



City of Lawrence

CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM
MICHAEL DEVER

DAVID L. CORLISS
CITY MANAGER

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

6 East 6th St
785-832-3000
FAX 785-832-3405

October 21, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 5:35 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. RECOGNITION/PROCLAMATION/PRESENTATION: None

B. CONSENT AGENDA:

It was moved by Dever, seconded by Schumm, to approve the consent agenda as below. Motion carried unanimously.

1. Received minutes from various boards and commissions:

Horizon 2020 Steering Committee meeting of 09/22/14
Lawrence Cultural Arts Commission meeting of 09/10/14
Planning Commission meetings of 07/21/14 and 08/25/14
Sign Code Board of Appeals meeting of 03/06/14
Sister Cities Advisory Board meeting of 09/10/14

2. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.** Approved claims to 230 vendors in the amount of \$4,634,706.63 and payroll from October 5, 2014 to October 18, 2014 in the amount of \$1,982,053.98.

3. Approved licenses as recommended by the City Clerk's Office.

<u>Retail Liquor</u>	<u>Expiration</u>
Harper Liquor Ram Enterprises LLC 2220 Harper St. Suite C	October 19, 2014
Ten Ten Liquor Maha Laxjmi LLC 1010 N. 3 rd St.	November 15, 2014

<u>Class A Club</u>	<u>Expiration</u>
Alford Clarke Post #852 VFW Post #852 1801 Massachusetts St.	October 20, 2014



4. Bid and purchase items:
 - a) Approved the sale of surplus equipment on GovDeals.
 - b) Authorized the City Manager to Execute Supplemental Agreement No. 1 with Walter P. Moore in the amount of \$18,000 for Project UT1416 – Kaw and Clinton Water Treatment Plant Roof Replacements.
 - c) Approved the purchase of wing plow retro-fitting for snow removal for the Public Works Department to American Equipment Co., in an amount not to exceed \$25,000, utilizing the City of Olathe cooperatively bid contract #14-4398.
 - d) Authorized payment of \$18,511 to the Lawrence Journal World for the printing and dissemination of the 2015 Winter/Spring Activities Guide.
5. Adopted the following ordinances on second and final reading:
 - a) Ordinance No. 9029, exempting the Carma and CarmaHop ridesharing programs for a period of six (6) months from the provisions of STO 69(a).
 - b) Ordinance No. 9045, installing a stop sign on 9th Street at Delaware Street.
 - c) Ordinance No. 9046, adding Delaware Street, from 8th Street to 11th Street, to the Truck Delivery Route Schedule.
 - d) Ordinance No. 9047, rescinding Ordinance No. 8814 that was established on October 23, 2013 that established a yield on eastbound 9th Street at Delaware Street.
 - e) Ordinance No. 9048, designating the speed limit of 20 mph on Delaware Street from 8th Street to 11th Street.
6. Adopted on second and final reading, Ordinance No. 9040, establishing a Neighborhood Revitalization Area at 900 Delaware Street. Authorize the City Manager to execute a Cooperative Agreement between the City, County, and School District on NRA Administration and authorize the City Manager to execute a Performance Agreement between the City and the applicant.
7. Accepted vacation of certain utility easements and dedication of new utility easements shown on Minor Subdivision, MS-14-00415, for Diamond Heights, a Minor Subdivision Replat of Lot 10, Block One, Diamondhead and Lots 10 & 11, Block Two, Langston Heights Addition. The property is located at 6208 Blue Nile Drive, 6304 Serenade Drive and 810 Silver Rain Road.
8. Accepted dedications of right-of-way and easements for Final Plat, PF-14-00143, for Kellyn Addition, located on the northwest corner of Queens Road and Overland Drive. Submitted by Grob Engineering, for Prairie Rose Holdings LC, property owner of record.

9. Authorized the Mayor to execute a Termination of Base Lease Agreement, Lease Agreement and Bond Trust Indenture for the Neuvant House II project.
10. Authorized the Mayor to sign a Mortgage Subordination for Clayton McHenry, 936 Pennsylvania.
11. Authorized the Mayor to execute a purchase contract with 1106 Rhode Island, LLC for the purchase of the property located at 1106 Rhode Island Street for \$90,000, with the understanding that within one year of signing the purchase contract, the new owner will seek designation on the Lawrence Register of Historic Places for the property.

Amyx pulled consent agenda item no. 2 regarding claims for a separate vote.

Moved by Schumm, seconded Riordan, to approve non-Rock Chalk Park related claims to 223 vendors in the amount of \$4,588,249.14 and payroll from October 5, 2014 to October 18, 2014 in the amount of \$1,982,053.98. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Moved by Dever, seconded by Riordan, to approve Rock Chalk Park related claims to 7 vendors in the amount of \$46,457.49. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding Rental Licensing Reports.

Chuck Soules, Public Works Director, informed the City Commission that today was their first day for recycling. The crews did an excellent job and recycled, just today, 50 tons or 100,000 pounds. Hat's off to our crews. Also, Public Work's crews are going to start milling and overlay 6th and Iowa Streets.

D. REGULAR AGENDA ITEMS:

1. **Considered a request to approve a street event permit for the Kansas Half Marathon and 5K to close various streets in downtown and throughout Lawrence from 7:00 a.m. to 11:00 a.m. on Sunday November 2, 2014.**

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

Schumm stated first of all it's my understanding that this is a for-profit enterprise with some money going to Health Care Access.

Ryan Robertson, President, Silverback Enterprises, stated that proceeds of this event, goes to Health Care Access.

Schumm stated, about what percent of the gross take would that be.

Robertson stated that would be 100% of the profits go to Health Care Access.

Schumm stated then they misunderstood. They thought this had a financial component that was a profit component for the company putting it on.

Robertson stated we're contracted by Health Care Access to do road closures, traffic control, that sort of thing.

Schumm stated the caller specifically said they thought the City should be paid for the police services and the medical services because there is sufficient amount of money and they sighted that this is the norm in the Kansas City area as opposed to not paying for it. You can respond to that if you'd like.

Robertson stated I don't really know how to respond. As far as I know with this event, services had always been donated for this event and mainly for the fact that it is a for-profit event. It's Health Care Accesses largest fundraiser for the year. I can only comment on the history of the event, not what's customary in Kansas City.

Schumm stated how many runners do you expect?

Robertson stated right around 1200 to 1300.

Schumm stated do you have any idea what Health Care Access might expect to net off this race.

Robertson stated I do not. We're essentially a traffic control company that is out there shutting down roads. It's what we do all over the country.

Elliott Johnson, Health Care Access, Development Coordinator, stated we were hoping to net profit somewhere around \$35,000 for Health Care Access for the event.

Schumm stated you're connected with Health Care Access.

Elliott stated I'm the Development Coordinator of Health Care Access.

Schumm stated the number is \$35,000.

Johnson stated \$35,000.

Schumm stated is that what you've enjoyed in the past.

Johnson stated it's down from the past. We were part of the 3 series half marathon last year and it was in spring. We had a lot of change happen this year so we moved it to the fall and it's not part of the series so it's just the one-half marathon. We're expecting lower attendance.

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

Schumm stated, what is the normal procedure for supplying police for the duration of the run and do we normally charge for that?

Thiel stated it depends on the event. Normally, for-profit events such as the color run that was held last week would be 100% reimbursable. We are in the process of preparing an invoice to that organization. You all have in the past, donated services for some events and some events have not even requested that that were non-profit type events or charity fund raiser type of events. Typically, we require that for 5k's and small things, but it's a mix and it has gone both ways.

Amyx stated in the past, the monies that we used on this has been from guest tax, correct?

Thiel said that would be correct.

Schumm stated you say you're going to have 12,000 half marathoners or is that everybody.

Johnson stated that's everybody.

Schumm stated what's the cost for the half marathon?

Johnson stated the registration cost is \$65.

Schumm stated and the 5k is how much?

Johnson stated \$40 and that's been scaled up since June when we opened registration.

Amyx stated how much is the gross?

Schumm stated about \$60,000. If you take an average of the 2 x 1200 is \$60,000.

Amyx stated okay.

Schumm stated here's what both callers said and they were unrelated to each other and one was two different sites and I'm sure they weren't connected at all. They're concerned about charity events that aren't as charitable as they could be and they were asking for more transparency. I don't know if you do that with a final report, with an income statement like docket or have to show the gross, expenses and the net. I don't think that's a bad policy to have for any of these charitable races, especially if they tag a for-charity bi-line on the event. It's just being very transparent about the whole situation. I wouldn't be opposed to that. I'm not suggesting that this is not a worthy event, it very much is and so is Health Care Access, but there are people who are concerned that just in general about the type of presentation that this makes that it's a charitable event and indeed if your gross is somewhere around \$60,000 and you've got \$35,000 going back to Health Care Access, that a difference of dollars there and it very well could be that there's that much cost involved there.

Amyx stated so is it something you want to look at with these organizations, greater participation in covering the cost of such event in the future, starting now? What is the deal?

Schumm stated where do you start? I don't know, both people were adamant that we should be charging for our City services and then both of them said that they thought it should be all these types of events should be more transparent.

Dever stated I remember this half marathon being the brain child of Health Care Access as the primary fund raising opportunity. I don't think this is a private company trying to tap with a non-profit. This was created by Health Care Access to generate revenue and a couple of years ago we talked about trying to charge them for their services. I remember being on the Commission and they scoffed at that because basically we're taking money out of their pocket and we're just going to have to somehow come back in and pay it out some other way. At the

time the City rarely charged for any sort of assistance for these types of events and I think we started a program where we started charging people and try to have more accountability and I think that's a reasonable thing, but just to remind everybody this has historically been solely a fund raising opportunity for Health Care Access, something that we benefit as a City from having healthier citizens and of course lowering the cost of our contribution to that organization to help it maintain its ability to serve. I agree with you. I think accountability is good. If we want to ask for that, I think that's reasonable, especially if it's a non-for-profit entity, but I want to make sure we understand this is not a bait and switch situation where somebody's coming in and trying to throw the additional revenue to a non-profit. This is all about raising money for a non-profit organization and it always has been from my understanding.

Amyx stated we did have quite a bit of discussion as to where the money was going to come from because it attracts quite a few visitors from out of town. It was something that was appropriate to be looking at transient guest tax money.

Schumm stated it's my understanding that Health Care Access use to run this their selves and for one reason or another they decided to sub it out to a contractor, basically is what that is. That's the genesis of it.

Dever stated it's grown, expanded an encompassed more people and lucky it's been more successful because it raises more money, but as any event gets larger, we're lucky to have a professional group in this town to help us with this. They do it all over the country and I think it's reasonable to help local business generate income as well if their professionals and Health Care Access is not capable of doing it themselves. I agree with you, if we want to ask for documentation, I think that's reasonable.

Schumm stated I would say that I'm fine with waiving the fee for the police and medical if indeed we can get a financial report when it's over to see what we're dealing with, not just with this, but any charitable event where we're asked to give services. I think that's a reasonable request.

Farmer stated what are you looking for?

Schumm stated transparency.

Farmer stated well sure, but are we going to be the judges of \$60,000 event if in fact that's what it is, \$25,000 goes to cost. All of those documents then become public record. It's different than running a business. I know Kim Polson knows this, being a Director of a non-profit. We get slammed all the time for our overhead being more than 10% and I'm saying not our being Just Food, but overhead in non-profits being more than 10% and if it's up above that, the people are certainly frustrated that you're spending too much money on salaries. I don't have any skin in the game here because we're not going to ask the City to waive any services any time soon because we don't have any events that would do that. From the non-profit prospective, I'd be curious to maybe here from you. I think that for me, all of that leads to the public to say "You're making \$60,000 and \$25,000 is way too much" and jumping on Ryan's back saying "charge way less" and he can't because he has salaries to pay, too. I just think we get into a really dangerous and slipper situation there. I'm not against it, I just saying that's the other perspective. Non-profits don't get enough credit for what they do and their staff works their ass off to try to make sure that events are run in a good way. For us, we have 3 full time staff members, you don't have that many full time staff members, you want to try and do it with your own staff if you can, but ultimately there comes a point when you can't because what you're spending with staff time and resources their taken away from the jobs their supposed to do to get people well. I'd be curious to hear what you think about that.

Kim Polson, serving as the Interim Executive Director of Health Care Access, stated one of the things that we hear over and over again is avoid duplication of services, find those people who do what they do best and work with those people and for us to try and put on this type of event to raise this type of revenue for Health Care Access would not be possible because we're in the business of taking care of patients. That's what we do. We need to partner with organizations like Ryan's organization, other businesses in town to work with them

to do what they do best and result in revenues so we can take care of our business. It's true that Johnson puts a lot of time and energy into this, but we cannot do this on our own with one Development Coordinator who is working on everything that we do. We try and make sure we run a very lean machine with Health Care Access in terms of our staff so when we need to pull an expertise, we do so.

Riordan stated there's a definite segment of the population that has doubts about the veracity of these types of activities. I feel pretty comfortable with the fact that this is a non-profit group that's using a profit agency so they can do this because they couldn't do this otherwise. If you create a situation with transparency where you have people do it and people can look at and find out what they're doing, if they want to complain about it, they can complain to the agencies, but I don't see anything wrong with a non-profit asking somebody to come in and help them run this type of thing. That's very reasonable to do because they have the expertise to do it and the agency doesn't, this happens all the time. I would think in the interest of transparency that we create a situation where if somebody wants to waive the fee, they have to verify that it is a non-profit and that it is reasonable and it came before the City Commission and people would be able to look it up. I don't know that we need to necessarily put it on the website, but I think it should be available to people. I don't see that as a negative thing. I don't think it's anything bad that Health Care Access is doing by providing this service a lot of people will get the ability to run, get motivated to run ahead of time. We're encouraging them as a City Commission. I don't look at it as a negative thing that it's a for-profit group that's running it for them because it is the proceeds for a non-profit. If people want to criticize them for doing it, I'd say let them do it, but I don't think from a business sense makes good idea for Health Care Access to run it because they have no expertise. I would be for some type of transparency, just very simple and direct staff to create a method that when they want us to waive fees that they do so and they provide certain amount of data and it can be judged that it is for a non-profit and it's reasonable.

Amyx stated what had the cost been in the past to operate this event?

Thiel stated the estimated donated services for this year's event are approximately \$8,200 between Lawrence Fire/Medical and Lawrence Police Department.

Amyx stated the big thing that I see here is that I supported the half marathon for as long as they've been doing it and there is a cost involved. We do provide services. That's what we do and we do a pretty good job at it. It's our responsibility to make sure those visitors and residents to our community are safe with any type of event like this. Is this an item that warrants a stronger look, possibly. Bob, I guess I didn't hear from the same folks that you did today. The truth of the matter is that a lot of these people probably spend that much in sales tax by coming and visiting restaurants and everything else in Lawrence Kansas. The big thing I see is that this is an event that we have supported. There is a cost involved with the service we provide on a regular basis and is an important event. Is this an important event, where is \$35,000 that we're not having to go through our budget process in funding Health Care Access? This is an amount of money to pay, but it's for the services we do best. I would continue to be in support. If we want to look at a later date and an opportunity of having a general discussion about the examination of these events that come before the City Commission and maybe a better way of outlining what that transparency ought to look like, that's fine. I'm not sure we should start it tonight. I appreciate you raising the questions tonight, but I'm not sure we pick Health Care Access as the group that we hit first.

Corliss stated one thing that I would point out is here towards the end of the year, what we do is ask the department what their cost have been related to these types of events, whether it's been basketball, football, running events, or the horse parade, all of those things in many cases we've donated services and then we present usually that tally to you and then we have funds in the guest tax fund. We then make an allocation from the guest tax fund or essentially reimburse the general fund where are Police Officers, Firefighters and Public Works Departments salaries are paid for. Here toward the end of the year you're going to get an

opportunity to see all that again anyway and you can see the magnitude of the dollars and the different events. If you desire to change a practice or policy, we'll obviously take your direction on that.

Amyx stated is it appropriate to look at that as a regular agenda items?

Schumm stated I'm going to stick with it and will make a motion just for the financial report card, if that fails, we'll do it at a later date. If it goes then it goes and we can approve the other if that's alright.

Amyx stated let's make a motion to approve the street permit event and you can do it as an amendment. Is that okay?

Schumm stated that's fine.

Moved by Farmer, seconded by Schumm, to approve a street event permit for the Kansas Half Marathon and 5K to close various streets in downtown and throughout Lawrence from 7:00 a.m. to 11:00 a.m. on Sunday November 2, 2014, and approve the donation of City services from Fire/Medical and Police Departments. Motion carried unanimously.

Moved by Schumm to amend that original motion by saying that any organization that receives a waiver of Police and Fire/Medical and other City services needs to submit a financial report after the event is over showing the gross sales, expenses and the amount returned to the charity.

Amyx stated I'll second that so that we can have a vote.

Dever stated I thought we're going to do a comprehensive study or is this rule going to be in place if we approve this.

Amyx stated I'm sorry, but I did not understand. Are you talking about tonight forward?

Schumm stated yes.

Amyx stated I'll take back my second, I'm sorry. We're going to address it toward the end of the year for 2015. The motion died for lack of a second.

2. **Considered approving a right of way permit for First Construction, LLC, to partially close a portion of the 800 block of New Hampshire Street and to partially close the 200 block of East 9th Street for a 24 month period for the construction of a building on the northeast corner of the intersection of 9th Street and New Hampshire Street.**

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

Amyx stated the waterline that's going to come down New Hampshire Street, is that going to be the fencing and be similar to what happened to the waterline project that was on Massachusetts Street.

Thiel stated the fence where it's currently shown on the map will just move west all the way to the curb line which would allow the sidewalk to be open, but no street access.

Brandon Rapp, First Construction, stated correct.

Amyx stated so the entrances into the parking lot on the west side of the 800 block, one of those entrances are going to be opened at all times?

Thiel stated yes. They've been required to sequence the waterline construction so that while they've got one entrance closed, one's open and they'll have get the pavement restored and then move to the second phase to make sure they're open.

Amyx stated where are the construction workers going to park?

Thiel stated as you see on the map on of the other compromises that was asked is can we not have contractor/subcontractor parking in that lot? First Management has agreed to make that a stipulation of their staff and their subs to not park there and try as best as they can enforce that when they know vendors are there. The City has agreed to sign both entrances to that lot that will say no construction parking.

Amyx stated you'll make sure that they understand that it's just not going to be there.

Thiel stated we talked about some other locations for them to park. We will work with First Management to identify places for their workers to park so they don't just bleed into the neighborhood and create another problem there.

Amyx stated I definitely think the parking assigned to the small businesses on the northwest corner of 9th and New Hampshire is an appropriate deal, but it seemed to me if all the construction guys are going to be parked in the rest of the parking lot and it didn't do anybody any good so I'm glad you're on top of that.

Schumm stated there's another parking lot that the bank owns at Rhode Island and 9th Street, on the northeast corner. Have we talked about trying to procure that space on a temporary basis for the replacement of some of the parking that we're going to lose? It looks like we're going to lose about 17 spaces on this footprint or that parking lot can be used for the construction workers that can be leased from US Bank.

Thiel stated I don't know if First Construction has done that yet. Robert Green is also here from First Management. That lot is currently used for overflow parking for the Farmers Market on Tuesdays and Saturdays.

Amyx stated we've secured that property before as part of one of the last agreements that we did.

Schumm stated there are only about 20 spaces in there.

Brandon Rapp stated we don't intend to use that lot at all. Is that what you're asking?

Thiel stated can you contact the owner then.

Rapp stated yes, we can do that.

Schumm stated let me be clear here. Construction vehicles are going to park somewhere and we want to be careful not to be parking in the neighborhood or in the general public lot. So where would they park now unless you have another lot.

Rapp stated in working with Thiel, we've talked about on the other side of the river or clear out at Tanger Outlet Mall. What we can do additionally is furnish ID stickers for all the vehicles so if they do start to filter into the downtown neighborhoods, we'll know who they are so we can rectify that right away.

Schumm stated my experience with construction is that they carry a lot of tools with them and they want to be close to their tools.

Rapp stated that's something we can definitely work through.

Schumm stated if you're not interested in that lot, could we not ask if the City could procure it on a short-term basis for the 17 spaces we're going to lose. It's going to get congested with the construction activity.

Corliss stated I think its US Bank's lot and they did work with us on the Farmer's Market overflow and we can talk to them to see what their plans are for that lot. We can make that part of the conversations. We don't control it.

Schumm stated I understand, but even though it's the Farmers Market overflow lot the more parking that we can find in that area, it helps the Farmers Market as well. It helps everybody. We're going to lose 17 spaces it looks like and if we can pick up another 20 or so in the area that would be pretty good.

Riordan stated other than closing the entire street for the waterline, do you anticipate closing the entire street for other reasons?

Rapp stated not the entire street, most likely just half of it where the construction project is. It would go up to the crosswalk and south down to 9th Street.

Riordan stated the 7 spots that are there, I'm sure will be delineated. If somebody puts their money in, walks out and goes to the other areas of the City and don't go into those businesses, what are we going to do? What if they don't follow the signs, do we have any responsibilities for those companies and is somebody going to tow them? I don't want us to get in an argument with citizens of Lawrence, but at the same time what are we going to do.

Corliss stated our thought is that most citizens will probably respect that and those that don't, we really don't have a very good mechanism to deal with that.

Riordan stated I just don't want the companies to expect us to come up and force something.

Corliss stated it's going to be an honor system situation. I suppose we could probably get more sophisticated, but that would be something that we traditionally haven't done in this situation.

Thiel stated at our meeting on Friday that was expressed to those businesses that it would be an on your honor to respect those signs and there's not really anyway the City can enforce it so they did understand that.

Riordan stated I assume most would.

Amyx stated during the time of the waterline and even though there's going to be one entrance open in the west side parking lot at all times. On the east side the parking lot that's just north of the site where the Farmer's Market is on Saturday, that's going to have to be closed, correct?

Thiel stated I don't know if they've decided how exactly to come past that entrance onto New Hampshire, but that parking lot has access from the alley off of 8th Street and also through this parking lot off of Rhode Island. In essence there's 3 access points to that parking lot. We will try to work with First Management to try sequencing the waterline so they at least have half of that access onto New Hampshire, but I'm not sure.

Amyx stated timing wise of this waterline, when do you expect to do this?

Rapp stated we anticipate doing that right at the beginning of the project.

Amyx stated what the last day of the Farmer's Market is.

Someone stated November 22nd.

Amyx stated here would be my plan, let's have it done after they close and before they open in the spring.

Rapp stated I think they open back up in April.

Amyx stated that takes care of the problem of the access on the street plus all of the employees in the public parking that's there. The rest of the time I think is important. That ought to be a condition that it's done during that timeframe, fair enough?

Rapp stated yes.

Farmer stated I think it's important to say that we're still getting emails from people telling us not to shut down New Hampshire Street completely and so I want to remind folks that we're not shutting down both lanes at New Hampshire Street for two years. I'm still getting emails about that this afternoon.

Amyx stated Thiel's done a very good job of working out a plan where we're going to have two-way traffic. The only thing is if we do this waterline as part of this project or we do it on our own because it's going to have to be done as the Utilities Director said yesterday. It's been looked at for quite a while as being something that has to happen.

Corliss stated we like the cost of them doing it.

Amyx stated there's going to be a time that we're going to have to deal with that waterline.

Mayor Amyx called for public comment.

John Pendleton, Lawrence Farmer's Market Board, stated we all understand the Lawrence Farmers Market will be affected by the construction of this new building because we're already affected by the current construction. We will lose market vendor stalls and have a decrease in customer parking as well as an increase in the difficulty of the general access to the Farmer's Market. Personally, my farms both will be one of the 8 vendor stalls taken by the construction footprint, but I'm comfortable with the proposed plans the market has made to assure the vendors that are dislocated with a guaranteed spot at the market. The proposed lane closures and the elimination of street parking during the construction of the new building will of course make our customer parking more of a challenge. Whether this challenge is real or perceived, the general public will most assuredly see it as real. We would like to ask the City, First Construction and First Management to help in the marketing of the Farmer's Market and the neighboring businesses during this construction time. It may also be a perfect time to discuss enhancements to the lot which has been the home of the Lawrence Farmers Market for

quite some time. We the members of the Lawrence Farmers Market look forward to the completion of the building. In discussions with First Management, they have pledged permanent restrooms and a storage closet for the Farmers Market. We imagine the building will be as much asset to our Farmers Market as we are to their new tenants. We ask that all involved to maintain the quickest and safest timeline to complete the project. The Lawrence Farmers Market hopes to continue to have an open conversation with First Construction and the City of Lawrence as the project develops and would even suggest possibly monthly discussions with all the parties involved.

Jose Lopez, Cielito Lindo, stated the waterline is under the sidewalk because a couple of years ago the waterline broke and it was right by the tree. I don't know if you guys have to close the sidewalk too for 3 weeks or more weeks.

Amyx stated I don't believe so I think we're planning on leaving all the sidewalk open. What we're talking about is the big waterline main that's under the street. It's not you're individual line that comes up to your building. Was that the one you're talking about?

Lopez stated we saw the big pipe running through the sidewalk so I don't know if it's the same one.

Amyx stated will ask so we can get a straight answer to that, okay?

Lopez stated okay. Do we have an allowance? Do we get water from somewhere else?

Amyx stated you're always going to have water.

Corliss stated what we do is we keep the existing waterline in service. The new waterline is built and tie-ins are made so there is a little bit of disruption in service. We try and do that with adequate notice so that you can claim business. We also try to do it when it doesn't impact your business. Any number of different things will be part of that tie over to the new water line, but the disruption that will occur will be measured in hours.

Jose stated can they keep both lanes open during the weekend? If they have to, they can work Sunday through Thursday and leave it open for the weekend.

Amyx stated the goal is to have the two lanes open at any time except for when we're doing the waterline. Is that correct?

Corliss stated that's correct.

Amyx stated so only during the time that we have the waterline. We're still going to have access to the parking lot that's just to the south, from the north end or from the south end. One of those openings is going to be there, okay?

Lopez stated okay.

Lynn Walker, Owner of the Fix Salon, stated we're one of those business on the corner that they were talking about is going to be directly related to the loss of the parking and the streets. I know the plan that they submitted to you tonight. It's much different than what they were going to do before we met with them on Friday. I appreciate Thiel and Rapp for meeting with us and hearing our concerns because they took everything we were saying into consideration. I know Mr. Schumm was talking about the fact that he believed it was 17 parking spots. I think it's probably a little bit more than that because directly across the street from us in the northbound lane on the east side of the street, those were all 5-hour metered parking spots as well so we're losing all of those on that side of the street. We would really appreciate your consideration in marking those spots for us. Yes, we do realize that not everybody is on the honor system and will obey the signs, but this at least gives us a better chance. You're saying you're getting emails today still. We have clients calling concerned about how they're going to access us and be able to reach us. It would be great for us to be able to tell them, don't worry the roads are going to be open. We will have designated parking for you. In my business being a salon, accessibility is everything as it is for most businesses and if they can have the construction workers parking elsewhere that would be of a great help as well. We appreciate to that as soon as they can move the fences back that would be great and notification. We were not notified of any of this that it was going to start up immediately until we all read about it in the newspaper. If we can know right away when the roads are

going to be shut down for the water, that would be great and that way we would have an opportunity to tell our clients and the people coming in. Another thing that was suggested at that meeting which would be great is putting signs on some of the fencing that our businesses, even though the roads are closed are still opened for business. We're not going to be close just because of construction.

Sherry Bowden, Z's Divine Espresso, stated I'm very grateful that we've found an alternative to the permanent street closing, but I also want to emphasize that any street closing whether it's a partial closing or a full closing for a week, a month or a year, severely impacts our businesses and the closures that we've had on south New Hampshire since that hotels been under construction. I can show you by the day with those streets closed what that did to my business and have suffered severe revenue losses during the construction of the hotel at 9th and New Hampshire. Now to know that we're going to be going through this for another potential two years is really kind of frightening because quite frankly if we have the kind of impact we've had with the current construction project, I'm not sure we're going to be there in two years. People don't like to come into an area that's under construction, the debris, the dirt, the noise, everything that goes with a construction project is really a negative to the surround businesses. I don't know that anything can be done about all that, but I just want everybody to be aware, I know you are, but this is the 3rd major construction company on one intersection that the businesses around there had to deal with, endure, and try to hang in there because we know it's going to be good in the end. We're all excited about the eventual conclusion of these projects for what they bring to the downtown area. We're really impacted in the meantime with people avoiding that area because of all of the construction. The parking lot and the two way streets will be a big help. We just need to really work together to make sure that we can maintain our business while this, hopefully last project, takes place.

Amyx stated so we need to buy more coffee.

Bowden stated absolutely.

Amyx stated Lynn and I share the same kind of business and we do understand the impact. Anytime that traffic routes are change, parking is taken away, fences are put up, and all that fun stuff. Commissioner Schumm, I, and other Commissioners have had businesses where fences were up all summer and it is an impact. We'll look after you and make sure everybody gets through, okay?

Schumm stated one of the speakers asked that weekends both directions be open. Is that something that you can certify that that will happen?

Rapp stated that's not something we can make happen due to the crane and construction equipment that are going to be parked there adjacent to the construction site.

Schumm stated so there may be weekends where there's one lane closed.

Rapp said there could be some times where we could open those lanes up for events like we've done over at the Marriott, but for the most part that will have to remain closed due to crane activity in that lane.

Schumm stated so I didn't want anyone to leave with the wrong idea here tonight.

Amyx stated we're going to have two-way traffic, right?

Rapp stated we're not going to be able to pull it back and open it back up.

Robert Green, First Management, stated you'll always have the two lanes through the weekends.

Corliss stated even through the waterline construction.

Green stated no that is the only time that you won't have two lanes and that depending on the scheduling may affect one weekend, possibly two weekends. We think it's going to take 2 to 3 weeks to do that work.

Schumm stated what is the projected amount of time it takes to put the waterline in?

Green stated were estimating it's going to take 2 to 3 weeks. There may be 2 or 3 weekends that part of that will have to be closed, but 95% of the time, you'll have two-lane traffic down that street.

Riordan stated it's nice to see when First Construction and the City staff can get an agreement that people are happy with. I think reasonably happy with considering this construction. I congratulate both areas on getting something that allows traffic to get through both ways except for the time that the waterline is put in. That's a nice thing to see the public made a point, it was responded to, and now we have something that works.

Schumm stated the other thing to consider too is that there's going to be more people in the area eventually who were going to drink coffee, need haircuts and buy vegetables. Long-term, it's a win/win situation. It's difficult and we've gone through it before with the waterline replace through the whole downtown. It's amazing how resilient people are to construction as long as they know it's moving along and they're going to be accommodated. I know it's difficult, but they do hang around. They do get things done.

Amyx stated we're very fortunate in our business and in the coffee business people go out of their way to come see us. One of the things that's important is that the timing of this project when this fencing can begin. We don't have building permits issued. When is the appropriate time when fencing can go up? I don't want to have a project that's going to start with a fence but there's not going to be activity.

Corliss stated Rapp or Green can speak to this, but I think its staff's recommendation that the fencing, any lane closures, and the convenience that we're going to experience doesn't start until just a few days before actual demolition and then construction starts. We don't want a situation where fencing is up and nothing happens.

Green stated we understand in conversations with Thiel that we'll be able to put the fence up when we're issued the building permit. As soon as we have the building permit is when we'll start. The fence won't be up there before we have the building permit from the City.

Schumm

Moved by Schumm, seconded by Riordan, to approve a right of way permit for First Construction, LLC to partially close a portion of the 800 block of New Hampshire Street and to

partially close the 200 block of East 9th Street for a 24 month period for the construction of a building on the NE corner of the intersection of 9th Street and New Hampshire Street with the right of way permit being issued with the approved building permit; and, approve reserved parking for seven spaces in the city parking lot #4 on the southernmost area of the parking lot for the businesses located in the building on the NW corner of 9th Street and New Hampshire Street, Monday to Friday 8:00 a.m. to 5:00 p.m.; direct staff to procure the parking spaces; work out the necessary language on the construction workers parking and also possible signage along the fence; direct people to retailers; and, direct First Construction/First Management to market for the Farmers Market. Motion carried unanimously.

3. **Considered a request to revise the Preliminary Development Plan, PDP-14-00183, for HERE @ Kansas, located at 1101 & 1115 Indiana Street to reduce total parking spaces provided for the project from 683 to 583 (all 100 spaces requested to be removed are located within the onsite parking structure) and to affirm staff's interpretation of the plan that the structure complies with the maximum height allowed per the zoning district.**

Sandra Day, Planner, presented the staff report.

Schumm stated do you have an elevation of that building at hand.

Day stated not on hand, I'm sorry.

Amyx stated do you want the corners, Bob. That's where the elevation question is, right?

Day stated yes. It's the lowest point on the site and it's just for short duration.

Schumm stated it's not higher than the rest of the building.

Day stated no.

Jim Heffernon, HERE @ Kansas, stated a couple of things I wanted to bring to your attention. Again, any kind of analysis or comparison to other local developments doesn't take into consideration the fact that this is a very unique mixed use project. There is no precedent as it related to this. I understand you're getting comments from other developers and things. I look at your long-term land plan and I find it a hard place to find anywhere where you can get

this kind of density anywhere in this neighborhood. This is truly an unprecedented project that will not have an equal or replication of it. A vote for us is not a vote for anything else because if another person can find a project that could put 624 beds on 2.5 acres in the right spot that has all that public transportation and road improvements, I think they should get a parking reduction, but I don't think that exists. The other thing I want to make sure, but it wasn't really articulated in staff's report, is the actual unit mix which I think is very germane to the discussion. If you recall, staff's report said that other communities with larger units have other qualifications for the beds to parking ratio and 70% of our 624 beds either fall within a 3 bedroom or a 4 bedroom. If we just kind of run through the numbers, you can see we can accommodate our 56 bedrooms with a 100% coverage, we can cover our 2 bedroom units with 100% coverage and then our 3 bedroom units we can cover with 2.5 spots and the remainder our 4 bedroom units is 2.52 that will allow for the 477 and 624 beds. If you look at it from a logical perspective, the most expensive units in the building are the 1 and 2 bedroom. Obviously, the more bedrooms in our unit, they're sharing more common space. The kitchen area and the living rooms are the same size so you're sharing more common space. It came to my attention too in looking at your 2006 ordinance that you have 1.5 cars for a one bedroom. I never was clear, but you can certainly put on the record that our leases will not allow any more than one person per bedroom. It's single unit occupancy in any bedroom so a one car for a one bedroom that all that would be allowed in the apartment. We will only have 624 residents and we're not going to allow two kids to share a bedroom. Our 4 bedroom unit had 4 bedrooms and there's going to be one person in each bedroom. There's no room for double dipping and increasing the amount of man per building. That would be a violation of their lease. If we just take the line item because the majority of units almost 59% of the units are 4 bedroom units. I just said okay, what does the number looks like even within that category itself. If you look at it even further you can say well we can accommodate roughly 14% at 100% of those units, another 24% at a 75% level and the remaining 50% which is basically 2 to 1. The overall ratio

for the whole building is for every unit, 1-4 bedrooms, we had 2 spaces. You can slice and dice this, a number of different ways, but if you actually look at the numbers, it's very symmetrical. Our lenders have looked at this very thoroughly and they have the most at risk here and it is their experience that tells them this line item is a total waste of money in a project that is brought with a huge amounts of risk because of its sheer size, a lot of money's involved and the fact that it's so unprecedented. There saying there's so much risk here we know there won't be this kind of demand here and we know it's a waste of money. We don't want a project that's not efficient. That's the reality we find ourselves in. As it relates to density in staff's report obviously we know that the neighborhood plan called for density here. Density is a good thing. It is a green idea, provides a sense of community not only for the neighborhood, but for the University in terms of a lot of pedestrian traffic when there's density. The nature of this type of a project is that the cost structure is completely different as was evidence by Commissioner Dever, last time we met, you can't just go out and buy another acre here and asphalt and put the 106 spots in like the vast majority of the other projects. The site, because it was in the neighborhood plan it was selected because it was on the edge of the neighborhood. It is very specific to where they wanted density, as close to the University as possible. We as developers trying to anticipate leasing demand, we know we have 76% apartment ratio for our residences, 477 spots for 624 beds. So what happens to those other spaces? Well we know there won't be any demand there. We've also created a situation where we put 108, the staff's report was referring to our old plan and there was some questions as to whether that number would actually be reduce, it actually went up one space. When we submitted our public improvement plans and when we got to that level of detail, we were actually able to find one more space and we actually have 108 spaces, one more that was represented in the staff's report. We've insulated the entire project with metered public parking. Our residents won't be able to park there and stay there over night or more than several hours, 2 hours at a time. So they're not going to be able to park there and if you are all familiar with the area, they can't park

at the stadium so there going to have to go to the other side of the stadium or if you go to the east or the south you got more University parking so there's a lot of permanent parking if they want to buy a permit or if you go east there's tremendous topography. These kids are faced with a choice. If I really want my car here, this place isn't for me because there out of spaces and I have to park 4 or 5 blocks away. The kids won't do that, they'll go somewhere else where the parking is easier and we'll lease it to someone who doesn't need the spots. We've made our situation where if you want your car so bad and we're out of spots we will either say, do you have a car and do want to live here you sign it right away or if you wait and we run out of spots, you're out of luck and you're parking your car 4 or 5 blocks away, how convenient is that? I'd say this place is not for me. We know statistically that we're okay. The staff report referenced special standards for mixed use, downtown areas, and the edge of campus. Also, last time one the commissioners mentioned if you are familiar with downtown parking exceptions there. This is your first mix use project and it's the same level of thinking. When the MU district was created there was really no study of the parking that was associated with it, you just put on what was there for everyone else. You created a new district without any consideration as to what the parking requirements in a real world situation actually looked like. Most communities have a lot of reduction for parking near mass transit. KU represented that this site is the most connected mass transit site of any site in your entire community, 187 buses go by here from about 7:00 am to 7:00 pm, Monday – Friday when school is in session. It's unprecedented access to almost anywhere in the City you want to go via the bus. There's a reason not to have a car. The facts are supported not only by our experience as developers, but our capital partners that don't feel there's any risk there. City staff has confirmed that they're an objective source of information. KU has also, with their understanding of kids behaviors, specific to this area, are also saying that it's okay. The other communities from their collective experience say that your reporting has something that doesn't exist in other communities, this one to one ratio on mixed use projects of this scale. However, we are very

conscience of those letters that you've received from the Oread Neighborhood and I bet you've received some calls about concerns. You're referencing a big parking problem. It was addressed in the Oread Neighborhood Plan nine years ago and it's still a problem today. We didn't create it and we're contributing to it, we're just stuck in it. The biggest thing that wasn't really elaborated on in the staff report was this idea of the commuter parking. You guys I know are assessing that. When you're competing with free parking options when all these kids from all those other areas that we studied, if you actually fixed that problem and had some sort of solution to that, this whole problem would be better far more so if our project came or went. If our project doesn't happen, this problem will still exist. We, as a potential future resident and member of this neighborhood, we would like to become a future member of these associations. We hear that loud and clear. We would be on record as potentially the largest property owner in your community on record as saying that's a good idea. That's consistent with our understanding in having this permanent parking around the university. Those cities that do not have it, have the exact same problem you do. We would whole heartedly encourage you to really fix the problem and not say not to a project that is significant and unique as this one. We all have a lot at stake and your vote tonight is critical. As a developer, I have a lot of money to lose. The current owner of Berkeley Flats has elected not to lease their space in order to meet our time frame in order for us to purchase the property and should be open to our timeline of fall 2016. They have a lot to lose because they've taken a big risk. What is most important is that you're voting to either to have the most significant off campus asset that will benefit KU, your single largest, most important economic engine of this entire community. They support this project because all the big universities have project like this. They help retain students and they help attract students because students are getting harder and harder to find. Right now we're where the demographics of those kids going to school are on a downturn and hence everyone is struggling to attract kids. This is in a very public area, right across from the stadium. The 20,000 kids that go to KU, seniors from high school every year will undoubtedly

see this building because of its size and its location. Our amenities, the first floor, we have the opportunity to bring some really unique retail to your community that you don't have right now. It will be an amenity to us and our residents; an amenity to the Oread neighborhood; an amenity to the students of KU; thousands of visitors every year; the faculty; and, the general residents of the region. The City has a lot at stake as well. There are a lot of family supporting jobs associated with this project. This project brings a level of sophistication and uniqueness that is unprecedented your community. You'll have the first robotic parking and that will be a national story. It all comes down to 100 stalls. There have been comments about "a big project like this, what are a hundred stalls, they'll do it anyway." Their capital partners are saying 100 stalls, we know it's not necessary and it's a waste of money, but show them why. If you can't figure it out, they don't care. I hope the neighborhood will understand that we're not contributing to this problem we want to be advocates for fixing it. To the degree that our project will not add to it, we will add a tremendous asset.

Schumm stated Mr. Heffernon, help me with the logic here. You're suggesting a one bedroom apartment needs one car, a two bedroom apartment needs two cars, but a three bedroom apartment will only have 2.5 cars and a 4 bedroom apartment would only need 2.52 cars. If you're renting these rooms to individuals, why would 4 people in a 4 bedroom apartment have less cars then one person in a one bedroom?

Heffernon stated it runs very similar to a household. If you're a single occupant of a home, more than likely you'll have a car. I've had 5 kids, but I don't have 7 cars. The same simple logic applies. These kids sharing a car in your own apartment is a very well documented idea as is evidence by why the other big 12 communities and many others have a sliding scale for these bigger units. It's just a function of the way it is.

Schumm stated how are you allocating your parking spaces since you're going to have less than 1 per bedroom? Are you going to sell these in addition to the lease?

Heffernon stated yes. There will be a cost to these, these aren't free spaces.

Schumm stated that will either be a deterrent for a person who wants to bring a car to your site or it would force that person to maybe park off-site.

Heffernon stated or select another site.

Schumm stated that's true, that's a 3rd option.

Heffernon stated I think that's the most logical, to be honest with you. The robotic parking will be a level of service that you can actually call your car with a smart phone, but that's not for everybody.

Schumm stated what do you charge for a parking space.

Heffernon stated the metrics to that are functions of so many variables that have yet to be determined. Electricity is a huge operating expense in these parking garages. We have not done all of the calculations for all of that. The cost involved in this space is not only the cubic capacity of the garage and the earthwork that you talked about last time, it's the system itself. There are a lot of fixed costs to that and there's incremental cost for each space, then there's the physical operating cost. We recognize we're competing against free spaces. There'll be a reason for kids not to want to bring their car or go somewhere else.

Amyx stated Mr. Heffernon, you were talking about you were only going to have one person per bedroom. How do you keep overnight guest out? Everybody has visitors.

Heffernon stated there will be very specific terms in the leases on what constitutes a visitor. The duration of their stay will certainly be one of many. Someone staying for one night is a lot different than someone that stays a week or a semester and that will not be tolerated. That would be a gross violation of the lease. These leases are all parental guarantee with severe economic ramifications to their parents.

Mayor Amyx called for public comment.

Rene Diaz stated I see this every day. It's wonderful to see this in the virtual world at a distance and to see that everything is going to go smooth, but the fact is the cost of these units and the student who can afford a unit like this, versus units who rent and houses all around me,

is quite a difference. The Varsity House seems half empty to me. I can't testify to that for sure, but I think right now the cost at the Varsity House is like \$700 a person for a double and most students are used to paying roughly \$400, piling up in houses all around us with some violating those boarding house rules, violating the 5 relationship rule. There's a lot of issues that go on. There are students that camp out with their friends almost a whole semester. They go into the basements. All of that generates the dynamic of cars. It generates cars like crazy. I've never been able to entertain groups that I'm involved with or socialize with. It would be impossible to have a group to our home of any consequential size other than two couples because they can park in my driveway because I have the only driveway. I'm also one of the last Mohicans in that stretch from 9th to the Oread, to the campus frankly. I think there's one other homeowner that lives on the other side of the street, all the time I've lived there. All the rest have become landlord owned houses and so dumping another 100 automobiles in spite of all the good intentions of the developers onto the street, there's no doubt in my mind it will create a kind of a messy dynamic so it raises lots of questions. There are more questions raised by this whole project than things that are answered. Comparing this to Jayhawk Tower, I don't think is an adequate comparison. Students stay in residential towers and everything to save money and that explains and makes sense that 70% might own cars in fact, at Jayhawk Tower, I'm surprised there are that many that own cars because most students try to stay on campus because it's the most reasonable. Once they get off campus there looking for the \$400 maybe \$450 a month and some of them will pay more. Again, I raise many questions. Living in a virtual world is different than those of us who live in the real world of the neighborhood.

Candice Davis stated I'm speaking on behalf of the Oread Residence Association. I just wanted to say that this whole project just kind of shocks me as far as the extent of it. The unreality of whether students are going to need cars or not. It's amazing to me that you all have been spending a lot of time discussing less than 20 parking spaces on the street for a temporary construction project when already, we've allowed this development group to have

been gifted 38 parking spaces and then to even think there would be a hundred additional. There are exactly 58 parking spaces on those 3 blocks that go up Indiana Street. There was one vacant space and that vacant space was all the way down by 9th Street, by the gas station, so it was the absolute furthest spot away. As a neighborhood association, we spent a couple of years working on a neighborhood plan. We realize this area is designated higher density. We're not complaining that it was changed to involve some multi-use, but what I don't understand is why someone or anyone who is an investor cannot just abide by the rules that are in place and that has to do with parking, for all use. We've worked so hard and myself, probably 15 or 16 years, trying to make this a livable, stable neighborhood. It's not all about some project and this gentleman, whoever he represents was talking about 10,000 like projects. He should know the cost involved, but I believe we need to honor our commitments to the area, I don't think that should change. I'm confused about this idea of robotic parking. What's going to happen in 10 years? What's going to happen when the robot breakdown? Who's going to be fixing it? How long will that take? What happens to all the cars in those garages? I just don't believe "we" as a community should be subsidizing these kinds of project. I'm not subsidized in my rental projects. I don't come here begging for help because I've spent too much money on my house that I wanted to rent. I love the neighborhood and I sometimes feel like a poor step child. I would really like for you to look at this in a very sensible and fair minded way.

Linda Bush stated I'm the Chair of the Lawrence Association of Neighborhoods. I know you all received a letter from us that we support the Oread Residents Association. I started digging in a little deeper and I'm one of those people you give me a spreadsheet full of numbers and I'm happy is can be. I found that you can work these numbers all kinds of ways and I think the numbers that the applicant showed with 2.52 cars per 4 bedroom unit just shows how you can squeeze some numbers around where you want. I think we should all keep in mind that we're not really talking about 100 spaces, we're talking about 138 spaces because

some spaces have already just been given and that was part of something you already approved. Keep adding to it and we're now down to 80% of the original requirement. Even at matching the most common 2.5 per 3 bedrooms that was found in comparable university towns, that's over 83% so at that rate there's 616 spaces you should come up with. How many people were in college and parked where you weren't supposed to park because you didn't want to buy a permit? It's already been said that the reason that some of the parking permits may be so low on campus parking is because the students are already parking in the neighborhood. It's already a problem and we don't need to exacerbate it. If we base the calculation on the data for the freshman population at Stouffer Place, it looks like we need to require 9,768 parking spaces so you can do anything you want with the numbers. Let's keep things reasonable. I did also notice that I really like all the data on the other high density developments and their parking what they were required to provide and what they do provide. I find it interesting that if those high density developments were able to be feasible and provide parking equal to or greater than the current code requirements, then the feasibility argument gets weaker and weaker. I couldn't find any documentation where people in other code inherent developments were complaining about too many empty spaces. We never hear a complaint about too many empty spaces in town and I think that the more we learn about the project, the less attractive it becomes and the less reasonable some aspects become. We ask that you adhere to the existing codes and there requirements.

Marci Francisco stated I've been involved with the Oread Neighborhood a long time and a lot of the discussions have been about parking. I do want to mention that we spend some time when we were earlier talking about what are reasonable parking requirements on the blocks in our neighborhood, trying to establish how long cars had been there and whether they were indeed parking for commuting or parking because it was extra overflow parking from residences. We did have the data at that time to show this is not just a commuter parking problem. It is because there are people using street parking for overnight parking. I'm also one

of the residents. I do get to have people over to my house, but it's usually the last two weeks of December, the first week of January or during the summer. I, too, see parking on 11th Street that is not commuter parking, it's not people coming up to work, it's people parking when they don't have a place at Corbin GSP and they're parking in front of our house so a little bit up the hill, this location in many ways is easier for them so that is an issue. I think another question is how this is like or not like other proposed developments in our neighborhood? Everyone in our neighborhood is restricted in development because of the parking requirements. We have to say how do we treat all those developers in a similar way? These are neighborhoods that are close to the university, have some access to transit, and many of them provide 3 or 4 bedrooms, in fact, we've got the duplexes that are providing 4 bedrooms on one side of the duplex and we see 8 cars parked behind almost each of those duplexes. We need to come up with a proposal to provide adequate parking for everyone who's building here. I don't want to waste money building parking that we don't need if that's the case and we can do this, my question is what do we do if we find out that it's not working? What is the proposal at that time? Is there a parcel of property where we tear down an existing structure and build a parking garage? That's a reasonable proposal to have, but I think to say simply, trust us, we're looking at numbers, we think they would work, is not good.

Greg Robinson stated I was here once before when I didn't know this was on the agenda, but I certainly hope they build it. It's a beautiful project, but with that said, the most important crucial issue here is the parking. I think you should take Jayhawk Towers out of the equation. That shouldn't even be considered as parking because everyone here knows who the people are housed there, the basketball team, the football team, the sports teams, many of them come from very challenging economic conditions who would be lucky if their families had a car, let alone them as individuals. I would certainly recommend that you take that out of the equation.

Tom Parker stated this must be really frustrating for you guys. We have an applicant who said they were going to do one thing and now three quarters down the road changes their mind because it was no longer profitable. It's amazing the number of assumptions that were thrown out tonight that were stated as facts. If we had a fact finder here, I think he would have a full-time job to figure out what is really true and what was said. This is about parking and it's about money. The developer is asking the City of Lawrence, specifically, the people of Oread and the people that go "to" and "fro", up and down the hill to accept this risk and his assumption that more parking is not needed. I just don't think that that's worth your risk. I'm concerned about emergency personnel being able to get around effectively up there. I think they said they had an agreement with the City to provide an "x" number of parking spaces. I think they should just follow through with it. I hope that you have the courage to just be true the ordinances and zoning requirements that the City has in place and not grant a variance. I could almost bet you that if they go away, somebody else will come and submit a proposal and it will be within the boundaries, guidelines of the City. I just don't think it's worth the risk.

Amyx said I drove up through Oread a lot over the last couple of weeks and I see parking as the ultimate problem in the area. I don't know where all those cars are coming from, but I've got to believe that there is probably a combination between commuter parking and residents that live there. Is there enough parking? I don't know, we've wrestled with this, I don't know how many times on what the appropriate amount of parking is for that area, in fact, throughout the community. Our ordinance says that there will be one space per bedroom. To be honest with you I have not felt that the case has been made to reduce the number of spaces at this location. To be very honest with you, there's going to be a shortage because this is a massive project. I think it is a very good project, but I think our ordinances are something that addresses the parking the best that we can, at one space per bedroom. I'd entertain a motion.

Moved by Schumm, seconded by Riordan, to approve staff's interpretation of the plan that the structure complies with the maximum height allowance per the zoning district. Motion carried unanimously.

Amyx stated now we are at the parking issue again.

Farmer stated I've always been a fan of this project and I've always thought it was going to be a great thing for our community. I've always been supportive of it. The parking issue though, irrespective of whether or not we given an allowance of 100 spaces, we do need to continue looking at this issue and we have to make it a priority enough to have a conversation to fix it. I'm not sure what the answer is. I think it is incumbent upon us to not keep coming back to this with insanity doing the same thing over and over again and expecting different results. I think it's very unfair for us and to the neighborhood to continue to have this issue come back. I'm not sure what the answer is, but I'm not smart enough to figure that out and I don't know who is, but that would be my two cents. On the parking issue, I've driven up there nearly every day for the past 3 weeks and there's no possible way that I could give a reduction of 100 spaces to this project. I would not be supportive of that.

Riordan stated I like this project, but I haven't been convinced that the number of reduction of spaces is not going to harm the parking in this area and cause a problem and I really can't support it for that reason. It's something we can't fix later on. If we get it wrong, it's wrong forever.

Dever stated there have been a lot of great points brought up. Mr. Heffernon indicated that we've gotten a lot of email from the Oread neighborhood, but we got a lot of calls and input from other members of our community, other developers, other people who own single-family dwellings that they rent out that comply with the rules. I just don't know if the Oread neighborhood is ready for a project like this because of the pre-existing issue we have with parking. It just really makes me sad that we are regulating our community based on the availability of parking when we want to claim to be a sustainable community and try to do

things that divert vehicular use. I went to college for 4 years and I didn't have a car so I don't see a big deal of not having a car. I lived right off campus and I had to walk everywhere, but I see people's points. There's an existing parking problem, but I'm not going to debate whether or not people are going to have or not have cars, that's just conjecture and I think it's not fair to the argument. Clearly, we have a set of rules. The neighbors want us to follow the rules, other parts of the community want us to follow the rules. I think we have a parking problem in the Oread neighborhood that we need to fix and continue to stand by and let projects like this become in jeopardy because we have a bad parking problem in our community, I think reflects poorly on this Commission. I think we need to do something to change things in that area and this needs to be the stimulus to do so. If this \$70 million dollar or whatever the total cost was going to be with or without the additional parking and if this is something we're going to chase off because of parking, I'm very sad because it's not the right reason for us not to have this in our community, but I respect all of the neighbors that live there. It stinks and I wouldn't want to force an extra 100 cars into that area because I don't know where they would go. I'm really hesitant to do this change, especially if we don't have a plan of action to fix the parking problem in the Oread neighborhood, but again, this is something that we need to not dismiss and just wipe our hands and walk away for this next person to come along and tries to do something with some density in our community. We've got a bus system we're all paying for. We have public transportation that the University of Kansas uses. If we can't be real about wanting that, then we need to focus on what our community to be. I was in favor of this project from day one, it's a great addition to our community, but I think the original plan was better with the right number of cars. My hope was that maybe Mr. Heffernon can figure out that if parking is such a commodity, people will pay high dollar to park up here and perhaps if the spaces were going unused, he could lease them out and recover the return on the investment that way so we can still have this project and add the parking necessary.

Schumm stated I'm in concert with the rest of the comments made so I won't go over them, but I agree with Commissioner Dever that the parking system is broken and it needs to be fixed. I'm up there occasionally early in the morning and on weekends and there's plenty of spaces, because there's no classes. The folks that are coming in for the cheaper parking, I don't know if the sticker situation is the answer, but it certainly could be. Even Mr. Heffernon said tonight that other communities don't manage their parking adjacent to campus, have the same problems. I'm convenience that that's something that we could tackle and probably could find the appropriate answer for to where there's more available parking. Maybe that then changes the dynamics of a project like this. I also support this project and I think it's a marvelous project for the community. It's just that the parking, I'm fearful of dumping that parking into an already congested area that is only going to suffer more if you do that. It's even likely that that could spread further out. Mr. Heffernon suggested that no one is going to walk 4 blocks, but they certainly might. You might have people parking in Old West Lawrence. You'll hear about it if that starts to happen. I can't support it the way it is right now and that's in part because Oread has an extensive parking problem right now. I certainly hope we see the project, but I can't support the reduction of parking.

Amyx stated we've approved the maximum height, but the other item before us is to approve the revised Preliminary Development Plan. Can we take an action in denying the request?

Day stated the applicant actually has an approved Preliminary Development Plan that you have previously acted on. Their request was to modify that approval to reduce the parking and with that more recent revision, came the overall building height. The building height may still be applicable with some of their more current drawings.

Amyx stated so there's no action that's necessary after that.

Day stated under the Preliminary Development Plan, no.

- **PUBLIC COMMENT:**

Greg Robinson stated I want to encourage everyone to get out and vote at the November elections in two weeks. I also encourage all the citizens in our town to vote no on the sales tax issue. There are a couple of things about the sales tax, it's regressive and it hurts the least that are able to afford it. We also say on our website that we have here in our City that we're using the sales tax to capture money from non-residents and non-residents on our website says it's visitors, students and corporations outside our City, but yet just two days ago, Mr. Corliss, our City Manager, indicated when he was asked a question about the access cards to Rock Chalk Tax Park that we got a letter from a student saying they're residents so our City doesn't even have some definition of what a resident is. We're very inconsistent with our definitions. Apparently, if we want to get a sales tax for a project that we absolutely want then their non-residents, but when we want to allow them in somewhere their residents. Anyway, I don't understand the logic in that, but also I indicated that the site location is a poor choice. We're over purchasing land and the values are too high. The efficiency argument used by the City, because I understand it's not a safety issue because this Commission or the Chief of Police has never said it was about safety, it's always about efficiency. None of the other locations will be changed, therefore the millage and these trips that have been said are going to disappear will not. Again, it's just ways that people couch terms to get what they hoped to get by selling the public. That's fine that's what this is all about. One of the things that's also been proposed by this Commission is that will sale off City owned land, but nowhere in this tax initiative or the ballot question itself does it say that any land owned by the City that is sold during the 9 year period would be automatically used to reduce the debt from the Police Facility. As you all know that money will go into the general fund and you can use it however you wish or future Commissions could use it however they wish. One of the things I learned last week was that a lot of businesses came in. KDOT just let a bunch of bids all coming in 10 to 15 percent higher so with that in mind, the City should expect this police facility is going to cost 10 to 15 percent more than in the past. You've got to put more tax on the roof top to cover the additional

expense, or you're going to have to reduce the square footage to meet a number that you've already set.

Farmer stated I just want to address a few of those things. The definitions argument is residents versus non-residents. I think everybody understands that and I've not heard anything about that that would give credence to the fact that people don't understand that. I just think it's semantics, but in relationship to the efficiency argument, this is about public safety and we could have had a conversation about this in a different way and we could of said that if we don't get a new facility that our police department will not be as efficient and as a result to that, people would die, but we would have been criticized and rightfully so of being disingenuous. I think we've been straight up and told the truth regarding this being about efficiency and this being about money that's saved. We are not going to be going to the same places; we won't be going to the F.O.P. lodge; and, we won't be going from 15th and Wakarusa to 11th Street. I just think it's important that people really read up on the facts and I'd encourage them to get on the City's website, take a look at the tours, understand how we're spread across 6 sites and we'll be going down to one. I think it's important for folks to understand the truth in relationship to all this rather than those who continue to spout this information regarding these various things that are obviously trying to give people more just cause to vote no. On the City own land, would it behoove us to produce some sort of resolution stating our intent, because I know that's always been the understanding.

Corliss stated we made it very clear when we committed to the property that we weren't funding the property purchase with the sales tax. That tells me that we've got to have other revenue sources to pay for the purchase of the property. We're going to sell the ITC; obviously we won't sell it till we leave. We going to sell that property and get funding from the County in regards to our vacation of the Judicial Law Enforcement Building so there's already revenue that will then go to off-set the property acquisition cost that we have. We're also then going to sell the property that we otherwise don't need at that location. You've already directed me to look

through all of the property we had to see if there's surplus property. We know we've got acreage at the very tail end of Bob Billings Parkway. It's going to be used for construction staging while that interchange is built and once that interchange is built it will be at its highest market value. We're going to sell that property that was otherwise acquired for public safety purposes that will also reduce our property acquisition costs. That was in the memo when we had the acquisition of property so you can speak more to that if you want to, but I think you already have. The numbers are such that we have to use those proceeds to reduce our acquisition costs.

Amyx stated do you believe it's sufficient to do that without a resolution.

Farmer stated if that's in fact the issue, which we really don't know if it is other than being one person's opinion it might be good for us to do that to make a stronger statement for what that is. I don't think any future commission is going to say dump that money back into the general fund to use if for any other purpose. I think we've been pretty direct on what we want that money to be used for.

Corliss stated the funding for the acquisition is not coming from the sales tax it's coming from other City resources. The sale of all the different assets we will then have to reimburse the different funds that we take in order to acquire that property.

Dever stated one thing I learned from the negative comments regarding the use of our 1994 sales tax dollars was the non-explicit statement in item one of our sales tax referendum where the number one priority was to use for recreational purposes. People have brought this up as an inappropriate positioning of projects and use of City funds and by using hindsight, I feel like it's very important for us to be crystal clear about the intent of any money that's raised by the sales tax, the specific use of that and it wouldn't hurt, in some way, to make this explicit how the dollars from the sale of these assets, own by the taxpayers, gets dumped back into repay the City for funds dispersed for the acquisition of the land. I think you did a tremendous job of reducing the sales tax by identifying the land as an external by motivating the city to sell the property, by making it clear to the community that we're not going to sit on land, we're going to

sell it off at its highest and best use and then apply those dollars to the acquisition of this land. I think all of this monkeying around with semantics here needs to be clear that we should learn that we need to be crystal clear in a public forum, in a public way, in writing what our intentions are and if we haven't been then we need to task the City Manager with making it so because I don't want these same conversations coming back 20 years from now with people complaining about when the sales tax was past, whether or not the dollars were used for the intended purpose because it's been unclear to people, why we use the sales tax dollars for Rock Chalk Park and the eventual use for the Sports Pavilion. We need to learn from that mistake and if there's any doubt in anybody's mind, we need to say it over and over again. If we can do that, that would be my plea.

Amyx stated Dave, write us up a resolution that says exactly where that money going to be, how it's going to be paid, and where it's going to go.

Corliss stated you're not changing the sales tax language.

Amyx stated not at all. It's so there's no doubt where this money is going.

Riordan stated the point has been made that we want to sell land and any land sold would go towards the reduction of the debt to purchase the land.

Dever stated it's a reasonable land for land swap and it reduces the cost to the taxpayers. I don't know how much clearer you can be.

F. FUTURE AGENDA ITEMS:

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

G: COMMISSION ITEMS:

Amyx asked for an update on 920 Missouri.

Corliss stated we have met with the applicant, the property owner at 920 Missouri. They have submitted a special use permit application for the property. Scott McCullough, Planning Director, is going to have a memo on that for next week. A special use permit would allow them to construct an additional residential structure off the alley that would keep the existing 920

Missouri intact. It meets with staff's recommendation for beginning the process. The demolition permit will then be held in abeyance because he's not planning on demolishing it unless he doesn't have the ability to go ahead and make an additional structure off that alley. It's in keeping with some of the Oread Neighborhood Plans that we talked about. It all has to be processed through the special use permit where the application would have to be reviewed by the Planning Commission and eventually the City Commission. We think that's a good step forward.

Amyx stated here again, this is one property.

Corliss said correct, it doesn't really get at a larger issue about the fact that that neighborhood is zoned family and you've got single-family structures that are used as multi-family and sometimes they are candidates for demolition and replacement with a structure that's not so much in keeping with the rest of the neighborhood. You still have that issue.

Amyx stated that something we may want to talk about one of these days.

Riordan stated approximately two weeks ago my dog got sent to jail and my wife called up and asked if she could get the dog out of jail. The person said "no". Then she said I hate to pull the City Commission card, but would that help and she said "no". So we went the next day and got our dog out of jail and code is code and I think the City treats its citizens pretty consistently well. We try to be transparent and consistent with each citizen.

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 Farmer, to adjourn at 7:55 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON NOVEMBER 11, 2014.

Diane M. Trybom
Diane M. Trybom (City Clerk)