



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

August 19, 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 Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION: None.

B. CONSENT AGENDA

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

1. Approved City Commission meeting minutes from 05/06/14, 05/13/14, 05/20/14, and 05/27/14.
2. Received minutes from various boards and commissions:
 - Board of Zoning Appeals meeting of 07/24/14
 - Historic Resources Commission meetings of 04/17/14, 05/15/14, and 06/19/14
 - Horizon 2020 Steering Committee meeting of 07/28/14
 - Mental Health Board meeting of 06/24/14
3. **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE VOTE:** Approved claims to 258 vendors in the amount of \$3,818,856.13.
4. Approved licenses as recommended by the City Clerk's Office.

Retail Liquor

Expiration

University Liquor
KMJ Company LLC
601 Kasold Dr. Suite B105
August 15, 2014

Mass Beverage
Red Star Investments LLC
3131A Nieder Rd.
August 24, 2014

5. Bid and purchase items:



- a) Set a bid date of September 16, 2014 for Bid No. 1449, Project UT1416, Kaw Water Treatment Plant Roof Replacement.
 - b) Authorized the City Manager to execute RFC # 024 and #025 to the construction contract with Emery Sapp & Sons for Project UT1205 – Contract 1, South Lawrence Trafficway Sanitary Sewer Relocations, increasing the contract amount by \$80,400.97.
 - c) Authorized the City Manager to execute the Engineering Services Agreement with Bartlett & West for the Solid Waste Facility on Kresge Road in the amount of \$157,038.
 - d) Authorized the City Manager to sign an agreement with Airport Development Group for construction engineering services in the amount of \$27,000 and approved additional costs for Federal Aviation Administration flight inspection of the runway lighting in the amount of \$7,050.
 - e) Authorized Westar to construct an underground electric distribution line at Lawrence VenturePark for City share of \$100,000 paid from special assessment benefit district
6. Adopted on first reading, the following ordinances:
- a) **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISUCSSION.** Ordinance No. 9026, amending City Code Section 6-1711 *Mobile Food Vendors* to remove the time restriction for Mobile Food Vendors and the limit on the number of Vendors that could be located on properties where the City had approved a Site Plan establishing a location for a Mobile Food Vendor as a permanent or seasonal element of the site.
 - b) Ordinance No. 9028, adopting the 2014 Standard Traffic Ordinance, Edition 2014.
7. Adopted Resolution No. 7086, authorizing the issuance of bonds in the amount of \$1 million for the Bob Billings Parkway and Kansas Highway 10 Interchange, Project No. PW1122.
8. Authorized the Mayor to sign the necessary supplemental Kansas Department of Transportation forms committing the City of Lawrence's match for the Transportation Enhancement project for the Breezedale Monuments Restoration.
9. Approved a street event permit for the closure of Massachusetts Street between North Park Street and South Park Street on Sunday, September 7, 2014 from 7:00 a.m. – 6:00 p.m. for the annual Fall Arts and Crafts Festival.
10. Approved a street event permit for the Lawrence Old Fashion Christmas Parade to close various streets downtown on Saturday, December 6, 2014 from 11:00 a.m. to 12:15 p.m.

11. Approved a street event permit for the closure of the 100 block of W. 8th Street from 11:00 a.m. to 11:00 p.m. on Saturday, October 4, 2014 for the Jefferson's Boys and Girls Club Block Party and adopted on first reading, Ordinance No. 9033, allowing the sale, possession and consumption of alcohol in the 100 block of W. 8th Street during the event.
12. Approved a street event permit for the use of various city streets, including the rolling closure of the northbound lane of Massachusetts Street downtown, from 6:00 a.m. – 6:25 a.m. on Monday, September 1, 2014 for The Run to Free 5K.
13. **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Approved a street event permit for the use of various city streets, including the rolling closure of the northbound lane of Massachusetts Street downtown, from 10:00 a.m. – 11:00 a.m. on Sunday, September 7, 2014, for The Circle of Sisterhood 5K.
14. Authorized the City Manager to execute a \$75,000 grant from the Kansas Creative Arts Industries Commission for cultural planning activities.

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

Moved by Schumm, seconded Farmer, to approve non-Rock Chalk Park related claims to 251 vendors in the amount of \$3,792,146.63. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Motion carried unanimously.

Moved by Schumm, seconded by Riordan, to approve Rock Chalk Park related claims to 7 vendors in the amount of \$26,709.50. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

Schumm removed from the consent agenda no. 6(a) for separate discussion.

Scott McCullough, Planning and Development Services Director, stated a few years ago we didn't have Mobile Food Vending regulations. We were approached by the industry who wanted to have some regulations that will allow them to move around the City during lunch hours, dinner hours, and sell food to different parts of the business community. It's always on private property, not in the right-of-way, and is truly mobile. To accommodate that approach we came up with some of the license restrictions. Since those regulations, we may have had one license issued with the regulations that we put in place a few years ago. In the meantime, we have two examples that we outline in the memo where the current regulations don't accommodate what they desire for their vending business. One is in the warehouse arts district

where there's a desire to establish a site of a permanent site of multiple vendors, they may be there seasonally and they may change out, but they'll want to site plan that site and be there in a concentrated manner. The other example is the snow cone vending unit at 6th and Monterey who desires to have longer operating hours and to stay at that location in a more permanent way and this will make a little more since as we go through some of these specific criteria, how they are constrained. When we looked at our restrictions there were a number of different avenues we could pursue to accommodate their specific request. We chose to take each restriction, keep the restriction, but open it up if they came in and did a site plan with notice to surrounding owners, for a typical standard site plan practice and if it's zoned appropriately in a commercial district. The first requirement restriction that we looked at was "D" in the ordinance, mobile food vendors are prohibited from offering for sale any food or beverage from an unoccupied or vacant lot except with a City approved event or pursuant to a City approved site plan. So today, under the regulations, you can't even in a temporary fashion go to a vacant lot and set up your vending practice. This would open the door for the East Lawrence example, it's a vacant lot today, they would site plan it for a more permanent use. "E" states that no more than two units may be operated at the same time on any single property. The Bistro at 8th and Pennsylvania plans to operate with two mobile units in a permanent fashion so this would help accommodate them as well. The example where they want to do more than two can't be done unless we look at this restriction and amend it. Criteria "F" is that vendors are prohibited from offering for sale food and beverage from a single property for more than three hours out of the day, so that's a restriction that constrains vending, even the Bistro at 8th and Pennsylvania would be constrained to three hours a day unless we relax that standard. Those were the specific standards that constrain the folks who want to do this different kind of mobile food vending. "G" just set forth a little bit of the process for site planning that they must submit a standard site plan which institutes the requirement for notice and it must meet all other

requirements of the land development code and it must be in a zoning district where fast order food is allowed. That's the context, that's the proposal today and I would stand for questions.

Amyx stated if someone came in and goes through the site planning process and their on a lot that has the necessary amount of parking, is that appropriate?

McCullough stated it would be with this proposed amendment. Today, they're allowed to go to a site, we don't site plan it and they have these restrictions that were temporary during the day and week, once daily for three hours. If we accommodate the request today, they would need a site plan and we would look at parking because that would be a permanent fixture. We would look at where the units sit and look at any tables and chairs that could be setup seasonally for an accessory component of the unit and make sure they have parking otherwise, looking at ADA spaces made sure they're not taking up ADA spaces, those kinds of site plan elements.

Amyx stated if somebody has just met the parking requirement, according our code, and one of these mobile food units takes up part of those spaces, is that still something that's acceptable to planning?

McCullough stated not necessarily, they would have a couple of options depending on the specifics of the request there is some administrative authority to grant a variance to the parking. There's the variance procedure to the Board of Zoning Appeals and then if it's that much of a challenges with those two avenues are not accommodating them then they just simply won't be able to do it because parking is part of this situation.

Amyx stated I figure it was with Chapter 20. Say you have a business that has a variance from the parking requirements. I just don't think that's acceptable at all. They still would be able to apply at a location that receives a variance.

McCullough stated that they'll be able to apply whether they would be granted or not. I agree that not every site is going to be able to accommodate this use. It's an added use to the site.

Schumm stated is there a requirement to have these vehicles move every so often?

McCullough stated under the proposal, no.

Schumm stated the reason why I say that, is because my daughter lives in Portland Oregon. That's the truck food capital world and they have some trucks that haven't moved since before she was born. You have just shells of vehicles that have no way of even moving and no one is asking them to move, it was part of their charm of their city. I'm not sure how that charm would go over here in Lawrence if you've got those kinds of vehicles that are literally rusting in place and not capable of movement. Just coincidentally, today in the mail I got this whole wonderful brochure on food carts and food trailers. There are a lot of food trailers out there that you can pick up and drop off and I don't know if we've addressed any of that in the ordinance.

McCullough stated we do define, in the full ordinance, a unit as a self-contained vehicle trailer, cart or other type of conveyance from which food or beverage is offered for sale. It's a pretty broad definition.

Schumm stated I called the Department of Agriculture that regulates food service licenses and in the State of Washington they're required to have a commissary that they are bound to and so the idea is that the foods are properly stored, cooled and frozen. The dishes are properly sanitized as well as pots and pans. Kansas doesn't have that regulation yet and I would suspect because it's such a new industry that there's not much thought that had gone into the process yet. Only the vehicles are licensed and the women I talked to at the Department of Agriculture states it depends on the type of food you sell whether it has to have an additional infrastructure tied to it in order to have property food storage and proper sanitation. In Kansas it's not as quite as developed as it was in other states. The concern is that that there may be some vehicles put into play that aren't going to look very nice and once they're there, they can stay there forever as long as the landlord says. Maybe there are some unintended consequences that would start to show up and some complaining. I don't know what the right answer is, but it seems to me like if we require them to move every so often that the vehicle

would have to be in such condition that it could drive legally on the road of the City. I'm not trying to add more regulation, but trying to keep from having a situation occur that we say "whoops we really shouldn't have gone that direction with." I did receive one comment about trash where commercial entities pay for trash. Where will the trash go that's generated from a food truck? Is it getting dumped in the dumpsters of someone else or does it end up at home?

McCullough stated on that specific item its site planned in a multi-unit way and there would be a requirement to provide a trash disposal area.

Farmer stated, under current regulations let's just say, under your scenario, there's a food truck that hasn't moved in two years and it's not tagged appropriately, that's a violation of City code, right? That vehicle could be towed.

McCullough stated we do still have property maintenance codes that will be applied to any site, commercial or otherwise and so we would look to those regulations for items such as trash or repair work that has to happen to the unit. We would have to look at whether or not the licensing was part of it. Any unit had to keep up certain licensing as spelled out in the full ordinance.

Farmer stated I guess on a public street, if there's a car that hasn't moved for 6 months and has expired tags from 2009.

McCullough stated they can be ticked.

Farmer stated and eventually towed.

McCullough stated I don't know about towed, but I think its 48 hours that you can't stay in any one place.

Corliss stated we eventually go for a dilapidated vehicle code violation and go through your environmental code process to abate.

Riordan stated having dealt with that many times on my street if they're there longer than "x" amount of hours they give them notice that they had "x" amount of hours to moved. If they move 10 feet that's enough, but they can't stay in the same spot.

Amyx stated this accomplishes what you've seen as something that needs to happen. You've tried to work any of the bugs or the details out. If someone had a complaint about the condition of a vehicle in which your department handles as a violation, nothing in here stops any of that process.

McCullough stated correct, but I think under the context of the discussion we may need to put some language specific to that if that's the concern in this ordinance. I'd be more comfortable with having that code support to go out and to that kind of enforcement.

Amyx stated we need a maintenance item to add to this about the vehicle, general site planning procedures are going to continue to include trash and other things.

Schumm stated I think the food vehicles ought to be self-contained energy wise. In other words, we're not going to see extension cords 150 feet long plugged into the front foyer of someone's office. You've got that or someone is going to be stringing them overhead. I think that ought to be in there that it has to be a self-contained energy package so that we don't have an unsightly amount of electrical cords all over the place it could be dangerous as well.

Riordan stated who's certifying that the food is properly stored, prepared, and safe.

McCullough stated there's a requirement to get a copy of a state license for food service if such is required from the state.

Riordan stated I know the Farmers Market has certain criteria, has to be cooked in a certain place and done in a certain way.

McCullough stated the State handled those, inspections of carts as I understand it.

Riordan stated a State license gives you the ability to do it, but who's certifying this and how often do they certify.

McCullough stated I would have to get that information.

Schumm stated I can tell you it's the Department of Agriculture that runs State food service inspections and you're usually inspected twice a year.

Riordan stated the mobile food vendors are going to come, are going to setup, and are going to leave. Now this will allow people to come, setup, and stay there.

McCullough stated yes.

Riordan stated and they'll have to do that in a way where the parking is adequate and when you bring a new building to a parking lot that's already been site planned, there's going to be additional parking spaces that are needed and they're going to have customers. So not only do you have to fulfill for the business that's there, you have to fulfill for theirs. How are you going to determine the amount of parking that's needed for one of these?

McCullough stated it's based on current use. A lot of times when a property is developed, it's developed with a certain amount of parking. Overtime those uses change and you may have more parking than your current use requires. That happens more often than you might think. Those instances would be ripe for green on a mobile food unit. In the development project to have access parking, they would be able to accommodate. It may be that they need to add parking to the site to accommodate something like this.

Amyx stated to answer your question about the food, we currently have the food vendors such as the hot dog cart and they go through similar licensing and inspections from time to time. We're already having businesses go through that kind of thing and they have to get a state license now and go through inspections. My big thing was the parking requirements and making sure that the businesses that are there that we're not using up some of the parking that we require. If a variance has been granted I can't even imagine taking up the parking that was remaining.

Dever stated Schumm mentioned the self-contained power energy concept and to me they're either going to have their own generator which is going to be loud and disruptive or they're going to have to have batteries and frankly, I'm not sure that's going to be adequate for the type of trucks I know that we're talking about. I think that as long as the power is provided safely in a proper manner, not strung across the yard, and there's adequate power receptacle

nearby to plug into will be adequate. I think it would save a lot of noise, energy, and a lot of wasted electricity because basically every car will have to have their own generator if they're going to be self-contained.

Schumm stated what I meant was temporary lights across.

Dever stated we want property and adequate power safe energized outlets nearby because otherwise, it's going to be difficult just from the noise from the generator.

Mayor Amyx called for public comment.

Tom Larkin, a representative that has been pushing for this ordinance to change, stated all the points were very valid and something we've taken into mind as we've started to think about how this development can work. The Mayor mentioned about the parking situation and we can't speak to anyone else, we know you're trying to plug the hole before something else comes up elsewhere, but our thought was that this would function more as a park than a parking lot. If a food truck is not there, it wouldn't be used for automobile parking and it would be a concrete plaza and wouldn't be displacing any parking. The idea of the electrical outlets is definitely something we're taking into consideration and it will be setup more like an RV Park and that there's access to water and power right next to their station, as well as personalized garden beds if they decide they want to grow their own garden, herbs, vegetables, etc... Otherwise, this seems like a natural fit in the Warehouse Arts District. It's an art form in itself and there are now more affordable, high quality food items that are available in food trucks that weren't necessarily 10 years ago and with the success of the Food Truck Festival, this seems like a good time for Lawrence to embrace this movement. We know of a number of trucks, that have reached out and said if something is available for us where we don't have to market or reach out to our followers to tell them where were going to be when, then let us know and we'll go through the process of the City in applying for a mobile food vendor license. That doesn't expand too much on what you all have already brought up. I think it does make sense to have

some of that language in the code. There will be a receptacle for trash at that location and it will be handled just like any other commercial property.

KT Walsh stated I may have misheard that McCullough said that food trucks will be allowed wherever fast food is allowed in terms of zoning and if so, the Board of East Lawrence Neighborhood Association is preparing a letter to send to the Planning Commission about the proposed zoning change at the end of East 9th Street from IG to IL, supporting the change, but not supporting fast food, fast food drive through, bars, pay-day loans, the things we don't want in residential areas. Is there a conflict if we don't support fast food and are we saying we don't support food trucks?

McCullough stated fast order food is the use classification that most closely fit what a food truck is, its package food that you consume either there or take away and fast food with a drive through is a different use in our code. What we're saying is that it's the fast order food use that has to be present in the zoning.

Kyle Bartel stated I was going for more of the season aspect and as a shaved ice vendor I only have a 4 month window to make any money. In order to facilitate a quality operation, I can't afford a brick and mortar store and when I worked with McCullough and his staff some of the things I proposed were a little different and geared more toward seasonal, but I think this fits fairly well into what I was asking for. My big thing was being able to be open all day instead of only 3 hours at one location. As far as moving every year, I don't think it would be a bad idea to have that ability so they at least have to move once a year because shaved ice and other seasonal vendor people such as myself, we can produce a much better aesthetic to our product we're trying to give so I don't have to support a brick and mortar store all year on 4 months of income and we can disappear so you don't have that eyesore to look at for the rest of the year. The self-contain I would like to express that a trailer, in my opinion, is just as mobile as a truck with an engine. I can hook up in a matter of two minutes and want to make sure that was something that may have been addressed so a trailer wasn't excluded.

K.T. Walsh stated I didn't understand your answer about fast food and food trucks.

McCullough stated fast order food is defined as an establishment whose primary business is the sale of food: a) primarily intended for immediate consumption b) available within in a short waiting time; and, c) packaged or presented in such a manner that it can be readily eaten outside the premises where it's sold. This category includes both establishments that have seating areas for consumption of prepared food on the premises and those that provide food only for consumption off the premises. This category does not include drive-in fast order food establishments so think of Subway and Jimmy John's, those are fast order food establishments.

K.T. Walsh stated how someone would be able to do the 45% - 55% to comply with that if there only allowed to be open for 3 hours? Would you combine the two food truck sales?

McCullough stated if you're speaking specifically about the Bistro project, this is being put forth, in part, for that project as well. In order for them to be able to sell food more than 3 hours a day at that particular property, they need the code amendment.

Amyx stated is there a specific section of the code if Walsh needs to reference that.

McCullough stated 20-1724.

Schumm stated I get a brand new food truck and I go out at one of the new establishments out on West 6th Street and I make a deal with the private owner to put a food truck right there and all around me are restaurants. I'm going to take and sell barbeque right next to a barbeque restaurant. It goes through the site planning process and if the neighbors all say, "no we really don't want you out here" and that would be just a competitive situation.

McCullough stated right.

Schumm stated do I have a firm voice that counts or is it a political decision by this body or is it a planning decision.

McCullough stated it's a policy decision that needs to be made at the time of your consideration of this ordinance because if the use is allowed then they do have the right to

appeal to the City Commission, but it's only on site plan elements, setbacks, parking issues, and storm water, these kinds of things. They really don't under our framework of codes have the ability to say we don't want the use.

Schumm stated from being a long-term food service operator, I could see this pretty crystal clear and that case scenario which I just explained, I'm the guy that has the brick and mortar store and I'm paying about \$25,000 a year in property taxes. The food truck comes in and locates directly along side of me and sells basically the same thing I'm selling and his or her expensed tax wise are probably \$2500 or \$3000 a year. They can sit and pick off the busy days and get in there Thursday, Friday, and Saturday and then drive away and I'm stuck there 7 days a week with help and it's a very unfair situation. There are two things here, first of all our problem is we have to have an ordinance that's for the entire city not two specific sites and both your sites are very specific, but I can see the situation where a landlord says I have a couple of vacancies come on in food trucks, let's put 8 or 10 of those things right in here because there's a lot of restaurants around and I'll get some money from the food trucks that park here and that'll help me out. If they had vacancies they would have sufficient number of extra parking spaces that they wouldn't need. Where I'm going is first of all there should be some competitive language that you can't locate within 500 feet of another like store. I think that's only fair and there's an equity issue there. Secondly, I think there ought to be a total number that has to be capped in some way so you don't have these huge conglomerates or almost a food court that start to arrive by virtue of having food trucks that are mobile. I think there should be some movement that they have to come and go so that we have bona fide food truck vehicles or trailers if they are appropriate. I'd rather think this thing through today before we have an ordinance and have to deal with the after affect or the problem that could occur and it probably will occur at some point. There's going to be some competitive issues that start to arrive.

Amyx stated so the language that we have that talked about no more than two mobile food units be operated from at the same time on any single property, you would like to have that stronger than that.

Schumm stated that's fine. I think the warehouse arts district is a totally different situation. They're gearing up for more festival, special event activities which you would need more accommodation, but just for the person who goes out and stakes out a claim in somebody's parking lot on Iowa Street or West 6th Street then that's a whole different issue that you need to be carefully defining.

Amyx stated so when my wife and I owned the hotdog stand the City was gracious enough to have specific corners that you could locate on and you had to get approval from the business owners within 75 feet of the location that you're at. At that time, your ability to get that license was depended upon the positive response of the surrounding businesses.

Schumm stated but that's not the issue.

McCullough stated it's a model for what you're trying to accomplish.

Schumm stated I'm arguing the competition.

Amyx stated you can put distance as a requirement.

Schumm stated that's what I just said if you had 500 feet of a like competitor then that protects that person to a degree as opposed to somebody coming in and poaching right off their volume by being adjacent to them.

Riordan stated I feel real uncomfortable with this and can't support it as written for many of the reasons Schumm is talking about. I think there's too many unanswered questions and too many possibilities where this can go wrong. I have problem with the words "mobile food vendors" where they're not mobile. I think that's an inappropriate use of the word "mobile." I think if their mobile, they should be gone that day or come up with another word. This is a great thing probably for the Arts District, but not for the rest of the City. To me there are just too many

unanswered questions. I'm not saying it's a bad idea, I'm just saying we don't have an ordinance that I can support.

Farmer stated I struggle with the competition aspect because I haven't heard from any restaurant owners and we don't tell Menard's they can't locate next to Home Depot or Burger King that they can't locate next to a McDonald's even though they're like things. I would be prone to go to a food truck on days when I don't have 45 minutes or an hour to go sit down at restaurant to wait for a table. If I didn't have a food truck option that day then I would just either not eat or go home and grab something. I don't know that the competition aspect for me is one that I'd necessarily buy into and I don't think it's consistent with what we do with other parts of our code and how we allow different things to locate. The Warehouse Arts District is a very unique area in the sense that there are no other restaurants down there. This is going to be the kind of thing that serves a specific area where density is being built more and more all the time. I hope that the neighborhood would be strongly in favor of food trucks and that way you're not having more brick and mortar buildings go up. It seems like a very good thing for that area. I'm not sure what we could do specifically for that area because my concern is that if we continue to hold this back because of concerns that we have about perhaps other areas of town. We're restricting businesses from developing and as you said, having to constantly move. We've got a small business and 80% of business growth comes from small business. This is something we can do to help facilitate small business growing. I'd be okay with some of the things we've talked about as far as moving things. I certainly want to put things in here for variances, for instance if a food truck is going to locate, the idea is incredible to have them growing their own food, that's part of our Community Health Improvement Plan that this body's adopted for increasing access for healthy foods. I would think that that would be a really good thing to encourage and they have to move every two days to another spot, maybe they move two spaces ahead and then they're not right next to their garden which isn't a big deal but I think consistency is going to be a key here. I'm not sure what the answer is, but to put this on the

back burner because of all these concerns is prohibiting small businesses that are ready to move in this community to be able to operate in a manner that's effective and I have significant concerns about that because we've talked about the need for jobs for economic development. This is an avenue that we could pursue that and for us to have concerns with that for whatever reason. I appreciate wanting to be consistent with the policy across the board but what do we do in the meantime for businesses that are ready to come here for jobs and tax revenue and that sort of thing. Right now we're saying we can't do that because we don't have the whole picture figured out.

Dever stated this is getting complicated. I think that the concerns are real from the Commissioners and I haven't heard any negative comments about this idea from anybody. I understand the competition angle, I just see a food truck serving kind of a different type of customer and I'm not sure it would directly impact. I think competition is good, we just recently had a pizza place go in on the west side of town where an existing local small business had opened up just a year and a half earlier and that company came from out of town and the competition indicated who won and it wasn't the out of town company. It's a matter of quality and consistency. People can come in and try to compete and I think that's good, but unless your food truck is going to yield the kind of impact on a brick and mortar business that's going to drive it out of business, it might actually bring more customers to that corner, create more likelihood of somebody going inside, especially if the weather is not really good for eating outside or if the person wants to sit down, have a meal and be waited on. These are really different products. I just got back from Portland and it doesn't seem to be hurting business there at all. I know there are vehicles that stay a long time and I'm in favor of requiring them to move. It's a great addition and prevents some of the aging and eyesores that I did notice in some parts of downtown Portland. It's exciting to have new businesses try to grow. Those businesses can then decide if they want to move into a permanent location. Without those types of incubators spaces you really don't get that competition, variety and energy that comes

with people going to a place and buying stuff here in town. I'm with Farmer, if I don't have time, I just don't eat lunch and I'll just go home or won't eat at all and I'm not sure it's taking away from existing business. I understand Schumm's concern and I think we should at least consider it. I'm not too concerned about competition. In fact, I don't think it's our job to limit competition. I think it's a bad precedent for me to agree to that. Everything else I'm okay with as far as adding to this.

Amyx stated I think most of these things will work. I do have a little bit of concern about the competition, not from the standpoint of competing with another business, but having several lots in a row and having a multitude of these starting to show up. What about the idea of 500 feet or 250 feet.

Schumm stated I'm not for being anti-competitive at all. I've been in this industry forever and that's one of the most competitive industries there is, but you're really changing the game. You've got people now that have to be in a brick and mortar operation. You see similar restaurants next door to each other, but they're competing under the same cost structure. When you run a truck, they don't have the same cost structure. Your right, the people are going to go in and sit down to eat will do that, but they're some people who say, well maybe I'll just get this over here today, instead of carrying something out of the restaurant just go over here. You really do have a game changer in that they can pick the better days to sit there and try to perform the sales. I do like the aspect that it's creative. It does bring new entrepreneurs on. I'm trying to figure out how we say yes and don't get into trouble with it. I think this is a sleeper issue. I don't think the restaurant owners had paid attention to it. I would ask that we give it a week to see if there are any people that come forward that have concerns about it. I've gotten just one call and I didn't see much about it in the paper or much activity about it and maybe that's what they need to do is read what's happening and see what their thoughts are. There very well may not be as big as concern as I think there would be, but I'd hate to find out after

words, after we start to see these things start to pile up and they out get people down here pounding on the microphone “why did you guys do this?”

Amyx stated we’ve got to make some wholesale kind of changes to this and it will be eligible again for first reading in a week.

McCullough stated I think a couple of weeks to let us draft the language.

Amyx stated I would leave space in there about so many feet from one location to the next, but add all of the additional comments that had been brought forth by Commissioners.

Farmer stated what if you had 3 food trucks. One is barbeque, one’s Mexican and one’s Chinese that want to locate next to each other on one lot. I agree with Dever that it’s setting a dangerous precedent for us to try and regulate the industry from the very outset. There’s no possible way that I’d be in support of setting up 250 feet away because we don’t do that anywhere else in this community.

Corliss stated does this impact anybody that’s about ready to do something.

McCullough stated I think we have the time to process this a little bit more. I think the Bistro is the most urgent pressing site plan we have.

Moved by Schumm, seconded by Riordan, to defer Ordinance No. 9026 for 2 weeks.

Schumm removed from the consent agenda no. 13 for separate discussion regarding the street event permit for closure of the northbound lane of Massachusetts Street.

Mark Thiel, Assistant Public Works Director, presented the report.

Amyx stated the big question was the 10:00 to 11:00 timeframe and was that something we can change because we have church and everything else that’s going on. That day it’s really going to be hard to find parking downtown. You say the Fall Arts and Crafts Festival is that day also. Is there any way to move this to an earlier time in the day and could it be from 8:00 am to 9:00 am.

Thiel stated absolutely. What we would do, at your direction, is to go back to the requestor of this permit and make that suggestion. You’re action tonight could be to approve a

different time or we can come back again with a proposed different time or we can ask them to pick a different date. That was one of the discussions that I had with the event requestor was that there were another event previously on that date and would they be willing to pick a different date. It's a little difficult this time of the year on Saturday's and Sunday's to do events downtown. Saturday's there's a lot of home football games and we typically don't allow people to close or alter streets on home football game days. They had told me they've started to do some advertising for the event so I think your suggestion to change the time would be appropriate. I would go back to them and ask them if that's something they would be will to do. If not, then we would either not approve the event or ask them to do it on a different date.

Schumm stated your 5K's usually the fast runners are going to be done in about 22 minutes and then the slow runners are going to take about an hour because there are people that actually walk these so you have about a 40 or 50 minute window that you're going to have Massachusetts closed or inoperable so either move the time or why don't they just run a little further south on Burrough's Trail and cut across 15th Street, cut down New Hampshire and stay off Massachusetts Street. That to me makes a lot more sense than tying up all of Massachusetts Street. You're still going to have some traffic concerns, but not near as much as you would as if you run down Massachusetts Street. Maybe a time adjustment and a route adjustment would be beneficial. I know that when we had the half marathon where they had to cut across and go over to campus, we had a lot of complaints because they really had to hold traffic up for some time as long as 20 minutes to let them get through intersections. I'm all for the 5K's and running, but trying to keep them separate. Burrough's Trail is a wonderful place to run. You can actually run all the way out to 28th Street on that trail, unless it's going to be under construction, but I'm not sure.

Thiel stated his is the desired route. When I took this over there were several requests for different routes throughout the downtown area and in working with the Police Department we've come up with a pretty standard route and when we get request to come downtown, we tell

them if they want to run downtown, this is the route you have to use. We can suggest to the event organizers a different route and would not be an issue.

Schumm stated it seems like the time is problematic. The 6:00 am to 6:25 am on Monday there won't be anybody else around except for a few people walking around so I don't see any conflict there, but when you get from 10:00 am to 11:00 am on Sunday morning along with the other activity that's going on in the park, there's going to be a lot of traffic situations.

Thiel stated most of the races are earlier in the day. This is the time the applicant requested.

Amyx stated rather than changing the route at this late date, if we can talk about the time, an 8:00 am to 9:00 am timeframe and we can talk some other time what those routes should be downtown. My suggestion is the 8:00 am to 9:00 am time slot to see if that would work because of everything that's going to be going on and we'll give them an option of another date.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Farmer**, to approve a street event permit for the use of various city streets, including the rolling closure of the northbound lane of Massachusetts Street downtown, from 8:00 a.m. – 9:00 a.m. on Sunday, September 7, 2014, for The Circle of Sisterhood 5K. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding Rock Chalk Infrastructure Report; Public Works Mid-Year Report; Santa Fe Station Project Update; Lawrence Department of Utilities Receives Peak Performance Award; bikes take the Lane video no online; 9th Street Corridor ArtPlace Grant Open House Meeting.

Schumm stated I'm looking at the Rock Chalk Park Infrastructure Report and under the heading Waterline - Summary of Cost, the cost per development agreement is \$468,061.65 and the final construction cost is \$462,522.49, which one do we pay?

Corliss stated will pay off what is complete which we agreed it will be \$462,522.49.

Schumm stated when looking under the heading Sanitary Sewer – Summary of Cost, the cost per development agreement is \$162,842.50, but the final construction cost is \$174,312.50.

Corliss stated we'll pay the \$174,312.50 because we accepted that work and those costs, the earlier was an estimate and that's how the development agreement reads.

D. REGULAR AGENDA ITEMS:

1. Considered the following items related to the 2014 Bike MS event:
 - a) Conducted a public hearing.
 - b) Considered approving a street event permit for the closure of Massachusetts Street, from South Park Street to North Park Street and North Park Street (Massachusetts to Vermont) on Saturday, September 13, 2014 at 5:00 a.m. to Sunday, September 14, 2014 at 12:00 p.m., and no parking on North Park Street from Massachusetts Street to Vermont Street on Thursday, September 11, 2014 at 5:00 a.m. to Sunday, September 14, 2014 at 12:00 p.m., and closure of the Community Center parking lot #7 on Saturday, September 13, 2014 at 6:00 a.m. to Sunday, September 14, 2014 at 12:00 p.m., and no parking on W. South Park Street Saturday, September 13, 2014 at 5:00 a.m. to Sunday, September 14, 2014 at 12:00 p.m..
 - c) Considered adopting on first reading, Ordinance No. 9023, allowing the sale, possession, and consumption of alcohol on Saturday, September 13, 2014 at 5:00 a.m. to Sunday, September 14, 2014 at 12:00 p.m. in South Park and on Massachusetts Street between North Park and South Park Street associated with the 2014 Bike MS Event; provided the sale, possession and consumption are pursuant to City of Lawrence and State of Kansas law.

Mark Thiel, Assistant Public Works Director, presented the staff report.

Amyx stated this is exactly what was closed last year.

Thiel stated yes, this is identical to last year's event.

Amyx stated we didn't have any problems.

Thiel stated no.

Mayor Amyx opened the public hearing related to the 2014 Bike MS event.

After receiving no public comment, **it was moved by Schumm, seconded by Farmer**, to close the public hearing.

Moved by Schumm, seconded by Farmer, to approve street event permit for the closure of Massachusetts Street, from South Park Street to North Park Street, and North Park Street from 5:00 a.m. Saturday, September 13, 2014 to 12:00 p.m. on Sunday, September 14, 2014; no parking on North Park Street from Massachusetts Street to Vermont Street from 5:00 a.m. Thursday, September 11, 2014 to 12:00 p.m. on Sunday, September 14, 2014, and no parking on W. South Park Street from 5:00 a.m. on Saturday, September 13, 2014 to 5:00 to 12:00 p.m. on Sunday, September 14, 2014. Motion carried unanimously.

Moved by Dever, seconded by Farmer, to adopt Ordinance No. 9023, allowing for the sale, possession, and consumption of alcohol from 5:00 a.m. Saturday, September 13, 2014 to 12:00 p.m. Sunday, September 14, 2014 in South Park and on Massachusetts Street, between North Park and South Park Streets, during the 2014 Bike MS event. Motion carried unanimously.

E. PUBLIC COMMENT: None

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Riordan stated if we could have an update on the houses that had been fire damaged. I haven't seen any activity on the house at 13th and Tennessee. I'm concerned because the house is dilapidated and not properly secured.

McCullough stated today we mailed a notice to the owner requiring initiation of construction and consistent repair work by September 4th. The City Commission has already given the order to raise the structure or have it repaired and so we were in that process. There is a permit ready to be picked up and now it's incumbent on the owner to act on the order, either repair it or have it raised. We found it beneficial to give him a date by which he needs to get that work started.

Riordan stated is it properly secured so vagrants can get in there.

McCullough stated we can check this week.

Amyx stated he appreciated McCullough taking action to get that done.

Schumm stated previously the City of Pittsburg, Kansas, was awarded a \$700,000 trail grant and there was some discussion as to whether the Commissioners are going to approve it or not. I called the City today and they did approve it taking the grant on a 4-1 vote. There match was 70/30 and when we submitted our grant request we were at 50/50 so it's information.

Farmer stated thanks to everybody that participated today with the ALS Ice Bucket Challenges which raised more than \$500. Thanks to Public Works and Mike Perkins and the Street Department for getting the cold water and the ice buckets and those who participated and donated. Evan is a great guy and having to deal with this disease every day. I think they rose over \$13,000,000.

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 Riordan, to adjourn at 7:42 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON OCTOBER 7, 2014.


Diane M. Trybom (City Clerk)