



City of Lawrence

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CITY COMMISSION

MAYOR
MIKE AMYX

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

December 2, 2014

The Board of Commissioners of the City of Lawrence met in regular session at 4:00 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and members Dever, Farmer, Riordan and Schumm present.

A. STUDY SESSION: (4:00 – 6 :00 p.m.)

1. City Commission Study Session with Wicked Broadband.

The City Commission recessed at 4:00 p.m.

The City Commission reconvened at 6:35 p.m.

B. RECOGNITION/PROCLAMATION/PRESENTATION: None

C. CONSENT AGENDA

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

1. Received minutes from various boards and commissions:

Horizon 2020 Steering Committee meeting of 10/27/14
Human Relations Commission meeting of 08/21/14
Parks and Recreation Advisory Board meeting of 11/11/14
Traffic Safety Commission meetings of 08/04/14 and 10/06/14

2. **PULLED FROM THE CONSENT AGENDA FOR SEPARATE VOTE.**
Approved claims to 159 vendors in the amount of \$2,988,732.80; and, payroll from November 16, 2014 to November 29, 2014 in the amount of \$2,072,995.53.

3. Bid and purchase items:

- a) Awarded three (3) year backhoe leases for the Public Works and the Utilities Departments to Murphy Tractor of Topeka for five (5) backhoes.
- b) Authorized payment to Emery Sapp and Son, Inc. for Project UT1415 Emergency Sanitary Sewer Repair (1000 Block of Connecticut Street) for a total project cost of \$553,369.



- c) Authorized the lease of seven (7) Ford Explorers for the Fire/Medical Department, from Laird Noller Ford, for a total amount of \$211,483.92. (Annual payments will be \$70,494.64 in 2015, 2016, and 2017, plus \$7.00 in 2017 and the City owns the vehicles.)
- 4. Adopted on first reading, Ordinance No. 9049, authorizing the Codification of the ordinances of the City of Lawrence, Kansas.
- 5. **PULLED FROM THE CONSENT AGENDA FOR SEPRATE DISCUSSION.** Affirmed administrative approval of a demolition permit to demolish an accessory garage at 920 Missouri Street and approve a request by owner to waive related building permit or utility connection fees.
- 6. Concurred with the Traffic Safety Commission (TSC) on the following items:
 - a) Approved traffic calming on Lake Pointe Drive between Clinton Parkway and Candy Lane (TSC item #2; approved 6-2 on 8/4/14). Funding is not currently available for construction of traffic calming devices.
 - b) Denied the request to establish no parking along the south side of University Drive from Brittany Place to Weston Square (TSC item #2; denied 8-0 on 10/6/14).
 - c) Denied the request to establish no parking along the west side of Delaware Street between 9th Street & 11th Street (TSC item #3; denied 8-0 on 10/6/14).
 - d) Established a multi-way stop at Overland Drive and Queens Road and adopt on first reading, Ordinance No. 9055, establishing the multi-way stop (TSC item #5; approved 8-0 on 10/6/14).
 - e) Established a yield signs on Laura Avenue and on Maple Lane at 13th Street and adopt on first reading Ordinance No. 9056, establishing the yield signs (TSC item #6; approved 8-0 on 10/6/14).

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

Moved by Dever, seconded Schumm, to approve non-Rock Chalk Park related claims to 156 vendors in the amount of \$2,976,761.54 and payroll from November 16, 2014 to November 29, 2014, in the amount of \$2,072,995.53. Aye: Amyx, Dever, Farmer, Riordan and Schumm. Nay: None. Motion carried unanimously.

Moved by Riordan, seconded by Schumm, to approve Rock Chalk Park related claims to 3 vendors in the amount of \$11,971.26. Aye: Dever, Farmer, Riordan, and Schumm. Nay: Amyx. Motion carried.

Schumm pulled from the consent agenda for separate discussion affirming administrative approval of a demolition permit to demolish an accessory garage at 920 Missouri Street and approve a request by owner to waive related building permit or utility connection fees.

Scott McCullough, Planning and Development Services Director, stated as the Commission is aware of this project it came in to us as a demolition permit and received some neighborhood opposition on the original plans to demolish the existing house, put up a duplex and in a few weeks of work with the City Commission, owner, and staff, they changed their plans, submitted a special use permit which would keep the house and do a separate structure for a new unit. After that special use permit was applied for, they took a closer look at their opportunities to attach a unit to the house, keep the house there, take the garage down, put a second unit on, thereby converting it to a duplex structure. That is a use by right in that zoning district and doesn't require the special use permit. They withdrew their special use permit and submitted the building permit plans for attaching a unit to the existing house and we advise them that we would bring that project plan to the City Commission for a final look.

Schumm stated I know it was a hot topic amongst the neighbors and the interested parties at Oread and it seems like everything has been worked out. Maybe that's the wrong way to phrase that.

McCullough stated I can't speak for the neighbors. I haven't received any calls about this. We didn't do any kind of courtesy mailing. It seemed to satisfy the neighborhood issues and values that the neighborhood would bring to the table about maintaining the house and they were advised directly on the special use permit application not on this proposal necessarily, but again, it maintains the house and the owners excited to get the garage taken down in pretty short order.

Schumm stated it was my understanding that was what their main objective was which was to maintain the house and not have it torn down with different types of structures being built

there. Is this more or less a done deal? If we go through these motions tonight, is that pretty much for sure what's going to happen there or could we wake up next week and say, well they decided to tear the whole house down.

McCullough stated if that happens we'll of course bring that back to you. Our next step, if you approve this and affirm our decision, is to release a demolition permit tomorrow to remove the garage. We're still processing the building permit application for the new unit, so were still looking at the code implications for that. Assuming that all will pan out then yes, we'll receive a building permit to then construct the new unit.

Amyx stated there's still the question of the density issue and zoning, but that's not a part of this at this point.

David Corliss, City Manager, stated that's what I want to mention was that this was a case specific issue here, but it still doesn't get at the issue of the ability of the property owner. The property owner had the legal right, once he checked all the boxes, to demolish that structure and rebuild something there. If that's not the will of the community, commission, and the neighborhood then we really need to look at alternatives. We are looking at the Oread design guidelines where were probably likely to see some type of similar trade-off where you get additional density but you keep the existing housing stock, the exiting structure. We're forecasting that as something that likely may move before you in the future. This we think responds to this location, but it doesn't mean it happened elsewhere in that neighborhood with this similar issue.

Mayor Amyx called for public comment.

After receiving no public comment, **it was moved by Schumm, seconded by Dever**, to affirm administrative approval of a demolition permit to demolish an accessory garage at 920 Missouri Street and approve a request by owner to waive related building permit or utility connection fees. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report regarding the use of roll-out trash carts greatly enhancing worker safety; City of Lawrence receives outstanding solid waste management program award; Solid Waste Holiday Toy and Food Drive; 9th Street Corridor meeting scheduled for December 1, 2014; and, Prairie Park Nature Center's Macaw makes his acting debut and turkeys visit the Nature Center.

D. REGULAR AGENDA ITEMS:

1. **City Auditor will request direction on a proposed audit plan.**

Michael Eglinski, City Auditor, presented the audit plan.

Amyx stated the downtown parking and the police workload are those to be included and would those be part of the 4-6 topics?

Eglinski stated yes.

Amyx stated they wouldn't be a carry-over from last year and the 4-6 new topics?

Eglinski stated I would consider them as part of the 4-6 topics. There both sort of large projects. I think they're good topics. I think I've recommended or identified them in the past. The downtown parking, I believed, came from the Commission last time.

Schumm stated, I'm good with those two as well as we ought to continue the financial indicators. If we can get consensus on that then we're looking at 3 others I guess.

Eglinski stated, up to 3 others. Six is really aggressive. I don't think I've ever done 6 and 4 is pretty realistic, but I like to push. I like to have at least a possibility to do more than I've done in the past.

Schumm stated I like the climate protection and I'd like to look and see what Parks and Recreation is doing in terms of the park accessibility, cleanliness, and the function of parks. We got a lot of money and a lot of people that spend a lot of time there.

Dever stated information technology security is something that we should probably take a look at. We need a 3rd party evaluation of that.

Riordan stated I thought IT security would be one of the top 4 and the other is employee turnover, looking at the turnover rate and losing people.

Amyx stated turnover is something that would have been important to me.

Farmer stated I liked A: Measuring and reporting on government performance can help stakeholders evaluate the city's activities. I think the community wants more opportunity to give input. I think that would be a good thing to hear from Michael on. Farmer stated can you do 9 of them?

Eglinski stated 9 can go on the list, but I doubt I can complete 9 of them. I'll mention the IT security is one those issues that is hot topic for auditors and I've been interested in that. I went over and met with the state auditors who have done quite a bit of work on that, had a little class one on one, learned a little bit about what they were doing, and got some suggestions.

Riordan stated I think the IT security is more important than the employee turnover so I'll withdraw that one.

Eglinski stated I can also offer that the code allows you to amend it. If something comes up a month from now it's fine to add it and raise the priorities.

Amyx stated over the last several weeks, I talked to Mike about Rock Chalk Park.

Dever stated we have A, B, E, F, G, and I. I thought the climate protection report we received and reviewed seemed pretty thorough in its analysis. It might be nice to have a 3rd party assessment, but maybe another year of data might be helpful.

Amyx stated which one.

Dever stated B is the climate protection plan that Bob mentioned, but I think Eileen did a great a job in summarizing some of the impacts it's had already. It may be one more year of information might be helpful if we have to limit it to 4. A, B, E, F, G and I is what I'm hearing. The turnover is there too.

Amyx stated we've taken that off. We probably have quite a few items on this list.

Riordan stated I would add B and E, would probably be my 5th and 6th choice. I would rather see the other ones done first.

Mayor Amyx called for public comment.

Joe Harkins stated you might remember me as the obstructionist against the Rock Chalk Park project. I'm here tonight to ask you a favor. I'll put it in the context of something personal. One time when I was at work, I was having trouble seeing things clearly. I would review complex issues and have difficulty reading them and understanding them. I went to the ophthalmologist and discovered I had cataracts and everything was opaque and hard to see, but I got my eyes fixed and suddenly there was clarity. I now have that same feeling with the Rock Chalk Park project. I can't see a lot of the things that are going on. It's been the most opaque project that I've seen undertaken in this City since I moved here in 1976. There just so many unanswered questions. It seems to me that the public deserves from you, clarification and clarity over just what is happening and what did happen. For example, there are reported problems with the concrete at Rock Chalk Park. There were reported problems with water seepage at Rock Chalk Park. There will probably be other problems. Who's accountable? I understand there were 3 architectural firms involved in the supervision of that project. Which one was accountable to failing to see that the concrete was installed properly and going forward that will be accountable for correcting other problems that arise? That's not clear to me now, who's accountable and who's going to take care of that problem that came up. We hear it reported in the paper, but then information trails off and at some point unless you're diligent and follow through with other sources of information, the public doesn't find out what actually happened. That's just one example of what needs to be done, I think, in an audit. An audit should ask the question who is accountable for taking care of the problems that occur in this project in the future because this project is going to continue to provide few opportunities to solve problems, I think, for several years to come. The contract itself, we never saw it. The public didn't see it. We don't know what was in it. We don't know what you contracted to buy for

sure. We talk about the infrastructure. What in the world was the infrastructure? What specifically did we spend over 10 million dollars of public monies for and did we get what we paid for? The public needs to know what we bought, what we paid for and did we get what we paid for. That should be clear public record, but it's not. Finally, the contract processing itself, there are, I understand, one or more ordinance that require projects like that to be submitted for bids and while you submitted part of the project for bids, you reserved the right to go on no-bid process for the rest of the project, roughly 50/50. What authority did you have? Did you follow the process that's prescribed in the ordinance to achieve that? Were there any public discussion, public hearing, and public record made of that decision, not to bid a 10.5 million dollar project? If there was, I'd love to see it and so would the rest of the people in this community. If it exists, I'll wait around and get it tonight or tomorrow. Can I come by tomorrow?

Corliss stated absolutely. We've got answers to all of Mr. Harkins questions.

Harkins stated they should be made public.

Corliss stated they are public and they've been on the website for a year.

Harkins stated I haven't seen it. You're telling me the contract and the bidding process.

Corliss stated yes, all of the documents that we have in regard to Rock Chalk Park are on the website, including the contract.

Harkins stated okay and is there a documentation that the process to do no-bid contract was done.

Corliss stated we had multiple attorneys including our bond council look at that and it was the subject of extensive discussion.

Harkins stated that's part of the problem, multiple attorneys. We're not talking about whether it was technically legal, we're talking about whether it was right.

Amyx stated Mr. Harkins we'll get you an answer to all you questions.

Harkins stated alright, I would appreciate it.

Michael Almon stated thank you for the opportunity of discussing what the City's going to measure and how we're going to measure it and what are the priorities to do that. As far as what gets on the top of the priority list, I hope your prior discussion didn't narrow it all down and you have your favorites by now because I'd like to revise those. I have a couple of suggestions of what I would like to see on the top 12 or 10. At the last budget hearing, I think it was in August, Garrett Tufty asked you a question about has anybody done a cost benefit analysis or something to that effect on what savings the City would see on street maintenance cost by an increase of bicycle pedestrian use and therefore a drop in automobile use. Nobody in the room had an answer to that. It seems to me that is an ideal question for the City Auditor. If we're going to budget a line item next year for bicycle pedestrian infrastructure, we ought to be able to measure what kind of progress we're making and similarly the climate taskforce by the way, did not work up a base line for their recommendation and their audit and inventory year by year. The City staff actually did that base line study. The taskforce did not have the wherewithal or access to the information. I think City staff and City Auditor should likewise be establishing a base line, not only for the bicycle facilities and the pedestrian facilities like he already did, but for the sidewalk gaps and how many miles are inferior and need addressing, that should be done for bicycle infrastructure as well by the City auditor. The gaps and the bicycle lane and bicycle track network, the rate at which that can be improved year by year with the amount of dollar spent, how much connectivity we establish any given year, that I think is ideal study for the City Auditor to do because we're on the way now to spending a lot money on bicycle pedestrian from what I hear the Commissioners saying over the last few months. I'll address the next one more thoroughly in the climate task force, but that has to do with a Peak Oil Plan audit, similar to the Climate Plan audit.

Garrett Tufty stated I had mentioned that looking at what sort of benefit the city would gain by a certain number of people, using bicycles or walking and that sort of thing as opposed to vehicles. That is something that definitely, I think, should be explored. I think I mentioned

last time that I'll do the stats myself and crunch the numbers. I've not gotten around to that, but it is still on the list of doing. As it pertains to this, out of curiosity, is the auditors purpose to see where the City money had been spent and what has been produced as a result of it? Is that his function?

Amyx stated yes, one of them.

Tufty stated if that's the case, then wouldn't it make sense to have him focus on the places where we spend the most?

Amyx stated absolutely.

Tufty stated if the auditors is looking at what we've spent before as opposed to our proposed initiatives or projects, that would be the best way to go on that front. Besides that, I'd like to encourage you all to be bold again with new technologies and be interested in building up toward a sustainable future and one that hopefully if you put all our efforts behind this, we'll give the City an excellent position, the next time there's a crisis of sorts which seems like every time there's bubbles and the economic downturns and there's all sorts of governmental things that it seems like a lot of it from a national level on the state level and even on a lot of local levels, people seem to be satisfied with spinning the wheels, as opposed to getting a good grounding on moving toward a plateau of sorts where we can actually then, kind of spin our wheels.

Amyx stated the recommended items that we have before us again, are A, B, E, F, G and I and that we do have an additional request. Joe, we'll get you a copy of all that information. Dave you'll have that tomorrow.

Corliss stated I'm going to meet with him tomorrow morning at 8:00 a.m. We'll obviously communicate anything he needs to you all.

Amyx stated Garrett's item of the cost benefit, looking at bicycle versus automobile, are we interested in looking at this?

Farmer stated what I'd be interested in seeing and I appreciate Michael and Garrett bringing that up. We did the 9th Street complete streets redevelopment and that's how I get to

and from my house and virtually every meeting all the time. Chuck, when was that done, two or three months ago, the bike lane on 9th Street?

Schumm stated about August.

Farmer stated I see three bicyclist and I drive that route a dozen times a day, back and forth. I'd be interested in seeing, since everyone seems to be saying this is a priority, we need to be spending our money on this and making this a priority for the community. I'd be interested in finding out how many people in our community are actually not biking because we don't have good bicycle infrastructure or how many people are actually using bicycle infrastructure because this is going to cost us million and millions of dollars. If we want to be a progressive community, it is not cheap to be a progressive community and so what I'd really like to see if this is something that people are going to utilize or if it's just a very vocal, I don't mean vocal in a negative sense at all, but if it's a very minority of folks that really aren't going to use a large portion of this money. I would be very interested in that before we go spend all this money on bicycle and pedestrian infrastructure. I certainly think that would be a good topic to cover.

Dever stated can I ask that maybe Michael Eglinski could meet with Michael Almon and come up with a scope of work that would be involved in this audit and Garrett indicating the economic benefit or value of bike paths and/or multi-modal paths versus investing in roadway infrastructure. I think if it could be honed down into a topic that is auditable or easily attainable information, and we can come back and always amend this. I think that we should do before we move forward with anything on that issue. I just don't want to just throw an idea out there.

Farmer stated how we will know that people will actually utilize those resources?

Dever stated we don't. I think that's part of the audit, for example, the money we just spent on 9th Street, I know I was kind of not happy with the initial approach to this. It's not an easy path to ride and I was just questioning whether or not it was going to have a significant impact on the amount of riders. Maybe we can do a bike count. We've done pedestrian counts throughout the city through our MPO's. Maybe that's part of the audit, the infrastructure

investment, what the utilization rate is, pick another spot, same thing and then come back and say how these dollars are being spent and what's the economic impact. That's what they're talking about and we have to assess what we just did and see how that's impacting. That's a great idea.

Farmer stated I think Complete Streets is a wonderful concept. In all fairness to everyone who seems to want it and if we reshuffle things like it's been proposed and we actually kicked around last budget cycle, it's going to be a significant infrastructure investment, one of the most significant in recent memory. I just feel like we need to have a better plan to take to our community so that folks are not upset when we say taxes are going to have to be raised in some way shape or form for us to do this and we get asked the question why and we don't have a good answer for how it's going to be utilized. I would be in support of that for sure.

Schumm stated I use 9th Street all the time too. I've used it for over 40 years. The "T" work project at 9th and Emery was a very nice project and there is a bike lane now from Emery almost all the way to Massachusetts Street, but still it doesn't connect. It lacks connectivity. If it went all the way up to 9th and Iowa, you might see a lot more ridership, it stops at Emery. I've ridden on it. It's a lot better than what it was. If you go out to Burroughs Creek on a Sunday afternoon, you'll see all kinds of activity. If you go out on the South Lawrence Trafficway system, you'll see all kinds of traffic. It's not so much that a specific unit is not being used, it really is more of the relativeness of connectivity and where you can go on something and that's one of the challenges I see for our community. We have a lot of good opportunities to ride on some safe areas, but we don't connect very much stuff. You can go for ¾ mile here or a mile and ½ here, but we don't really connect parts of the City together where you can actually use it as transportation alternative as opposed to just a recreational exercise situation. I'm interested in getting all the information we can get too. I think it's pretty wise, especially if you're going to try and convince people you need more of it. The communities have been successful with bike programs have rather lengthy trails and good systems where they connect something. It could

be an alternative to hopping in the car and using it. 9th Street is kind of an anomaly right now, plus the steep hills at the end towards the west were a little difficult. It's another chunk of opportunity. It really lacks that total connectivity between two major sources. I think too, you might even see more once you hit 9th Street east down to Delaware and that gives you a lot more length in terms of 9th Street for a bike program from Delaware all the way up to Emery Road. I think it's more of a function too of how much opportunity there is for people to use the stuff in a meaningful way. I'd be interested in hearing information about it.

Farmer stated I would love to see the data prove what you just said to be true. I believe in it anecdotally. It makes total sense. It would be nice to have data to be able say that people don't ride it because it's not connected.

Schumm stated I got to believe where people feel safer there going to use that option. I don't like riding on some streets because you're right there with a car right next to you.

Amyx stated we will ask Michael Eglinski to work with Michael Almon, Garrett and others in putting together a plan on bicycle lanes, uses, and being able to talk about some of things the Vice Mayor and Commissioner Dever had visited about. We can amend this audit work anytime during next year on any host of items. I think the items that we have right now are A, B, E, F, G and I with B, climate protection and E, downtown parking be the lower ones on the list because of the work that's already being done on the Climate Protection. You'll come back to us with a report on how that additional item can be looked at and whether or not we wish to amend the scope of work.

Moved by Schumm, seconded by Farmer, to approve items A, B, E, F, G, and I for the audit plan with the additional work regarding a bike plan, with the possibility of amending the audit plan at a later date. Motion carried unanimously.

2. **City Auditor will present Performance Audit: Financial Indicators**

Michael Eglinski, City Auditor, presented the Performance Audit and the Financial Indicators.

Farmer stated on page 25 of the report, it talks about per capita income and I'm wondering what correlation there is among the comparable communities. We have frequently said that we've got one of the lowest per capita incomes in the state and my sense after looking at this chart, I'm not sure formulaically how to find out the true answer beneath the top layer. We've got 15.9% of the population portion that are under 18, but as far as college students factoring into that per capita income, what would your response be to how we factor with all these comparable communities.

Eglinski stated these comparable communities are all college towns and actually the way I picked these was I started with census data on something like 3400 urban areas, a huge number. I picked out features of Lawrence with population the size of this community, the income and the portion of the population under the age of 18, looking for places that were similar and that basically picks out college communities. Because when you have a lot of university students in your town, you tend to have proportionally fewer under 18 because you have a lot of adults who don't have kids and college towns have lower income. The other thing is the median year housing is built and that was a way of looking at the overall growth of the community that's growing extremely fast, might have a median year houses were built in the 1990's somewhere like Las Vegas has median housing built in the 1990's whereas somewhere on the east coast would have 1940's. It's trying to pick out places that are college towns by looking like places that have similar median income. It's kind of a weird technical answer, but what I would say is, it's common for college towns to have a low per capita income. These are all towns with pretty significant university enrollments.

Corliss stated I appreciated Michael's report. I do know that we are looking at the average income and we're also looking to see if we can't break it down by age cohorts. We do know that we have a number of college students here and we do know about their wages. A preliminary report has been completed where you will eventually see it and how that changes for Lawrence overtime for certain age cohorts and then comparing those with other communities,

state averages and things like that. We'll eventually get that into a report for you all to look at as well, but I think it's certainly valuable to see. This is very helpful as far as the comparative cities. Every state there's a little bit of a different taxing, spending revenue structure as well as far as where they get their money and whether they have the ability to get their money. It part of the challenges of comparing communities, but it's not necessarily maybe relevant to the people other than the governing bodies and they may work under different state law as how they can get money.

Amyx stated the financial report showed the large increase in 2010 because of Venture Park and the amount of money that we received with that project. In 2013 it looked like we had dropped quite a bit. Would it be safe to say the spending down of those finances in 2011 and 2012, (page 6, Financial Performance for Government Activities), you had said that the reason that we looked so good in 2010 was because of receiving Venture Park and the amount of money that came along with that with the drop in the revenues in 2011 and 2012, would that be because of what we spend down on those funds or funds in general?

Eglinski stated I don't remember the drop from 2011 to 2012 and what caused that, but it wouldn't be directly related to the revenue that came with the Farmland property.

Amyx stated what I'm trying to get at is to lose the amount of revenue that it would appear that we lost between 2010 and 2011.

Eglinski stated the 2010 was kind of a one-time thing.

Amyx stated I wonder if it was safer to compare 2009 to 2013.

Eglinski stated all this stuff was more about asking questions and answering them.

Mayor Amyx called for public comment.

Chris Adair stated I am probably one of ten people who've actually read the whole report. I just wanted to point out and read a brief statement, something I found interesting in Michael's report. Of the similar cities, the median annual employment growth rate for the ten year period, was .76% at that growth rate, Lawrence would have about 4,000 additional

employees. This was really a shocking statement to me, if we were comparing ourselves to all of those other cities that were just listed. The median growth rate was .76%. During that same period, we'd spent millions of dollars in Economic Development and Tax Abatements so how can we reverse this course and start our local economy growing? I believe it's through entrepreneurship. According to the SPA's, 64% of job growth comes from small businesses. It is entrepreneurship and small business that could grow the local job base. If Lawrence is serious about improving our local economy and growing our tax base, we are going to have to re-evaluate our economic development priorities. Economic Development is supported by 3 pillars:

- 1) Entrepreneurship. - Local residents starting businesses and pursuing dreams.
- 2) Established Businesses – Growing companies that already exist in our community.
- 3) New Businesses – this is something I like you to think about and consider as you read through this report and think about the jobs that we think that we can bring to Lawrence.

Stuart Boley stated one of the things that are in this report is information on the changing revenue structure. It's a pretty impressive report. I think it shows that sales taxes are too high and that hurts Lawrence residences and small businesses. I think that any discussion of economic development should consider how to lower the sales tax rate.

Garrett Tufty stated I just had a quick question about the median income, I wonder if that takes into account the debts of people.

Amyx stated no.

Tufty stated because I think that actually had an effect as well on whether or not there are consumers in order to buy new things that entrepreneurs elect to make and it's one thing to say that we need more businesses because you can't force people to do that, but those businesses wouldn't start unless there's a customer to sell to. People have to have disposable

income in order for them to buy things, especially new things as opposed to paying their rent, gas or water. I hope we keep that in mind that the debt level itself was also a problem, an issue in this case.

Moved by Dever, seconded by Riordan, to receive the presentation. Motion carried unanimously.

3. **Received Greenhouse Gas Emissions Inventory Update Report from the Sustainability Coordinator, and consider request from the Sustainability Advisory Board to sign the 2014 Mayors Climate Protection Agreement.**

Eileen Horn, Sustainability Coordinator, introduced the Inventory Update Report

Scott White, Chair of the Sustainability Advisory Board, presented the process and the Mayor's Climate Protection Agreement.

Mayor Amyx called for public comment.

Michael Almon stated on this item, I'm speaking as the Chair of the Bicycle and Alternative Transportation Committee of Sustainability Action Network. Thank you very much for the Climate Protection Plan, audits and diligence in lowering our carbon footprint, anyway we can. I like to point out that one of the ways that this inventory and this plan can be even more effective is to develop a stronger correlation with the Peak Oil Plan as well. The Peak Oil Task Force was appointed by you, by the Commission a year after the Climate Protection Task Force. The difference is that the Climate Protection Plan has a list of 8 major recommendations, guidelines for how we can reduce our carbon footprint. The Peak Oil Plan, in a sense, was devised to compliment the climate plan and it has probably around 200 specific recommendations depending on how you count them with subsections. It's like a specific guidebook of action steps that you can take as well as means to measure progress. Of those 200 recommendations, it covers areas of transportation, land use planning, food production, energy delivery and then communication. So within all those areas, there are several things and I'll just highlight a few that we can specifically address, aggressively pursue funding for bicycle facilities, that's one of the things that we're already starting to look at and expand bicycle

parking space provisions in City owned facilities, commercial and multi-family and industrial developments, nearest to building entrances to make bicycling even more convenient, alternative power sources on board, city vehicles, busses so they don't have to idle with the main engine running, adopt a community wide anti-idling regulations, car sharing opportunities like zip car, smart jitney, strategy for gather and composting food and organic waste on a large scale composting and adopt code provisions for silver access rights when your laying out subdivisions. There are a lot of specific recommendations that apply to both government operations as well as community operations. The climate protection plan, mostly what we've done so far is the City government becoming much more efficient in an energy use to lower carbon footprint, but there is very little that the climate plan can accomplish in the general community whereas the Peak Oil Plan has a lot of specifics in that area. That's what I mentioned earlier if there could be more of an on-going tracking and audit of these kinds of specific recommendation in the Peak Oil Plan by the City Auditor just to get the two working in concert to plans.

Garrett Tufty stated I hate to go against the recommendations but you should go willy-nilly and throw pretty much every extra dollar of renewable energy. It will pay back in the end. This is extra dollars of course not spoken for money.

Amyx stated this seem pretty straight forward. A lot of work had gone into by the taskforce and advisory board. The recommendation makes a lot of sense.

Moved by Dever, seconded by Schumm, to receive and authorize the Mayor to sign the 2014 Mayor's Climate Protection Agreement. Motion carried unanimously.

4. **Considered a request to rezone, Z-14-00300, approximately 0.8 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Commercial Center) District, located at 4101 W. 6th Street. Submitted by Doug and Berniece Garber, property owners of record. (PC Agenda Item 2; denied 9-0)**

Scott McCullough, Planning and Development Services Director, asked the City Commission to declare your ex parte communications if you've had any since this was a rezoning item.

Schumm stated absolutely nothing.

Farmer stated nothing.

Riordan stated nothing.

Dever stated nothing.

Amyx stated Berniece came to see me the other day to ask if I had any questions and I told her I did not.

Mary Miller, Planner, presented the staff report.

Amyx stated the Veterinarian Hospital that was there in 1996 is that the only reason that property has an RSO zoning designation just to meet what was there.

Miller stated it did and zoned correctly with the old zoning. I probably had RO-1 zoning or other residential office zoning for the veterinarian hospital and then the office building in the back was developed later.

Amyx stated it's just strange that it would have zoning at that location with the regular single-family residential to the south side of the street.

Berniece Garber stated I believe that the fact that Hy-Vee is across the street from my property and because of the corner there at Monterey Way and 6th Street. Obviously, there is a lot of commercial already there. Basically it shows that there already is commercial at those 4 corners. What I see is that there are 4 properties that really don't match what is going on and what has already been created by the City. It's a commercial corridor. It's a highway and already has a turn lane as far as safety goes. It's already been decided by the City and State that there would be people turning left and right. As far as safety goes, I feel like that's already been addressed. I feel like I'm part of the commercial development that's going on there. I'm just a tile in the mosaic that the City's already been creating. I already have people that are

interested in putting a restaurant in there, someone that had a restaurant downtown since 1998 had shown interest and the entrepreneurship that Chris was talking about that we need to grow the City. I just feel like this is the right time with what's going on with Rock Chalk Park. I read that 40 weekends a year there supposed to be booked up and 10,000 people can visit there. This is only a few blocks from that location. The timing is right and I really appreciate you considering this.

Schumm stated is that currently office space.

Garber stated yes.

Schumm stated there are two buildings on this lot.

Garber stated that's correct.

Schumm stated do you propose using both of them for restaurant and coffee shop.

Garber stated right now just the front building. The back building is just office. The restaurant would gain there entrance from the west side.

Amyx stated Scott, the zoning in the green area to the west of Mrs. Garber's property, is that commercial?

Scott McCullough, Planning and Development Services Director, stated no. That's the currently urban reserve area that had the detached dwelling.

Mayor Amyx called for public comment.

After receiving no public comment, Amyx stated after reading all of the information, one of the things I can say as somebody that sits on the current taskforce, looking at the update of Horizon 2020, I think it would be pretty premature at this point to consider a change in the zoning. I do believe the property was given its RO Zoning at the change of our zoning ordinance which would allow the existing veterinarian clinic. I do believe it's not the time to look at this. I think the strong recommendation from the Planning Commission being unanimous. The recommendation of professional staff and not being able to meet the criteria of the golden

rule of zoning, I guess at this point, I would not be able to do at this time. I believe the zoning needs to stand where it's at.

Moved by Schumm, seconded by Dever, to deny the request to rezone (Z-14-00300) approximately 0.8 acres, located at 4104 West 6th Street, from RSO District to CN2. Motion carried unanimously.

5. **Considered a request from Cornerstone Plaza, LLC to purchase one-half acre of Lawrence VenturePark property currently leased to them, located north of 2004 E. 23rd Street.**

Diane Stoddard, Assistant City Manager, presented the staff report.

Amyx stated the business that's going in is what?

Stoddard stated I don't believe I can say that. I don't know, but Mr. Hultine might want to comment.

Dever stated the map shows what's going to be developed, but is the only land owned by the potential buyer lot 1 or, block 1, lot 1.

Stoddard stated lot 1 and that was occupied by Sure Point Medical and then again the red lot was the temporary parking area at the rear of the building.

Dever stated Sure Point was across the street in lot 1 too.

Stoddard stated yes.

Mike Hultine stated my wife Donna and I do own the property that were talking about. By the way, Sure Point still is in Lawrence and they are alive and well and they intend to stay in Lawrence. I actually helped them find their other place that there in currently. I guess my response to the offer is first of all, the offer was based on the budget of the proposed fire. My wife and I are not making a profit on this particular part of our transaction, we're simply acting as a conduit between the proposed buyer and you, the city, to see if we can't get this for a reasonable amount of money. The other argument I would make is that every development that I've been involved with over 42 years, not all lots are valued at the same amount and there's different qualities of lots. I would probably maintain that this particular lot is not similar in quality

or location to the majority of the rest of the industrial park. I would also probably add that had the buyer been able to afford in his budget to just purchase the asking price, he probably would have without question, but given the bargain we made to buy the building, the budget that we allowed to buy the actual parking lot and then the monies that he will need to additionally bring that parking lot up to City standards, it's pretty much his budget. That was kind of how we arrived at the price we arrived at. I think I would also like to add that neither I nor the buyer we're not asking for any other concessions and not asking for any tax abatements. It is a minority service oriented business. They are new to town. They'll be bringing in a new business, they will have new employees. The way I understand it they're talking about bringing in 5 to 10 employees. You can still score a run by hitting a base at a time. Anytime we can bring in a new company and new employees to the city, I think it's a win/win. I think we're asking a fair price and I think it's a good deal for everybody involved.

Amyx stated at this point we're not able to talk about who the company is.

Hultine stated I guess I could go out on a limb here. I know that they recently, through my marketing people were going to send, I think, Mr. Lawhorn a press release stating who they are. It's going to come out. There basically a paid, minority ran funeral home and their interested in providing services to the minority community here in Lawrence, Topeka, and the surrounding area.

Dever stated can you tell me what the difference between the agreement you signed in 2012 where we entered into an option at \$2 per square foot and now you're re-evaluated price of \$1 a square foot. You originally signed the agreement and I would have hoped at the time, I know you weren't planning on improving it. Can you kind of explain what your rational is if two years ago \$2 was an okay option to buy and now we're down to \$1?

Hultine stated two years ago at that time, Sure Point had a completely different business model and we were under the understanding that at some point they might be interested in building a whole new facility which would have included not just this temporary parking area, but

it would have included the lot connected with it which would have been up to 5 acres they were interested in. From that time to today, a lot of things changed in the health care industry. They got involved with some capital investment people so their whole business model and their direction business changed. Rather than growing from that perspective, their capital investment people don't want to own property they want to lease only. So that whole prospect kind of went out the window.

Dever stated so it was prospect specific.

Hultine stated I was basing that on being able to buy about 2 ½ to 5 acres, not a ½ acre parking lot which is basically what we're talking about. The buyers intend to keep it and make it a permanent parking lot. I think it has 38 spaces.

Mayor Amyx called for public comment.

After receiving no public comment, Schumm stated Diane, I understood you to say that the appraisal that you had was on block A, Lot 2 in entirety, not the whole entire Venture Park area.

Stoddard stated correct, just that adjacent lot block A, Lot 2.

Schumm stated so your estimation is that partition lot 3, Block A, is that pretty much like the rest of Lot 2.

Stoddard stated I would say it was very similar.

Schumm stated there's not any ravines in there or hidden wells.

Corliss stated no.

Stoddard stated I will say in order to help answer Commissioner Dever's question, in looking at the file, we did actually have an appraisal done on this particular property in 2011, so it's 3 years old. That appraisal is how we derived at \$2 a square foot price, but again this appraisal that was recently done has been done in 2014 so it's much newer than that and that would kind of lead me to believe that it's not at the \$2 a square foot.

Dever stated was that appraisal on just Lot 3, block A.

Stoddard stated it was. It was just on that half acre.

Schumm stated my understanding of appraisals is usually the smaller parcel of property would bring more per square foot than a large expanse because there's more opportunity smaller parts that using multiple amount of acreage at one time.

Amyx stated this is one of those times I really appreciate the work that staff has done in protecting the investment and everything that's gone on in Venture Park. I do think that we have an opportunity to add a new small business to Lawrence Kansas and one that is a minority business that we're all supportive of. I think it's one of the times where we might not think it's the fairest of price, but at the same time it's a good solid price. My recommendation to the Commission is to accept the offer and with the understanding it's purely for the business that we mentioned and it will be subject to that business closing on this property at the \$21,760.

Schumm stated I don't think I can agree to that. I think it's a fair market value. We've got a lot of investment in that land. I don't want to start selling it as a discount. It's just one of those things and what's to keep the next landowner to the east to come and say they'd like the same deal. There are a couple of people in there that indicated interest.

Dever stated I would recommend that we negotiate the price that we're comfortable with. I understand that depending on what materials they used to improvement that lot; it's going to be costly. It's going to be \$3 to \$6 bucks a square foot for paving it and improving it. I think we need to be careful about the precedent we set on the land value. There's no question about it, it's taking up one-half of the access to the adjacent roadway of that parcel. I think that it's valuable. I would agree we need to take into consideration the land use and who were talking about. I think we should take that into consideration for negotiating the rate from what the appraised value is. I don't know if I want to accept a dollar for the land, but I think we should be able to let staff see if we can negotiate a fair price, based on feedback from the Commission tonight.

Schumm stated how are you going to establish a fair price if you have an appraisal that indicates a fair price?

Dever stated it's the appraised value. I know that some people in the room that would argue all of our appraisals in the County. The appraisal business in general is not in an exact science. I will say that I'm comfortable with saying that on the record. I don't want to see this opportunity leave, but I also want to start committing to what we talked about previously and that is disposing of access real estate owned by the City. This is a business that vacated the premises and we'd like to see bring new jobs. We saw the number on record. I'd like to see them move forward with moving to our community, but it's our responsibility to negotiate in good faith on behalf of the City.

Amyx stated Vice Mayor and Commission, did you want to see negotiate happen?

Dever stated it's up to you guys.

Farmer stated we're talking a difference to a very insignificant amount that matters a lot to a potential new business coming into town and with the improvements that they're going to do to that lot. I guess the real question for us is that worth \$8,000 or do we want to stand on principle. I'm fine with either one, but improvements to that lot alone are going to be worth far more than .38 cents a square foot. Are we really losing anything by making that concession?

Dever stated setting the market rate for the property, that's what we're doing for the adjacent parcels and others.

Farmer stated that's a good market rate is whatever we set it to be. We could say that it's \$30 a square foot if we wanted to. For me, I look at this as a business that's not into the community and I think gosh, that would be a great thing for Lawrence and a great thing for Topeka. I'm just looking at this purely from a financial prospective of thinking, are the improvements going to be appraised at more than \$8,000, yes and potential property tax coming into the City after that. Are we losing money right now or in the future and to me the answer is no.

Dever stated right now, we would be losing money because we would be losing \$8,000, but in the future, no.

Farmer stated until the improvements are done.

Amyx stated in the course of 50 years, we'll get it back as somebody that use to sit on the Board of Equalization at the County.

Riordan stated I look at this and say, you sell a small tract of land and you somewhat damage the rest of the property. You create a decrease in the salability of the rest of the property which is 99% of this. Even though it's a very good project, the company coming in is a good company. I'm having trouble off-setting those two big problems with the benefits. I would say that I would ask for the price that we have and see what they say. We're giving up too much, setting too big of a precedent and we're not receiving enough and benefits from this.

Amyx stated why don't I take the week, maybe myself and Commissioner Schumm and sit down and negotiate along with the City Manager and the potential buyer of the property?

Hultine stated this is a real contract and it's written to close before December 31st. I don't have a lot of time. I guess the other thing I would say is that you know appraised values, I've played around with those for 42 years and you live and you die by them. At this point in time, I don't think you're setting the precedent at all because I've seen examples where companies will come in and get all kinds of concessions, abatements, and whatnots. Nobody's asking for any of that, they're simply asking for the opportunity to bring a business and contribute to the community and I think that's what is important here.

Amyx stated Mike will you have time this next week to sit down and visit with us so we can put it together

Hultine stated absolutely.

Amyx stated how about Monday morning, 4th floor at 9:15 a.m.

Hultine stated sure.

Dever stated the action item was to direct staff on whether or not they should put together a document. I think that's adequate direction

Moved by Dever, seconded by Amyx, to receive the request from Cornerstone Plaza, LLC to purchase a ½ acre Lawrence VenturePark property currently leased to them, located north of 2004 E. 23rd Street; and, direct staff to meet with Cornerstone Plaza, Monday, December 8, 2014 at 9:15 a.m., in the City Manager's Office to negotiate a price. Motion carried unan

6. **Considered the following as they related to the HERE @ Kansas mixed use development project located at 1101 and 1115 Indiana Street:**

- a) **A request to revise the Preliminary Development Plan, PDP-14-00183, to meet the parking requirements of the project by employing shared parking via a shared parking agreement between HERE Kansas, LLC and the University of Kansas sharing 100 spaces on property owned by the University of Kansas and to reduce by 100 spaces the total parking spaces provided on the site of the HERE @ Kansas development (all 100 spaces requested to be removed from onsite are located within the onsite parking structure).**
- b) **A Development and License Agreement related to the construction, maintenance, and operation of parking and other improvements in the rights-of-way of Mississippi Street and Indiana Street.**

Sandy Day, Planner, presented the staff report.

Jim Heffernan, represented the HERE Kansas Project, stated on October 21st we discussed our request for on-site parking reduction. The Commission recognized, at the time, the duality of the issue. On one side you have the greater community's desires for smart, green infill redevelopment and the City's comprehensive development plan and the development code itself, which encourages multi-modal transportation solution that are adjacent to public transportation, encourages walkability, bike use and actually discourages car use. On the other hand though, the neighborhood legitimate concerns about existing parking problems in the Oread neighborhood were well discussed. The granting of a parking code reduction through a variance was sought very controversial. At the time, the two sides of that issue seemed

diametrically opposed. The Commission expressed the desire for two things. One, you said you desired a creative solution to the problem and you expressed a desire not to deviate from the code on the issue of parking. With the help of City staff and the leadership at K.U., we've have conceived of a plan, a holistic plan solution of shared parking. Such a solution is smart and green and it does not reduce the City's development code for required parking for our project. It does not require a variance, it does not set a precedent because it is using a portion of the City Code that has been used before and as such, it actually complies with your City code. Finally, the shared parking solution allows for a project to proceed that is consistent with the City's Comprehensive Plan and the Oread Neighborhood Plan. It creates a largest individual taxpayer for your City. It creates 250 family supporting construction jobs. It replaces a blighted area and a gateway to the University with the City's first mixed use development. It also possesses all the many benefits expressed by this body over the course of the last year. I respectfully request your support and approval of a revision to the preliminary development plan 14-00183 by incorporating the use of shared parking pursuant to Section 20-909 of the city's development code.

Mayor Amyx called for public comment.

Candice Davis stated I spoke before and I will tell you that I've lived in the neighborhood for a long time, 17 years and I would say that I'm very familiar with the parking issues in our neighborhood. Maybe in some isolated way, looking at this project, it might look nice and appropriate in maybe New York City, but when you consider the context of this apartment complex, not providing the appropriate parking, it's a huge problem, I believe in our neighborhood. As a taxpayer, I pay for the use and all of us do, the use in maintenance of our roads and I frankly don't think a street I'm not paying to support a parking lot in the street for someone who's an out-of-town investor or even in-town investor. The Oread residents had been working for many years to provide adequate parking throughout the neighborhood. As I showed before, we had this meeting, I had a photograph and there are actually 58 parking

spaces on those 3 blocks that go up Indiana Street. What this group is asking for essentially are 5 to 6 blocks of free parking. If you consider that every block in Oread accommodates about 20 cars and to me that's an incredible request. Also, KU, to me is totally unworkable and unreasonable to expect that KU is going to accommodate other cars outside of University students and staff. Another thing that really troubles me is this idea of an elevator in a building and I know you're not talking about elevators in building, but I'm trying to imagine how a student is going to be willing to wait in line for the elevator to take their car down to the street. What happens when this mega elevator breaks and do we have repairmen in town that are going to be rushing to fix it? What happens to those automobiles that remain on whatever floor they're on? I just find it really strange and then the idea that somehow this is a green notion to not provide parking, just doesn't make any sense at all to me. If you're going to become green and more sustainable, I believe you need to look at your highways and not build 3 and 4 lanes highways. We need to have better transit in our own community, light-rail, we need access to grocery stores and other amenities. I'm definitely opposed to this as are other residents in our neighborhood.

Donna Hultine stated I'm speaking to you as the Director of Parking and Transit at KU. I just want to clarify that the agreement will not allow anybody but KU faculty, staff and students to purchase a permit which is what I do, I sell permits. So I would sell permits to anybody who wants a permit who lives in the HERE Project and the agreement that we've made is that we would report to HERE, any of the HERE tenants that have actually purchased a permit. I've gotten a lot of phone calls today, from a lot of KU people that are concerned that I'm accommodating more than KU faculty, staff and students and that's not going to be the case.

Schumm stated there is a letter in our correspondence that indicates that both GSP and corporate permits are over sold. This is all categories of permits on campus oversold. There are 307 spaces available for parking. For this parking permit, we sold 373 parking permits.

Overflow parking for these permits is Lot 94 on the east side of the stadium. That's GSP and Corbin, so they park down in Lot 94 when their looking for somewhere to park.

Hultine stated they probably do. We offer Lot 94 as their overflow, but I'm sure that what they probably do on what this letter was about because he was counting GSP and Corbin permits on the street and if they see an open street space, they take that first.

Schumm stated currently you're 70 spaces oversold adjacent to this property.

Hultine stated yes.

Schumm stated if those people are going to use Lot 94 that's the same lot that Mr. Heffernan is proposing.

Hultine stated yes.

Schumm stated how big is Lot 94?

Hultine stated I think there are 250 spaces.

Someone stated there was more.

Hultine stated there's a series of lots through there.

Linda Bush, Lawrence Association of Neighborhoods, stated we just would like to reaffirm our support of the Oread Neighborhood and residents to urge you to reject this latest proposal as we just heard, it's well known and substantiated that KU parking permits are oversold and this won't solve any problems related to that, it will only exacerbate the situation rather than park in overflow lots, car owners continue to clog the neighborhood streets. That's the problem that needs to be solved.

Janet Gerstner stated as a member of Lawrence Association of Neighborhoods, I had become aware of this and it caught my eye because I use to live in Oread for about a decade, 3 blocks from this location. I'm very familiar with the parking situation throughout Oread and also with KU. While I like the idea of trying to be green and so on, I do think there are appropriate uses of that. I don't think that's going to be relevant to this situation where were trying to discourage folks in brining cares. This is going to be a fairly upscale sort of apartment complex

that were talking about and the residents there are going to be from middle to upper income families. Also, I'm guessing, from suburban areas where they're use to having cars. I don't see that that's going to apply in this situation. I sell all of these residents bringing their cars and wanting to use them. I also don't see this as really meeting the idea of an urban area. It's not really down toward downtown and folks will be relying on their cars. I think the parking is very essential and although I think there are certain situations where we try to discourage folks from brining cars makes sense, but I don't think that's really going to happen in this situation. My other huge concern is the reliance upon KU as the solution here for the parking. My experience was that those lots, as stated here, were oversold and that buying a permit to those lots simply gave a person the opportunity to shop to try to get a spot there. In looking through some of the correspondence that came with this, it validated a lot of my concerns and actually gave numbers to some of that and those interchanges here from Kyle Thompson with the University and also the correspondence from Robert Timm, he really summed up very well all my concerns. I felt strongly that offering this as a solution is not a solution at all, but actually only worsens the situation, is actually unfair to the residents that will be living in the apartment complex as well as making things worse for staff and visitors to the University, Museums, and definitely for residents in the neighborhood. I strongly encourage you to not go beyond what you already provided for this project where I think has already been some accommodations made. I don't think any further accommodation at all should be made on parking and I don't see this as a solution.

Heffernan stated someone brought up the Corbin issue and I think that speaks very eloquently to the issue at hand. The total capacity of those two dorms is 670 beds from the KU website and they're providing 307 stalls. That's only 45% ratio of beds to actual parking stall, they are under parked. What's more informative is actually the number of permits purchased which is more indicative of actually the number of cars kids are bringing to campus and that's 55.6%. When people see those CG permits on the street, that's because they're \$66 over sold.

If they would have a parking ratio anywhere close to what we're talking about which is 76%, they would be over parked. As it relates to over parking at KU, everyone knows that 100% of the kids don't bring cars. I think the Commission readily agrees or thought that was reasonable, but the question becomes then how many is it? If you look at it, one of the statistics that Donna gave me is how many total parking stalls are on campus there's 14,000. If you look at this year's student body population, there are 24,000 kids, I'm rounding down. There's 8400 on campus employees and 1300 faculty members, for a total of 34,000 plus with only 14,000 cars capable of parking on the lot and yet these lots are underutilized. I think Donna can actually confirm that. It's certainly something less than 100%. There are some questions as how to manipulate the numbers, but those are aggregate total numbers. There are only 14,500 plus stalls and there's over 34,000 people that are coming and going throughout the course of a school day. If they had the same parking ratio we're talking about, they would almost have to double the parking at 76%. That's the magnitude of what we're talking about. If we like data, there is a lot of data and a lot of historical history on parking. You only have to look as far as the KU data and they supply that. There were even references to a propensity for kids to bring their cars more readily as they get older. With utilizing the KU data, if you extrapolate that, if 100% of our residence were seniors, we'd still be over parked. The probability of being 100% seniors is not likely, were more likely to have a combination of sophomores, juniors and seniors which would only make are parking that were proposing, even more accessible. We as developers have the most to lose in this in terms of true dollars and cents. There was a comment about supplying parking in the street; we're building all of that at our own expense. There are no City expenditures for creating additional street parking on Indiana or Mississippi, just as a clarification of that issue. On two instances your City staff has recommended that you do this. KU's data supports what we're saying in that it's not going to be adding to the problem of the parking in the area nor does an analysis of other benchmark cities in looking at their code. No one has a 100% parking ratio for infill redevelopment.

William Admussen, Government Relations Director, for Student Senate, stated he talked about 24,000 plus students, me and my colleague Ahmad, we represent those 24,000 students and while we support the addition of housing options for students, we don't support this creative solution which we see as a shifting of cost to students to make them purchase those permits.

Ahmad Siddiqui stated I'm with SLAB the Student Legislature Awareness Board. Our job is to make sure students are involved with their civic community and make sure they're up-to-date with what happens in the City they call home, in Lawrence. It's our job as a Board to make sure these students have a big voice in this Commission. We believe that parking is very limited for students. When garages fill up on game days on weekends students have nowhere to go usually. Students need these spaces. We understand that everyone has problems with parking students are hurt especially and we also believe that HERE has to help provide supply spots after creating the demand and not shifting these cost to student tenants, by requiring to buy passes.

Admussen stated what they're doing is creating a big demand for spots by making this big complex. However, they aren't supplying enough for students and when students need somewhere to park, they're saying well now you have to pay for parking for the university for lots that aren't available all the time. We have game days and weekends. We just got an email actually the other day that saying the Mississippi Street garage might be full from certain times so you're going to have somewhere else to park. There is a large demand for parking and this complex is just making that demand bigger without coming up with concrete solutions that they could do by expanding their garage. Additionally, they said you had to provide spots for students. Does that mean a spot just on the weekdays when there's no game or does that mean the spot all the time? When you come home after a long day of class or after working so you can pay for your apartment, you need somewhere to park, not just the days where that lot isn't full or the days when there is no overflow and you need a spot all the time, your car just doesn't just find somewhere else to park when there's a football game. Additionally, Mr. Heffernan

spoke of the percentage of students that bring cars. I agree with him that as you get older, more students have cars and I will also say that as more people live off campus, so out of university housing, the percentage of cars increases because you have to pay and you have to work a job to do that. I see the percentage of students that are going to have cars living here, very high. The 50% that he cited, that is not a reflected number of the actual amount of students that are going to have cars. In summary I would say that students do not support this and I urge you to reject their creative plan, that's a cost shifting mechanism to students.

Amyx stated I have been through this project and I still think it's an extremely good looking project. It meets a lot of needs, but the parking requirement is still there. We have spent a lot of time and a lot of hours going through what we believe are the necessary parking requirement and I believed that parking requirement is to be met on that site. I believe that it just has to be, I hate to have people have to get a hunting license go look for parking and I believe that's exactly what that parking permit is which is something that allows you to go look. Folks, I support our code and where were at and I would recommend that we deny the request.

Riordan stated there are two concerns that I have, one is that working with the university, they often have their best interest in mind when they make decisions and this doesn't really have what happens in 5 years or 10 years if they want these parking spots back. There isn't a specific place for people to park if those two were there I think this would be a legitimate. I was just looking at google maps and when you look at the parking spots available in the elevated parking up the street and look all the way down Indiana, there's like 4 open places on all the sites that you can see. In living in the Oread neighborhood, parking is very important so I'm having difficulty with this because of those two reasons. If those were solved then I think this is an innovative solution, but for the reasons mentioned. I don't know that it's a really long lasting innovative solution or one that is actually going to solve the problem. It is an interesting idea though.

Dever stated I'm going to speak to a couple of comments, especially to the ones the students made. I appreciate what they're saying. This project needs to stand on its own and the developer obviously was trying to come up with creative ways to meet parking needs. I would argue with some of the comments about game days, specifically, I don't know if you're aware, I don't know where you guys live, but almost all of the houses that are anywhere near the football stadium make the residents move their cars so they can park and generate revenue on the grass and in the parking spots. It's part of their lease that they give up those rights to the space. Football game days are 6 times a year. It's kind of an anomaly, but that would not be reason I would not approve this. I agree with Commissioner Riordan the effort made to establish a permanent solution with 100 spaces on the existing lots which are underutilized would be to me, a positive goal. I think the proximity of that lot that's underutilized and on regular days when the entire top deck of the parking lot is full, there's still like 80% of the lot available. I think there's space there and it's in close proximity to this development so I do think it was a great solution, but the lack of certainty, the lack of commitment, and the lack of the timeframe of the agreement with KU is not substantial enough for us to move forward with this because, unless they can guarantee him 100 spots and they can guarantee them for 20 years, I think this kind of solution, although a creative one, doesn't seem to be substance enough for the community and/or the Commissioners. I understand why people feel uncomfortable with this. I don't disagree with the use of existing paved surfaces in our community that are not being used. I think it's silly to build more of them. Again, I'm going back to the point, we should use the resources that are in place, we should work KU's as a partner and they should stand by this development if they want to and offer 100 spots for a long period of time for this development if it needs to happen, if they'd like it to happen because we've bent over backwards to try and make it happen at the City level. The last thing I want to point to again, I think this Commission is remise if we don't address the parking issues in this portion of the adjacent communities to the University. I think the southern adjacent neighborhoods have restricted parking and I think we need to talk about how we solve

the same problem on the northern and eastern side of the University. I think we, as a Commission need to explore, solving the parking problem so that in the future, we have better ideas to our capacity and if we want to try to live a more urban lifestyle, a walkable lifestyle, on that utilizes public transportation in the existing infrastructure we have and I think we need to move forward with that as a Commission and create solutions to this problem, not just bat them back and forth with the neighbors. I think we need to respect what is theirs which is their streets and we need to try and create a solution to solve that problem. I think this project has shown a lot of serious issues we have in that neighborhood that have existed for many years.

Farmer stated I've always been really supportive of this project and what's really frustrating to me is none of these sorts of request happen until the NRA was approved at the 85% level. As soon as that happened, it was like it triggered that's not enough support and I feel like while I'm excited about significant investment in our community, I'm excited about a mixed use, we don't have any here, it's going to be great, and the income coming from that property, even with an 85% abatement or even with 95% abatement is going to be more than we're getting now from Berkely Flats in property tax revenue every year. The numbers make sense we will instantly not be in the red when it comes to that decision. The thing for me is I don't feel like it's worth putting all of that stress and traffic into the neighborhood. I have meetings on campus all the time and I can never find a parking space. Even if I had a permit, I can never find a parking space and those meetings are anywhere from 7:00 am to 6:00 or 7:00 at night and that's not on game day, those are Monday through Friday. I just would have a hard time doing something with such uncertainty, putting that stress on the neighborhood because as a lot of folks had emailed us and I've been trying to respond to all of them. We have one shot to get this right and if we don't get it right then it's really hard to go back and redo something that really can't be redone. I wish what would have happened is we would have been told, well if you only approve it at the 85% level then were going to have to do something to save on some expenses because that's going to put us in a tight spot. I think one time I calculated the per

parking with some of the budgetary things that were submitted by the developers and with the amount of money they weren't getting in the 80% approval from the 95% ended up being like 14.6 parking spaces which is not 100. I feel like the numbers are a little bit disingenuous too, but nonetheless, I can't support this at all.

Amyx asked Schumm if he had anything new to add.

Schumm stated I don't have anything new to add.

Moved by Schumm, seconded by Farmer, to deny the revise the Preliminary Development Plan, PDP-14-00183, to meet the parking requirements of the project by employing shared parking via a shared parking agreement between HERE Kansas, LLC and the University of Kansas sharing 100 spaces on property owned by the University of Kansas and to reduce by 100 spaces the total parking spaces provided on the site of the HERE @ Kansas development (all 100 spaces requested to be removed from onsite are located within the onsite parking structure). Motion carried unanimously.

Moved by Dever, seconded by Riordan, to approve the Development and License Agreement related to the construction, maintenance, and operation of parking and other improvements in the rights-of-way of Mississippi Street and Indiana Street. Motion carried unanimously.

F. PUBLIC COMMENT:

Candice Davis stated I do want to thank you for recognizing the fact that there really is quite a problem with parking in the Oread Neighborhood and the areas around the University, but also, I'd like to stress just the importance of maintaining the parking standards in the neighborhood and there are other multi-family dwelling units and apartment complexes and they have one parking space per bedroom. Another thing I wanted to comment on is I realize that 920 Missouri decided, the owner Mr. Keating, did not demolish the house, but I want to comment as to the fact that really stressed out that neighborhood block and especially the

neighbors next door. These to me, oversized duplexes that have been infiltrating the neighborhood are really creating quite a problem. They have become a huge in size and we have discussed this at LAN (Lawrence Association of Neighborhoods) meetings as well at the Oread Residence Association and we plan to work on reviewing the parking standards and some of the problems that are arising from these oversized duplexes. We certainly don't want them to threaten some of the historic fabric of the neighborhood by tearing them down because the property suddenly becomes more valuable than the house and then they want to replace it with these 8 units, 4 bedrooms on either side, duplexes.

Dennis Brown, President of the Lawrence Preservation Alliance, stated earlier this afternoon the Lawrence Preservation Alliance closed on the sale of the Turnhalle at 900 Rhode Island to Flint Hills Holding Group LLC and Tony Krsnich. In September of 2012, when LPA purchased the Turnhalle it was one of our most threatened historic community buildings. We bought it in a bold attempt to save it for the good of the community. The act of saving a threatened structure really comes in 3 parts. There's the rescue, which we've done; the rehabilitation; and, a new use program. With the rescue you really need to gain ownership of the property, you need to study the properties so you can understand what factors are causing the deterioration and what sequence of repairs are needed to stop the deterioration and you need to provide funding to complete that sequence of repairs. LPA has now accomplished all of this. We took a tremendous leap of faith to do this, one that put our entire organization at risk. We leave the Turnhalle having lost about \$10,000 of the \$50,000 that we raised from our members when we started the project. Turnhalle is now rescued, but not yet saved. Tony and his group will tackle the rehabilitation and the new use program and make no mistake; Tony today has taken a tremendous leap of faith as LPA has done. Because we recognize this we have also provided Tony a \$50,000 low interest second mortgage with payments not beginning until he achieves a certificate of occupancy or October of 2016 whichever comes first so even as we leave the project, LPA is still doing whatever we can to help move this forward. It's a very small

percentage of what the rehabilitation of Turnhalle will cost, but it's the best we can do and it represents the degree of importance that LPA places on the necessity of the Turnhalle rehabilitation being successful. With respect to the new use program, Tony will need to find one that is successful with the community, but which also proves to be economically viable and this is important. If it's not economically viable, Turnhalle in the long run will not be saved. If Tony is successful, there will be new life with in and around the Turnhalle within the next couple of years. Right now, Turnhalle is sleepy, but it is the sleep of a dying building. Tony was successful with his rehabilitation of the Poehler Lofts as well as a number of historic properties in the state. He knows how to use both the Federal and State Historic Tax Credits. We believe he's the right person for this job, but it's a huge job that will benefit the entire City and it is our sincere hope that the entire City would get behind Tony and support him in this endeavor to finish the saving of the Turnhalle.

Amyx stated Dennis thank you and thank everybody involved with LPA. I know you and I've had many conversations since the Preservation Alliance took that step in purchasing and the ultimate saving of that structure. I appreciate all the efforts that had gone into that.

Brown stated thanks Mayor, aside from the monetary contributions that were all the volunteer contributions that the board did, from heavy duty administrative work to sweeping up and cleaning up that was kind of tough to clean up. Mike Goins did a fantastic job for us and particularly our entire executive board. I was lucky to be a part of it.

G. FUTURE AGENDA ITEMS:

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

H: COMMISSION ITEMS:

Riordan stated I had talked to several of the Commissioners about reconsidering the starting time of the City Commission at either 5:30 or 6:00. To create an environment that might be more conducive especially when they run late. My worry would be that people getting home from work and I would like to have public comment.

Amxy stated we can get some information out and get some feedback. Megan can help us with the website to get some information out that way to see what people are thinking. I share your same concern about whether or not people's jobs wouldn't allow them to come earlier, but will see.

Schumm stated one of the things I've talked to a couple of you about is the possibility of starting at 5:30 pm, doing the ceremonial items and recognition and at 6:00 pm, start the regular meeting. That might be another option in terms of how we proceed. One of the important things to remember is the reason why we started at 6:35 pm because it used to be on Channel 6 and that was time it was assigned to that television slot so now we don't have that and we have a little bit more freedom. It is hard when you're down here every Tuesday night especially for the staff people because they got to go home and take care of their regular chores and get up and be back at work early the next morning so I kind of sympathize with that.

I: CALENDAR:

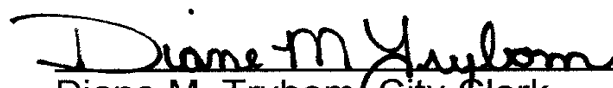
David Corliss, City Manager, reviewed calendar items

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 Riordan, to adjourn at 9:24 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON JANUARY 6, 2014.


Diane M. Trybom (City Clerk)