes. It was ahead of schedule, but they had a problem with the AT&T fiber at that location at 23rd and Louisiana. He said that had been resolved and staff expected a mid-summer completion of that waterline project which would free up that lane.

Amyx asked if staff believed they would be done with 23rd and Iowa around Thanksgiving time.

Cronin said the contract completion date was November 15th.

Amyx said Haskell would open before they closed Louisiana.

Cronin said correct that was staff's understanding and the County as well had made that specific clarification.

Mayor Amyx called for public comment. No public comment was received.

Moved by Schumm, seconded by Farmer, to recess into executive session at 8:20 p.m.

6. Motioned to recess into executive session for 60 minutes to discuss possible real estate acquisition. The justification for the executive session is to keep possible terms and conditions of possible real estate acquisition confidential at this time. The City Commission will resume their regular meeting in the Commission meeting room at the conclusion of the executive session.

The City Commission reconvened at 9:26 p.m.

E. PUBLIC COMMENT:

K.T. Walsh said she had been doing work at the Lawrence Community Shelter for people that were homeless and there was a very busy bus stop that was used both by people who were guests at the Shelter and also by families that were going to visit family members in jail. There was no bus bench and was really cold out due to having no trees that would block the wind. Some of the men at the shelter cobbled together a bench from scraps of wood and nails. Someone else dropped off a sofa which the City removed quickly. The Spencer Museum of Art at KU donated a really beautiful fabric bench that stood for about 3 months in the weather, someone else donated a bench but it fell apart. She said it was a very heavily used bus stop. The Director of Transit said there was no money for bus stops right now and she understood,

but she could not help but think that somewhere in some office basement there was a bench for people to sit.

Corliss said staff would get a bus stop at that location. He thanked Walsh for bringing that to their attention.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

H: CALENDAR:

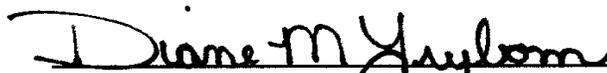
David Corliss, City Manager, reviewed calendar items

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 Farmer, to adjourn at 9:31 p.m. Motion carried unanimously.

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


Diane M. Trybom (City Clerk)