



City of Lawrence

DAVID L. CORLISS
CITY MANAGER

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

6 East 6th 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 28, 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 the week of June 2 – 8, 2013 as Relay for Life Week.

B. CONSENT AGENDA

Commissioner Schumm requested that item 7a, Ordinance No. 8864 amending Sections 14-406 and 14-408 of the Code of the City of Lawrence pertaining to the carrying of knives, be pulled from the consent agenda for separate discussion.

It was moved by Farmer, seconded by Amyx, to approve the consent agenda as below, with the exception of item number 7a. Motion carried unanimously.

1. Approved the City Commission meeting minutes from 05/07/13 and 05/14/13.
2. Received minutes from various boards and commissions:

Cultural District Task Force meeting of 05/07/13
Historic Resources Commission meeting of 04/18/13
Human Relations Commission meeting of 08/16/12 and 03/07/13
Planning Commission meeting of 04/22/13
Public Incentives Review Committee meeting of 03/05/13
3. Approved claims to 149 vendors, in the amount of \$2,273,226.60.
4. Approved the Drinking Establishment License for Korea House, 1530 West 6th, Ste: E; and, the Retail Liquor License for Texas Jack's Liquor, 3020 Iowa Street, Ste: B.
5. Approved the reappointment of Timothy Bateman to the Sales Tax Audit Committee to an additional term that would expire April 30, 2016
6. Bid and purchase items:



- a) Approved setting a bid date of July 2, 2013 for Bid Number B1338 for 2013 Utilities Department Pump & Motor Rehabilitation Program.
 - b) Awarded the bid for one ¾ ton utility body truck for the Public Works Department, Property Maintenance Division, to the low bidder, Laird Noller, for \$34,162.
 - c) Waived the engineers estimate and awarded the construction contract for Bid No. B1326, Project No. UT1105DS – 19th Street Waterline Replacement project, to Nowak Construction in the amount of \$454,409.40 and authorized the City Manager to execute the construction contract.
7. Acted on the following ordinances, responding to recent changes in State of Kansas statutes:
- a) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Denied Ordinance No. 8864 amending Sections 14-406 and 14-408 of the Code of the City of Lawrence pertaining to the carrying of knives.
 - b) Adopted on first reading, Ordinance No. 8867, governing motorcycle headlamps, amending Chapter 17, Section 17-119 and enacting Section 17-119.1 of the Code of the City of Lawrence, KS.
 - c) Adopted on first reading, Ordinance No. 8868, pertaining to the unlawful discharge of a firearm inside the City limits.
8. Adopted on second and final reading, Ordinance No. 8826 (adopted on first reading on December 11, 2012), adopting the Code of the City of Lawrence, Kansas 2013 edition as authorized by Ordinance No. 8825.
9. Authorized the City Manager to sign the Encroachment Agreement with Southern Star Central Gas Pipeline, Inc. for the former Farmland Industries property at the intersection of K-10 highway and the north/south entrance road.
10. Authorized the Mayor to sign a letter of support for the KU Tiger Grant Application that would reconstruct university-owned streets and related public improvements on Jayhawk Boulevard, Naismith Road (to Sunnyside), 15th Street (Naismith to Burdick), and the intersection at Chi-Omega Foundation. The project included pavement, pedestrian, and transit improvements.
11. Accepted the Assistance to Firefighters Grant (AFG) for the Lawrence Douglas County Fire/Medical Department for station video conferencing, in the amount of \$268,357 with a twenty percent (20%) local match required, in the amount of \$53,671.
12. Accepted the *2012 Annual Report: Economic Development Support & Compliance*, as approved by the Public Incentives Review Committee on May 14, 2013.

13. Authorized payment of \$19,512.19 to the Kansas Department of Labor for the 2014 worker's compensation self-insured assessment.
14. Approved as signs of community interest, a request from St. John the Evangelist Catholic Church to place signs/banners advertising Oktoberfest, St. John Mexican Fiesta, the St. John BBQ, and no football parking to be displayed in the driveway of the school entrance and on the fence line at 1208 Kentucky; and also signs to be mounted on poles in the school parking lot to advertise the St. John Mexican Fiesta. Signs will be displayed on various dates associated with each event.
15. Authorized the Mayor to sign an Interlocal Agreement between the City of Brownsville, Texas and the City of Lawrence for the purchase of three heavy-duty fixed route buses for a total estimated cost of \$1,275,000, with \$1,058,250 from existing federal grants, and a local match of \$216,750.

Regarding item 7a, Schumm said he had a problem with allowing people in to carry these weapons concealed in various areas, including bars. He said he wouldn't vote for this item and thought it was ridiculous. Sometimes people need to stand up and make a statement. This recent change in the State statutes, regarding carrying of knives, was dangerous.

Randy Larkin, Senior Assistant City Attorney, said this item was in response to the state legislation. The City of Lawrence City Code, had prohibitions that would be in conflict with the state law. At this time, the City Commission could defer, vote on this item, or vote on first reading and hold the second reading.

Dever asked what would happen if the City Commission didn't adopt this ordinance.

Larkin said the decision to not vote in favor of the ordinance would probably be invalidated if it was challenged in court.

Riordan said if someone had a concealed weapon of one of those types, then even if the City Commission did not pass this ordinance, it was still legal for someone to have those weapons and the City would not be able to prosecute.

Larkin said the City would have difficulty enforcing it and prosecuting.

Riordan asked if we could have a law in conflict with the state law.

Larkin said it could be challenging. This matter was a house cleaning type of change.

Amyx said he thought the City could have ordinances stricter than the State.

Larkin said in some cases, but this would be in conflict with what the state expressly allowed.

Schumm said people had to start standing up. Some of those people in Topeka were totally out of touch. He couldn't believe it when he read this information from the State. He said look what just happened a couple weeks ago with the shooting at the tavern out south.

Riordan asked how this amendment would apply in schools.

Larkin said he didn't know of any exceptions. He said he would have to look into that more closely.

Diane Stoddard, Assistant City Manager, said the definition of municipality in the state legislation, exempted school districts and juvenile correction facilities.

Dever asked if the City could face prosecution from the state.

Larkin said no.

Dever said the legislation said a City could not enact any ordinance, resolution, rule or tax related to this item.

Larkin said if it was challenged, the City would most likely have to change it.

Amyx asked if state law superseded anything the City did with this amendment.

Larkin said yes.

Amyx said if the City Commission denied this ordinance, the state law was still in effect.

Larkin said yes.

Riordan asked if this amendment created a significant problem for the Police Department because of the conflict with City and State.

Larkin said their City Attorney's Office was always in contact and communicating with the Police Department and they would be aware of the state law.

Farmer said it was asinine what was happening in Topeka. Could the City Commission draft a letter saying this was ridiculous? That seemed like a more public way of protesting this than just not passing the ordinance.

Schumm said the City Commission could write a letter any time to the delegation and every member of the senate and house.

Riordan said it might be more effective to write other cities in the State of Kansas.

Schumm said the City had the League of Kansas Municipalities that looked into issues like this.

Stoddard said she was sure the League of Kansas Municipalities opposed the bill on behalf of the cities.

Larkin said it was his understanding that the League did oppose that amendment.

Stoddard said often times were very active on issues that they saw as local control issues.

Riordan said that Schumm was correct in that there were many things that he disagreed with that the legislature was doing, but this went beyond reasonableness. He said he was opposed to the amendment if the City Commission could deny the amendment for a short time even if it was just to make a statement.

Dever called for public comment. None received.

Amyx said by denying this amendment, on July 1, the state law would be in place which gave the authority to people regardless of our law.

Larkin said yes.

Moved by Schumm, seconded by Riordan, to deny Ordinance No. 8864 amending Sections 14-406 and 14-408 of the Code of the City of Lawrence pertaining to the carrying of knives. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

Diane Stoddard, Assistant City Manager, presented the report.

D. REGULAR AGENDA ITEMS:

1. **Conducted a public hearing to consider the vacation of a utility easement at 6213 Crystal Lane in Diamondhead Subdivision, Lot 1, Block 2 as requested by property owner Ezell-Morgan Construction Company.**

David Cronin, City Engineer, presented the staff report.

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

There was no public comment received.

Moved by Schumm, seconded by Amyx, to close the public hearing. Motion carried unanimously.

Moved by Amyx, seconded by Schumm, to approve the Order of Vacation of a utility easement at 6213 Crystal Lane in Diamondhead Subdivision, Lot 1, Block 2, as requested by property owner Ezell-Morgan Construction Company. Motion carried unanimously.

2. **Considered adopting Resolution No. 7023, authorizing the issuance of up to \$2.2 million in industrial revenue bonds for the Neuvant House East project.**

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

Lisa Nielsen, Neuvant House, gave a presentation regarding the project.

Riordan said when a couple was living at the Neuvant House, he assumed one person needed care and the other was helping care for their partner.

Nielsen said most of the time they found that it was an older couple and both need some type of help. She said they hadn't had that situation where one person didn't need help, but it was conceivable.

Riordan asked if that partner would be allowed at the Neuvant House.

Nielsen said yes.

Farmer asked if the tornado shelter would fit all of the staff and residents safely.

Nielsen said yes.

Mayor Dever called for public comment. None was received.

Schumm said this was a good project. He said the first section filled up quickly and there must be a genuine need to expand.

Amyx said he had been to the existing facility, and it was a top notch organization and the City should be proud to have the Neuvant House in the City of Lawrence.

Farmer said for an investment of local taxes of \$27,000 to have a quality facility like this in the community, it was a no-brainer to encourage and support the Neuvant House.

Moved by Schumm, seconded by Riordan, to adopt Resolution No. 7023, authorizing the issuance of up to \$2.2 million in industrial revenue bonds for the Neuvant House East Project. Motion carried unanimously.

3. **Received petition regarding proposed temporary transit transfer area for Vermont Street.**

Robert A. Nugent, Public Transit Administrator, presented the staff report.

Amyx said once the construction began, he assumed parking would not be allowed for approximately 20 spaces on the east side of New Hampshire and along 9th Street.

Nugent agreed.

Schumm asked if Nugent had a timeline for bringing the permanent transfer hub to the City Commission for the transit system.

Nugent said staff planned on bringing the top 3 locations for the permanent transfer hub to the City Commission around the middle of June. He said the actual move would take place in about a year.

Schumm said the hub wouldn't move from 9th and New Hampshire until building permits were pulled and construction actually started at the new location.

Nugent said that was correct. Last time they moved the construction didn't start as expected and there was difficulty for riders.

Schumm asked for comment on the 10th and Kentucky site.

Nugent said they had to operate where there was room for lifts, and had to do something in the grassy area to accommodate wheelchairs. Another issue was that they needed around 300 feet of curb space, and there was only about 230 feet at that location.

Schumm said their suggestion was one side of 10th Street.

Nugent said they could possibly operate on both sides, but that would be in front of the church and that was not addressed.

Amyx said a final decision needed to be made by the time a building permit was pulled.

Nugent said that was correct, and they had 15-30 days at that point to vacate when the building permit was pulled.

Riordan said the petition requested that this hub be placed on Kentucky or 10th.

Nugent said he would only consider it on 10th Street.

Amyx said if the Commission asked for an evaluation of both sides of 10th Street, he asked if parking would still be available on Sunday for the church.

Nugent said correct.

Schumm said this was a NIMBY – Not in My Back Yard – issue. If they moved this hub to satisfy one group of people, they were just going to have another group coming in to complain. Schumm said a permanent relocation outside of downtown was probably the only solution. He said his understanding was that a downtown location was ruled out.

Nugent said it was not ruled out yet.

Mayor Dever called for public comment.

Mike Riling said parking was always an issue downtown. When taking away some spaces it was a domino effect on other locations. There would be a net loss of parking spaces at that location. He said since the shelter had moved it had created a void that hasn't been filled yet. The demand for parking there had not been filled yet, and the impact won't be the same. It was not fair to say the impact would be the same at that location as at the current proposed location. The staff report didn't say much about the 10th Street location. He said they understood

that some concrete work needed to be done, but if looking at the cost to providing parking, putting some extra area for wheelchair accessibility, was going to be nothing compared to the cost of replacing the parking spaces. He said there were a number of other people present that would raise their hands to indicate their support of this position.

Jim Bateman, President of Downtown Lawrence, said they supported the effort to look at 10th street location, using both sides of the street. A couple things had come up since this issue was initially discussed in November. The previous commission grabbed a few spaces for the farmers market. He asked that the Commission have staff look at that 10th Street location. The impact there wouldn't be as significant. This afternoon there was one car parking in those spaces. On Vermont Street there were many more cars parked.

Schumm said the Commission should look at that location, if they haven't already. How long would it take to get an analysis of that location?

Nugent said if staff had two weeks to really look at it that would be good.

Schumm said let's do that.

Stoddard said they had the biggest conflicts in places where the buildings were closest to the streets, such as the Black Hills Building and also the 9th St location. If a new use were to come into the shelter building or the church across the street it might be an issue.

Schumm said the LINK kitchen also operated in the area and it might be a point of conflict.

Farmer said there were a lot of folks that go to LINK that use public transit and it would be helpful to those folks. A lot of social services were also nearby. It would be a good spot for people to get off the bus and be able to use those services.

Riordan said he thought there was no harm in waiting and the comments about the amount of cars parking there today was good information.

Amyx asked if there were any other spaces that we should look at.

Stoddard said staff had over the last couple years looked extensively in the downtown area. One of the big issues was in every area, everyone wanted their parking close.

Nugent said no matter where they located, they were going to remove parking. That was the reason they were looking for an off-street permanent location.

Farmer asked how often they had to use the full section.

Nugent said sometimes they had up to 7 busses at once.

Dever said about 13 spaces were used currently.

Amyx said it would be wise to get an evaluation and make a decision based on that information.

Farmer asked if staff could send a letter to the downtown clergy to get their views. He thought they would be supportive of having public transit near their locations.

Amyx said the parking would be available on Sundays also when transit was not running.

Moved by Schumm, seconded by Amyx, to direct staff to review the 10th and Kentucky location, both sides of the street. Motion carried unanimously.

E. PUBLIC COMMENT:

Ben Jones said a group of people had been discussing domestic use of drones. He said they would like to see a local resolution on their use. It became an issue with recent FAA action on the issue. One of the problems was that the FAA's focus was on safety issues, but what had been missed were privacy concerns. It could possibly be abused with non-stop surveillance. There had been two issues that had come up in other areas. One had been backlash against their use by law enforcement. Other municipalities had been more proactive to adopt guidelines on drone use before they were brought on. Drones were cheaper than things like helicopters, so there was the potential for their use for non-stop surveillance. Another issue was weaponization of drones. This could have a chilling effect on exercise of first amendment rights if a drone was hovering overhead. He asked the Commission to consider a resolution placing a moratorium on

the purchase of drones, banning weaponization of drones, and banning their use for surveillance.

Dever said the City Commission would take a look at this issue and get back.

Riordan asked if they were concerned with private or public use of drones.

Jones said their concern was mostly with public use.

Riordan asked if the main concern was weaponization or surveillance.

Jones said both. The technology was going to be more common and it was difficult to have guidelines in place. It's pretty easy to ban weaponization.

Amyx said Jones said in his report that the state had taken up legislation regarding the same issues.

Jones said yes, law enforcement would be banned from carrying weapons or used in surveillance. That didn't pass this year but would be carried forward to next year.

Amyx asked how the Commission would consider this item.

Dever said he would have to take a look at this item and then decide how to move forward.

Schumm said he could see some good uses such as emergencies where observation from a drone could be useful. He could understand the concerns about surveillance.

Jones said he could see a lot of good uses, too, and he just wanted some common sense protections.

Farmer said if the City was spending money on law enforcement, the City would probably be spending more on officers, equipment or facilities anyway.

Amyx said he didn't anticipate there would be any money this budget year.

Dever said sometimes there were grant monies available. The Commission would take this report under advisement. He appreciated that this was brought to their attention.

Sean Hall, Club Magic, said he was the general manager. He said he was in compliance, and in favor of the community outrage that occurred. The club was in practice to do

better and he was outraged by what happened this weekend. He said they tried to make every accommodation possible to create a safe environment for their patrons and staff members. Moving forward there were several things that were done to get ahead of this issue. He realized there was a stigma associated with the type of entertainment they provided. They had canceled an event that was upcoming. They had met with the public about the issues. They had media, police reps, and nearby businesses come to that event. They were going to try to focus on a 35+ crowd on Friday. They were going to eliminate 18 and up events. They were constantly trying to do better. He had only been with the club for 2 months before the incident. He loved this city and didn't want to be a problem. They were diligently trying to move forward and understood the concerns. He said he has the ability and authority to make changes at the club. He would love to meet with Mr. Schumm to discuss how to be a better club.

Dever said he appreciated Hall coming tonight. He appreciated efforts to make things safer and less violent. Things could happen anywhere, but they were more likely to happen when they weren't paying attention. If it was in the power of the community to help, they were going to.

Hall said they inherited some problems. The owners brought him in because they thought he could help with those problems. It might seem like a new owner and the same problems, but they were making changes to address those problems. They could do better and they would to make things less stressful for everyone.

Schumm said they were not picking on this establishment specifically. They had gone after other establishments that were nuisances. He said he believed Club Magic had a problem with its reputation. There were some things that could be done to help with the crowd. He asked why Club Magic stayed open until 3:00 a.m. if liquor could only be served until 2:00 am.

Hall said they had a restaurant and wanted to gain extra revenue from other venues patrons coming to their establishment to eat.

Schumm said he thought Hall knew what he needed to do in order to change the scene at Club Magic. He said the City was looking at their options right now and was not going to back down from their options. He said he wished Hall well and hoped the business worked well and hoped Hall could do something to change the outcome.

F. FUTURE AGENDA ITEMS:

Diane Stoddard, Assistant City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

None.

H: CALENDAR:

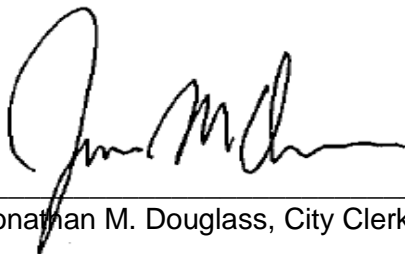
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

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

Moved by Farmer, seconded by Amyx to adjourn at 7:58 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JUNE 11, 2013.



Jonathan M. Douglass, City Clerk