



City of Lawrence

CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN

February 23, 2016

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and Commissioner Boley, Commissioner Herbert, Commissioner Larsen and Vice Mayor Soden present.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. None.

B. CONSENT AGENDA

It was moved by Commissioner Larsen, seconded by Commissioner Herbert to approve the consent agenda as below. Motion carried unanimously.

1. Approve City Commission meeting minutes from 01/12/16 and 01/19/16.
2. Receive minutes from various boards and commissions:

Lawrence Aviation Advisory Board meeting of 10/14/15 and 01/13/16
Sustainability Advisory Board meeting of 01/13/16
Community Development Advisory Committee meeting of 01/28/16
Bert Nash Governing Board of Directors meeting of 10/24/15
Lawrence-Douglas County Health Board meeting of 12/21/15
Affordable Housing Advisory Board minutes of 1/11/16
3. Approve claims to 169 vendors in the amount of \$3,516,280.35.
4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment

La Tropicana Restaurant
Severino Delcampo
434 Locust St.

Expiration

February 2, 2016

Dempsey's Burger Pub
Gaudreau Quinton Enterprises Inc.
623 Vermont St.

February 18, 2016

Johnny's Tavern West
Johnny's West Lawrence Inc.
721 Wakarusa Dr. Suite #100

February 25, 2016



5. Bid and purchase items:
 - a) Approve purchase order to Mid America Valve Equipment for \$16,579 plus freight for a sole source replacement valve to be installed at the Kaw Water Treatment Plant.
6. Adopt on first reading, Ordinance No. 9200, authorizing the possession and consumption of alcoholic liquor on the 100 block of E 8th Street, and the intersection of 8th Street and New Hampshire Street, from 12:00 p.m. – 11:00 p.m. on Friday, April 22, 2016.
7. Adopt on second and final reading, the following ordinances:
 - a) Ordinance 9201, establishing Stop Signs requiring traffic on 27th Street to come to a complete stop at Louisiana Street, and traffic on Louisiana Street to come to a complete stop at 27th Street.
 - b) Ordinance 9202, establishing Stop Signs requiring traffic on 27th Street to come to a complete stop at Ridge Court, and traffic on Ridge Court to come to a complete stop at 27th Street.
8. Receive 2015 Bi-Annual Report on Reinvent Retirement Program.
9. Authorize the Interim City Manager to execute Change Order No.1 in the amount of \$26,301.02 to the Construction Contract with P1 Group for the Kaw Water Treatment Plant MCC Replacement Project, UT1418.
10. Approve a street event temporary use of public right-of-way permit for use of Massachusetts Street, including the rolling closure of the northbound lane of Massachusetts Street downtown from 11:00 a.m. to 11:30 a.m., on Saturday, April 23, 2016 for the 2016 Earth Day Parade.
11. Approve a Street Event Temporary Use of Public Right-of-Way Permit for the closure of the 100 block of E 8th Street, and the intersection of 8th Street and New Hampshire Street, from 6:00 a.m. Thursday, April 21, 2016, to Saturday, April 23, 2016, at 6:00 a.m. for the Downtown Shot Put Event.
12. Approve the Planning and Development Services Department 2015 Year End Revenues and Expenditures Report for the Regulation of Building Permitting and Contractor Licensing.

C. CITY MANAGER'S REPORT:

Diane Stoddard, Interim City Manager, presented the staff report regarding the 19th Street public meeting to be held; and, KU to undertake work on Irving Hill Bridge.

D. PUBLIC COMMENT: None.

E. REGULAR AGENDA ITEMS:

1. **Conduct public hearing to consider the vacation of a portion of a 10' platted utility easement along the east property line of 3440 W 6th Street (Kwik Shop, Inc.). Application was submitted by Jason Loader with Kaw Valley Engineering for the property owner, Dillon Real Estate Co., Inc.**

Chuck Soules, Public Works Director, presented the staff report.

Commissioner Amyx: The only thing is that is just utility easement down through there, right? That's not drainage or anything like that?

Chuck Soules: Charles No, that was just for a platted utility easement
Public Works Director

Mayor Amyx: I was just by there and it sure looked like a nice drainage way.
Any other questions?

Moved by Commissioner Boley, seconded by Vice Mayor Soden, to open the public hearing. Motion carried unanimously.

No public comment

Moved by Commissioner Boley, seconded by Commissioner Herbert, to close the public hearing. Motion carried unanimously.

Vice Mayor Soden: I'm just curious about one little thing. It's very minor. It says Dillon's Real Estate Company. Is that Dillons the grocery store?

Mayor Amyx: I believe it probably is. I think it's Dillon's Quik Shop. That would be my guess. The gentleman is shaking his head so I guess we got the right answer.

Moved by Vice Mayor Soden, seconded by Commissioner Boley, approve the Order of Vacation for a utility easement at 3440 W. 6th Street, as requested by property owner Dillon Real Estate Co., Inc. Motion carried unanimously.

2. **Consider adopting on first reading, Ordinance No. 9167, amending Chapter V, Article 1 of the City of Lawrence Code (Administrative Provisions); Ordinance No. 9168, adopting the International Building Code, 2015 edition; Ordinance No. 9169, adopting the International Residential Code, 2015 edition; Ordinance No. 9170, adopting the National Electrical Code, 2014 edition; Ordinance No. 9171, adopting the International Plumbing Code, 2015 edition; Ordinance No. 9172, adopting the International Mechanical Code, 2015 edition; Ordinance No. 9173, adopting the International Fuel Gas Code, 2015 edition; Ordinance No. 9174, adopting the International Energy Conservation Code, 2015 edition; Ordinance No. 9175, adopting the International Existing Building Code, 2015 edition; Ordinance No. 9176, amending Chapter V, Article 12 of the City of Lawrence Code to increase**

demolition permit fees; Ordinance No. 9199, adopting the International Fire Code, 2015 edition; and Ordinance No. 9203, adopting the International Property Maintenance Code, 2015 edition. Staff Memo & Attachments

Kurt Schroeder, Assistant Director of Planning and Development Services, presented the staff report.

Mayor Amyx: Questions?

Vice Mayor Soden: I had a quick vocabulary question. Under the tiny houses part where it says that you can have a "habitable" room that's a minimum of seven by 10 feet, is a habitable room, is that any room in a house or is that a bedroom? I don't know what a habitable room is.

Kurt Schroeder:
Assistant Director
Planning Development
Services It wouldn't be, for example, an unfinished basement or a mechanical room or attic, but yeah, just about any room except maybe a bathroom.

Vice Mayor Soden: The living room...

Kurt Schroeder:
Assistant Director
Planning Development
Services Where you could stay and live.

Vice Mayor Soden: Dining room ...

Kurt Schroeder:
Assistant Director
Planning Development
Services Yes, that kind of thing.

Vice Mayor Soden: I think I understand now. Thank you.

Mayor Amyx: Other questions?

Commissioner Larsen: Yeah, just a quick one. The energy code, right now we're at 70, is that right?

Kurt Schroeder:
Assistant Director
Planning Development
Services That's correct, effective July 1st of this year.

Commissioner Larsen: The 2015 was 54 what they proposed, and what sort of savings would that give us if we went from 70 to 54 as far as energy efficiency?

Kurt Schroeder: I'm going to let Barry respond to that. He's much more

Assistant Director
Planning Development
Services

knowledgeable in the energy stuff.

Barry Walthall:
Building Code Administrator

The monetary savings, never done that calculation, but basically, that would be a 16% increase in performance for a house that scored a 70 and a house that scored a 54. What that measures is going to be the use of energy, electricity, gas, primarily. I'm not sure that answers your question.

Commissioner Larsen:

I did some reading on it just to get an idea, and it seemed like I had read that really to take that much of a jump, considering we're already at 70, which is a really good number, was really only an energy savings of about 1% or 2%.

Barry Walthall:
Building Code Administrator

I would estimate that's probably correct. The cost savings there is probably pretty minimal. It does add up over time. That's the whole purpose of the energy code is to reduce the cost of energy over time. It really stacks up over years. The lifetime of a house is usually considered to be 30 or 40 years as far as calculating those energy expenses, so 1% over 30 years, if that's \$100 a year, over 30 years, it's 3,000, so really that's pretty modest. When you're talking about a house that you're using the benchmark from 2006, which was a score of 100, and now you're talking about a score of 54, you're getting in the thousands and thousands of dollars over that 30 or 40-year period. The increase from 70 to 54 is a lot more modest.

Commissioner Larsen:

I've also noticed that there are studies starting to come out that, trying to find a balance as to how tight you want your house, which essentially what this is doing is saying we want a tighter house, and that if we get too tight, we start running into problems with vapors in the house not being able to circulate throughout, and you start running into some health issues that way. Have you guys done much in that?

Barry Walthall:
Building Code Administrator

That's absolutely correct, and that's something you have to be very careful about. The codes are taking that into account. The tightness of the houses currently, and it won't change from 2015, but currently houses have to basically allow no more than three air changes per hour between the outside air and the inside air. That's really too tight to be healthy. The code does require basically that some outside air is brought into the house, though not just infiltration that you would see in older houses, through cracks and just little tiny openings that air finds its way into the house. Now you're designing the house to bring in air on purpose through an exhaust system or ventilation system. Usually that's a mechanical ventilation system that's tied into your furnace system. There's different ways to do that, but that's the most common way currently. That's a very real concern and something that we monitor closely.

Commissioner Larsen: Thank you.

Barry Walthall:
Building Code Administrator You're welcome.

Mayor Amyx: Other questions?

Vice Mayor Soden: I have a follow-up question about the tiny homes, the minimum room size. I guess what I want to make sure is that that reduction in the minimum square feet for habitable room, is that only if your total square footage for the house is under an x amount of square feet? If you were building a 500-square-foot home, then you can take advantage of a minimum room size would be 7 by 10, because I want to make sure if someone's building a more regular-sized home, that they aren't putting five bedrooms in it that are 7 by 10.

Barry Walthall:
Building Code Administrator Collect my thoughts just a moment there. The reduction to 70 is across the board. That's a reduction from 120 to 70. That 120 were for a single habitable room in the entire house. It didn't limit any particular other room to a maximum or minimum size. Traditional construction, you'll see probably several rooms that are 120 square feet or larger, living room, dining room, master bedroom, but it's very common for second and third and fourth bedrooms to actually be smaller than 120 square feet. 70 to 80 square feet would probably be pretty typical for a second bedroom. That 120 number was really an arbitrary number that was arrived at decades ago and everybody just found to be a satisfactory number. The reduction to 70 is not seen as really a major factor for traditional construction. It's seen as a help for the tiny houses or the minimalist living houses.

Vice Mayor Soden: I would imagine it hurts maybe the marketability of your home if you had a 1,200-square-foot house and all the rooms are seven by 10.

Barry Walthall:
Building Code Administrator I think that would be a very good observation. I think with the traditionally constructed homes, it's very common today, and realtors might be able to speak to this better than I could, but home buyers want open spaces and open houses. The requirement for 120 square foot habitable space has just not been a factor. I can't remember ever seen a traditional home built with a room that was even close to being smaller than that.

Vice Mayor Soden: Thank you.

Barry Walthall:
Building Code Administrator You're welcome. Thank you.

Mayor Amyx: Matt?

Commissioner Herbert: This is a real quick question, it's diving into minutia, I apologize for that, but on the International Property Maintenance Code, 605.2, Receptacles, it talks about where ground-fault circuit interrupter outlets will be required, and it says that GFCI outlets will be required at all locations within six feet of water. Are there any grounds to document an exception with regards to refrigerators? I know a lot of electricians will tell you it's ill-advised to place a refrigerator on a ground-fault outlet, due to, obviously when it trips, you lose everything inside, and a lot of homes are designed with the refrigerator within six feet of a water source, being a sink. Is that something that was considered at all or ...

Barry Walthall:
Building Code Administrator I'm going to defer that question to Brian. I can answer questions about ground-fault circuit interrupters, but I'm not an expert on property maintenance code. Brian, would you ...

Brian Jimenez:
Code Enforcement Manager Sure.

Barry Walthall:
Building Code Administrator I can help follow up or ...

Brian Jimenez:
Code Enforcement Manager Sure, you can help follow up. Good evening, Mayor and Commissioners. We tweaked that code section a little bit. It used to be all kitchen counter-top receptacles, so we were making people GFCI-protect something that was far away, like if there was just a, on each side of the stove or something like that, and what we found out, that was a ticky-tack thing we were trying to do. We went, and Barry might correct me, but we basically mirrored some of the IRC requirements on the six-foot distance requirement. Typically what we find on a refrigerator is that is served by an independent outlet that's not on the kitchen counter-top; it's usually directly behind the refrigerator, so I don't think that would be an issue.

Commissioner Herbert: Yeah, typically you definitely would want a fridge on a sceptor, but if the fridge falls within six foot of a water source, would it still meet the qualifications to require that GFCI?

Brian Jimenez:
Code Enforcement Manager If it was plugged in and that receptacle only serviced the refrigerator but it happened to be within six foot of a water-

Commissioner Herbert: Happened to be within six foot of a sink?

Brian Jimenez:
Code Enforcement Manager I can see where you're coming from on that. I think then we-

Commissioner Herbert: Because basically every house in the Prairie Park, Brook Creek area that was built in the '50s and '60s, the kitchen layout places

the fridge within six feet of the sink.

Brian Jimenez:
Code Enforcement Manager

I haven't been in as many homes lately as I have previous in my employment, but from my recollection, typically in those types of houses you have the refrigerator at the end of the counter. Gosh, I would say most of those don't have an outlet serving that refrigerator on the counter-top. It's usually directly behind the wall. There might be a discretionary column we can make out in the field.

Commissioner Herbert:

It's just a little thing. I just know that that has come up before with rental registration where properties have been dinged for that. Yeah, and the electrician will come in and tell you, "Well, I'll do it, but I'm telling you, it's a bad idea."

Brian Jimenez:
Code Enforcement Manager

It is a bad idea to put that on that breaker because those are more prone to trip and the next thing you know, you come home and your refrigerator's been off eight hours while you were gone at work.

Mayor Amyx:

Other questions? I got a question, Kurt, about the plumbing code. Did you bring up a discussion about drinking fountains, and again, that load number being increased from 15 to 30?

Kurt Schroeder:
Assistant Director
Planning Development
Services

I'm not sure. Did they discuss that, Barry?

Barry Walthall:
Building Code Administrator

The drinking fountains?

Kurt Schroeder:
Assistant Director
Planning Development
Services

Mm-hmm (affirmative), requirements.

Barry Walthall:
Building Code Administrator

I apologize; I didn't completely hear the question.

Mayor Amyx:

Under the Ordinance No. 9171 it talks about the building code, and one of the things that I'd noticed was, "Drinking fountains shall not be required for an occupant load of," it was 15 all along, and now it's 30. Is that similar to what we were talking about or what Kurt was talking about earlier with the bathrooms and the increase in that load number?

Barry Walthall:
Building Code Administrator

Yes, very similar. It's really the same issue. Occupant's buildings are using water fountains and drinking water in different ways than they have in the past. We feel and the board

felt that the requirement for a drinking fountain in those smaller occupancies was really probably not necessary. You'll see a lot of people carrying their own water, and those smaller occupancies, that just seemed like more burden than necessary.

Mayor Amyx: I think it's a good idea, I just, I want to make sure that everybody saw that. I read through this several times, and I know seven, eight years ago when we discussed the change from uniform code to the international family of codes, there was a lot of discussion about med gas at the time. There are no changes in any of the med gas requirements?

Barry Walthall:
Building Code Administrator No, no changes. We still have a requirement before occupancy is approved that we collect reports and have the responsible facility authority acknowledge that they've received and reviewed and that all of the testing is complete and up to date.

Mayor Amyx: Sounds good. One of the things that I do want to say and we talked about, Lisa, you brought up the energy code and discussion there, and I know Bobbie and Kelly's back here, but I just got to say this, what was it, four years ago, when we were talking about the energy code and the new updates that were going to happen under the I-Codes, I think it was the Home Builders Association that really took a lot of it upon themselves to assist in the writing of the code to make sure that we had a code not only that worked, that met the numbers that we wanted to meet. I think that there was a lot of discussion that was done there, but they need to be thanked a lot for the work that they did four years ago in making sure that we have an international code that's just catching up to what we have on the books. I think that's something that we really need to thank them for.

Barry Walthall:
Building Code Administrator We are thankful for their assistance. They've been very involved with this process as well, very helpful. It's good to get those viewpoints and incorporate those into the process early. We can, at the board level, advisory board level, really take those comments into account and try to craft something that works. That's been the strength of the process.

Mayor Amyx: Any other questions?

Commissioner Larsen: Just on the energy efficiency code, I had an opportunity to sit down with Scott and his staff here a few weeks ago or so, just to go over, so I could better understand what we have actually in the books. I was really pleased with what I saw, and I really appreciate your work on it. Thank you.

Barry Walthall:
Building Code Administrator Thank you.

Mayor Amyx: Anything else, guys? General public comment on this item? Any

Bobbie Flory:
Lawrence Home Builders
Association

public comment?

Good evening. I said I was going to stand up and say, "Yeah, what Barry said," because this is a big topic, and there's a lot to go over. I really don't want to repeat everything he said, but we were very involved, attended the building code trade boards' meetings for about a year's worth of meetings. The people that are on these code boards really dug in, rolled their sleeves up, and worked on this. They took it very seriously, and they have excellent support from staff. I feel really good about this, and in particular what I want to address tonight is the amendment with the energy code. That is something that we were very interested in, because the 2015 code recommended, as we heard tonight, it going to a 54. We feel that staying at a 70 is appropriate. When we went from the 2009 to the 2012, it was at that time that it seemed like the low-hanging fruit were picked. That's when we made the biggest strides in the gains from the energy efficiency. When we go from a 70 to a 54, it's more costly and the benefits aren't there. The buildings have embraced these energy codes, but that's because they have realized that there's a benefit to the buyers and their homes. Now we are seeing, when you go to the 54 that benefit is getting smaller and smaller. They had a concern about that. The other thing is that the houses that have that most difficulty achieving these low scores unfortunately are those that are in our affordable housing stock. Those slab houses, smaller homes; those are the ones that are the most challenged. When you have a big house that has a basement, they can take advantage of that natural insulation factor of a basement, and there are other design features in the bigger houses that can get the low scores pretty easily, but when you get a habitat house or just a single-family, three-bedroom, two-bath house on a slab, they are really challenged to get the low scores. To exasperate our affordable housing issue by making it more difficult for them to achieve we think is the wrong way to go. It was really critical that there's legislation that requires the Secretary of Energy to do an analysis every time we have a code change. Barry and Kurt mentioned it, but this, when we went from the 2012, they did the analysis to 2015, they found that there was a 1% reduction in the amount of energy consumed by a building, 1% reduction in the total raw fuel required to serve a building, and less than 1% reduction in energy cost per year. The savings to the home buyer just aren't there, and the substantial cost, which is estimated anywhere from \$2,000 to \$5,000 of a basic house, and that varies, because when you use this energy rating index, it gives the builders a flexibility in the methods they used to get there as opposed to the prescriptive method. Their range in their building practices affects that price, but at a minimum it would be about \$2,000 for them to meet that code. We believe at this point with our energy codes that it really should be a decision between the builder and the buyer, and that they should talk

about how far they want to take it beyond what our minimum standards would be at 70 and how much more they're willing to pay. Some people are really going to keep going and take it lower, while other people really will; all they can do is afford to stay at the 70. During the next code cycle, when the other communities around us have increased their code requirements, when technologies have advanced, and when we have a better source of building supplies, so the supply and demand, the prices will go down a little bit, all those factors come into play. When we review the next code cycle, I think it's appropriate at that time that this number is revisited and we'll see where we end up, because in three years, a 54 may be very, very easy for us to attain, but right now getting there would be difficult. We would just support the recommendation from your building trade boards, plumbing, electrical, mechanical, and from the building staff, with adopting the 2015 I-Codes, along with the amendments that are proposed. I'd be happy to answer any questions.

Mayor Amyx: Any questions of Bobbie? Thank you. Other public comment on this item? Any other public comment? All new building codes and this is it, huh? Amazing. Thank you all for coming this evening on this item if you're here. Anyway, back to the Commission. There other questions of staff, any things that we need to look at further?

Vice Mayor Soden: I have a procedural question.

Mayor Amyx: Please.

Vice Mayor Soden: Do we need to do each ordinance one at a time or can we do them as a group?

Mayor Amyx: I'm going to rattle them off all in one big pile.

Commissioner Herbert: I think we ought to make Mike read it.

Mayor Amyx: I think we're not going to make Mike read it one more time.

Vice Mayor Soden: I just want to make sure we can do that.

Commissioner Herbert: We could actually have you go through the entire ordinance.

Mayor Amyx: I do want to go back to the item that we have that talks about the tornado shelter. Is your suggestion that we go ahead and adopt it as written, and then next week or week after, whenever this comes back for its second reading, it will be changed or amended at that point?

Kurt Schroeder:
Assistant Director Basically, to say what it says today. It wouldn't be required until we go out and have that other discussion and come back to you,

Planning Development Services even three or six months.

Mayor Amyx: I assume we won't forget, right?

Kurt Schroeder:
Assistant Director
Planning Development Services That particular one you might want to single out to give us direction to do that.

Mayor Amyx: Sounds good.

Scott McCullough:
Planning & Development Services Director Mayor, if I may, I might recommend, if you choose to do it as a group, with two caveats. One is the issue on the storm shelters, and one is to direct us to clarify the language regarding refrigerators so it's in the code and builders, landlords, and staff all have the same expectation, the same language to draw from.

Commissioner Boley: How do you measure the six feet, Scott? Do you measure it along the wall and to the outlet or do you do it direct?

Scott McCullough:
Planning & Development Services Director It's direct.

Commissioner Boley: I think doing it along the wall and to the outlet would be longer than direct.

Scott McCullough:
Planning & Development Services Director It still may present the same issue for refrigerators.

Commissioner Herbert: I think you're going to be amazed at how many properties you find with that sink ...

Commissioner Boley: I think it's a good point.

Scott McCullough:
Planning & Development Services Director I just think if we can agree is that the issue is that the refrigerators in particular shouldn't be on GFCIs for some pretty obvious reasons, then we need to clarify it in the code.

Vice Mayor Soden: Are those two caveats on the same ordinance or on different ordinances?

Mayor Amyx: What ordinance number do we have on the storm shelters again?

Kurt Schroeder:
Assistant Director
Planning Development Services Property maintenance code is 9203, and the building code, 9168 and, 9203.

Vice Mayor Soden: Make sure we got that.

Kurt Schroeder:
Assistant Director
Planning Development
Services 9168 is the storm shelter one and 9203 is the property maintenance items.

Vice Mayor Soden: I just got them flipped.

Mayor Amyx: Were there any other changes or corrections, thanks, Scott, that anyone else wanted to bring up? If there's not, I would entertain a motion to adopt, on first reading, ordinance number 9167, 9168, which is the international building code, the property maintenance section, and direct staff to rewrite that portion that deals with the measuring of the electrical receptacle dealing with refrigerators. Is that fair enough?

Scott McCullough:
Planning & Development
Services Director That's a different ordinance number, but yes.

Vice Mayor Soden: You told us wrong?

Mayor Amyx: You told us ...

Vice Mayor Soden: 9168 is the storm shelter.

Scott McCullough:
Planning & Development
Services Director 9168 is the storm shelter, 9203 is the property maintenance code, GFCI.

Mayor Amyx: I'm sorry. 9168 then is property maintenance code that deals with that, do what you have to do in directing staff to deal with the change in language that deals with storm shelters, and it'll be considered at a later date, I guess, is where we're going to head on that. Ordinance number 9167, 9168, 9169, 9170, 9171, 9172, 9173, 9174, 9175, 9176, 9199, and ordinance number 9203, and that one deals with the international building code, property maintenance, and to direct staff to deal with the language change to take care of the deal with refrigerator electrical outlets. Okay? With those changes in that direction given, I would entertain a motion to adopt on first reading that ordinance that I just listed.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to adopt on first reading, Ordinance 9167, Ordinance No. 9168, adopting the International Building Code, 2015 edition and direct staff to revise the language addressing storm shelter requirements; Ordinance No. 9169, adopting the International Residential Code, 2015 edition; Ordinance No. 9170, adopting the National Electrical Code, 2014 edition; Ordinance No. 9171, adopting the International Plumbing Code, 2015 edition; Ordinance No. 9172, adopting the International

Mechanical Code, 2015 edition; Ordinance No. 9173, adopting the International Fuel Gas Code, 2015 edition; Ordinance No. 9174, adopting the International Energy Conservation Code, 2015 edition; Ordinance No. 9175, adopting the International Existing Building Code, 2015 edition; Ordinance No. 9176, amending Chapter V, Article 12 of the City of Lawrence Code to increase demolition permit fees; Ordinance No. 9199, adopting the International Fire Code, 2015 edition; and Ordinance No. 9203, adopting the International Property Maintenance Code, 2015 edition and direct staff to revise the language addressing requirements for refrigerators to be utilize ground fault circuit interrupter receptacles. Motion carried unanimously.

3. **Receive the Pavement Management Program update, approve the 2016 Pavement Maintenance Program, including the recommended traffic safety improvements, and reduce pavement maintenance funding by \$40,000 to be reallocated to new bicycle and sidewalk improvements.**

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

Vice Mayor Soden: Hey, Mark?

Mark Thiel: Yes?
Assistant Director
Public Works

Vice Mayor Soden: I can't help but think that a lot of those look like they're in neighborhoods that have brick streets. Is any of that related to the brick street programs that we have, returning streets to brick streets?

Mark Thiel: Some of the PCI numbers are. There's about 23 lane miles of brick streets in our community, over the 852, relatively small number would impact that area. The area south of 15th Street is typically not brick streets. Some of those between 11th and 15th probably are brick streets, but not all of them. The other thing is, a lot of the brick streets that have asphalt on them, when they come up for maintenance, it's not a brick rebuild, it's we'll take the current layer of asphalt off and put another lay of asphalt on. That's when we're talking about maintenance, that's what we're talking about. If the brick street is overlaid and it's pot-holed, then yes, it would be in those numbers, but if it's a brick street with exposed bricks, while the PCI number would indicate maybe that it needs maintenance, we haven't developed that. Right now what we do for brick streets is we have our internal staff try to maintain those as best they can, or we try to develop programs to do brick street rebuilds.

Vice Mayor Soden: Yeah, we have some of those, which I really like those, so I just want to make sure. Do those have a stable source of funding year to year to return streets to brick, or is that just a project by project? Because I know, Ohio Street, I think we got some state funding for that. I'm sorry; I'm totally derailing your presentation. Very interested in brick streets.

Mark Thiel:
Assistant Director
Public Works

I need a water break. No, actually, that's a very valid question, and probably one that should be included in here. There is no dedicated funding source for brick streets. The brick streets that have been restored since I've been here, and there's about half a dozen or so blocks that have been done, have all been done with grant money, or with, with the exception probably of the 2100 block of Vermont, we did that with street maintenance money, I believe in '14.

Vice Mayor Soden:

That's great. That's really good.

Mark Thiel:
Assistant Director
Public Works

Yes, they are part of our interest, they are part of that 852 lane miles, and yes, they do need to be maintained, but they're expensive.

Thiel continued his report

Mayor Amyx:

Questions?

Vice Mayor Soden:

Two questions.

Mayor Amyx

Questions? Vice Mayor?

Vice Mayor Soden:

I have two questions. I have a general thought of, when you were talking about how a lot of the streets seem to be deteriorating perhaps more rapidly, I'm not sure how you might phrase that, but I couldn't help but think about how last year we had our record construction total dollar number, so do you think the increased heavy traffic on our streets because of the increased construction or is that just a crazy correlation I'm trying to make?

Mark Thiel:
Assistant Director
Public Works

No, it's not really out there all that far. Traffic on our roadways nationally is increasing. It's not just here in the community. I think you're suggesting maybe that traffic that's being detoured through areas and things like that, we do take that into consideration when we're building our program, but I think the overriding factor that we look at in the deterioration rates is that they're exponential. In a year that a street is identified for maintenance and they have a PCI of 60, or say 65, if we don't perform that maintenance in that year and we let it go through another 12 months of weather and traffic, that PCI doesn't change equal each year, and that's where that deterioration rate comes back. That's why we try to identify those early on. We actually use those deterioration rates. I do and Steve does more than PCI. PCI makes it easy to say what are street rates, but if it's a street that has a lower deterioration rate than another street that may have a higher PCI, the higher deterioration rate street actually would or should be maintained first.

Vice Mayor Soden: It's definitely a great program, a lot of reporting. That's a lot of work they put into that. My second question, I was curious, with the complete streets, is sidewalks included in the funding of any of this stuff in here that we're talking about?

Mark Thiel:
Assistant Director
Public Works I can't say that we have never done a sidewalk.

Vice Mayor Soden: It's pretty much just strictly the street we're talking about?

Mark Thiel:
Assistant Director
Public Works This is pretty much from back of curb to back and curb with the inclusion of handicap ramps.

Vice Mayor Soden: Like I said, I am interested in some kind of line item for brick street somehow, whether it be returning them to brick, especially into historic districts, which I know is just crazy expensive, so getting grants obviously is a great idea, but even just maintaining them. Vermont, that's a really stellar street. I just drove on it the other day.

Mark Thiel:
Assistant Director
Public Works Good.

Mayor Amyx Other questions? Matt?

Commissioner Herbert: If you can go back to the slide on bike improvements by year, I just had a question as to why there was such a huge jump in cost between 2013 and 2014. 2013 it appears that we did 21,000 and change linear feet for 142,000, but then in 2014, we do essentially the exact same amount of linear footage and becomes three times as expensive, or nearly three times. What explains that cost?

Mark Thiel:
Assistant Director
Public Works Yeah, absolutely. Some of that bike lane cost is we simply, like, get the street name right, Peterson, Peterson, when we did that in 2013 or '14-

Chuck Soules:
Public Works Director Princeton.

Mark Thiel:
Assistant Director
Public Works Princeton, yes, thank you, Tim, Princeton.

Chuck Soules:
Public Works Director Or Lawrence Avenue.

Mark Thiel: Or Lawrence. The street itself was wide enough to do a

Assistant Director
Public Works reconfiguration within its footprint to add a bike lane, so that cost merely-

Commissioner Herbert: It just pays to paint it, yeah.

Mark Thiel:
Assistant Director
Public Works ... was the striping. We've done other bike lanes, I guess, I'm trying to think of one, where we've actually rebuilt the street, like Wakarusa, where we've actually widened the street to add the bike lane. If you take the cost of widening the street, that's how those numbers seem off.

Commissioner Herbert: The only other question I had, I think it was one of the very first slides you had shown, talked about the number of individuals who have reported potholes, and it looked like we had had, if you can go back to that one, I think it might've been your second slide, there it is right there, obviously going from 2014 to 2015 we have almost an increase of 1,000 reports. Did we do anything in terms of making it easier to report, or is this just 1,000 more reports than the year before? Because it seems to be, if you look at 2011, 2012, 2013, 2014, it never comes anywhere near approaching 1,000 and then suddenly we're at 1,300.

Mark Thiel:
Assistant Director
Public Works I would like to think it's due to two things. One is the outreach that we've continued to try to do. I know we made some changes to our website, and we continually do that, to try to make it easier. There was one of those Channel 25 releases that went out. Megan ... I can't think of what we called those, but public information commercials that we did that talked about how to report. Some of it's simply that there are more potholes out there.

Commissioner Herbert: I was wondering if it was due to outreach, if we had actually on paper made ourselves look worse by making it easier for people to report, as could happen. I think you did an outstanding job. I had an opportunity to, early on, I think it was May, in May I had an opportunity to spend a day working with the guys painting the roads, and they do a fabulous job, they take their job very seriously, and they're out there at 4:00, 5:00 in the morning doing that, which that part I didn't appreciate so much, traveling with them, but they do a fantastic job, so thank you for that.

Mark Thiel:
Assistant Director
Public Works Thanks.

Mayor Amyx Stuart, you got something?

Commissioner Boley: Yeah. I just want to ask about the traffic calming. Is that on Crescent or Crestline?

Mark Thiel:
Assistant Director
Public Works

I'm sorry, you're correct, Crescent.

Commissioner Boley:

It's on Crescent?

Mark Thiel:
Assistant Director
Public Works

Yes.

Commissioner Boley:

Thanks.

Commissioner Larsen:

On that pothole you have up there right now, I noticed that it seems like the use of hot mix over the years has really significantly increased, but yet our numbers of hole patched has decreased throughout the years. In 2011 we went from 664 to, in 2015 to 3,800 tons of hot. Is there a reason for that, that big of a change?

Mark Thiel:
Assistant Director
Public Works

Yeah, absolutely. I guess one of the reasons is the milder winters has allowed us to use hot mix asphalt. While the plants locally shut down, we can get hot mix year round from Kansas City, but it only makes sense to do that if the ambient temperatures are such that we can get it from Kansas City to Lawrence before it cools down. The other thing that Mike has done with his program, I mentioned it earlier about if you looked at the pothole numbers in '98 to '88, why the numbers are up but the actual potholes patched are down, is because instead of the philosophy of walk two feet, throw cold mix in a hole, walk two more feet, we're actually squaring that whole area up and trying to do more than just a pothole patch, we're trying to do a maintenance patch. We wouldn't do that with cold patch. That would not be a productive tool. When we have hot mix available, that's how we're getting at that. That's how that number ...

Commissioner Larsen:

Which is better to use, hot mix or cold mix?

Mark Thiel:
Assistant Director
Public Works

Which is better?

Commissioner Larsen:

Which provides a better seal longer?

Mark Thiel:
Assistant Director
Public Works

Hot mix.

Commissioner Larsen:

Hot mix?

Mark Thiel:

Mm-hmm (affirmative).

Assistant Director
Public Works

Mayor Amyx

Mark, that machine we bought several years ago, is that reflected in these numbers here somewhere?

Mark Thiel:
Assistant Director
Public Works

Mayor, that is. That's the last number there. That's the DuraPatcher. That's the trade name. It's basically spray injection patching.

Mayor Amyx

Just making sure it's working right.

Mark Thiel:
Assistant Director
Public Works

It is. I love that machine.

Mayor Amyx

I know.

Mark Thiel:
Assistant Director
Public Works

I don't have a lot of staff that agree with that, but it is a very productive machine.

Mayor Amyx

I'm one of them that you talked into buying that, I think, so I just want to make sure that we're getting our money's worth.

Mark Thiel:
Assistant Director
Public Works

We do.

Mayor Amyx

Any other questions of staff? Mark thanks for all the work.

Mark Thiel:
Assistant Director
Public Works

Thanks.

Mayor Amyx

Thank you. Public comment on this item? Any public comment?

Mark Thiel:
Assistant Director
Public Works

Sorry, I lost the agenda. I knew I was going to have a snafu. Sorry about that, Marilyn.

Marilyn Hull:

Good evening, Mayor and Commissioners. You all know that I'm the current Chair of the Pedestrian-Bicycle Issues Task Force, but I want to clarify that I'm not here tonight speaking for the task force, I'm here as a private citizen expressing a concern. Less than a year ago, those of us that are interested in all means of travel around Lawrence were really excited to see a breakthrough in the \$200,000 for the first time was dedicated in the city budget to provide additional facilities that would improve safety for people who walk, wheel in a wheelchair, and ride a bike. At that time, I could be wrong about this, but to me there

was a good faith understanding that that \$200,000 would be for additional facilities that were not already being put in or taken care of as part of the pavement maintenance program. What we now see is a proposal to take \$40,000 of that 200, which is 20% of that budget, and move it over into activities that, or actually use it to do things that were previously done, at least for the last few years, as part of the overall pavement maintenance program. I understand the budget constraints that the city has and the problems with pavement and pavement maintenance, I truly do, but this feels a little bit, from the perspective of a pedestrian-bicycle person, like an accounting switcheroo, like we got \$200,000 and now we're taking 40,000 of it back for something that has been done over the years out of another pot of money. Just wanted to appeal to you to consider rejecting using that \$40,000 that's set aside for pedestrian bicycle projects as part of this work, and rather maintaining that amount intact for facilities that are really dedicated to pedestrians and bicyclists and wheelers. Markings on pavements may or may not help, and signs may or may not help, but they're still treatments on the street that's there for the cars. Essentially just wanted to call on you to consider that, and as we move forward and you get the Pedestrian-Bicycle Issues Task Force final report, we're looking forward to working with you to over time increase the resources available to fill in our sidewalks and that kind of activity. I think it sets a little bit of a bad precedent. Thank you.

Vice Mayor Soden:

I have a question for Marilyn, if that's okay.

Marilyn Hull:

That's fine.

Vice Mayor Soden:

I just wanted to clarify. Towards the end you were saying that you wanted to see that money, which I think if I'm understand right, you're saying you want the 40,000 to go back where it would not be anything automobile-related, is that what you're saying?

Marilyn Hull:

Pavement marking, there's some question about whether sharrows are effective or not. There's some recent research that they're not really effective. Even when they are used, they tend to provide a marginal benefit to experienced adult bicycle riders who are riding along streets that may have parked cars or other complications. What our task force is ... I'm not speaking for the task force. What I'm interested in is facilities that get more people on bikes and more people using our sidewalks and walking and wheeling. The type of projects that are proposed for this won't do that. They won't. I don't believe they will result in additional people deciding that they feel safe riding a bike in the community, for example.

Vice Mayor Soden:

I think I understand. Thank you.

Mayor Amyx

Other public comment on this item? Any other public comment?

Chris Tilden:

Good evening, Mr. Mayor, members of the Commission. Take care of homework there first. Like Marilyn, my professional experience certainly plays into the judgment I have on a lot of these issues. First and foremost, I'd like to say my principle reason for being here is that my professional work has allowed me to work alongside Chuck and Mark and many members of their staff over the last couple of years, and I commend them for the work that they do. It's a difficult job and they do just a fantastic job taking care of our roads and putting together a proactive strategy that gets the most out of the limited dollars that are available. That's my principle reason to appear before you all. I would like to echo what Marilyn said, and that is certainly, last year we were really pleased, I was pleased as a citizen and as someone participating in the work of LiveWell and Safe Routes to School, with the inclusion of the \$200,000. There's a variety of bike and pedestrian infrastructure projects that have been proposed. I'm not representing Safe Routes or LiveWell in saying what the best use of that money might be, but there's one particular experience this year that has been really influential as I think about these issues. That was an opportunity to, along with Josh Shelton of the East Ninth Project, to meet with Lorraine Cannistra and experience her journey along a couple blocks of the East Ninth Project. She's an individual who lives in East Lawrence, is in a wheelchair. There were probably a dozen, 20 spots along a two-block stretch of where she said, "If there wasn't someone to help me with my wheelchair here, I would be effectively blocked and could not get any further." She lives in East Lawrence, and as we talked about, the development of the extension of the Burroughs Creek Trail and the East Ninth Project, she said, "For the first time since I've lived in this house, those two projects in their entirety will allow me to get downtown in my wheelchair when those projects are completed." Then I look at the Pedestrian-Bike Task Force report, which has over the next four years about 1.5 million in proposed improvements, of which close to a third of that, close to half a million dollars is simply ADA ramps that are currently missing along the 51 miles of designated Safe Routes ramps. I think about the sharrows, they may or may not be effective, but they're certainly not going to stop me as an avid cyclist from getting out and riding a bike, but that ramp may prevent a child in a wheelchair or using some other mobility device from getting to school if they chose to do so. It may prevent a grandparent who would like to walk with their grandchildren to school from doing that. They are stopped when they reach that ramp that doesn't exist. I'd love to see us thinking about where are those just absolute needs that we now have a five-year report for, that kind of outlying progress that can be made, and thinking about can we address some of those

needs now through some of the funding that has been set aside for these types of projects. Thank you very much.

Mayor Amyx:

Other public comment? Any other public comment? Back to the Commission. The program that we have before us and it's an excellent program, I think Mark and Chuck, the staff, and they do a great job laying out the program for us. I'm going to be honest with you, the discussion that we had at budget time, I don't recall exactly if we said that that was going to be for new projects, and so I apologize for that, not being able to tell you whether or not that that was the deal yet. One of the things that we can do ... I don't know if we have to give specific direction on the markings tonight or the bicycle issues or if that has to be designed into the program tonight.

Diane Stoddard:
Interim City Manager

I think, Mayor, if there's a desire to have that funding restored as far as bike pedestrian improvements, we can make the necessary adjustments in the remainder of the program to do so.

Mayor Amyx:

Here's the deal, Diane, and Mark or Chuck, if we were to give direction to say, okay, that that money is to be used for new programs, the things that were not to be included here, where would the money come from? It wouldn't come from our pavement program to offset those markings and signs and such, would it?

Diane Stoddard:
Interim City Manager

I believe that they are all part of the same sales tax fund, both the pavement maintenance program, as was allocated in the budget, as well as the funding for traffic calming and the bike-pedestrian improvements money.

Mayor Amyx:

That's from the sales tax?

Diane Stoddard:
Interim City Manager

All of that is from the sales tax. To the extent that the funding from the \$200,000 in bike-ped improvements is restored to that, we'll just have to make an adjustment on the street side, which we can certainly do. If that's the direction of the Commission, we can certainly do that and make that adjustment.

Mayor Amyx:

It's hard to play catch-up in the streets. I understand Marilyn and Chris's concerns. I don't know, it's the same money. Any help, guys?

Commissioner Larsen:

I would like to see the money that is set aside, the \$200,000, used more for actual building of facilities that would increase the ability of all citizens of Lawrence to be on the sidewalks, to be on the bike trails. I would like to see it used more for infrastructure versus just the markings on the street, because that's 20%. Is that ...

Mayor Amyx: Commissioner, I think we all want to see that.

Commissioner Larsen: That's what I would do.

Mayor Amyx: The deal here is do we take away from traffic calming or do we take away from the pavement management program? We've only got so much money. The amount of money is there. Its \$2.81 million, and we can divide it up any way we want, but that's all there is right now.

Commissioner Herbert: Maybe the discussion to have there, because you're totally right, that if we paid for one thing out of this pocket, then we got to pay for something else out of a different pocket, but maybe the conversation to be had is brought up by Chris, his comments of, when it comes right down to it, are the pavement markings a necessary thing to be paying for right now, that ultimately that the necessary things that we have, the absence of sidewalks, the absence of ramps, those are very necessary things. To say that, "Well, if we pay for the markings out of this pocket instead of that pocket," ignores the possible conclusion we could come to say, "Let's not pay for the markings at all," and instead devote that money towards bettering sidewalks, better roads, bettering actually creating the infrastructure instead of just drawing on it.

Mayor Amyx: I knew there was a smart way to do it.

Vice Mayor Soden: It sounds like it might be helpful if we had the Bicycle Advisory Committee perhaps formally discuss if they want us to perhaps de-prioritize the marking, the sharrow markings, and prioritize other bike-related things, instead of having them on the same priority level. Is that what I'm hearing perhaps?

Mark Thiel:
Assistant Director
Public Works
Commissioner, the last item that was attached to the packet on this item was actually from the BAC. The sharrows that are talked about in this program, let me pull that up for you. These are the BAC recommendations. Those are the 94 sharrows that have bike signs that they recommended be placed with this program. That's where those dollars, that \$40,000 comes from.

Commissioner Boley: Can you clarify, Diane, your comments about being about to come up with that \$40,000 from someplace else?

Diane Stoddard:
Interim City Manager
I think that what we would do is just simply slightly reduce our street maintenance program by \$40,000 to maintain the full \$200,000 earmarked for bike and pedestrian. Honestly, as Mark had indicated, we are quite a bit behind related to street maintenance where we should be perhaps funding it. \$40,000 is probably not going to make an enormous difference in that. This really just is a policy issue of where you would like to prioritize the dollars. I tend to agree with those that commented from the public. Our intention was to try and provide some additional

resources related to bike and pedestrian improvements. In that vein, we...

Commissioner Boley: I guess my take would be go ahead and approve the maintenance program, improve the traffic calming, defer the \$40,000 until we have a ...

Mayor Amyx: I just think, we don't do those improvements this year, we just reduce the maintenance program by the \$40,000 and we keep that \$40,000 for new projects, whether it is sidewalks or those improvements, as that was our original intent. I think that that's what we do.

Diane Stoddard:
Interim City Manager

Sounds good.

Mayor Amyx: Any questions specific about the programs and any of the street recommendations or any of that? Vice Mayor, your comments about brick streets, duly noted. I would suggest that we're given this pavement management report again during budget time, just to remind of us especially the deferred maintenance projects that we do have, and that list will continue to grow, so I think that we need to be aware of that.

Commissioner Boley: I guess one other comment is that this doesn't talk about the sidewalks and the trails that are also part of our transit system. At what point do we start wrapping the whole big picture together so we talk about what we do for transit for everybody, not, "Oh, here's cars, oh, here's Safe Routes to School, here's ... " When can we get the big picture for everything, not just this?

Diane Stoddard:
Interim City Manager

Part of the answer to that is we have different departments right now that are maintaining different parts of the infrastructure, so I think we can talk about getting better cohesion regarding that presentation, but we definitely do have maintenance needs on trails and other facilities as well.

Commissioner Boley: I guess my point is, when we talk about money, we're talking about the same pot of money for everything, and how do we divide that up. It's important to have a global conversation about that as we do that.

Diane Stoddard:
Interim City Manager

I would, however, say that with regard to the infrastructure sales tax, I think that a large part of that program and its emphasis obviously was straight maintenance, as it was portrayed to the voters.

Commissioner Boley: Yeah, that's a good point.

Vice Mayor Soden: I think that, we've been talking about it on the new

Transportation Advisory Board, that might be helpful for collaboration and especially when talking about budget expenses. I did want to ask about the brick streets, with what's going on with the state budget. Is it foolish to think we could ever get another brick street grant?

Mark Thiel:
Assistant Director
Public Works

I don't think it's foolish to think that. During years of working with the federal government on different programs, they seem to always figure out a way to fund their different grants. Some of that is federal pass-through money versus the state money. The state manages it for a federal government, but it's a direct pass-through to us, with the Transportation Enhancement, or the Transportation Alternative Program it's called now.

Diane Stoddard:
Interim City Manager

It's funding sources, federal money, let's pass through the state. It has been continuing to be there. Its money that we wrote a grant for related to the Santa Fe Station, and for example, same kind of pot of money, historic transportation infrastructure.

Vice Mayor Soden:

I wonder if when we, because we of course we have that conference in Washington, D.C. coming up, if we could figure out who perhaps we could meet with to try to get in their good graces for the brick street funding somehow.

Diane Stoddard:
Interim City Manager

The decisions for that money though are made at the state level, so while they're federal pass-through, the State Department of Transportation works with that, and I believe that particularly for those that are in that historic category, they work with the State Historic Preservation Office in prioritizing that funding. Lawrence has been extremely fortunate, I think, statewide, as far as how much money that we've been able to leverage from that particular source. Probably not many other cities have been able to do what we've done with the brick streets.

Vice Mayor Soden:

It's definitely something I'm really interested in if you need a City Commissioner to, I have no idea do what.

Diane Stoddard:
Interim City Manager
Vice Mayor Soden:

That's great to know. I can't remember-

You just tell me and I'll do my best to help.

Diane Stoddard:
Interim City Manager

They are doing it every two years now, and so it'll be next year then that will be the next round, and we'll be bringing some, we always bring proposals for you all to consider for us to apply.

Vice Mayor Soden:

Maybe I can help drum up general support from LPA or any other entities around town or something.

Diane Stoddard:
Interim City Manager

Certainly keeping in that particular source is very good the way that they're allocated so that there's a particular allocation of

funding for that category, which has been nice. Again, I think that's why we've been able to leverage it well.

Vice Mayor Soden:

Thank you.

Mayor Amyx:

Any other questions? The item before us then is to approve the 2016 Pavement Management Program, and I think that the direction here is that we're to use the \$40,000 for new projects, as was outlined in our budget recommendation, and that we're given direction that we would reduce our Pavement Management Program by \$40,000 and we'll continue to do those recommended items for traffic calming, but just the pavement system is going to be reduced by 40k. Fair enough? With those changes, I would entertain a motion to approve the 2016 Pavement Management Program.

Moved by Commissioner Boley, seconded by Commissioner Herbert, to approve the 2016 Pavement Maintenance Program, and reallocate \$40,000 from the pavement management program to fund new bicycle facility and traffic calming facilities. Motion carried unanimously.

Mayor Amyx asked Melinda Henderson to provide a presentation as a general public comment.

Melinda Henderson:

Thank you. I apologize for being tardy. We had a minor issue with the dog as I was leaving. I do have some handouts, so I want to get these out first. They go along with the PowerPoint, but I thought it would be easier if you had your own too. I was at PC last night. I'm just going to leave this up for everybody to try to read, and I'm going to be handing it out and you all will have your hard copies. As if the City Commission and Planning Commission don't give me enough politics to follow, I've also been following the legislative session in Topeka. Yesterday, I was trying to follow the House and the Senate, and when I switched over to the Senate live stream, I was very surprised to hear Senator Marci Francisco and Senator Tom Holland discussing the topic of inclusionary zoning. They sounded somewhat desperate and frustrated. I was puzzled, because I didn't realize what they would've been talking about, and because I try to pay attention and follow what's going on over there, and neither one of them have contacted me. I did some research, they were discussing Senate Bill 366, and what that was, was a bill that was introduced into the Senate on January 26th and referred to the Committee on Commerce. Here's the text of the bill. Basically what it is, is just revising it a little bit. We already have state legislation as far as rent control goes, and they wanted to add the wording in italics. The supplementary note basically is a little bit more readable and it will explain to you what they want to add. They want to add control of the purchase price that's agreed on, and not just leave it at rent control. This bill was introduced on January 26th to the Senate

after the session started, and was referred to the Committee on Commerce. Senator Holland is the ranking minority leader on the Commerce Committee in the Senate. On Friday, February 12th, they scheduled a hearing over this bill to take place on Wednesday, February 17th. Senator Holland was there at the committee meeting that day. The League of Kansas Municipalities submitted testimony. The Kansas Association of Realtors submitted testimony as well. In fact, this bill came from the Kansas Association of Realtors, and I'm pretty sure it was at the request of some people in Lawrence. I don't have all the details. During the committee meeting, I talked to Senator Holland and Senator Francisco today to try to get more clarification. Senator Holland told me that he had contacted Toni last week to have her look it over, make any suggestions if possible, and that she agreed it was a very badly written bill, and very broad. That was one of Senator Holland's main concerns are that it's just so broad that it could be very dangerous. They had the hearing. Nobody from Lawrence was present, but during the testimony, it became obvious that this bill is directed at Lawrence and our affordable housing project, program, process, whatever we're doing to work on ideas for affordable housing. It references one city in Kansas, and that's Lawrence. Lawrence was also mentioned during the debate yesterday on the Senate floor. The bill was passed on February 18th and went to the Committee of the Whole on the Senate floor yesterday, and once again, Senator Holland and Senator Francisco tried to make their concerns known. Senator Francisco did email me her reasoning for her no vote so that it could be put in the record. She emailed that to me, and that discusses some of the concerns that she had. It was passed by the Senate today on a vote of 34 to six, so that's scary, I think. Now they're in turnaround, and next week, the bodies will exchange bills, so this bill will now go to the House Committee on Commerce, Labor, and Economic Development, and we don't have anybody from Lawrence who's on that particular committee, but that shouldn't be a problem. Let me just tell you a little bit about what SB 366 could do. I think the article from the Capital Journal gives you a good overview of what happened. I know that the topic or the concept of inclusionary zoning, which that term is not actually mentioned in the language, but Luke Bell, who is the lobbyist for Kansas Association of Realtors, has used that term, and I know that's a touchy issue, but I have real concerns that there was an opportunity for KAR to go ahead and submit this and nobody from Lawrence spoke to this issue. Then I was curious how that could happen. Last night when I was at Planning Commissions, I had emailed Diane and Randy in Lawrence and said, "What is this? What's going on?" I saw Randy last night and I said, "Did you know about this bill?" He said, "No, kind of weird." Then I talked with Scott and I asked him as well, and he said that yeah, he had been aware of it, but he seemed not to be too worried about it, because inclusionary

zoning is not going to fly in Lawrence. This morning I emailed him back just to make sure that I was very clear on why nobody had been notified. Up on the screen is the last, I think, yeah, is the last, his text, and it should be the last handout that you all have. What he said was, "Melinda, as I understand it, this particular bill is a direct result of recent discussion the City has had related to inclusionary zoning as a method of addressing affordable housing. While I agree that cities should be left to speak directly to the issue of price controls, in my opinion, inclusionary zoning is not likely to become a method by which to address the need for affordable housing, so we did not put resources into commenting on the bill. The Affordable Housing Advisory Board is discussing several programs at this time, but our advice to the board will be that there are more appropriate and effective programs for Lawrence to address this issue."

My biggest concern is that because Lawrence did not provide any testimony so far, and it's passed out at the Senate and is on its merry way to the House, that we may very well have lost one option to provide affordable housing in this community. The single sheet I handed you is a testimony, or email testimony that Luke Bell sent to the Senators yesterday morning explaining why he wanted them to vote yes on the bill. I didn't put it in the PowerPoint because it would just really be too teeny, but this quote really stood out, "If the Kansas Legislature does not act during the 2016 legislative session, we anticipate that at least one Kansas city," Lawrence, "And potentially more, will impose price control mandates on private property owners this year." I spoke with Sarah Marsh from Justice Matters today. She heads the affordable housing work group, and apparently they're very displeased to hear about this. You all know Senator Francisco. If anyone in this community understands the benefits of positive aspects of inclusionary zoning, it would be Senator Francisco. On the Capital Journal article down at the bottom, next to the last paragraph is a great quote from Senator Francisco. She said, "Inclusionary zoning would permit a developer to build residential buildings at a higher density than normally permitted, in exchange for a pledge to include units in a new subdivision for low to moderate income customers. The additional density serves to compensate builders for the differentiation and construction." With that, I just have four questions for you all, which you don't have to answer tonight, but I would like them answered. One, what is the procedure for the City Commissioners to be notified about possible legislation that could affect home rule or land use code or anything else? This is the State Legislature we're talking about, so who knows? What is the procedure for the City to decide whether or not to provide testimony, whether pro or con, on a bill submitted to the Legislature? Number three, will the City be providing testimony against this bill when the Legislature reconvenes and it comes up in the House? Four, will the City create a policy with procedures to assure that something like this never happens

again? Thank you very much for allowing me to speak to this issue tonight. I'm happy to answer any questions that you might have at this point in time.

Mayor Amyx: Any questions of Melinda? Thank you.

Melinda Henderson: Thank you so much, I appreciate it.

Mayor Amyx: Diane, can we get answers to those questions? Also, the Commission, do we want to provide testimony on this if it goes to the House?

Vice Mayor Soden: It sounds like our elected representatives are doing that, so I don't know. I'm a new Commissioner, so I don't know what additional help that would be for the City of Lawrence and not just our elected reps to give testimony.

Mayor Amyx: If this is directed exactly as Melinda is bringing up, directed solely at the City of Lawrence, Kansas, I think that we have an obligation to probably testify before the committee.

Diane Stoddard:
Interim City Manager We can certainly provide that such testimony, and I think that it is helpful. I will say I will take full responsibility for not putting anything together on this particular item. I will say that there is not, we had no indication that this was something that was aimed at the City of Lawrence. That's certainly not what is reflected in the bill.

Mayor Amyx: Diane, as I told Melinda earlier today, after I got her email early this morning, I had gone through everything that I'd received from you or any member of the staff that dealt with any legislation that was coming forward. I went through the League stuff. I literally didn't find anything that would raise my concern to see that we'd been singled out.

Melinda Henderson: So many bills come through, it's hard.

Mayor Amyx: They've got 49 of them in two days, and everything that's going on right now.

Diane Stoddard:
Interim City Manager Honestly, I would say that it is an indication of staff time and resources that we have to respond to these things, and to read them and understand them. We get a lot of communication from the League and we're a member of the League of Kansas Municipalities, so we do rely a lot on the League to help us and notify us of things, and also just generally speak on behalf of cities, but if the Commission so directs, we'd be happy to prepare something that we could submit as testimony on this bill. I think given the concerns on the article in the Topeka Capital Journal, we could certainly do so. My biggest concern with it is similar to the League's testimony that it certainly has

major home rule implications for us and all cities across the state really for implementing any kind of tools that they believe may be helpful to solve local issues.

Commissioner Boley: I think that like Larry McElwain says about the incentives that we use for economic development, affordable housing is a very critical issue for our economic development in Lawrence because we have the highest real estate cost in the state. When we bring Menard's in, we need a place for the folks who are going to be working at Menard's, at their plant, to live in our community. It's an economic development issue for us. I'm not sure that they factored that in. They're taking away some of our tools to deal with the economic development of issues that we have that Larry McElwain wants in our toolbox.

Diane Stoddard:
Interim City Manager I think generally this is why home rule in Kansas has been so important. I think we need to be vigilant on this and other home rule issues to protect our ability to act on things as we think is appropriate given local issues.

Mayor Amyx: My recommendation to the Commission then is that we direct staff to prepare testimony on this, notify our legislators that we will be providing that testimony, and that we figure out where we can get help to take care of the matter.

Vice Mayor Soden: That's what I'm wondering is do we also contact the League?

Mayor Amyx: We contact everybody that'll give us help.

Melinda Henderson: Senator Francisco I'm sure is going to make herself available as best she can.

Mayor Amyx: Let's talk to our entire delegation, see where we can get help.

Melinda Henderson: Thank you so much.

4. **Consider motion to recess into executive session for approximately 10 minutes for consultation with attorneys for the city which would be deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential at this time. At the conclusion of the executive session, the City Commission will resume its regular meeting in the City Commission Room.**

Moved by Commissioner Boley, seconded by Commissioner Herbert, to motion to recess into executive session at 8:05 p.m., for approximately 10 minutes for consultation with attorneys for the city which would be deemed privileged in the attorney-client relationship. The justification for the executive session is to keep attorney-client matters confidential at this time. At the conclusion of the executive session, the City Commission will resume its regular meeting in the City Commission Room. Motion carried unanimously.

The City Commission reconvened at approximately 8:15 p.m.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Commissioner Herbert: Yes. Diane had asked that I bring this up in the Commission items that annually we have a delegation of business and community leaders and public officials that go to DC to advocate on behalf of Lawrence. This year that will be April 12th to April 14th, and I would like to attend on behalf of the city of Lawrence and seek out if there would be any other Commissioner on the Commission that would be interested in going on behalf of the city along with me.

Vice Mayor Soden: Since we're going to DC in March, I won't be going to that one. It'd be nice. Then I could make payroll, a few trips, but I cannot.

Mayor Amyx: We'll discuss if one of the other two of us can go during that time. I appreciate you stepping up and doing that, Matt.

Vice Mayor Soden: Yeah, thank you, Matthew.

Mayor Amyx: Other Commission items?

Commissioner Boley: Good to have you back.

Mayor Amyx: Oh yeah, thanks. It's good to be back. I watched you all last week. It was amazing.

H: CALENDAR:

Diane Stoddard, Interim 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 Vice Mayor Soden, seconded by Commissioner Larsen, to adjourn at 8:23 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON MARCH 8, 2016.



Brandon McGuire, Acting City Clerk