



# City of Lawrence

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CITY COMMISSION

**MAYOR**  
MICHAEL DEVER

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

July 16, 2013

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

**A. RECOGNITION/PROCLAMATION/PRESENTATION: None**

**B. CONSENT AGENDA**

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

1. Approved City Commission meeting minutes from 06/25/13.
2. Approved claims to 178 vendors in the amount of \$2,062,963.33 and payroll from June 30, 2013 to July 13, 2013 in the amount of \$1,940,029.69.
3. Approved the Drinking Establishment Licenses for Henry T's Bar & Grill, 3520 West 6<sup>th</sup>; and, the Taxi Cab License for Samuel Wynn, 901 New Hampshire.
4. Bid and purchase items:
  - a) Awarded Bid #B1338 for Utilities Department Pump & Motor Rehabilitation to JCI for \$116,699, Letts, Van Kirk for \$18,539, and Douglass Pump for \$31,655. The total for all pumps and motors is \$166,893.
  - b) Authorized the sole source purchase of a back-up blower and motor assembly from Spencer Turbine Company in the amount of \$93,696 for the Utilities Department.
  - c) Awarded Bid #B1339, bus stop signs and installation for the Lawrence Public Transit system, to C-Hawkk Construction, Inc., for \$98,999. FTA is paying eighty percent (80%) and the city is paying twenty percent (20%).
  - d) Approved the purchase of a new CAD/RMS (Computer Aided Dispatch/Records Management System) system from Spillman Technologies for \$202,422.16 (the city's share for the joint Lawrence/Eudora/Baldwin/Douglas County project).



5. Adopted the following ordinances on second and final reading:
  - a) Ordinance No. 8878, to rezone (Z-13-00145) approximately 46 acres located south of the intersection of E 25<sup>th</sup> Street & Franklin Park Circle from PID (Planned Industrial Development) District to IG (General Industrial) District. (PC Item 2A; approved 7-0-1 on 6/24/13)
  - b) Ordinance No. 8885, allowing the possession and consumption of alcohol on the 100 block of E 8<sup>th</sup> Street during Homecoming Pep Rally, Thursday, October 3, 2013, from 1:30 – 11:00 p.m.
  - c) Ordinance No. 8879, to rezone (Z-13-00149) approximately 21.54 acres from UR (Urban Reserve) District to RS7 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. (PC Item 3A; approved 8-0 on 6/24/13)
  - d) Ordinance No. 8880, to rezone (Z-13-00165) approximately 3.34 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. (PC Item 3B; approved 8-0 on 6/24/13)
  - e) Ordinance No. 8881, to rezone (Z-13-00166) approximately 15.89 acres from UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. (PC Item 3C; approved 7-1 on 6/24/13)
6. Approved Special Event, SE-13-00267, for a weekend market by Lawrence Flea Market located on Mount Oread Aerie 309 FOE Inc. property at 1803 W. 6<sup>th</sup> St on July 20, 2013. Submitted by Danielle Rittenhouse, Lawrence Flea Market, with permission from Mount Oread Aerie 309 FOE Inc., property owner of record.
7. Authorized the Mayor to execute the documents regarding the application of the proceeds from the sale of the Bioscience and Technology Business Center's (BTBC) St. Andrews Drive facility toward the BTBC Phase II expansion project, and authorized a release of the sale restriction declaration.
8. Approved a Temporary Use of Public Right-of-Way Permit allowing the closure of the 100 block of E 8<sup>th</sup> Street from 8:00 a.m. on Saturday, August 10, 2013, to 1:00 a.m. on Sunday, August 11, 2013 for the Sandbar Birthday Party, and adopted on first reading Ordinance No. 8884, allowing the possession and consumption of alcohol on the 100 block of E 8<sup>th</sup> Street during the event.
9. Authorized the Mayor to sign a Release of Mortgage for Glenda A. Hewlett, 342 Johnson Avenue.

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

David Corliss, City Manager, presented the report.

**D. REGULAR AGENDA ITEMS:**

**1. Conduct note sale.**

Ed Mullins, Finance Director, presented the staff report.

Schumm asked when the notes matured.

Mullins said Series I Notes matured May 1, 2014 which included water and sewer projects and once those projects were completed they would be refinanced by a revenue bond. If the projects weren't complete by May 1, that portion of the note would be rolled over for another year and would include other projects. The Series II Notes matured October 1, 2014 which would coincide with the October note and bond sales for General Obligation Bond projects.

Schumm asked about the rate on the Series II Notes

Mullins said the rate was .397.

Schumm asked about the difference between the rate of .18 for Series I and .397 for Series II.

Mullins said it was primarily the time. Series I was 9 months and Series II was a little less than 18 months.

Amyx said when the City Commission established the bond sale he thought both Series were combined into one motion and asked if they were divided because of the two different Series.

Mullins said there were two different Series and it made sense to draft two separate resolutions because there were two different bids.

Commissioner Amyx asked if .18 was the lowest interest rate ever seen.

Mullins said he never remembered seeing the rate of .18 basis points. The last bond sale was under .50 basis points. The long end of the yield curve had gone up, but the short end of the curve was still low.

Mayor Dever asked about the longer term rates.

Mullins said it was about 2.5% for a ten year Treasury. A month ago it was 1.7%. He said municipal bonds had been hit that way too, in terms of the longer term rates being higher.

David Corliss, City Manager, asked Mullins to comment on the debt issuance guidelines.

Mullins said he updated the guidelines to include the current issues. He said they were still within the guidelines that were adopted a year ago. He said that was looking at the outstanding debt compared to appraised value, statutory debt limit, debt cost as a percent of governmental expenditures as well as population. In term of the guidelines, they were looking at a 10 mill maximum in levies and were currently at 8.51 and should be that level next year as well.

Corliss said those were additional guidelines that went beyond what state law established. State law placed a cap on the amount of debt the City could incur. It was good practice to have additional guidelines that were more conservative than that cap. He said what Mullins had just explained were guidelines and were not law, but essentially policy of the Commission to look at a number of different indicators for where the City was at, on debt.

Mullins said some of those measures were based somewhat on what Moody's looked at and some were internally generated. He said those were guidelines and

nothing happened if they were exceeded. He said there was a statutory limit that the City could not exceed, but other than that statutory limit, those were just guidelines that the governing body, in the past, had approved. He said if getting close to that limit, the debt should be looked at to make sure that the funding source was secure and the governing body was comfortable with debt level and it didn't create issues down the road.

Schumm said the City was going to write the note for Rock Chalk Park and then turn it into a bond and pay the bond back with sales tax proceeds.

Mullins said yes. If they did the other infrastructure improvement there would be another note and bond issue associated with that.

Corliss said correct

Schumm asked if the infrastructure would be paid back with utility revenue.

Corliss said the infrastructure would be paid back primarily through the sales tax and a small amount of General Obligation debt. Since the City wasn't doing 25 million, but 22.5 million they'll pay that amount more out of the sales tax and less out of the General Obligation debt. He said staff's plan was to pay most of this with sales tax.

Riordan said this showed that the finance industry looked at Lawrence as a good risk because Lawrence was fiscally sound and well ran. He said those were incredibly good rates. A lot of people wonder about the City and how it was ran and this was saying that the business world thought Lawrence was ran well.

Mullins said it was a good endorsement because those rates would not likely be beat by AAA rated city.

Riordan said this shouldn't be overlooked because it was an important aspect and Corliss had guided this City in a very significant way towards the good and that's why those rates were so low.

Corliss said there's a lot of credit that went with that statement and sometimes he thought he was paid to worry.

Dever said so was Mullins.

Corliss said correct.

Mayor Dever called for public comment. No public comment was received.

The City Commission reviewed the bids for General Obligation Temporary Notes, Series 2013-I, in the amount of \$36,300,000. The bids were:

<b>BIDDER</b>	<b>Net Interest Cost (%)</b>
J.P. Morgan Securities LLC	0.181333
Bank of America Merrill Lynch	0.224000
Jefferies LLC	0.240000
Morgan Stanley & Co, LLC	0.258667

**Moved by Amyx, seconded by Riordan,** to award the bid to J.P. Morgan Securities LLC, for a Net Interest Cost of 0.181333%. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously

The City Commission reviewed the bids for General Obligation Temporary Notes, Series 2013-II, in the amount of \$12,270,000. The bids were:

<b>BIDDER</b>	<b>Net Interest Cost (%)</b>
J.P. Morgan Securities LLC	0.396857
Bank of America Merrill Lynch	0.437714
Jefferies LLC	0.444286

**Moved by Schumm, seconded by Farmer,** to award the bid to J.P. Morgan Securities LLC, for a Net Interest Cost of 0.396857%. Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

**Moved by Amyx, seconded by Riordan,** to approve the bid for the sale of Series 2013-I and adopt Resolution No. 7031, authorizing and directing the issuance, sale and delivery of General Obligation Temporary Notes, Series 2013-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 the interest on said notes as they become due; making certain covenants and agreements to provide for payment and security thereof; and authorizing certain other documents and action connected therewith. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Amyx said he had his concerns about Resolution 7032, but appreciated staff breaking this out into two resolutions.

**Moved by Schumm, seconded by Farmer,** to approve the bid for the sale of Series 2013-II and adopt Resolution No. 7032, authorizing and directing the issuance, sale and delivery of general obligation temporary notes, Series 2013-II, 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 agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Aye: Dever, Farmer, Riordan and Schumm. Nay: Amyx. Motion carried.

2. **Considered authorizing the Mayor to execute the revised Development Agreement for the Rock Chalk Park development and consider authorizing staff to execute all other necessary documents and items related to the document. The Development Agreement has been revised per City Commission direction concerning City monitoring of shared infrastructure costs and removal of legal, loan interest and loan origination fee from the management fee.**

David Corliss, City Manager, introduced the item.

Gary Anderson, Gilmore and Bell, explained the three primary areas of changes to the Development Agreement which were:

1. Calculation of the construction management fee for the Infrastructure Improvements Contract;
2. Changes to the Purchase Agreement to reflect a simultaneous closing on the land with the execution of the Purchase Agreement; and,
3. Ministerial changes to the document for consistency and clarification.

Commissioner Amyx asked Anderson to list the items that were removed from Exhibit I.

Anderson said on Exhibit I, under the section "General":

Legal Fees per Development Agreement - \$167,836  
Loan origination fees for project financing - \$150,000  
Loan Interest for project financing - \$309,515

He said he backed out the construction management fees which the 2.5% shouldn't be calculated on the construction management fee. That yielded the 11,350,317.65

Commissioner Amyx asked about the mobilization.

Dever said they made sure that it wasn't a flat fee, but one that was going to be cost plus and the fee could be assessed on that.

Corliss said the management fee was part of that.

Mayor Dever said yes.

Commissioner Amyx said it was charged on the mobilization.

Dever said yes.

Amyx said if Anderson would go over where the bills would be placed before the City Manager's Office. He said ultimately, he assumed those bills would end up on the City's claims that would be approved by the City Commission. He said if there was a dispute from the governing body about the payment, he asked how that would be resolved.

Anderson said again, it was a two-step process. City staff would be meeting monthly as part of the process to oversee and see all the documentation etc... He said at the end, there would be a full reconciliation before the City made the payment. Before the payment would be



made, the approval would come back to the City Commission for approval. The Development Agreement, Article 14, Section 14.02, provided that if the parties were unable to resolve such disagreement through good faith negotiation, the City, RCP and/or Bliss Sports II agree to attempt in good faith to resolve such disagreement through mediation administered by a reputable organization offering commercial mediation services. If that was unsuccessful, the parties could institute litigation to resolve their differences.

Corliss said staff planned on preparing a report based on their monthly meetings that showed the documentation received to date. He said the report would either be placed on the agenda as a consent agenda item, or under the City Manager's Report. The City Commission would not be approving anything at that point because the agreement stated the payment was made at the end of the project.

Schumm asked if Corliss would list any disagreements in the reports as those disagreements arose.

Corliss said absolutely.

Schumm said quantity and cost would be what the Commission was looking at.

Corliss said correct. Staff would insist that it be done according to the City's standards, specifications and requirements. He said the City had a good working relationship with the primary contractor.

Chuck Soules, Public Works Director, agreed with Corliss' comments.

Mayor Dever called for public comment.

Ross Duffy said he was an 80 year old man and from his perception of this development the taxpayers of Lawrence were getting the shaft. He didn't think the middle and lower class could afford this development. The City was pushing this development off on the taxpayers. He said this project would change the weather pattern, putting CO2 into the atmosphere and causing weather changes.

Amyx said he was trying to understand the comparison between using the Farmland bids and making sure those bids coincide with the bidding for Rock Chalk Park. He asked about the construction staking between the two projects where Farmland was \$17,000 and Rock Chalk Park was estimated at \$225,000. He asked if he was comparing apples to apples. He said when looking at disputes that might arise during this process, he wanted to make sure those comparisons were covered.

Soules said construction staking was a little high, but didn't know what was included in that cost. He said when comparing the Farmland bid tabs, Iowa Street bid tabs, and the number seen from Rock Chalk, the bid items were far less for Rock Chalk. He said staff needed to find out what was all included in those costs.

Amyx asked if the costs would be broken down further.

Soules said staff would find out what was included in those line items. He said staff would need to breakout those costs.

Amyx said he noticed that on the bid tab to Farmland there was the connection to the existing water line and asked if there would be two connections.

Soules said there were two taps at that location.

Amyx asked if the connection was for the fire line or fire suppression.

Soules said no, on the Farmland bid it connected to the existing waterline and was a line that was under pressure. Depending on what they had included within this line item, staff would need to look at the plans.

Amyx said it was \$2,700 for each tap at Farmland and asked if there was only one tap at Rock Chalk Park.

Soules said yes. They were coming off of one line on George Williams Way.

Amyx asked if they were going to loop that line.

Soules said it would loop around the park, but would only be connecting to an on line system. He said they were bringing the other line off of Overland Drive that was tying into

George Williams Way too. He said there would be plenty of flow and there would be a loop system within the park. At some point there would be a line that came up K-10 along the recreation path, but wasn't part of this project.

Dever said as far as construction staking went, he believed that when talking about staking, surveying, and drawing a rec path, there would be a lot of work involved in laying out that course. He said there would also be a lot of work involved in laying out the thousands of parking spaces, curbs and gutters. There was a ton of technical details that went into a large paved surface as well as the paved surfaced associated with the rec path. He said he guessed that staking was probably included in some of that work required for a 5 mile path.

Schumm said the plan stated 5 miles, but the overall route was a 5k and 10k, but part of the 10k was not on the property and they needed to decide how that would work.

Dever said there was a lot of staking involved.

Soules said he was not saying the numbers were right or wrong, but was saying that he did not know all the details of what was included.

Schumm asked if the staking would include any surveying.

Soules said yes, but staff would find out.

Amyx said regarding the 10 inch concrete pavement, R.D. Johnson's bid at Farmland was \$48 a square yard and King's Construction's bid was at \$47.14 a square yard. He said the engineer's estimate was \$55 a square yard for Rock Chalk Park and asked why there would be such a discrepancy.

Soules said it had to do with the quantity of pavement.

Farmer said he went through and looked at the larger numbers. He spent hours comparing the numbers to previous bids the City had received. He said there were a lot of factors and needed to take into consideration when it came to some of those costs, for instance, Farmland was probably in closer proximity to where concrete was produced then all the way out at 6<sup>th</sup> and George Williams Way, there was a transportation cost associated that was not built

into those costs. He said the bids were in the realm of what estimates had been in the past. He said if the estimates were blatantly over then he might be more inclined to be concerned. He said he didn't think the City was getting a raw deal and there were a lot of things to take into consideration. He said Rock Chalk Park was a little more than half the size as Farmland.

Soules said there were pros and cons. Farmland was a tougher site because of the unknowns whereas Rock Chalk Park was a clean site, but both sites were out of the way of traffic.

Farmer said if the City was paying for their own infrastructure at Rock Chalk Park and not any of KU's infrastructure, it seemed those costs would be higher because it was a smaller amount of space to work with. He asked if that was a fair assessment.

Soules said yes, it was a smaller project overall.

Farmer said regarding pavement markings that weren't included the only concern was that it wouldn't be considered a change order.

Corliss said no, they had to follow the City's public improvement plans which included pavement markings and other improvements that were not listed.

Soules said the parking stalls were on the site plan.

Farmer said even though the parking lot and access drive's total was 3.8 million, there would be other things the developer had to do according to the City's policy that wasn't in the estimate.

Soules said that he was sure those were in the estimate, but just not listed out.

Amyx said regarding mobilization again, in the Farmland bid, he didn't see mobilization. He assumed it was in each one of those line items that was listed.

Soules said mobilization on a lot of projects was just simply so the contractor could get their project set up. He said it was paid in a lump sum as a percentage as the project was completed.

Amyx asked if it was a percentage of the project.

Soules said no, if the contractor was 50% complete, he would get 50% of that mobilization cost. Soules said on the Iowa Street project, Kings Construction's mobilization costs were \$337,000.

Dever asked about the total project cost for the Iowa Street project.

Soules said 4.5 million.

Schumm said there were different types of equipment involved.

Duffy asked about the new building next to the art gallery.

Dever said it was a private investment and a private parking garage that was being paid by the developer. He said there was supplemental income generated through a transportation development district and tax increment financing. He said the City wasn't responsible for that item.

Duffy asked about all of the apartment complexes.

Dever said those were all private investments.

Schumm said this development agreement was refined and looked good.

A person asked to speak.

Mayor Dever said he could speak even though he missed the public comment.

A person said he was new to the area, but had watched this issue from the beginning and hoped that politics would be different in Lawrence than where he came from in Los Angeles where there was a lot of shady, backroom deals that seemed to favor certain groups over other groups. He said the City side of this appeared to have disdain from the intelligence and the importance of openness around the public need to know and that the public might have a really important idea to weigh in on such an important project and investment of money. All along the way there appeared to have been a fiduciary negligence on the side of the City and it came down to the fact that this was a big gift to an institution that had a lot of resources and not a partnership, but a gift from hard working taxpayers to an endowment of a billion dollars. There had also been disdain for the open meetings act and a lot of this information behind the scenes

was known, but put out hours before for the public to read, try to digest, and weigh in. He said this was old school politics that was coming to an end. It might not come to an end with this issue, but the people of Lawrence were probably close to being fed up with this type of cynical politics that favored small groups of “development interest” over the interest of the entire city. He said if looking at the spectrum of the people that had disagreed with this development, it went across the entire political spectrum. The real divide was whether people believed that ends justified the means. The people that had been against this project from the beginning had said that no matter how good the project would be a means that were not respectful of open public discourse was not going to turn out well for anyone. New politics that would be coming into existence would be politics of cooperative, intelligence and cooperative competition rather than nepotism and back door secrecy. He urged the City Commission to do this right.

Dever said and just like that person’s late arrival this evening, he respected the fact that that person came to comment, but missed about 18 months of discussions, comments, meetings, and public input. He said many people would disagree on things, but appreciated that person’s comments. He said he took exception to all those comments and thoughts, and that everything was inaccurate as far as he was concerned. He said he wanted it to go on record that none of that occurred during this process.

Schumm said nothing that that person spoke of tonight happened. It had been completely opened and had numerous meetings at the high schools for people to take input and numerous meetings at City Hall. The discussion of this project has been going on for 18 or 20 months and did not see that person at any of the meetings, but saw that person at one other Commission meeting. He said that person was second guessing a lot of things that happened. He said he didn’t appreciate that person’s comments and didn’t agree.

A person said he had to work a lot to make the ends meet.

Farmer said the thing that bothers him the most about this community was that the community was so venomous and offensive in their attacks of people that they disagree with.

He said he wanted it to go on record that they could bicker back and forth amongst each other, between the Commission and the public, but the bottom line was that it didn't do anyone any good. He said just because someone disagreed with him, doesn't make them wrong and him right. He said it was healthy and good to disagree, but doing so in a respectful way was so vitally important. He said what this community needed was a keen awareness of the fact that when they treat each other like this, nothing gets done and all they did was sit in a perpetual sandpit of bickering and moaning and all the while so many things pass them by. He encouraged the community to make a commitment to each other that we're not going to stand for that type of involvement with each other.

**Moved by Schumm, seconded by Riordan,** to authorize the Mayor to execute the revised Development Agreement, authorize the payment for the property acquisition in the amount of \$784,050 and authorize staff to execute all other necessary documents and items related to the development. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

3. **Considered authorizing the Mayor to sign the necessary Kansas Department of Transportation forms committing the City of Lawrence's matching funds for three Transportation Enhancement Grants; the Santa Fe Station preservation project, the Breezedale monuments restoration, and the Burroughs Creek Haskell Rail Trail project.**

David Corliss, City Manager, presented the staff report.

Dever said if there had been any discussion regarding what would happen in the event that the City couldn't reach an agreement with the railroad in acquiring that property and what would that do to the City's relationship with the state.

Diane Stoddard, Assistant City Manager, said the State was fully aware of the status of the acquisition and that the City had discussions with BNSF and they had exchanged some agreements that had been drafted. She said interesting enough, KDOT in the letter to the City about the grant, did not specify the acquisition. That was one question she would be clarifying with KDOT. KDOT had said all along that the City had to acquire the building in order for the

building to be eligible for those grant funds. She said staff had the documents from BNSF and it was a matter of picking those documents back up and going through outstanding issues. Staff would be bringing that information back to the City Commission.

Mayor Dever called for public comment.

No public comment was received.

**Moved by Farmer, seconded by Schumm,** to authorize the Mayor to sign the necessary Kansas Department of Transportation forms committing the City of Lawrence's matching funds for three Transportation Enhancement Grants. Motion carried unanimously.

4. **Considered approving a Text Amendment, TA-12-00205, to the City of Lawrence Land Development Code, Chapter 20, Article 11, to modify the requirements for a Retail Market Study. Adopt on first reading, Ordinance No. 8882, for a Text Amendment (TA-12-00205) to the City of Lawrence Land Development Code, Chapter 20, Article 11, to modify the requirements for a Retail Market Study. Initiated by City Commission on 8/21/12. (PC Agenda Item 6; approved 7-0 on 6/26/13)**

Amy Miller, Staff Planner, presented the staff report.

Amyx commented that this was one of the best text amendments brought forward. He said if looking at 50,000 square feet as being negligible, he asked what would be the amount of square footage.

Miller said they were looking at this at a zoning level now. It wasn't an individual site plan or development plan and was why staff felt the need to up it to the 100,000 level.

Amyx said that was a good idea.

Schumm said the retail study they received a few months ago was done every 2 years now.

Miller said correct.

Schumm said there wasn't a lot happening now and 2 years sounds reasonable. He said there could be spurts of activity all wanting to come out at the same time and that might create a substantial amount of square footage all at once. If the retail study was done every 2 years, it might create a negative as opposed to a positive development situation.



Miller said staff had been doing the City-wide retail market study since 2006. Staff had seen shifts in the vacancy rates of 6.9% to 7% to 7.2%, but that was it. The city had a relatively stable market in terms of what the vacancy rate showed. On the demand side of the market, in terms of population, income, and sales tax, it only had average shifts of 1% or 2% in a given year. She said they weren't seeing wide ranges of shifts either on the supply or demand side of the market over that time period. She said for right now, they could stay at the 2 year mark, but Schumm might be correct that in the future staff might need to adjust that mark.

Schumm said that period of time reflected the great recession and the aftermath.

Scott McCullough, Planning and Development Services Director, said when staff reviewed that data every two years that would tell staff what to do more or less in that realm. He said just like the downtown market was added by the Commission for staff to do specifically and now was included in the report. He said they had a lot of flexibility in adjusting their timing in how often it was completed.

Amyx said with 9 million square feet of retail space in this community, he asked how much retail space was needed at one time to update the retail market analysis.

McCullough said that was one of staff's observations in that they were looking at a broad level and sometimes they were very specific on a specific project. The intent of this entire code section was to give the City and Planning Commission the trends and data to keep a healthy retail market and to look at the very complex factors that went into what that might look like. The report was going to tell staff as much as staff asked of the report every two years.

Mayor Dever called for public comment.

No public comment was received.

Riordan said he thought the plan was an excellent idea. As a former Planning Commissioner, he had never considered those independent analyses. He said it was difficult being independent when someone was paying you. The figure of 50,000 was way too low and the 100,000 based on the growth of the City was a good idea. Limiting it to zoning was also

good because you don't waste as much time. Trending was also a good idea versus the way it had been done in the past. He said the City would have significant pressures to develop simultaneously, which was 31<sup>st</sup> Street, 15<sup>th</sup> Street, and 6<sup>th</sup> Street. The City Commission would rely upon City staff to help the Commission understand what that did. It would be critically important in the next 6 to 9 months. He said it was going to be a very important tool that the City and Planning Commissions could rely on and not waste money from the developer. He said he was pleased with staff's coming up with this text amendment and it made good sense.

Schumm said staff was proposing new regulations to add to the Retail Market Study. One of the questions was that the applicants would no longer need to provide an independent, project specific retail market study. The League of Women's Voter's questioned the parameters and what would be used to determine over zoning and/or oversupply of either a specific retail use or additional retail commercial land use in general. He asked at what point, the alarm bell went off.

Miller said one of the things staff identified over time, particularly with the vacancy rate, was that it was not always appropriate to assume that it was going to be vacant when it went on-line. The other argument was that it would cause vacant space elsewhere in town. She said from a staff perspective it was not always a hard and fast rule. There was a bit of a methodology problem with using that vacancy rate. In order to compute a vacancy rate, you would have to either assume it was vacant or occupied if adding it to the market. Staff would provide an analysis in the future based on what was seen happening with the market trends overtime and the potential impact that this project could have on that vacancy rate or the square footage per capita. She said she did not think there would be a threshold, but they would need to look at the trends that happen overtime.

McCullough said there was also other factors that needed to be looked at on any rezoning that might have 100,000 square feet such as the location in the City. He said this was one factor staff weighed in their golden analysis. He said that was what staff was proposing in

removing some of the hard and fast, if it reached that threshold, it was an automatic denial by the code, but instead indicate it had to be part of the discussion but it didn't necessarily decide the issue based on the code standards. There might be other things circumstantial that land a lot of support for a development in a certain area or for a certain type of development for example. Staff thought it was important to give the trends, supply and demand factors, and vacancy rates, but remove the trigger that said they had to recommend denial because it reached a certain trigger.

Dever said that made sense.

Schumm asked if the City ever reached 8 percent vacancy.

Miller said the City had never hit the 8 percent vacancy rate since staff had been doing the Citywide Retail Market Report. She said that rate was hit frequently with development proposals when it was assumed they would be vacant.

Schumm asked if Miller knew the current square foot per capita.

Miller said she didn't have that information available, but would provide that information to the Commission.

Dever asked how long had the study been going on.

Miller said she started the study in 2006. Previously, the City had hired an independent consultant two years prior and previous to that there were a few studies that were prepared by Professor McClure.

Dever said the City had been preparing its own Retail Market Studies, biannually, since 2006.

Miller said staff had completed 3 Retail Market Studies since 2006 using the same methodology.

Dever said those percentages were based on the City's studies. He asked Miller that in previous studies, did she recall what those numbers indicated.

Miller said no. She said the previous studies were done using a different methodology.

Dever said so those studies wouldn't be comparable anyway.

Amy said correct.

Dever said everything he read made perfect sense. He said he appreciated staff's work on trying to make things reasonable and appreciated looking at those potential development cases both as a full and/or partially full and vacant scenario because that helped Commissioners make decisions and would be helpful in the future for other Commissioners.

**Moved by Amyx, seconded by Farmer,** to approve Text Amendment (TA-12-00205) to the City of Lawrence Land Development Code to modify the requirements for a Retail Market Study, and adopt on first reading, Ordinance No. 8882, Motion carried unanimously.

5. **Considered adopting Resolution No. 7030, authorizing \$275,000 in general obligation bonds for the improvements at Bob Billings Parkway and George Williams Way and consider authorizing the City Manager to approve a purchase order for design services for Bob Billings Parkway and George Williams Way signal plans to BG Consultants in the amount of \$29,000.**

David Corliss, City Manager, introduced the project.

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

Amyx asked how many vehicles would be using the interchange when it opened.

Soules said KDOT was projecting 5,000 vehicles.

Amyx asked if it would eliminate traffic on 6<sup>th</sup> Street.

Corliss said it would reduce traffic on 6<sup>th</sup> Street.

Amyx said KDOT conducted a public meeting at Langston Hughes regarding this project and the overwhelming question was when the signal would be put in.

Schumm said there would be an event taking place in the area that would require the ability to get north of Bob Billings.

Dever said regarding signalization, were the construction estimates solid.

Soules said he thought the estimates were light based on the bid the City received for 6<sup>th</sup> and Highway 40.

Dever asked how much.

Soules said the low bid was \$270,000. He said this project would be larger because of the geometric improvements.

Dever asked how much of an increase compared to the O'Connell Road project.

Soules said the O'Connell Road project was a larger project because they included the approach and the turn lane was widened. He said this project won't be that large.

Dever asked if it was premature to say the estimates were off and would need to be changed.

Corliss said he recommended trying to design to the budget and let the Commission see the choices regarding turn movements and other things. He said he thought it was a good number, but staff would pay attention to the market.

Mayor Dever called for public comment.

No public comment was received.

**Moved by Riordan, seconded by Schumm,** to adopt Resolution No. 7030, authorizing \$275,000 in general obligation bonds for the improvements at Bob Billings Parkway and George Williams Way, and authorize the City Manager to approve a purchase order for design services to BG Consultants for \$29,000, Motion carried unanimously.

6. **Considered motion to recess into executive session for approximately 30 minutes to discuss possible real estate acquisition. The justification for the executive session is to keep possible terms and conditions of real estate acquisition confidential at this time.**

**Moved by Amyx, seconded by Riordan,** to approve the motion to recess into executive session for approximately 30 minutes to discuss possible real estate acquisition. The justification for the executive session is to keep possible terms and conditions of real estate acquisition confidential at this time. Motion carried unanimously.

The City Commission recessed into executive session at 8:08 p.m.

The City Commission returned from executive session at 8:33 p.m. and resumed the regular meeting. No action was taken following the executive session.

**E. PUBLIC COMMENT: None.**

**F. FUTURE AGENDA ITEMS:**

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

Amyx asked if the City Commission would need to take any action next week on the issue of 1106 Rhode Island.

Corliss said he didn't think so and believed it would be a status update.

**G: COMMISSION ITEMS:**

Farmer asked Chuck Soules, Public Works Director, about the north Lawrence road bumps on Lincoln Street.

Soules said he was drafting the memo regarding that issue

Farmer said he would greatly appreciate that issue being placed on the agenda next week.

Riordan said in November there was the National League of Cities meeting in Seattle and 3 of the Commissioners had interest in that meeting. He said he looked into transportation and it would be difficult to arrive before 11:30 in the morning. He said he thought the Commission should discuss whether 2 or 3 Commissioners wished to attend this important meeting and suggested not having a City Commission meeting the Tuesday before the meeting in Seattle which would allow the Commissioners to participate in the League's activities.

Corliss said the National League of Cities meeting was November 12<sup>th</sup> and started early that Wednesday. He said staff could place that item on the agenda next week to consider cancelling that meeting in order for Commissioners to attend the NLC meeting.

Dever said that would give the Commission 3 meetings in November.

Corliss said correct. At some point the Commission would need to discuss Holiday schedules because Christmas and New Year's Eve were on Tuesday's. He suggested having December meetings on December 3<sup>rd</sup>, 10<sup>th</sup>, and 17<sup>th</sup> and the Commission could schedule a short meeting on the 30<sup>th</sup> to pay bills.

Farmer said he would not be available the week of the December 30<sup>th</sup>.

**H: CALENDAR:**


David Corliss, City Manager, reviewed calendar items

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

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

**Moved by Schumm, seconded by Amyx, to adjourn at 8:40 p.m. Motion carried**  
unanimously.

**MINUTES APPROVED BY THE CITY COMMISSION ON AUGUST 6, 2013.**



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Jonathan M. Douglass, City Clerk