



# City of Lawrence

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CITY COMMISSION

**MAYOR**  
ROBERT J. SCHUMM

**COMMISSIONERS**  
MICHAEL DEVER  
HUGH CARTER  
MIKE AMYX  
ARON E. CROMWELL

September 11, 2012

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 Schumm presiding and members Amyx, Carter, Cromwell and Dever present.

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

1. Recognition of student delegation from Lawrence's Sister City, Eutin, Germany.
2. Proclaimed the week of September 16 – 22, 2012 as Just Food Fight Hunger Week.
3. Proclaimed the week of September 16 – 22, 2012 as POW/MIA Recognition Week and Friday, September 21, 2012 as POW/MIA Recognition Day.

## **B. CONSENT AGENDA**

Amyx said before the vote he had a question regarding item 5, Resolution No. 6991, directing and ordering a public hearing on September 25, 2012, concerning the advisability of constructing an additional parking level on the parking garage at 707 Vermont Street and other necessary and appropriate improvements. He asked whether he had a conflict of interest, being a property owner in the district.

Corliss said there was no conflict of interest. There were approximately 300 tracts in the district. You stood to gain a benefit and bear a cost. Tonight we are setting a public hearing and many steps remained before the district can be approved. Your ownership of property in the district does not constitute a conflict because of the extensive public process.

Schumm said for the record he also owned property in the district.



**It was moved by Amyx, seconded by Cromwell** to approve the consent agenda as below. Motion carried unanimously.

1. Approved claims to 295 vendors in the amount of \$3,846,067.83 and payroll for the period 08/26/12-09/08/12 in the amount of \$1,901,185.12.
2. Approved licenses as recommended by the City Clerk's Office.

Drinking Establishment Licenses for Applebee's Neighborhood Grill & Bar, 2520 S Iowa, and Applebee's Neighborhood Grill & Bar 3900 West 6<sup>th</sup>.

3. Bid and purchase items:
  - a) Awarded bid for one (1) side load refuse truck for Public Works Department to Downing Sales and Service for \$168,565.
  - b) Approved sale of surplus equipment on Gov Deals.
  - c) Approved purchase of truck chassis from Olathe Ford off the Metro purchasing bid for \$63,889.
4. Adopted on second and final reading, the following ordinances:
  - a) Ordinance No. 8767, Ordinance No. 8786, and Ordinance No. 8787, correcting ordinances for rezonings Z-8-14-09, Z-8-15-09, and Z-8-16-09 for property located at the SE corner of Kasold and W 31<sup>st</sup> Street curve, 3309 W 31<sup>st</sup> Street. The ordinances will replace previously adopted and published Ordinance No. 8472, Ordinance No. 8473, and Ordinance No. 8474 to correct a clerical error and to maintain consistency with established policy regarding overlay zoning designations.
  - b) Ordinance No. 8783, to rezone (Z-12-00020) approximately .25 acres from IG (General Industrial) to CS (Strip Commercial), located at 444 - 446 Locust Street. (PC Item 2; approved 8-0 on 8/20/12)
  - c) Ordinance No. 8784, to rezone (Z-12-00029) approximately 11.93 acres from PRD (Planned Residential Development) and CO (Office Commercial) to RM24 (Multi-Dwelling Residential), located at the northwest corner of W. 6<sup>th</sup> Street and Congressional Drive and currently addressed as 525 Congressional Drive. (PC Item 3; approved 8-0 on 8/20/12).
  - d) Ordinance No. 8785, for Text Amendment (TA-12-00023) to the City of Lawrence Land Development Code to amend uses in the Hospital (H) District, to change all P uses (Permitted Uses) to A uses (Accessory Uses) to identify the Hospital use as the only principal use in this district and all other uses allowed in this district to be accessory to the this principal use. (PC Item 5; approved 6-0-2 on 8/20/12).
5. Adopted Resolution No. 6991, directing and ordering a public hearing on September 25, 2012, concerning the advisability of constructing an additional parking level on the

parking garage at 707 Vermont Street and other necessary and appropriate improvements.

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

David Corliss, City Manager, presented the report.

**D. REGULAR AGENDA ITEMS:**

**1. Conduct note and bond sale. Consider adopting the City of Lawrence Debt Guidelines.**

Ed Mullins, Finance Director, presented the staff report.

Amyx asked about the guidelines. Were they adjusted to reflect the new monies being created by these projects?

Mullins said we have set those up as an early warning system. None of these issues violate the current or proposed guidelines.

Corliss asked about the bond rating.

Mullins said it had been confirmed AA1 for bonds.

Amyx asked about the net outstanding debt increase in the guidelines. If that \$1100 is a red flag that we might be getting close to that, and these bonds don't get us to that, why the need for the change now.

Mullins said the comparison is not apples and oranges. There are things in the \$1500 limit that are not included in the \$1100. Some of these are based on averages for AAA rated cities in Kansas, and their average guideline is \$1600.

Amyx said people had asked him about what appears to be a 36% increase. If we are remaining under the \$1100, why the need for change. Why is it important at this time?

Mullins said it is based on the definitions. The new definition is more broad.

Mayor Schumm called for public comment.

Bill Simons said he wanted to express his concerns about raising the debt level. We see similar battles at the federal level and he didn't want to see the same thing happening in

Lawrence. He said we should learn from what we have seen, that we don't want to go down the road of more debt. He said he would encourage the commission to table this and give it more thought. The public is not really aware of this, which is really our debt ceiling. As our population grows we are continuing to get \$1100 per citizen. This does represent a 36% increase which seems alarming, especially when there is no need. Under our present economic circumstances it appears reckless and irresponsible.

Schumm said this had been scheduled 6 weeks ago and deferred, so the public had two shots at it already.

Corliss said we were below the state debt limits and we don't have the ability to change those. We are talking about additional guidelines. We have been recognized as very strong fiscal stewards, whether it is the market, rating agencies, or others that look at our finances. He said he does not think it is irresponsible to have additional guidelines beyond the statutory limits.

Schumm said Mullins indicated that the \$1500 cap has some different properties. Have the definitions changed for the extra matrices as well?

Mullins said yes. Our debt policy itself has not changed. Since the guidelines were set 10 years ago we have adjusted the guidelines. For example, the old definitions didn't include sales tax and the new ones do.

Simons said he realized we were within the state limits but we shouldn't increase closer to them if we could. Also the ratings were not necessarily valuable as we saw from the financial meltdown. In our present financial state in the country we shouldn't take any steps to increase debt guidelines unnecessarily.

Carter said he originally had asked for a review of the guidelines. Moody's ratings had a direct impact on the taxpayers via the interest rates we get. We have to be fiscally responsible and keep the highest rating possible. We need to have on the books a good professional recommendation regarding debt levels. It is good to know a good accurate level that we could be at without sacrificing our rating.

Simons said Mayor...

Schumm said Simons was out of order and already had two opportunities to speak.

Amyx asked Corliss whether it was his opinion that we raise the guidelines to \$1500.

Corliss said it was good that we review it on a regular basis. We do have a policy that every time we issue debt we look at the guidelines. There is not a legal requirement that we do it.

Dever said he looked at the information and thought a few things that we needed to discuss. The guidelines aren't valuable if you don't review them regularly. Some things are outside of our control and there are some things we can do to be better. Compared to other Kansas cities we are in good hands. An adjustment to these guidelines is overdue and a good idea. It is important to measure our policies in today's dollars and not ten years ago. He said he agrees that it is silly to create numbers that are artificially high, but it was his opinion that we should establish these guidelines and keep a close eye on them.

Amyx said as we went through this he looked at things over the years like valuation of real estate. His only concern was whether there was a figure between \$1100 and \$1300 we could look at. Or does that not meet the definitions Ed spoke of.

Carter said he thought it was just a guideline, a professional opinion of where we could go. It was not a target, but he wants it to be accurate. Unless we think Ed is mistaken and our ratings could be impacted at a lower level, he wouldn't want to change the recommendation.

Amyx asked whether our ratings would be changed if we went to \$1300.

Carter said it wasn't the guidelines but what we actually did.

Dever said we would still be below similarly rated cities.

Cromwell said he had an opportunity to sit down with Moody's last year when they came to Lawrence. It is about the reality of city finances rather than the guidelines that determine the ratings. He said we want to have the capacity, but we are accountable to the voters to spend

responsibly. Our rating shows that the outside world looks at us and thinks we have done a pretty good job. It is time to adjust this.

Amyx said as long as it is understood that this amount here is simply a guideline, a red flag, and that we are not looking for the next big deal to use this expanded capacity for debt, then he thinks that is fine. He said he didn't have any problem as long as we are saying the same thing, that we want the warning in place to help us look at wise expenditures of public funds.

Corliss said he didn't see the guidelines as a speed limit, but a yield sign to help us slow down and take a closer look at things. As we look at future debt issuances we want to ask the right questions about whether we want to proceed. We have a lot of wise counsel to help us look at things both in Ed's department and our financial advisor.

Carter said timing was important. Let's make sure we have real current numbers. If we can get money at 2% but wait until the rates are 5% we are talking real money.

Schumm said he was comfortable with the guidelines.

The City Commission reviewed the bids for General Obligation Temporary Notes, Series 2012-I, in the amount of \$24,400,000. The bids were:

<b>BIDDER</b>	<b>Net Interest Rate (%)</b>
Bank of America Merrill Lynch	0.256064
Morgan Stanley & Co, LLC	0.284032
Citigroup Global Markets Inc.	0.306277
J.P. Morgan Securities LLC	0.306489
Oppenheimer	0.5107

**Moved by Cromwell, seconded by Carter** , to award the bid to Bank of America Merrill Lynch, for a Net Interest Rate of 0.256064%. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None. Motion carried unanimously

The City Commission reviewed the bids for General Obligation Improvement and Refunding Bonds, Series 2012-A, in the amount of \$8,040,000. The bids were:

<b>BIDDER</b>	<b>True Interest Rate (%)</b>
Robert W. Baird & Co. Inc.	1.4875%
Stifel, Nicolaus & Co. Inc.	1.5570%
Raymond James & Assoc. Inc.	1.6169%
PNC Capital Markets	1.7074%
Hutchinson, Shockey, Erley & Co.	1.7218%
George K Baum & Co.	1.7250%
Citigroup Global Markets, Inc.	1.8333%

**Moved by Cromwell, seconded by Carter,** to award the bid to Robert W. Baird & Co., Inc., for a True Interest Rate of 1.4875%. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None. Motion carried unanimously.

The City Commission reviewed the bids for General Obligation Sales Tax Refunding Bonds, Series 2012-B, in the amount of \$3,595,000. The bids were:

<b>BIDDER</b>	<b>True Interest Rate (%)</b>
Stifel, Nicolaus & Co., Inc.	0.5776%
Robert W. Baird & Co., Inc.	0.6310%
PNC Capital Markets	0.6333%
George K. Baum & Co., Inc.	0.7083%
UMB Bank N.A.	0.7474%
Hutchinson, Shockey, Erley & Co.	0.7559%
Citigroup Global Markets, Inc.	0.8145%

**Moved by Cromwell, seconded by Carter,** to award the bid to Stifel, Nicolaus & Co., for a True Interest Rate of 0.5776%. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None. Motion carried unanimously.

**Moved by Cromwell, seconded by Carter,** to adopt Resolution No. 6992, authorizing and directing the issuance, sale and delivery of General Obligation Temporary Notes, Series 2012-I, of the City of Lawrence, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreement to provide for payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None. Motion carried unanimously.

**Moved by Cromwell, seconded by Carter,** to declare an emergency and adopt on first and second reading, Ordinance No. 8789, authorizing and providing for the issuance of general obligation improvement and refunding bonds, Series 2012-A, of the City of Lawrence, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and action in connection therewith; and making certain covenants with respect thereto. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None. Motion carried unanimously.

**Moved by Cromwell, seconded by Carter,** to adopt Resolution No. 6993, prescribing the form and details of and authorizing and directing the sale and delivery of general obligation improvement and refunding bonds, Series 2012A, of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8789 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None. Motion carried unanimously.

**Moved by Cromwell, seconded by Carter,** to declare an emergency and adopt on first and second reading, Ordinance No. 8790, authorizing and providing for the issuance general obligation improvement and refunding bonds, Series 2012-B, of the City of Lawrence, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and action in connection therewith; and making certain covenants with respect thereto. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None. Motion carried unanimously.

**Moved by Cromwell, seconded by Carter,** to adopt Resolution No. 6994, prescribing the form and details of and authorizing and directing the sale and delivery of general obligation improvement and refunding bonds, Series 2012B, of the City of Lawrence, Kansas, previously authorized by Ordinance No. 8790 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and

actions connected therewith. Aye: Amyx, Carter, Cromwell, Dever and Schumm. Nay: None.  
Motion carried unanimously.

**Moved by Carter, seconded by Cromwell,** to adopt City's Debt Guidelines. Motion carried unanimously.

2. **Conduct a public hearing regarding the sale of alcohol at the Color Run and consider adopting on first reading, Ordinance No. 8788, allowing possession and consumption of alcohol on the public right-of-way.**

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

Bob Sanner, Lawrence Sports Corporation, gave an update on the Color Run registration numbers.

Amyx asked about parking plans.

Sanner said he is not advising that the runners use mass transit. Parking will be an issue, no question, but we will do the best we can. People will have to park where it is legal and make their way to the finish line area.

**Moved by Dever, seconded by Amyx,** to open the public hearing. Motion carried unanimously.

**Moved by Cromwell, seconded by Dever,** to close the public hearing. Motion carried unanimously.

**Moved by Amyx, seconded by Dever,** to find that the proximity of the sale of alcohol at the event is not adverse to the public welfare or safety, grant a distance limitation waiver, and adopt on first reading, Ordinance No. 8788, allowing possession and consumption of alcohol on the public right-of-way. Motion carried unanimously.

3. **Reconsider Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. Adopt on first reading, Joint City Ordinance No. 8748/County Resolution No. \_\_\_\_\_, for Comprehensive Plan Amendment (CPA-6-5-09) to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. (PC Item 4; approved 7-2 on 4/23/12)**

Dan Warner, Long Range Planner, presented the staff report.

Carter asked about the snow flakes, the one that was removed at Midland Junction, what was the impact of that.

Warner said the Planning Commission considered that and included it with their approval. It doesn't affect the development there now.

Carter said he didn't see the discussion of it in the minutes.

Scott McCullough said there was some discussion of the reasons for removing the snowflake near the area. They may not have discussed it as much but it was part of their motion and part of their plan.

Amyx asked about some county industrial on the south side of I70.

Warner said it remains there.

Mayor Schumm called for public comment.

Ted Boyle, North Lawrence Improvement Association, said this is something that NLIA and Grant Township had been working on for 5 years. North Lawrence is at the bottom of the hill. Water runs downhill. Any development that happens out there sends water into our homes. The drainage study called for extensive improvements. People worry about development to the north. We used to talk about a grocery store in North Lawrence, now we talk about stormwater. He said he had debated this with the City Commission for 18 years. Storm drainage had been taken out by building on open spaces. Maybe we'll get a pump at 6<sup>th</sup> and Maple finally. The pump at North Second has been improved twice. Development out there directly affects us. No one knew about Type 1 and Type 2 soils before the sector plan. You are looking at 800-900 homes that need to be safe and protected from stormwater.

Hank Booth, Lawrence Chamber of Commerce, said we had been discussing this for four years. A little over 55 hours of meetings we have held. First, we reached agreement that our neighbors in North Lawrence must have more work done on drainage and flood control. Many people had argued for preservation of agricultural use only. It was interesting that many who argued for a small judicious amount of that land for employment uses own a

preponderance of that land. Approximately 10,000 acres are in the plan. Compromises took the industrial uses down to only about 250 acres of that. Those who fought for less intrusion later got another round of votes which brings us to tonight. People are tired of participating in the discussions. They thought the plan that had cut 75% of the industrial land they originally proposed would go forward, and when it was cut to 100 acres they said enough is enough and they quit participating. The area has rail, highway and air transportation. Horizon 2020 is about at the end of its useful life and work on a new plan should begin soon.

Barbara Clark displayed a map. She said there was a congregation of class 1 and 2 soils. She asked you to align your decision with the Planning Commission and County Commission and approve the plan tonight. We hear continued misuse of the term multi-modal hub. Any CEO in Lawrence has equal access to the airport. There are 59 and 170 but extensive improvements would be needed to make a true hub. You are not without choices. She displayed a chart illustrating the acreage of class 1 and 2 soils at various industrial sites in the county. Horizon 2020 says we should identify 1000 new acres and we are already above that. Agriculture is a great economic driver.

Jerry Jost displayed photos of flooding in the area. One of the major concerns is public safety. If you have more industrial development you have more overtopping of roads by water. If you raise the roads you have to create hydraulic structures to move the water. There would be a lot of costs. Part of the reason the whole sector hasn't been developed is the flood water. There are unanticipated complications to development in the area.

Dan Dannenberg said he supported NLIA on this issue. He also supported the last speaker. The final point is that he heard the term snowflake. He didn't think we need insider jargon in a meeting like this. We need to explain these terms. What does snowflake mean?

McCullough said the snowflakes referred to a map that used snowflakes to designate industrial uses in the county in Horizon 2020, areas where we would anticipate industrial land use.

Charles NovoGradac said he was positive about the plan. It is thoughtful and realistic. It is good for the community as a whole and he thought he can live with it. He said he had highway frontage. In 1995 they developed it agriculturally. The only fear of failure he has at this point is wet soil and diseases that are associated with it. Class 1 soil is essentially a sponge that absorbs water rather than sending it across the land. Protecting that in particular is important. Class 1 soil is our cheapest, most economical flood control. Industry that has developed in North Lawrence has done nothing to absorb their own runoff. Agricultural is the real industry in North Lawrence. Many properties on 59 are currently vacant and he despairs the development of those.

Tom Harper said listening to folks living out there and having real connections to the land has been interesting. He urged the commission to vote yes on this sector plan. He thought that was something each of you could be proud of.

Lane Williams said he wanted to address the issue of rail access. There have been many statements made about North Lawrence being unique in its access to rail. He said he had discussions with an employee of KDOT and basically it falls within the category of "if there is enough money it can be done" but it is going to be expensive and there are safety concerns. KDOT would require an industrial user to have at least 100 cars a day to warrant a spur. The sector plan recognizes that rail poses issues with crossings already. It is highly debatable whether the area is uniquely accessible to rail.

Nancy Thellman said her family had a farm in Grant Township. She said she also comes to you as a county commissioner representing that township. The NE sector plan is a guideline for future land use. It does not rule out a landowner from bringing forth a proposal. It places a burden on the land owner to demonstrate that a development plan can overcome the challenges. She said the abandoned project at the airport illustrated some of the challenges of development in the area. The NE sector plan takes the challenges for the taxpayers seriously, which is important to the citizens and businesses. The plan is business friendly because it is an

honest assessment of the challenges in the area. The sector plan is the only place where a developer will learn about the FAA waterfowl regulations near the airport. The agricultural industry is key to any community's health and economy. In extreme need, loss of agricultural assets to industry might be necessary, but we have worked hard to bring a lot of industrial acres to our inventory. In most taxpayers minds we elected leaders to decide where to spend precious infrastructure dollars. The NE sector plan is a good plan. It has been thoroughly vetted by the public and elected officials.

Carter asked what Thellman meant about spending inordinate amounts.

Thellman said when developers set out to develop there are extraordinary costs. Often the taxpayers eventually pay the costs for the infrastructure. The north Lawrence drainage study suggests tens of millions of dollars of improvements.

Carter said her issue at the County Commission had been about the flooding. A project could come along that would mitigate flooding not only on their own property but on the neighbors. Why has this been sent back if it is just a guideline?

Thellman said many believe that the highest use is agriculture. That doesn't prevent someone from bringing a proposal but they get an honest assessment.

Carter said when you take the color off the map though you take it off the table. You can still have the warnings about the potential costs.

Thellman said this sets out the reasonable expectations of the land uses.

John Naramore said we were presented pre-existing snowflakes early in the process. Flat is good, apparently, for development. The fact that it was flat, even though some of us brought up that it wouldn't be a good thing, because of the criteria we were given, he okayed it. Since then he has learned that we have issues with trees in the various ditches and occasionally we have to bring in people to clear them out. There is very little drop in the land. There are various mitigation plans if the land is developed industrially. The roads would have to

be raised, another pump station built, by public money before private investment could be made. He supported option number 3.

Schumm said he supported approving this. He had always been against developing on class 1 and 2 soils. When you pave it over it is gone forever. This is some of the most fertile soil in the entire world, and when we have other options he couldn't go there.

Cromwell said in the last three years of discussing this, we had previously an extremely serious lack of industrial ground at that outset. A lot of things had expanded that ground since that time. He had voted for that many times because we need jobs and tax base in the community. Those projects were all on sites more appropriate for industrial sites. He said yes to those sites so he could say no to those uses where it was not appropriate, on class 1 and 2 soils. You cannot go backwards, you cannot remove the buildings and go back to farming. We need more local ag now and we'll need it even more later. It's a local industry that you can't find elsewhere. There are lots of good places for industrial in Lawrence, but the NE sector is not one of them.

Carter said he was on the Planning Commission when they approved the plan with 300 acres of industrial. His concern was mainly about the process. In most cases the process produces a better product. In this case we went through that same process and a compromise was reached. Those 300 acres wouldn't make the difference in having farmland. We had the public discussion and moved forward with compromise. But apparently that compromise wasn't good enough and the plan went back. We are well aware of the drainage issues. There is no way we are going to approve something that puts the drainage off on the neighbor. This is a guideline, but he would like to honor the compromise that had been reached. He said half of the people who had connections to the land weren't here anymore. In the end, that bothers him. This may never be developed industrial. Maybe it is best not to have this out there artificially inflating our numbers of industrial acreage if it realistically isn't going to happen. He hoped if a

proposal came forward that would mitigate stormwater for their neighbors that it would be approved.

Dever said there has been a long period of time between the start of the process and tonight. He was originally in favor of getting as much industrial as possible to grow jobs. Since all of this has gone through we have been educated on this matter, and industrial land has been created in other areas. For him, he said this has come over time. The people that want to use the land agricultural had the same rights as people who wanted to develop industrial. By making these compromises we take away the belief that this will be industrial and focus our attention on areas that are more realistic to develop that way. He said he was in favor of moving forward with the designation.

Amyx said the recommendation section of the plan talked about a lot of things including costs, FAA regs, class 1 and 2 soils, etc. One of the concerns he has is that even though this does not restrict a property owner from bringing forward an idea, it may not really happen that way. What will really happen is that staff will have to say something is in direct conflict with the sector plan. If people have a good idea worthy of consideration they should get a fair shake. If we understand this is simply a guide, that there are challenges that are real, that is fine. There are procedures that will have to happen, a process to follow. Changes to plans will have to occur. We are down to one 300 acre site. The final bit is whether this is a good plan. Is it hard to vote for? Part of me says yes. It has been a tough deal. A lot of work has been done. He said he thought it had been 5-8 years ago when the drainage study was presented. The dollar amounts for the necessary projects are real dollars. The public coffers can't afford them at this time. Specific developments may have to pony up the costs in the future. It is flat and we can't move much water. He said we are giving notice to developers that there are real challenges there. In this case, he could concur with the Planning staff, Planning Commission and Douglas county Commission.

Schumm said he echoed many of the comments made.

**Moved by Cromwell, seconded by Dever** , to approve Comprehensive Plan Amendment (CPA-6-5-09) and adopt on first reading, Joint City Ordinance No. 8748/County Resolution No. \_\_\_\_\_. Motion carried unanimously.

The Commission recessed for a short break at 8:47 p.m.

The Commission returned to regular session at 8:55 p.m.

**4. Receive draft 2012 Plan for the Establishment of an Organized Recycling Collection Service and receive draft Request for Proposals for a city-wide, single-stream recycling collection service and authorize distribution of RFP.**

Kathy Richardson, Waste Reduction and Recycling Operations Supervisor, presented the staff report.

Carter asked Richardson to go over how proposers would include smaller haulers.

Richardson said a proposer, even the city, could have small curbside haulers keep the customers they currently have. Their business level would stay at the number of customers they have now. There was discussion about having an RFP that splits the city in 6 zones or sections, but even that is too large for small haulers. Small haulers would possibly have customers in all zones and could lose some of those.

Carter said the rate we would charge would likely be less than what the small haulers charge, so it would probably not be feasible for them.

Tammy Bennett said that we hoped to end up with a single vendor, and they would work out how they would subcontract with other vendors.

Corliss said the answer is that we will see what the responses suggest. We don't have the answer now.

Mayor Schumm called for public comment. None was received.

Cromwell said this RFP gets at everything we have talked about for so long. He said he really likes the solution getting at existing haulers currently in the community. Ultimately we do have a network now of people doing it, but we are not doing enough to get the recycling rate we need to. All the research and data says this is the way to make it work. We have to make sure

costs are not prohibitive. This is how we determine that, if the benefits outweigh the costs. He said this is a great step.

**Moved by Cromwell, seconded by Carter**, to receive draft Plan for Establishment of an Organized Recycling Collection Service; receive draft RFP for a city-wide, single-stream residential curbside collection service; authorize distribution of RFP; and authorize the city to submit a proposal in response to the RFP. Motion carried unanimously.

Mayor Schumm called for public comment of a general nature. None was received.

5. **Consider motion to recess into executive session for approximately 45 minutes for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time.**

**Moved by Cromwell, seconded by Dever**, to recess into executive session for approximately 45 minutes for the purpose of consultation with attorneys for the City deemed privileged under the attorney-client relationship. The justification for the executive session is to keep discussions with the attorneys for the City confidential at this time. Motion carried unanimously at 9:25 p.m.

The regular session reconvened at 10:16 p.m.

Schumm said that today we received information from Kansas Athletics that they are no longer interested in the site west of K10 based on the size of the site. They have Title IX issues to reconcile regarding three sports. They are now looking at the Fairway LLC site on the north side of Mercato. In this proposal they are inviting us to be partners with them at this site. We believe this may be of benefit to the city of Lawrence and are interested in looking at co-locating at that site, and are asking staff to put on the agenda next week to consider that.

Corliss said he would add that we have received annexation and rezoning requests for the Fairway tracts. We will get more information for that site and this proposal for you next week, as well as having the west of k10 rezonings for your consideration.

**E. PUBLIC COMMENT:**

None.

**F. FUTURE AGENDA ITEMS:**

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

**G: COMMISSION ITEMS:**

None.

**H: CALENDAR:**

David Corliss, City Manager, reviewed calendar items

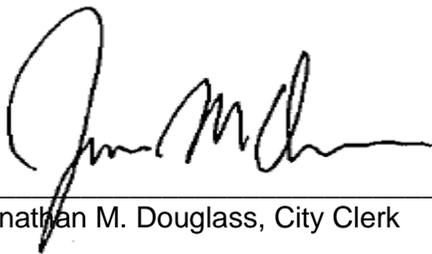
Schumm said we would be canceling the December 25, 2012, and the January 1, 2013, City Commission meetings and establishing a meeting for Thursday, January 3, 2013, 9:00 a.m. (short meeting bill paying and consent agenda only).

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

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

**Moved by Dever, seconded by Amyx, to adjourn at 10:22 p.m. Motion carried unanimously.**

**MINUTES APPROVED BY THE CITY COMMISSION ON SEPTEMBER 25, 2012.**



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Jonathan M. Douglass, City Clerk