



# City of Lawrence

DAVID L. CORLISS  
CITY MANAGER

City Offices  
PO Box 708 66044-0708  
www.lawrenceks.org

6 East 6<sup>th</sup> St  
785-832-3000  
FAX 785-832-3405

## CITY COMMISSION

**MAYOR**  
MICHAEL DEVER

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

May 7, 2013

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Mayor Dever presiding and members Amyx, Farmer, Riordan and Schumm present.

## **A. RECOGNITION/PROCLAMATION/PRESENTATION**

1. Proclaimed Saturday, May 11, 2013 as Sertoma Bar-B-Q Cook-Off Day.
2. Proclaimed Saturday, May 11, 2013 as Stamp Out Hunger Food Drive Day.
3. Proclaimed the month of May, 2013 as Mental Health Month.
4. Proclaimed the month of May, 2013 as Bike Month and the week of May 13 – 17, 2013 as Bike-To-Work Week.

## **B. CONSENT AGENDA**

Bob Schumm requested that item number 7, Ordinance No. 8856, ordering through the exercise of eminent domain, the condemnation of fee simple title to private property interests commonly located at 1106 Rhode Island Street, be pulled from the consent agenda for separate discussion. Schumm also requested that item number 17a, a Traffic Safety Commission recommendation to establish a “Resident Parking Only” zone along the north side of Edgehill Road, be pulled from the consent agenda for separate discussion.

Jeremy Farmer requested that item number 9, Resolution No. 7022, authorizing the City of Lawrence to file with the United States Department of Housing and Urban Development a request for a waiver of a potential conflict of interest between the City of Lawrence, Kansas and Just Food of Douglas County, Inc., be pulled from the consent agenda for a separate vote.

**It was moved by Schumm, seconded by Riordan, to approve the consent agenda as below, minus items 7, 9, and 17a. Motion carried unanimously.**



1. Approved the City Commission meeting minutes from 04/16/13 and 04/23/13.
2. Received minutes from various boards and commissions:
  - Historic Resources Commission meeting of 03/21/13
  - Hospital Board meeting of 03/27/13
  - Lawrence Cultural Arts Commission meeting of 04/10/13
  - Planning Commission meeting of 03/25/13
  - Public Health Board meeting of 03/18/13
  - Sister Cities Advisory Committee meeting of 02/13/13 and 03/13/13
  - Traffic Safety Commission meeting of 04/01/13
3. Approved claims to 276 vendors in the amount of \$3,044,294.08 and payroll from April 21, 2013 to May 4, 2013, in the amount of \$1,848,234.24.
4. Approved the Class A Club License for Alford Clarke Post No. 852, 1801 Massachusetts.
5. Approved the reappointment of Ken McGovern to the Mental Health Board, to an additional term that would expire April 30, 2017; and appointed Judy Bellome to the Social Services Advisory Board, to a position that would expire August 31, 2013.
6. Bid and purchase items:
  - a) Set a bid date of May 21, 2013 for Bid No. B1326, Project No. UT1105DS - 19<sup>th</sup> Street Waterline Replacement.
  - b) Approved the purchase of one roll-off truck for the Public Works Department Solid Waste Division from K.C. Freightliner off the MACPP contract for \$185,323.29. Grant funds of \$50,000 would be applied to this purchase.
  - c) Approved the purchase of one CNG fuel station and installation from P.B. Hoidale for the price of \$88,637.36. This purchase would be fifty percent (50%) grant funded.
  - d) Authorized the City Manager to Execute Supplemental Agreement No. 2, in the amount of \$497,279, to the existing Engineering Services Agreement with Black & Veatch for Design and Construction Phase Engineering Services for Project UT1102KA Kaw WTP Raw Water Intake Replacement.
  - e) Authorized the purchase of a Rapid Deployment Vehicle for the Police Department, as quoted in the GSA Contract, for \$58,604.
  - f) Authorized the City Manager to enter into an agreement with the Computer Sciences Corporation (CSC) for annual licensing agreement for RiskMaster software in the amount of \$15,229.77.

7. THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Adopted on first reading, Ordinance No. 8856, ordering through the exercise of eminent domain, the condemnation of fee simple title to private property interests commonly located at 1106 Rhode Island Street, and authorized the filing of a petition in Douglas County District Court. Directed staff to have the second reading of Ordinance No. 8856 on the agenda in no more than sixty days. Directed staff to come back with possible development tools that could be applied to this property.
8. Adopted on second and final reading, Ordinance No. 8855, amending the Standard Traffic Ordinance for Kansas Cities pertaining to stall parking.
9. THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR A SEPARATE VOTE. Adopted Resolution No. 7022, authorizing the City of Lawrence to file with the United States Department of Housing and Urban Development a request for a waiver of a potential conflict of interest between the City of Lawrence, Kansas and Just Food of Douglas County, Inc., so that Just Food of Douglas County was eligible to receive CDBG funds for the purchase a refrigerated box truck in the amount of \$25,000.
10. Approved rezoning, Z-13-00057, approximately 2.54 acres from CS (Commercial Strip) District and RS7 (Single-Dwelling Residential) District to CS (Commercial Strip), located at 750 N. 3<sup>rd</sup> Street. Submitted by Paul Werner Architects, for James Slough, property owner of record; and, adopted on first reading, Ordinance No. 8860, to rezone (Z-13-00057) approximately 2.54 acres from CS (Commercial Strip) District and RS7 (Single-Dwelling Residential) District to CS (Commercial Strip), located at 750 N. 3<sup>rd</sup> Street. (PC Item 1; approved 10-0 on 4/22/13)
11. Authorized staff to negotiate an Engineering Services Agreement with HDR Engineering for engineering services for Project UT1307, Oread Water Storage Tanks and Booster Pump Station Replacement.
12. Authorized the Mayor to execute a Release of Condition and Restriction for 722 Lawrence Avenue. The current deed contained a restriction that cannot be released without the written authorization of the City of Lawrence.
13. Authorized a payment to Samih K. Staitieh, Trustee, in the amount of \$80,600 for waterline easement acquisition at 1000 N. 3<sup>rd</sup> Street for the Kaw Transmission Main project.
14. Authorized the Mayor to execute the Assignment, Assumption, and Modification of Ground Lease and Amended and Restated Ground Lease with Lawrence Lodging, Inc., BC Lynd Hospitality, L.L.C., and Riverfront, L.L.C. This agreement transferred the financial obligation for hotel parking spaces at the Riverfront Garage solely to the pending new owner of the hotel.
15. Received a request from Tony Krsnich for neighborhood infrastructure and public improvements for the Cider Building area, located at 810/812 Pennsylvania; authorized the City Manager to sign a Community Improvement District (CID) petition regarding the City property included within the proposed district; and, authorized the expenditure of approximately \$28,000 on the parking.

16. Approved a sculpture request submitted by Bowersock Mills & Power Company for a sculpture installation on the levee near the North Powerhouse, subject to an agreement requiring Bowersock to maintain the sculpture and the ability for the City to require its removal in the future.
17. Concurred with the following recommendations of the Traffic Safety Commission:
  - a) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved an amended recommendation to establish a single 50 foot "Resident Parking Only" zone along the north side of Edgehill Road, just east of Louisiana, centered between 1647 and 1649 Edgehill Road for a six (6) month test period.
  - b) Denied the request to establish NO PARKING along one side of Sharon Drive, north of Trail Road.

Regarding item number 7, Ordinance No. 8856, ordering through the exercise of eminent domain, the condemnation of fee simple title to private property interests commonly located at 1106 Rhode Island Street, David Corliss, City Manager, presented the staff report.

Schumm said he asked to have this item pulled from consent because he learned yesterday that there was someone interested in acquiring and refurbishing the property. One issue was the overall cost of the project because there was a difference between what was needed for the renovation of the property and what the bank would loan. The city had tried to save the buildings and now had someone interested in the renovation. He asked ask staff to bring back a list of economic tools, to help accomplish the rehabilitation of this project.

Amyx said Schumm's idea was to work with the individual who had the property under contract and stop the condemnation at this point. He said he recalled that if the City was going to condemn the property, then interested parties could come forward with proposals for the property.

Schumm said they could go that route. He said he was not interested in stopping the condemnation because he wanted to see the property rehabbed. He said they could take a parallel track, allowing enough time for the individual party who was interested to get their financing and planning together and if it didn't go through then the City could take possession.

He said when he drove by and looked at the structure, it was in rough shape. If they had a person interested in the rehabilitation of that project, he encouraged everyone to do what they could in order for that to happen. He said he looked at this issue as no different from the Poehler Building with similar types of buildings that were in a dilapidated state.

Amyx said, so go ahead and proceed with the agenda item, giving the owner opportunity to proceed and ask staff to come back with tools for a future owner.

Schumm said it was his understanding that the person interested in the property didn't care who the seller was and was not of consequence to the project being completed.

Farmer said when saying rehabilitation, he asked if that meant utilizing the existing structures or building something new.

Schumm said it would be a little bit of new stuff but most of it would be rehabilitated.

Farmer said he drove by the structure and asked if it was possible to rehab that structure. He said to him, it was idealistic.

Schumm said they had an architectural study that said it was possible.

Riordan said it seemed like a very reasonable approach to have parallel tracks and if it didn't go through then the City could condemn the property.

Dever said the Commission could move forward on adopting on first reading Ordinance No. 8856 and direct staff to contact the owners and potential buyers, extending second reading by no more than sixty days. If nothing happened then the Commission could commence on second reading moving forward with exercising their rights.

Mayor Dever called for public comment.

Brian Barland representing the family at the 1106 Rhode Island property said it was his objective to ask the City Commission to defer any further action on condemnation proceedings because that cost the property owner additional money. He said they were in the process of trying to sell the property. He said there were already costs that had been accumulated toward

that property which were numbers that factored into what they were trying to do sales wise and was additional money they were going to try and recoup in a sales situation.

Mayor Dever asked Barland to clarify those additional costs.

Barland said he had been informed that the City was pursuing the condemnation proceedings and any of those costs accumulated would be passed to the family. The City had already done a survey on the property, legal work, and research. He said he did not know how substantial those costs were, but he could only presume that those costs were fairly substantial which he would need to factor into any negotiations with a possible purchaser. He said this item was discussed in January or February 2013, and Mayor Schumm at that time, asked them to put a list together of what it would take to get the project done and come back to the City Commission with a plan. At that time, he had additional conversation with Mr. Hernly regarding architectural work. He said they moved into a different mode of possible sales and they were working on pulling plans together as well as the financial aspects of this project.

He said Commission Schumm suggested that maybe the City could investigate some incentives for a secondary purchaser and asked why those incentives couldn't be available to them.

Schumm said it wasn't that financial incentives couldn't be extended to them, but they never asked for any incentives and never brought forth a credible plan for rehabilitation.

Barland said in discussions with staff, they were not aware of alternatives to look at or request.

Dever asked about the costs.

Corliss said the costs were real and incurred. The appraiser's costs and hearings would be borne by the city and pay the court the amount the appraisers determined. The Barlands could then access that money right away. He said there was no assessment of the cost of the proceeding on the property.

Schumm said they could appeal that also, if they didn't think the appraisal value was correct.

Corliss said absolutely. At that point, the property owner had to bear the litigation costs.

Riordan said there would be no further costs to the property owner if this condemnation proceeded and someone else bought the property.

Corliss said if the City acquired the property, the property owner would bear any costs associated with things like hiring their own appraiser.

Schumm asked if the City had surveyed the property.

Corliss said yes, and the owner wouldn't have to bear that cost.

Barland said he understood with the initialization of the condemnation proceedings, it was indicated at that meeting that at any time prior to the condemnation final hearing, they could pull that property back pending an acceptable plan by the City Commission. It was indicated by Corliss that any of those costs, up to that time, would be at their expense.

Corliss said he did not recall that conversation. If the City went through the process where the City was fixing the property such as cleaning up the yard and were not trying to acquire title, the City would then have the ability to assess the property those costs. He said staff had the ability to do that under the Environmental Code. He said that wasn't the choice in this situation because all that did was leave the eyesore at that location. Under this scenario, the City acquires title to the property, looks for a 3<sup>rd</sup> party to fix it up and hopes to recover the City's cost of acquiring that property through some transaction with that 3<sup>rd</sup> party and then it went back to good beneficial use to the community. He said that was the process the City started on. The other process wasn't working because staff kept citing the property owners where they eventually cleaned up the yard. There wasn't a lot of progress on the structure itself.

Amyx said under the ordinance on the agenda tonight, if the Commission delayed second reading by sixty days that gave the Barlands or whomever time to bring forth a plan.

Dever said yes, this action would not cost the property owner any money.

Barland said okay, that was his understanding. He asked if they could pull the condemnation tomorrow from procedure.

Schumm said there was a misunderstanding in that the property owner could not pull the condemnation the City Commission had to pull it.

Barland said he knew that was in the City's court at this point. He asked if the second reading would be in sixty days.

Dever said yes.

Amyx said if the property owner brought forth a plan it would need to include a financial package.

Barland said he understood.

Stan Hernly said they started working on the project for the Barlands in September 2012 and put together some preliminary ideas of what could be done with that property. When it became clear around February/March that it wasn't going to happen, they took it upon themselves to look at this as a potential redevelopment project. Over the last two months they've put together some preliminary plans for the barn, shed, and house. They met with planning staff about those plans. There were lots of steps to that process, including rezoning, BZA, and HRC. He said they had also met with two different banks and neither had said yes or no. They put together spreadsheets on the construction costs, development costs, and tax credits. It's only two lots and it was small constructions, but it was a fairly complicated piece.

Riordan commended Hernly on what he was trying to do with this project.

Dennis Brown said he was happy a responsible group of buyers was stepping in, but this had been going on for a number of years. The 60 day delay on second reading was kind, but the process for condemnation was already 90 days. If the sale falls through, it could be another year gone by. The city should proceed as planned.

KT Walsh said East Lawrence hoped people would live in this property someday. They were pleased with Hernly's involvement. She felt confident it would be a good project.

Dever said last time they did something like this, they had interested parties buy a property and it took years before it happened. He asked if anyone wanted to argue the sixty days.

Riordan said 60 days was reasonable.

**Moved by Schumm, seconded by Amyx**, to adopt on first reading, Ordinance No. 8856, ordering through the exercise of eminent domain, the condemnation of fee simple title to private property interests commonly located at 1106 Rhode Island Street, and authorizing the filing of a petition in Douglas County District Court; and to direct staff to have the second reading of Ordinance No. 8856 on the agenda in no more than sixty days. Motion carried unanimously.

**Moved by Schumm, seconded by Amyx** to direct staff to come back with possible development tools that could be applied to this property. Motion carried unanimously.

Regarding item number 9, Resolution No. 7022, authorizing the City of Lawrence to file with the United States Department of Housing and Urban Development a request for a waiver of a potential conflict of interest between the City of Lawrence, Kansas and Just Food of Douglas County, Inc., Jeremy Farmer said he would recuse himself from the discussion and vote because he had a conflict of interest.

Farmer left the room at 7:16 p.m.

Amyx said this was just because of Farmer's position with Just Food.

**Moved by Riordan, seconded by Schumm**, to adopt Resolution No. 7022, authorizing the City of Lawrence to file with the United States Department of Housing and Urban Development a request for a waiver of a potential conflict of interest between the City of Lawrence, Kansas and Just Food of Douglas County, Inc., so that Just Food of Douglas County

is eligible to receive CDBG funds for the purchase a refrigerated box truck in the amount of \$25,000. Motion carried 4-0 with Farmer abstaining.

Farmer returned to the room at 7:17 p.m.

Regarding item number 17a, a Traffic Safety Commission recommendation to establish a "Resident Parking Only" zone along the north side of Edgehill Road, Schumm said everyone should be aware that the City would see a lot of those requests in the future. The City would see a lot of complications with signage, policing and who had the right to ask for this special parking. He said there was potential of a lot of police time tied up in enforcing this. He said he was unclear on was that this would be for property owner and guests. He asked if each property owner would get guest passes too.

Corliss said each would get two hang tags.

Schumm said a violation would be a standard parking ticket.

Corliss said yes.

Schumm said in the minutes there were two other people who wanted to do this in other places. He asked if this would come back to the City Commission or TSC after the six month trial.

Corliss said the City Commission.

Amyx said this type of idea would give the City Commission the opportunity to look at a street that had a lot of complications which made sense. They would be able to monitor this over the summer and in the fall when students return to gauge how well it worked.

Dever asked if Corliss was in support of this.

Corliss said yes. The two residences in question didn't have very good access to on-street parking. It was worth a trial period to see if it would work. They had talked about permit parking in the Oread Neighborhood and would probably continue to discuss this issue in the future. This could be a good trial and opportunity to learn.

Jack Saylor representing Phi Delta Theta said they couldn't see how the City could take a public street and make it a private parking lot. They tried to be very respectful to the residents. He said they had been there for many years. He asked if they could buy some parking spots on the public street. That's what they were worried about, whether people would buy up all the spots on the street. He said they already had to park down on campus and walk 10 minutes to their house.

Jackie Gibbs said she was from a sorority house on Edgehill and they were residents too. If the residents take up those four spots and they sit unused, that was four spots lost. If they were going to let someone pay for parking, she asked if the City could extend it for all the residents living in that area. She said they needed street parking and if they had to park far away at night that wasn't safe.

Steven Watts said he was one of the residents in question. The property had been in his family for over 60 years. Edgehill Road, at one time, had been a tiny little place that no one knew existed. Now that road was a public parking lot for KU staff, faculty, students, fraternities, and sororities. There just simply was nowhere to park anymore on Edgehill Road. Edgehill was one of the few spaces in the Oread Neighborhood other than Ohio that allowed parking on both sides of the street. He said his neighbor was unable to attend this meeting, but they had been working with city staff to come up with ideas and concepts. It's gotten to the point that there was nowhere to park. Regarding policing, parking tickets don't get issued due to officer discretion. This was a reasonable compromise. He said he was not saying that the residents of the fraternity houses weren't residents, but they were more transient. He said he didn't think it was too much to ask for 4 parking spaces to be set aside. He said he appreciated the opportunity to visit about this issue.

Riordan said he understood that Watt's present parking stall at his house actually extended into the street, and the other house had two stalls.

Watts said yes.

Riordan asked if Watts ever had problems getting out of his parking stall.

Watts said yes due to speeding vehicles. He had seen vandalism to his car because of where it was parked.

Schumm said Watts had asked for two additional parking spaces for each house. He asked if that was for guests or for other people who lived in the homes.

Watts said he lived alone, but he couldn't have guests because there was nowhere to park.

Schumm said the only thing he had a concern about was if they didn't have guests those 4 spaces would sit empty.

Watts said he would like to add one more aspect of the parking issue. At the upper east end was a cut where Melrose Court Apartments had people park and walk to their apartments.

Will Murfin said he didn't think this issue was about who had been there longer. General taxpayer dollars paid for the street and they should have the right to park there. If Watts lived alone, Watts shouldn't have two extra parking spots either. He said they paid taxes and they should have the same right to the parking spots.

James Dunn said one issue that came up tonight that didn't come up at the TSC meeting was that there were off street parking for those two residences. If they were going to do a six month study that would be important. He had properties that should be eligible for this program that didn't have any off street program.

Dever said he appreciated everyone's comments and he asked for commission discussion.

Riordan said this issue had some unique aspects. It was surrounded by Greek houses more than anywhere else. This was a one-way street which helped significantly. There was a significant drop off which made it difficult and expensive to develop off street parking. The one spot that Watts had was somewhat unsafe. Four spaces seemed a little excessive. Maybe 2-3

would be more reasonable. He would like to see a trial run to see how it helped. It was a unique opportunity. Again, he would not be interested in the four spots, but maybe two.

Amyx said he went to the location in question and had to walk up the hill. Anyone would be inconvenienced, especially in bad weather. He asked if the City Commission had the right to do this type of request. He said the Commission had requests to remove parking all the time. He said for now, he would concur with the TSC recommendation for four parking spots.

Farmer said he didn't think that students, because they were here from August to May, should be treated like second class citizens. That was not to take away from Mr. Watts or the other resident, but if the tables were turned the residents would be outraged. He suggested maybe 2 spots instead of 4. There had to be a better explanation than that the residents were more important than the students.

Schumm said he thought 2 spaces were reasonable for a trial. If it wasn't enough after the trial then they could consider that. Students weren't any different than anyone else. He was in concurrence with 2 spots.

Farmer said he just thought the explanation had to be better. It became a conversation about who they were going to screw over more or less. It behooved them to let them know that compromise was important.

Dever said he didn't think it was about second class citizens. There were topographic and other challenges. It was not just about parking, but about accessing the property that a person paid taxes on. It was not about punishing someone it was about letting someone who lived on the street be able to use their property the way it was supposed to be. It was not good to try to frame this as who has rights, but if someone blocked access to the fraternity's parking lot they would ask for a no parking sign. There was an issue on this property. Fundamentally, they needed to talk about permit parking in Oread anyway.

Riordan said there was also a safety issue. In living in this neighborhood with students there was a give and take with noise and activities. He said he appreciated the things students

bring to the neighborhood. He said giving these two properties access to two spaces wasn't too onerous on the fraternities and sororities.

Dever said the Commission needed to find a way to share this street better. He said he had heard 2, 4 and none. He asked if 3 votes were needed to overrule the TSC.

Corliss said a simple majority.

**Moved by Amyx** to concur with recommendation of TSC. Motion failed for lack of a second.

**Moved by Riordan, seconded by Schumm**, to approve the TSC recommendation, but amended from 100 feet to 50 feet. Motion carried 4-1 with Amyx dissenting.

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

Commissioner Farmer said one of the things he had started to understand since being on the Commission was that the City had extremely smart and competent employees. One of the things in this conversation was that so many interactions that citizens had with the City, whether staff or City Commission, could be negative by nature. He said they should shift the conversation and talk about the employees that were knocking it out to the park. One of the things he would like to revisit at some point was recognizing the great things that employees were doing. He wanted to recognize an animal control officer that went above and beyond the call of duty, Linda Durkes. She went above and beyond last week when she put a dog back in a backyard and made it comfortable. She received a standing ovation from the neighbors. They needed to appreciate and recognize the great work of people like this. He thanked Linda and was grateful for what she did and he wanted to say thank you.

David Corliss, City Manager, presented the report.

**D. REGULAR AGENDA ITEMS:**

1. **Receive a report regarding downtown parking issues.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Mayor Dever called for public comment.

Cindy Maude said there were 4 of their employees today who were displaced today and had to move their cars. She would like to see a long term parking plan. They had many out of town employees and clients and they didn't have the ability to use alternative modes of transportation. She said a simple solution would be to not ticket 10 hour permit holders in Lot 4. If they grew it puts them in a bind. It was important to support businesses downtown, not just retail. She was a huge supporter of the farmers market this was just about having adequate parking for businesses. She knew it was temporary and hoped it could be alleviated with a simple solution.

Riordan asked how it helped people visiting their business.

Maude said it didn't really help. The parking situation was exacerbated by the farmers market taking the 18 spots.

Mike Riling said they also parked in that lot and buy all of our employees parking passes. They had been doing that for 20 years to try to keep people in the long term lots. They were going to have problems this summer, especially when the Compton building gets underway. Once the bus depot was moved that would create other problems. This would help long term parking people. They had people have to move today. It was only going to get worse. In the long term, they needed to look at parking. They needed long term planning on the issues. They paid for parking passes and property taxes. He was hopeful that the farmer's market customers would park in the US Bank lot so they wouldn't take 2 hour spots. He supported the proposals.

Schumm said regarding a parking program or plan, if driving by Vermont Street, a skeleton of a mega parking garage of around 300 spaces could be seen. That was a solution that was going up fast. That would take up a lot of parking pressure. The additional floor would add the equivalent of another surface lot.

Riling said he also hoped to see the farmer's market move over to that location. He asked about the finish date for the parking garage.

Corliss said later in the summer, they hoped to have some of the spaces open.

KT Walsh said she lived on Rhode Island. Some residents think parking on the west side would be great, and others not. A meeting with neighbors would be needed. She also wanted to know what the fire trucks couldn't do if they didn't put their outriggers out. She also wanted to know how the parking would be affected by construction at 9<sup>th</sup> and New Hampshire. The parking study showed the northeast corner of downtown as the most under parked portion of downtown. They could encourage more employers to give bus passes, like the library did for their employees.

Amyx said on Tuesday's it seemed like a reasonable compromise that someone wouldn't be ticketed in that lot while the farmers market was underway. He asked when was the last time they looked at angled parking along New Hampshire to get more spaces.

Corliss said as they had looked at redevelopment opportunities on New Hampshire, they had looked at angled parking. There were some historic guidelines to work through. With the Arts Center and now 9<sup>th</sup> and New Hampshire there had been those discussions.

McCullough said the south project went from angled to parallel and the north side went from parallel to angled.

Amyx said if he recalled, he asked if they increased the amount of parking from 8 spaces to 16 spaces.

McCullough said on the north side.

Schumm said regarding the Rhode Island Street potential, he appreciated the comments. He hoped staff would continue looking at it. Would there be a potential to have angled parking on one side of Rhode Island and none on the other side, and one way traffic, would that be possible and allow fire apparatus access? The 700 block was defacto one way already. The other thing about the bicycle lane was that two parallel roads had bike lanes.

Corliss said staff would look at historical considerations and the geometrical issues.

Schumm said you could look at either side for angled parking and have one-way traffic.

Dever said there were a few curb cuts. He liked the idea. If they could pull something like that off, it would be a reasonable compromise.

Riordan said we should keep in mind that Kansas City was going the opposite way, and going away from one way streets. He said he would like to explore that idea and had received comments from the residents that lived in that area.

Corliss said if that was the Commission direction on Rhode Island, staff also needed direction on whether or not to allow permit parking on Lot 4 which was on the west side of New Hampshire. He said staff's proposal was to allow the 10 hour permit parking on 15 spaces on the east side of that western lot.

Amyx said just do it anywhere in the lot on Tuesdays.

Riordan said his only worry was that they wouldn't utilize the US Bank's parking and people that wanted to go into those places won't have spots.

Schumm said it was just a matter of what was going on that day.

Farmer said he thought that was a good compromise with Callahan Creek. Clearly, the businesses didn't get what they wanted with the farmers market and this was a way to give something back.

Schumm said he wanted this to be a one year consideration. Like Mike Riling said, he hoped the farmers market could move to the library. If they looked at Rhode Island and did something at that location that could help. It had always been the goal of downtown to keep as much 2 hour parking as possible available in those inward lots.

Amyx said when they discussed the farmers market it was only for this year, so they would review that also. They could also have staff look at angled parking and traffic flow and maybe there was potential for a lot more parking elsewhere downtown.

Schumm said he thought 15 spots in Lot 4 were good.

Dever said for enforcement it was a little more complicated.

Corliss said there were two options, one that they would sign the 15 spaces on the east side of the lot to be 2 hour or 10 hour on Tuesday, and the second option was to sign the entire lot to be 2 hour or 10 hour permit parking on Tuesdays only.

Schumm said he was for 15 spaces.

Dever said he thought 15 spaces were good.

**Moved by Schumm, seconded by Riordan,** to direct staff to allow 15 spaces of Lot 4 to be used by two hour free and 10 hour permit parking on Tuesdays only during this year's farmers market season. Motion carried unanimously.

2. **Receive a request from Neuvant House and refer to the Public Incentives Review Committee for review and recommendation.**

David Corliss, City Manager, introduced the item.

Britt Crum-Cano, Economic Development Coordinator, presented the staff report.

Lisa Nielson, Vice President of Neuvant House, presented their request.

Mayor Dever called for public comment. None was received.

Amyx said the action was simply to refer this to PIRC and he recommended they do that and allow PIRC to do their due diligence.

Dever said we are working on a date for PIRC.

**Moved by Amyx, seconded by Schumm,** to receive the request from Neuvant House for a proposed specialty healthcare facility that would provide 24/7 care for individuals with age or physical disabilities; and refer the request to the Public Incentives Review Committee. Motion carried unanimously.

**E. PUBLIC COMMENT:**

Kay Pettit said she was a long time tennis player. For many years they played at LHS and the city worked with the school district to provide lights. In her day job, she worked as a zoning officer with Douglas County, and when this whole mess started she read the city's

zoning code and it was pretty lenient. In the zoning world, residential uses and recreational uses were considered compatible uses so it was disappointing to hear from neighbors complaints about the tennis court lights. They should be able to have lights on this facility and according to the code they should be able to stay open until 11:00 p.m. The project had always met code. It was frustrating. They had tried in their own small way to contribute to the facility. They had spent \$4500 on gates and fences and picked up trash. She hoped the Commission would remember them and someday they would be able to play tennis at night again.

Steve Voegl, representing the Lawrence men's tennis group, said they were a dedicated group of players. They have shoveled snow and squeegeed rain, to play. They hadn't been able to play at night for 3-4 years. While they had an almost outstanding set of courts, they needed the lights. Those lights were important to kids who walk and bike, as well as the people who played tennis at that location.

Schumm asked what made the courts deficient at Holcom and Lyons.

Voegl said there were only two courts and they typically use four. There were also lights, but were insufficient.

Dick Weedle said he had been involved in tennis in Lawrence for 30 years. They really needed the courts. It was not a high school issue, but an issue that would benefit the city and the neighborhood. It was good for the kids and the property values. These tennis players had been playing all day and night and the city would be well served to provide those lights that they haven't had for a few years. He asked the Commission to let them have lighted courts in a part of town where people could walk and ride their bikes to.

Becki Dick said since 2002 every other year Baldwin High had been asked to host tennis tournaments. They didn't have enough lighted courts in Lawrence. Currently, they hosted the tournament in Emporia. There were 72 girls over two days that came with their coaches, families, siblings, and friends. She thought that was a lot revenue source for Lawrence. Emporia only had a population of 24,000 and they couldn't compete with them on tennis courts.

Melissa Doeblen said she wanted to echo the last speaker's comments. She wanted to advocate for the lights. She said she works in Topeka and it's hard to get to the court in time to play after work. She used to have friends that came in from Kansas City to play and that was impossible now. She echoed the revenue comments from Becki. People shop and eat when they come for tournaments.

Robin Michael said tennis was a life-long sport, it was inexpensive and accessible. It was a great community sport. In all the communities she had lived in it had been very backed by the community in terms of providing lighted courts. She did a lot of research on comparable communities and the number of lighted courts. They had 22 in Columbia, 18 of which were public. Topeka had 37 lighted courts. She was one of the co-tournament directors for the Lawrence Tennis Association. They were going to have two tournaments this year. Their league was Lawrence and the Kansas City area. They went to Kansas City rather than them coming to Lawrence because of the lighted courts. They were super excited about Rock Chalk Park, but they were also hopeful to have some at a more central location.

Farmer asked how many lit courts they had in Lawrence right now.

Michael said 6.

Farmers asked if they were public.

Corliss said they were city courts.

Kristy Elliot said she played professionally and was really surprised when she came to Lawrence and saw how few lighted courts Lawrence had. Rock Chalk Park would be amazing to help develop tennis on campus, but she was a little concerned about their general community.

Schumm said Rock Chalk Park courts would be the City's, not KU's. Those 8 courts would be for the citizens of Lawrence.

Elliot said she was still a little concerned that she needed a place and especially with the courts on campus being taken away for the new business school. She went to those courts at KU and they were jam packed.

James Calderon said they had their league on Sundays from 5:00 p.m. to dark. They had a diverse group of players. Tennis was not an elitist sport, it was a community sport. Their players were not country club players. He liked to play at Veteran's but there were only two courts and those courts were often taken. Of the 8 courts at KU's Robinson, maybe 4 had good lights. There were people who loved to play tennis. Their league was affordable and accessible to everyone.

Farmer asked about the indoor tennis facility. He asked how many courts they had at that location and if those courts were accessible to the general public.

Calderon said there were 5 courts and they were taken quickly.

Dever asked if a person had to be a member.

Calderon said there were member and non-member rates.

A woman displayed photos of lighted courts. Spillover could be minimal. Rock Chalk Park would be great. They did have a settlement agreement with the neighbors where they agreed to the lights. There was more spillover in the parking lot than the courts. The amendment in place to the settlement agreement also approved the lights. 8 courts would be great. If they had 22 courts, they could host major tournaments.

Dever said they would address the tennis lights after hearing any other public comment.

Dan Dannenberg said on January 24 he sent an open records request to the City Clerk's Office and didn't hear a response. In April he sent a follow up. He asked for calls to businesses that sell alcoholic beverages. He said he did get a reply that he would have to contact the Lawrence Police Department, and he also received a list of the 137 businesses that were licensed to sell alcoholic beverages. He then wrote Ms. Murphree at the Police Department and she responded that she could send raw data which was just the number of calls, they wouldn't be narrowed down to remove calls not really related to the establishments. She said that for her to get the information in a more useful form, he would have to pay \$30 an hour for her time. It

was pathetic that the police department couldn't keep track of calls in a more useful form and that he would have to pay for her when he already paid her salary.

Farmer said he appreciated Dannenberg showing up at meetings and giving public comment, and he would have been inclined to move with his fellow commissioners to address Dannenberg's issue for free, if he hadn't been so condescending and rude. He appreciated Dannenberg comments at LAN last week. He said he would appreciate a little more respect for staff, fellow commissioners and Chad.

Dannenberg said he would be respectful to the commission if they would be respectful to him. The city never addressed his issues in the neighborhood.

Farmer said let's make it better. That was my challenge to folks who were frustrated. Let's not go down the road of being mad. If they could have more conversations about things they were doing well and things they could improve on.

Joanna Dick said she had co-captained teams and had been involved in tennis in Lawrence for a long time and it was a great community asset.

Dever said he thought they needed an agenda item about tennis, and whether they wanted to find money for lights at the Lawrence Tennis Center. They needed to discuss whether they wanted to fund that.

Schumm suggested having the conversation right now. He said he had been on this issue a long time trying to reconcile the concerns in the Centennial School area. They had neighborhood issues and structural issues, then we went to Robinson, then we went to Free State. Nothing was working. When they started this it had always been 8 illuminated courts, and now they were hearing 16. In his mind, it was 8 and would continue to be 8. When they started discussing Rock Chalk Park they designed it with 8 state of the art courts. They were going to spend around \$800,000 on those courts and they would be ready next June. We were producing what we said we would.

Dever asked if he was interested in asking the city manager to explore ways to fund more.

Schumm said no.

Amyx said he thought they needed to make a decision once and for all on more lighted courts. He would support having it as an agenda item with a full blown public hearing for proponents and opponents.

Farmer said he thought putting it on the agenda was a good idea, getting a good feeling for how many lighted courts there were. If it was a need, they needed to address it. He had a meeting with the neighborhood group and they were adamantly opposed to this. There were things they could do to make them more okay with this proposal. They had undergone a lot of changes not related to the tennis courts but the tennis courts happened to be the last straw for them. There was a need to have a public hearing.

Riordan said he would not oppose having a public hearing.

Dever said then they would like to have this on the regular agenda to have lights at the Lawrence Tennis Center, in addition to the Rock Chalk Park. He also thought the movement of the courts at Robinson was a new piece of information.

Corliss said it was important to contact the petition they received earlier in April and find out when they were available to come.

Riordan said one proposal was to make the lights temporary and then move them, and he didn't think that needed to be considered.

Dever said he agreed, they were specially designed and this wasn't a good option.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

None.

**H: CALENDAR:**

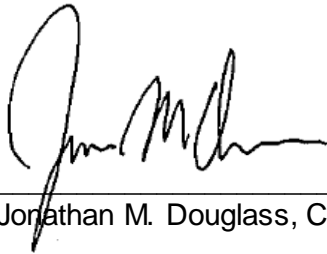
David Corliss, City Manager, reviewed calendar items

**I: CURRENT VACANCIES – BOARDS/COMMISSIONS:**

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

**Moved by Amyx, seconded by Riordan,** to adjourn at 9:25 p.m. Motion carried unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON MAY 28, 2013.**

A handwritten signature in black ink, appearing to read "Jonathan M. Douglass", is written above a horizontal line.

Jonathan M. Douglass, City Clerk