



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL H. DEVER

COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

December 16, 2008

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

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval, Mayor Dever recognized the supporters of the 2008 Helmet Fair and Safety House Renovation.

CONSENT AGENDA

Second reading of Ordinance No. 8324, pertaining to the requirements for the removal of snow or ice from public sidewalks; and approval of the use of right-of-way permits adjacent to 642 and 824 Louisiana for one month, were removed from the Consent agenda for separate discussion.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to approve the City Commission meeting minutes of December 2, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to receive the Sustainability Advisory Board meeting minutes of December 8, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to approve claims to 369 vendors in the amount of \$1,190,347.81. Motion carried unanimously.



As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to approve the Retail Liquor License for Parkway Wine & Spirits, 3514 Clinton Parkway, Ste. B. Motion carried unanimously.

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to concur with the recommendation of the Mayor and appoint Charles March and Paula Phillips to the Peak Oil Task Force. Motion carried unanimously.

The City Commission reviewed the bids for janitorial services for the Investigations and Training Center. The bids were:

BIDDER	BID AMOUNT	
Crystal Clear Enterprise, Inc.	\$1,481.05/mo	\$17,772.60/yr
Service Master	\$1,519.33/mo	\$18,232.00/yr
Bob's Janitorial	\$1,545.25/mo	\$18,543.00/yr
Jani King	\$1,625.00/mo	\$19,500.00/yr
ISS Cardinal	\$1,638.75/mo	\$19,665.00/yr
Smart Building Services	\$1,657.66/mo	\$19,892.00/yr

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to award the bid to Smart Building Services, in the amount of \$1,657.99 per month, or \$19,892.00 annually, for up to three (3) years, subject to annual review and renewal. Motion carried unanimously. (1)

The City Commission reviewed the bids for fire hydrants for the Utilities Department. The bids were:

Quantity	Item	HD Supply	Ferguson	Mainline Supply	Water Products
130	8" MJ Gate Valves w/ Acc. Kit per attached Spec.	74,360.00	76,013.60	78,325.00	71,370.00

5	5' 6" bury Fire Hydrant as per attached spec.	7,000.00	NB	72,60.00	7,105.00
50	4' 6" bury Fire Hydrant as per attached spec.	67,000.00	NB	69,475.00	68,250.00
10	4' bury Fire Hydrant as per attached spec.	13,110.00	NB	13,582.50	13,320.00
32	8"x 8"x 6" MJ Swivel/Anchor Tee w/Acc. Kit as per attached Spec	5,568.00	10,886.40	5,372.16	5,320.00
33	8"x 8"x 6" MJ Tee w/Acc. Kit as per attached Spec.	4,752.00	9,984.15	4,559.94	4,516.05
65	6" MJ Gate Valves w/ Acc. Kit per attached Spec.	23,920.00	24,430.25	24,943.75	23,075.00
98	6"x 18" MJ Anchor Coupling as per attached Spec.	10,584.00	19,492.20	9,383.50	10,059.70
65	Alternative Add - PPG Architectural Finishes Safety Yellow Coating on Fire Hydrants	NB	NB	NB	8,596.25

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to award fire hydrants to HD Supply for \$87,110, valves to Water Products for \$94,445; reject bids for tee and anchor coupling fittings; and, set new bid date of January 13, 3009 for tee and anchor coupling fittings. Motion carried unanimously. **(2)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to adopt on first reading Ordinance No. 8214, amending the animal control ordinance to allow domesticated hedgehogs as pets within the City limits. Motion carried unanimously. **(3)**

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to authorize reimbursement to HDD of Lawrence in the amount of \$39,581.25 or seventy-five percent (75%) of the installation costs of a sprinkler system at 732-734 Massachusetts Street, pursuant to the 2007 Downtown Fire Sprinkler Incentive Program. Motion carried unanimously.

(4)

As part of the consent agenda, **it was moved by Chestnut, seconded by Hack**, to authorize the Administrative Services Department to renew coverage provided by Midwest Employers' Casualty Company for the City's excess workers' compensation coverage for the period of January 1, 2009 to January 1, 2010 for an estimated annual premium of \$40,608. Motion carried unanimously. **(5)**

Commissioner Amyx pulled from the consent agenda second reading of Ordinance No. 8324. Ordinance No. 8324, pertaining to the requirements for the removal of snow or ice from public sidewalks, was read a second time. **It was then moved by Chestnut, seconded by Hack**, to adopt the ordinance. Aye: Hack, Dever, Highberger, and Chestnut. Nay: Amyx. Motion carried unanimously. **(6)**

Commissioner Hack pulled from the consent agenda, consideration of the use of right of way permits adjacent to 642 and 824 Louisiana. **It was moved by Amyx, seconded by Hack**, to defer for an indefinite period of time, consideration of the use of right-of-way permits adjacent to 642 and 824 Louisiana for one month, December 10, 2008 through January 10, 2009, with additional one month extensions to be considered as needed, provided that any future extension requests must be applied for prior to the expiration of the then current temporary use

of right-of-way permit, for the storage of construction materials. Motion carried unanimously.

(7)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the changes in national and local economy had impacted the City's market for recyclable materials which was not in good shape. It was a significant challenge because staff did not want to landfill the materials after everyone had gone through the effort of recycling. The City was having difficulty finding a good and acceptable market for those recyclables.

Mayor Dever asked how other cities were handling this issue.

Corliss said they were all trying to track down the same purchasers making this issue a challenge.

(8)

Deferred until January 6, 2009, --Consider the following items related to Lawrence SmartCode:

a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure property comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence.

b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan.

c) Consider adopting Text Amendment TA011024097 regarding the Lawrence SmartCode and, pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. Consider adopting Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode.

(9)

REGULAR AGENDA ITEMS:

Receive staff report on the structure at 617 W. 4th Street.

Brian Jimenez, Codes Enforcement Manager, presented the staff report. He said the City Commission heard this item on November 11th at which time a resolution was adopted giving the owner additional time to come forward with a detailed plan and cost estimates to

repair the structure. Staff made contact with Darrell Graves, attorney representing the owner, and the attorney indicated there had been no conversations with the owner regarding any type of progress.

He said he just received information from the attorney today, which was added to the agenda, regarding plans for repair. He said he had concerns with the time period it took to receive information and the weather conditions that would effect that time period. Staff was told repeatedly by the property owners that there were no financial resources available for repairs. He said the roof estimate had very minimal cost, but noted that additional sheeting and rafters would most likely need to be replaced in his professional opinion. He asked the City Commission to use caution because those cost estimates seemed extremely low. He said the owner was working with getting a general contractor who had not been identified yet. If the City went forward on allowing those repairs, that repair work needed proper building permits and inspections performed.

Commissioner Amyx said if the City Commission was to allow time, all necessary building permits needed to be pulled and financing information should be made available to the City Commission.

Jimenez said yes. There was a specific time period for the owner/general contractor to apply for a building permit and documentation indicating how the repairs would transpire. He said he would like to give the benefit of the doubt, but the financial aspect was a concern because that was what staff was told for years.

Mayor Dever asked if staff specifically asked for that information.

Jimenez said yes. He said he talked to Graves because Graves was the person who seemed as though he could get things going.

Mayor Dever called for public comment.

After receiving no public comment, Commissioner Amyx said the applicant provided estimates and the City Commission could give the applicant until December 30th, to pull the

necessary building permits and if the applicant was going to pull the building permits, the contractor would have had financing arrangement completed. If that did not happen, there would be a resolution to take care of this matter.

Commissioner Hack said she agreed with a drop dead date. She said she had a concern with the costs the applicant provided. The last thing the Commission wanted to do was remove an older home, but she was not seeing any progress. She said the numbers were provided, but to the extent the repairs could be completed in a timely fashion, she did not know. She said the drop dead date had been moved several times.

Commissioner Highberger said he agreed. He said he wondered if 30 days were a reasonable amount of time to pull a building permit.

Jimenez said he thought it was a reasonable time.

Commissioner Highberger said he concurred with Commissioner Amyx that unless contractors had financial assurance, they would not pull building permits.

Vice Mayor Chestnut said given the holidays and access to staff was going to be difficult. He said he thought the City Commission should allow 30 days.

Moved by Amyx, seconded by Chestnut, to defer consideration of staff's recommendation regarding the unsafe structure at 617 West 4th Street for 30 days to allow for the pulling of all necessary building permits, as determined by Development Services staff. Motion carried unanimously. (10)

Consider the following transit related items:

- a) **Consider authorizing the City Manager to enter into a contract with MV Transportation, Inc., for public transportation services from January 1, 2009 to December 31, 2013.**
- b) **Consider authorizing staff to advertise an RFP for route and schedule design for coordinated transportation services for the City of Lawrence and the University of Kansas.**

Casey Toomay, Budget Manager/Interim Transit Administrator, presented the staff report. She said the City's current contract with MV Transportation expired December 31, 2008. In order to comply with their federal requirements and the City's own purchasing policies and procedures, staff began a competitive procurement process in the fall 2007. Staff met several times with KU and worked on developing a joint RFP. KU's initial contract with MV to provide service had a contract ending date coinciding with the City's ending date therefore it was a good time to talk about a common service provider.

In the RFP, vendors were asked to submit pricing for providing stand alone service to the City and university, and pricing if being awarded both the City's service and the University's service. That was referred to as combined pricing, not pricing for a combined system.

The RFP was issued in January 2008 and received two responses in March 2008 from First Transit and MV Transportation. A committee made up of staff from the City and from the University conducted interviews with both of those vendors and in June 2008 they recommended, KU to their provost and the City to the City Commission, and the City would select MV Transportation as their service provider and they would begin contract negotiations.

The recommendation was based on scoring conducted as a committee in several different areas which included:

- Experience and performance of the vendors in this community as well as nationally;
- Understanding of the project and the quality of their proposal;
- Company's resources and support; and,
- Quality of personnel proposed to work on contracts;

She said although it was not a selection criterion, MV proposed a lower price and the scores determined that MV was the vendor City staff and the university recommended.

In June 2008, the City Commission concurred with staff's recommendation to select MV as their vendor and began contract negotiations. Simultaneously to that process, the City began budget discussions and the idea of funding transit through sales tax came up. Contract

negotiations continued with the thought being that if and when a sales tax passed, they did not want their service to be interrupted and wanted continued service on January 1, 2009.

Also this summer, the City and University worked on a letter of intent that looked at a more coordinated transit system for the City of Lawrence. They continued their contract negotiations with the idea they would negotiate separate contracts but if and when the City and University fully merged, they would be able to renegotiate a joint contract with MV.

She said in November 2008, the sales tax for transit was approved and with the revenue source secured, they picked up the pace of their negotiations. She said staff was asking the City Commission to authorize the City Manager to enter into a contract with MV for transportation services to begin on January 1, 2009.

The memo highlighted the changes of terms to the contract. The days and hours of operation would remain the same which was Monday – Saturday, 6:00 a.m. – 8:00 p.m. She said there was flexibility in the contract to change the terms and there was a threshold point to where that would trigger negotiation. For the purposes of the proposal, it was asked that vendors base their pricing on the number of service hours to be provided at 67,018 hours which was based on a projection of the hours provided in 2007.

In terms of vehicles, the RFP assumed the City would be replacing half of their fixed route fleet with heavy duty vehicles in the first year of the contract. The contract was negotiated to include some flexibility to replace those vehicles with a smaller size and profile vehicle if that was appropriate, but if that was done, MV would retain the right to negotiate maintenance costs associated with maintaining those vehicles. She said for paratransit vehicles, the contract assumed continuing current practice of replacing 3 paratransit vehicles each year.

The RFP assumed that vendors would be solely responsible for the cost of maintenance for their fleet, including major component replacement costs. However, the RFP assumed they would be replacing half of their fixed route fleet in the first year of the contract. Since that was not going to be the case, MV was unwilling to assume the risk of that maintenance cost, so

instead the City would be responsible for major component replacement costs for the first two years of the contract, then in the beginning of the third year, those costs would shift back being the sole responsibility of MV.

Under the new contract, fuel would be directly billed to the City. Currently, the fuel was included in their pricing. Almost half of their fleet drove by the City pumps each day and the City was typically able to procure fuel at a cheaper price, therefore their contract would require MV to fuel at City pumps when it would not take their vehicles out of service hours. Otherwise, MV would fuel at other locations that were preapproved by the City.

The total cost of the contract over the 5 years was approximately \$15.8 million. The contract pricing assumed a 52/48% split between the City and the university. That was based on an allocation of the total service hours. The City provided more revenue service hours than the university. However, the contract also noted that the City and university were currently working on a cost allocation process where they would use different factors depending on what was appropriate, whether it was square footage or man hours to better and more accurately allocate those costs between the City and University. The process was still being finalized and staff was working out the details with the university, but preliminary indications indicated reduced costs paid by the City.

She said regarding funding for the contract, the .2% sales tax would be insufficient to fund transit operations moving forward, so they would continue to rely on other revenue sources such as federal and state grants and fare box revenues to provide necessary resources for the system. The City Commission was provided a five year projection that showed all the revenue sources as well as a plan for expenditures. At the end of the five year period, a fund balance was anticipated of \$274,000.

In the 2009 budget, \$2.5 million was included in resources and \$2.4 million in expenditures. She asked the City Commission to realize the budget only showed the local side of the revenue expenditure and expenditure picture and did not include grant funds, dedicated

federal funding, or the associated expenditures. The 2009 budget did not include the .05% sales tax which was not on the table until further into the budget process. Staff planned to present the City Commission with a budget amendment after the 1st of the year that would provide the City Commission the budget authority to spend those additional resources.

She said the timing of the sales tax collection required an inter-fund loan to cover the first five months of their operations. That amount depended upon the fund balance and what the transportation fund would be at the end of 2008. The 2009 budget assumed the loan would be in about \$595,000. That loan would come from the general fund and that fund had the cash flow available to make that loan. The plan was that the public transportation fund would repay it over a period of no more than three years.

Commissioner Amyx said regarding maintenance, if the City Commission decided to go with a smaller vehicle, he asked if the City be responsible for the maintenance of those vehicles.

Toomay said if the size of the vehicle was changed, MV retained the right to renegotiate the cost of maintaining those vehicles. If the vehicles had less of a useful life, repairs would be needed than a heavier duty vehicle. MV's pricing was based on the assumption the City had the same type of vehicles the City currently had now. The second issue was the cost of the major components.

Commissioner Amyx asked about the maintenance history over the last year and any problems occurring.

Toomay said bigger time problems were occurring when reaching the end of the useful life of those vehicles.

Commissioner Amyx asked if staff knew how much the contractor was spending on maintenance of the bigger busses.

Toomay said she did not have that information, but staff had a number in mind. She said telling the vendor what that number was might not be in the City's best interest. That number

was included in the budget. She said when staff budgeted fuel, fuel prices were a lot higher and staff anticipated savings in fuel prices, for additional funding, if needed

David Corliss, City Manager, said fuel acquisition options would be studied as well.

Vice Mayor Chestnut said for early termination, if they had a major change in federal funding, the City had the right under the contract to terminate early, but there were close out costs. He asked if the City was subject to close out costs if federal funding ended.

Toomay said she believed the way the contract was written, that would be the case.

Chestnut said there would not be any force majeure because the federal government decided not to fund the City anymore.

Toomay said there was a clause in the contract, but did not know if that would fall under it.

Chestnut said it might be a good thing to know. He said if a different procurement was done on vehicles, whether light or heavy, right now the way the contract was written it gave all the power to the contractor to renegotiate. He asked if it was reasonable to make that mutual agreement because those maintenance costs might be higher or lower. Right now the way it was written, it gave them the leverage to raise the price, but wanted the understanding that if mutually decided a fleet was going to be lower cost maintenance, they would have the ability to renegotiate. He said it was a little ambiguous and he would like the contract to be more flexible.

Mayor Dever said what he read about cut away busses and the maintenance cost associated and it was more likely, other than some catastrophic failure, which hopefully might be covered by warranty, that the cost of maintaining the cut away or smaller busses might be more in a three year term than 10 or 12 year life cycle because those busses were less likely to fail. He said hopefully, because of the length of the 3 years remaining, that would not be as great as an obvious risk. He said he thought they were betting on less expense with the bigger busses, but he could be wrong.

Vice Mayor Chestnut said given the fact the City did not know what the procurement plan would be, he would like to have that mutual understanding that they would assess that new fleet as it came and judge the maintenance costs based on what was in the contract on either side.

Corliss said he thought that was a change the City could ask MV to make on the issue of maintenance.

Mayor Dever asked about the alternative fuel vehicles. He said he saw some notice in the contract they would have the opportunity to renegotiate a contract in the event the City bought alternative fuel vehicles.

Toomay said she thought it was the flexibility in that the fuel type might or might not already be available in the community and might require more of an upfront investment on MV's part. She did not know what alternative fuels each party had in mind, but thought that was what was behind that comment.

Mayor Dever said Toomay might want to find out if it was related to maintenance as well for the vehicles that were of a different type besides diesel because that could be another issue as well if chosen to go with one that might automatically throw up a red flag and cause them to renegotiate again.

Commissioner Amyx asked if the charges were comparable between the City's contract and KU's contract and the same responsibilities were going to exist for maintenance and everything else.

Toomay said staff had been in contact with KU throughout this process and each party knew what was in the other party's contract. In terms of the pricing, if going through the pricing that was submitted with their response to the RFP, there was a column of City pricing and a column of City and University pricing. Some of the items were split evenly; others were based on the revenue service allocation. What that calculated into was not necessarily the same per service hour rate, but the equal allocation of the cost based on their percentage basis.

Vice Mayor Chestnut said right now there was a balance in the equipment fund for transportation. At one point, they were discussing releasing that balance to cover this time frame, but thought they were going a different direction now, which was actually getting a loan from the general fund or utilities. He asked what they were going to try to continue to aggregate in order to pursue the start of the capital outlays.

Corliss said the plan was for the money in equipment reserve to be used as the match to buy new busses. The length or type of busses was not known yet, but knew it was going to be for the fixed route system and would make that decision in 2009. When staff was uncertain about the outcome of the election and hypothesized about what they might need to do if it failed and still had a demand for paratransit, staff talked about using the money in the reserve fund for transit to use as a bridge loan to keep paratransit going. They were going to likely need to encumber those reserve funds for a match sometime next year.

Mayor Dever asked if the City had to pay for the busses 50% or 100% upfront.

Corliss said he did not know the exact procedures to go through in order to get to the obligated allocated federal funds for busses, but the City's purchasing policy, if not the cash basis law, would require the City to encumber their match at the same time the City signed a contract for the busses.

Vice Mayor Chestnut asked if the City Commission would see a resolution on this relationship as far as borrowing. He said he would like to see it time bounded.

Corliss said the Vice Mayor was asking for a way to legally obligate the City to pay back the general fund. Staff would present information to the City Commission on that idea.

Toomay said the projection staff provided showed in the expenditure plan, that repayment. Procedurally, it could be budgeted in the City's annual budget each year as paying it back.

Corliss said what the Vice Mayor was asking for was something that obligated the City and did not know exactly how that worked, but staff would figure that issue out.

Mayor Dever asked what costs were related to the additional incentives, if this was normal operating procedure, whether or not they could include additional performance standards or incentives based upon merger and/or coordination with KU clauses when talking about how those two buses interacted, and the wait times between those buses because the City needed to be holding them accountable. He said individually they might operate, but not operate substantially together. That was an opportunity where this could fail and there was no disincentives. He suggested inserting a performance standard in the event it occurred or get an idea of the costs in the past because he had not seen that number.

Toomay said staff would gather that information.

Toomay said the second item was a request that the City Commission to authorize staff to advertise for requests for proposals for route and schedule design for coordinated transportation services.

She said beginning in August, the City and University appointed members to a planning team whose mission was to work on an implementation of coordinated transit service in Lawrence. They were meeting weekly on that topic and last week met almost daily. They held two open houses to obtain public input from the public on a variety of issues related to what the community expected in terms of coordinated transportation services. They launched a new website getonthebuslawrence.org and that website was a place where people could go and provide additional input. There were a number of survey instruments the public could complete along with general comments and receive e-mail updates keeping the public aware of their progress.

The Planning Team identified the next step in the process, which was designing routes and schedules that served the needs of the students and the rest of the community. They were requesting the help and implementation specialists. The team thought they lacked the technical expertise to do this in-house. They talked with the university at length if there were students in planning or other areas that felt like they could do this as a class project. In the end, they

decided they needed an expert to help with this work. The time frame they were talking about was extremely short and was their thought they needed experts to meet their turnaround time.

She said the scope of service of the RFP could be summarized in four phases. The first was a comprehensive system inventory and assessment. This would allow the experts to learn about their systems, what was working with those systems and what areas they needed improvement in.

The second phase was development of standards and they were asking the experts develop standards for their system related to service, performance, expansion and vehicle types.

The third phase was the development of transit service alternative and this was where they were asking for route design and schedules. Those would be designed to achieve those standards identified.

She said they were asking for a first set of recommendations to be provided by March 1, 2009. This timeline allowed any route changes to be made in time for students who were planning where they were going to live. Most students make leasing arrangements at the end of March and chose where they lived whether or not the bus served that living arrangement. She wanted to make sure they accommodated that.

The second set of recommendations, the team anticipated would be much more comprehensive and were willing to give the experts a little more time to come up with those recommendations and expected to bring those recommendations back in January 2010.

The fourth phase was the public meeting phase where there were recommendations, receive public comment, and provide the final report.

She said regarding funding for this project, they were intending to get as much state aid as possible. The Lawrence-Douglas County Metropolitan Planning Organization had \$20,000 available in their UPWP for this project and KDOT expressed interest in providing some

assistance. They anticipated there would be a match and would split any necessary match with KU 50/50.

Commissioner Highberger asked if they had an estimate of the total cost or a rough expectation.

Toomay said yes and they were anxious to see what the people were proposing.

Corliss said staff believed that the City's share of this type of contract was likely to be within the City Manager's authority to sign, around \$5,000 - \$10,000. They were hopeful to get a consultant who was familiar with Lawrence and quickly understand the tasks at hand, but had the clear familiarity to do the types of things staff did not have the ability to do and work with MV as far as what were reasonable transit times.

Commissioner Amyx asked if everything was on the table as part of this RFP.

Corliss said he believed so as far as changes. The Mayor had been a strong leader on this as far as discussions with KU and other groups. The table had an underlay of the federal regulations as to what they could do and had to comply.

Commissioner Amyx said everything was covered under the scope of work and wanted a system that would be efficient and dependable.

Mayor Dever called for public comment.

Hubbard Collingsworth, Lawrence, said he wanted clarification about allocation of funding. He said if he understood correctly and not to take anything from the Lawrence Journal-World's paper this morning, but 58% City and 42% KU that was the combined figure that might or might not hit the projected figures in the paper. He said not only the homeless community, but the community at large was very anxious and he heard recent statements from people saying that they were taking the T instead of driving their own vehicle because of cost.

Commissioner Hack said that number was the cost of the City's portion of operating the T.

Toomay said if taking the total cost of providing the City and University service and looked at the City's share, 15.8 over 5 years was the City's share of the grand total.

Commissioner Hack said they should get on with this transit issue and had great opportunities to do great things with KU and that reflected everyone's hard work.

Commissioner Highberger said he was disappointed they could not receive a living wage floor for bus drivers under this contract because it was nixed by KU, but other than that thought staff did a great job and agreed it was time to move forward.

Vice Mayor Chestnut said he received a number of e-mails regarding the time length, but thought that there was enough flexibility and as they evolved transit to a better system there were contractual flexibility to adjust bus service hours and it was designed that way. He said if staff could work on the maintenance issue and definition if federal funding ending was an enforcement that would be a good thing to know. As far as the RFP, there was a lot of information but given the fact they did not have a transit administrator at this point, they were in a compressed time frame and cost wise it was going to be minimal expense to the City based on all the other funding sources. He thought it made sense to have someone coordinate both KU and the City's interest and look at it from a fresh set of eyes. He thought they had to get it right the first time.

Commissioner Amyx said it was time to move ahead and one thing that was important was the maintenance issue. He said he would like to have information on the City's current maintenance costs in the last 6 months to a year. In moving ahead and looking at the possibility of merging with KU, if that was not possible, he suggested having a coordinated system to maximize both fleets in moving as many people as possible in a timely manner.

Mayor Dever asked what happened if the contract was not signed by the expiration of the current contract. He asked if there was a month to month agreement.

Corliss said the majority of the City Commission needed to tell him what to do. If the City could not come to terms with MV and still wanted to provide transit service, the City would

want to talk to MV about continuing a relationship short of a contract. There were so many items in the contract that protected both the City and MV and something was needed in writing. Staff followed the process and thought the costs were reasonable considering the costs provided. He thought the contract was reasonable.

Mayor Dever said people had raised questions about the City trying to operate the system. He said he did not know how it came about with the selection of MV Transportation initially, but they had performed well. He asked if the City ever considered trying to take this effort on.

Corliss said staff had discussed that effort when there was the initial push to do a fixed route system. To some extent there was probably a built in bias not to do it because the City lacked expertise and had some experience with the fact the community was already served by a private contractor, KU on Wheels and Kaw Valley Regional Transportation group, a private contractor. There was a belief the City did not have the expertise or a facility to maintain those buses. He said this was a way to keep track of the cost separate than the entire City organization. He said he did not know if there was much discussion beyond those elements.

Commissioner Highberger said the issue was discussed before the RFP was sent out. He said he recollected that staff advised against it for a number of reasons.

Mayor Dever said by signing this contract, the City was putting itself in a commitment of 5 years and there currently was no transit coordinator. Toomay had done a great job, but it was very complicated as he learned in the past couple of years. He said he did not know if there would be benefit in waiting until they had a coordinator before signing off on that contract and to move forward with the route planning and coordination or could that be done concurrently.

Corliss said the RFP was primarily authored by Cliff Galante, former City Transit Administrator, but Galante was building on an earlier RFP the previous Transit Administrator used. The RFP was what the contract was based on. He said he did not see any benefit in waiting and saw a potential detriment as far as MV Transportation saying they need a contract

to know what their cost would be, what their commitments would be and the liabilities associated with certain things starting January 2nd.

Mayor Dever said when the City did hire someone, if there were things in the contract that were not necessarily in the best interest of the City, but obviously if Galante help put this contract together and it was based on the previous coordinator, it made it a lot more straight forward.

Corliss said Toomay had hit the major items that were different such as the fuel and costs allocations.

Moved by Highberger, seconded by Chestnut, to authorize the City Manager to enter into a contract with MV Transportation, Inc., for public transportation services beginning January 1, 2009 to December 13, 2013. Motion carried unanimously. (11)

Moved by Chestnut, seconded by Amyx, to authorize staff to advertise an RFP for route and schedule design for coordination transportation services for the City of Lawrence and the University of Kansas. Motion carried unanimously. (12)

Receive staff report on economic development issues and policies.

Roger Zalneraitis, Economic Development Coordinator/Planner, presented the staff report. He said the purpose of tonight's presentation was to receive some feedback on the policies and also set up a larger discussion for a study session in January regarding economic development. Some of the key items for discussion regarding the overarching policy, there was a new process staff wanted to discuss as well as a quantification of substantial compliance as well. Staff would also discuss some of the requirements for tax abatements and how to address those requirements, the current penalties and fees, and the role of the Economic Development Board and the PIRC (Public Incentive Review Committee). Finally, they would highlight the output from the benefit cost model.

He said this entire process originated from late 2007 from Commissioner Chestnut's memo and started rolling early 2008 with a study session, highlighting the need to review some

of the City's policies and put new policies on the books as well. For instance, Diane Stoddard, Assistant City Manager, drafted a tax increment financing (TIF) and transportation development district (TDD) policy in April. Those financing options were reviewed, passed and adopted in August. This was the next step and staff was reviewing the tax abatement policies, looking at some new policies, and going over the benefit cost model for the public.

The methodology approach had been the same starting with a review of existing policies. Staff was doing a best practice analysis for communities around Lawrence or regional or national search for different policies that might be in place. Staff had interacted with other communities and talked to those communities about what they did to get over some of the difficulties or how those communities addressed some of the more difficult issues in some of those policies. Staff drafted those policies and in some cases had reviews and stakeholder meetings regarding the benefit cost model. Generally, the roll out had been in front of the City Commission which was the overarching policy and the tax abatement policy and this was the first time presented in public.

He said in terms of the overarching economic, there were certain policies that were governed by state law such as tax abatement, TIF, and TDD, and there were other cash like incentives that might not be governed by state law. What the overarching policy would do was provide procedure accountability for any cash like incentives the City might think about adopting in the future. Staff was not recommending any more cash like incentives be adopted and not saying the City had to have those incentives to adopt the policy, but saying the policy would be in place in case those incentives were adopted. Some examples might include if there were loans or grants for small businesses or if there was going to be a policy on private infrastructure as an incentive package; it would be governed by this policy. It was not meant for any substitution for state law. There might be situations where it would govern as well as state law and might be additional requirements for people who came in for tax abatement, but that was a discussion item they could bring up later.

He said some of the key features of the overarching policy was first they wanted to match the objectives to Horizon 2020, list the potential incentives that might be covered by the policy, and discuss the application procedures for how that would be carried out. Most of that policy came from the abatement procedures but there were new policies as well. Any analytical requirements for those different cash incentives, mainly the cost benefit model, and finally the accountability.

He said he was going to highlight the application procedure and the accountability section. He said if an applicant was interested in an incentive, most cities had a procedure where the firm would apply, receive technical assistance from an outside agency, work with City staff to make sure the application was correct, City staff would review it, and bring it forth to the City Commission for a vote. He said the procedures and meetings at the end were new. Staff was recommending two public meetings. The first meeting would be a chance for the applicant to come up and present their request. At that meeting, the applicant would receive questions and comments as well as from the public regarding their application. At the second meeting, a vote might be taken. Staff believed those meetings would be good for both the public and applicant. For the applicant it provided a little more structure in what would be expected of them from the City and where the information would be provided. For the public, it gave a comfort level knowing that the first time they heard about this application it was not going to be a vote but for the benefit for the applicant and the City Commission. They would have a chance to be heard without votes being taken at that meeting. This procedure had worked pretty well in other communities and might be worth adopting.

Commissioner Highberger asked if this was assuming there was an overview by some subordinate body like PIRC or ED Board, and if there was such a board would that change the recommendation for this structure.

Zalneraitis said he did not believe that assumption was there. For instance if PIRC was still reviewing the abatement, this could be after PIRC had reviewed the application and brought it forth to the City Commission.

Diane Stoddard, Assistant City Manager, said she thought the primary intention was to make sure that if there was not another level of review, that there would be at least two hearings. Perhaps if there was another level or fell under another policy like the tax abatement policy, perhaps two hearings was enough. Staff wanted to address the concern where something was posted on a Thursday and considered on a Tuesday.

Zalneraitis said the second thing staff wanted to highlight from the overarching policy was substantial compliance. It had been discussed throughout the years whether firms were in compliance or not. A lot of communities were starting to put in a quantification of compliance. All the firms would have a performance agreement they would be subject to with at least three things in that performance agreement; jobs target for every year, wage target for every year, and capital investment which might not be every year. The firm would be held to a standard to determine if they met the goals or not. With at least three criteria in the performance agreement there would be an averaging between those three. He said the firm might fall short on one but if they were okay on the other two, they still might get their full incentive. If the firm started falling very short on one or falling shorter on two or three, they would see the amount of incentive reduced for that particular year. As an example, next month they were going to start the annual abatement report and if it was in place, what would be seen was if a firm was in only 85% compliance, in 2009 their incentive would be only 85% of the agreement as opposed to 100%. If they came back into compliance in 2009, the incentive came back again. It would be a one year repercussion for not meeting their goals.

He said the tax abatement policy was enacted in 1991 and there was a substantial update in 2001. Some of the highlights from the 2001 update was the benefit cost ratio of 1.25 to 1 was added. The Public Incentive Review Committee was also constituted which replaced

an older committee. Performance agreements were also required. In 2003 with a couple of additions included the wage and health requirements for abatement policies as well.

He said items that might be worth discussing were the requirements up front. He said regarding the concept of a “big firm”, it was stated the City wanted to apply abatements to small and medium sized first, later it stated if making capital investment greater than \$20 million, an extra incentive might come into play. Staff would like a better definition of what was meant by a “big firm” and whether or not they wanted to exclude those firms.

There was more and more attention being paid to abatement policies and other incentive policies around the state and country about sustainability. A lot of Lawrence’s peer communities were starting to include bonus incentives. He said right now they had some mention of bonus incentives in the 2003 policy and had one statement upfront that the firm must be environmentally sound. The City might want to think about how to incorporate sustainability into incentive and tax abatement policy, like offering bonuses as a carrot to bring in more environmentally sensitive firms.

He said regarding the penalties and fees section, the fees were meant to cover the City costs to review those abatements to make sure those companies were in compliance. The City seemed to be a little bit above other communities right now in terms of the fees and might want to discuss keeping the fees, reducing the fees, or keep the current fees.

Regarding the penalties, staff was discussing substantial compliance in the overarching policy and if that were to govern the abatement, there would be two different penalties associated with the abatement. He said staff had not seen any other community that had a penalty like Lawrence’s and if wanting to see some type of performance claw-back mechanism, staff might want to look at those penalties and how to captured back some of the incentive the City offered.

He said the Lawrence-Douglas County Economic Board was comprised of leading figures from the University of Kansas and Chamber of Commerce and were meeting very

infrequently. He said there needed to be discussion about what they wanted this board to do, how often they should meet, what their goals and objectives were, or conversely merge with the Public Incentives Review Committee.

He said PIRC just looked over abatements and there had not been many abatement issued in a while. He said that committee met once or twice a year, providing a report on how the firms were performing. As more policies were developed, one question might be whether PIRC should oversee or provide some type of report on those policies as well or assume some functions of the Economic Development Board.

He said regarding the benefit cost model, the University of Kansas ran the model and indicated to the City, this year, the model needed to be updated and for various reasons the City decided to bring the model in-house which was in the first draft stage.

He said the benefit cost model only looked at costs and revenues as they accrued to the taxing jurisdictions. This was not meant to cover environmental impact, whether the job market was improving or whether students could find jobs in Lawrence or not. Most could be included in the analysis, but were not going to be included in the analysis.

The costs and revenues that were in the model, the County and School District and City, had property taxes for the County and City, sales taxes, franchise fees, and any ancillary fees. For the state there were the incoming corporate taxes and school district any new transfers that came from the state were included as revenue. On the cost side, for the state, if the state had any new transfers to the school district, that was a cost for them. Any infrastructure that needed come into for the new residents or firm was included as well. Operating costs were the additional costs for police, fire fighters, parks, and so forth. There was interest on debt, which meant that if a project ran at a loss to the City for one year, there was a little bit of an interest charge which represented an opportunity cost. The money was going to have to come with new taxes, be bonded, or come from someone's budget.

He said one key issue was the output. Staff had a draft proposal and wanted to know how to evaluate a project. Another issue was whether the overarching policy would govern the abatements, TIF's and TDD's. If so, he wanted to know what portions would be governed.

Commissioner Highberger said in the old model there were some situations where the model would have a negative benefit or job creation and asked under the draft model if there were any scenarios where that would occur.

Zalneraitis said yes, it would be based on the wage. If the wages were low enough, there would probably be a negative impact on the community. Staff had seen under the first draft, a lot of the secondary jobs that were created showed up as a negative on the model.

Commissioner Amyx said under the requirements for tax abatement and the environmental policies, it was mentioned other communities were putting policies in place regarding sustainability and asked if staff had copies of that information.

Zalneraitis said staff could provide copies. He said if he remembered correctly, Olathe had a 5% bonus.

Stoddard said there were a couple of Johnson County communities that had a bonus as an extra credit over their base threshold on property tax abatement for LEED certified buildings, for example.

Commissioner Hack asked for the fee structures so the Commission could compare and what those fees covered that the City charged.

Zalneraitis said the fees were supposed to cover the cost of staff time for reviewing the incentives and on-going compliance with the annual reviews.

Vice Mayor Chestnut said he had worked with spreadsheets for a very long time and this was some of the best work he had seen.

Mayor Dever called for public comment.

Kirk McClure, Lawrence, said he was a six year member of the Public Incentives Review Committee and saw the City's procedures on economic development over the years. He said

he wanted to applaud staff for a great piece of work and wanted to discuss tool usage to give ideas to the City Commission for their upcoming study session.

The City had suffered from non-compliance among the firms that have received tax subsidies in the past. The City needed to tighten its rules and thought it made the City into a weak player in the economic development sphere if word got out that the City lived with non compliance. Staff had looked at this issue and looked at the best practices and were recommending ways to improve it. The analysis of the past received a single benefit cost analysis and little or no capacity to ask for scenario testing or sensitivity testing. By bringing the analysis in-house, the City had that capacity now and whoever this advisory board body would be, they would have the capacity which was now inside City Hall and would make a great improvement. He said most specifically, the economic development planning had been poorly guided and poorly monitored on both the guidance of the work and the way the on-going performance was monitored. Staff had given the City Commission recommendations that were beneficial and could lead the City in a good and positive direction.

He said the second point was the use of those tools. Tools were only as good as their use. There was no such thing as a good or bad benefit cost analysis. There were, however, good and bad uses of it. Benefit cost analysis was a highly useful and informative tool; it answered some questions. In its most narrow sense, it took its present value of future costs and put them over the present value of present and future costs. If the ratio was greater than 1.25, the benefit sufficiently outweighed the cost and they should consider doing the deal. The difficulty was it did not answer all questions. It simply told them it had a deal that had benefits in excess of costs. He said that did not mean they would not consider some deals where it did not meet the 1.25. Business retention was an issue many times. A firm that was failing, the cost of allowing it to fail might be worse than the cost of helping it succeed or move further even though the benefits might be weak. More specifically, the issues he had seen go on over time was the notion they treat it as a normative policy. Many economic development advocates have come

before the City Commission and PIRC and said because the benefit cost analysis was greater than 1.25, the city should give the tax break. He said that was not correct. He said if anything, they should all be painfully aware that multiple firms had received tax abatements from Lawrence and after the fact publicly stated they did not need the tax abatement and would have made the investment and created the jobs anyways. The City did not need to be giving tax breaks that did not generate work that would not happen otherwise. They needed to be doing that careful risk analysis. The benefit cost analysis did not answer that question and needed to do the risk assessment of what was the probability the firm would come without the tax abatement or whatever types of subsidies were being made. He said those had created costly mistakes in the past and they showed the City they needed to be careful to use the tools correctly. Just because the analysis might come out ahead, did not mean it would be a beneficial positive gain for the community. He said he hoped they could move forward with issues the City Commission could address in their study session for ways to make better use of those tools.

Commissioner Hack said McClure said bringing the analysis in-house would provide for a better analysis. She asked what other types of analysis staff could do to provide the City with more information.

McClure said the but/for analysis was a great thing. Two areas he would like to see had to do with the makeup of the jobs the City had now and the makeup of the workforce. At any given time the City needed to know the structure of its work force. They also needed to know to what extent that matched up with the needs of their employers. Some years ago, there was a difficult situation in front of the Public Incentives Review Committee. There was a subsidy being asked from a firm that was going to hire a certain type of worker. They looked at comparable firms around the area and asked if there was a surplus of this type of worker and the answer was no, they were already saturated in that type of work and had an HR Director of a firm saying they had to go to Shawnee County and Franklin County to get workers. He said that

showed that just because jobs were created did not mean it was going to be of benefit for the community. Other studies showed that the most underemployed was the entry level worker. He said the DST situation showed that the City had an enormous need for jobs at that time, so they ought to be constantly looking. He said they needed to hire firms that would assist hiring the unemployed and underemployed type workers.

Daniel Poull, Chairperson of the Sustainability Advisory Board, said he would like to bring the City Commission's attention a memo dated May 7, 2008 which the SAB sent to the City Commission. There were a couple of things their board thought were still missing in the tax abatement applications. They did not think it asked the applicant to address the environmental impacts as well as they should. They would like to know quantifiable pollution prevention, waste reduction, brown field redevelopments, other than just LEED or green building techniques, which was included in the language. He said they would like to know more specific environmental information. One of the things on the application on page 3 asked how much the applicant currently paid for gas, electricity, cable television, telephone, but did not say water, wastewater or solid waste. He thought a better way to ask that question was how much gas, electricity or other utilities they used because what the applicant would pay varied around the country.

He said if a business was going to relocate to Lawrence on virgin soil, that was a different thing as opposed to going into an existing business park or reusing a place where a business had existed already. He thought that needed to be asked. He said all of those things could be in the application and the more information received, the better it was going to be, especially with environmental questions. He could not imagine it would not scare anyone away and if it did, they might not want those businesses in Lawrence.

He said he wanted to refer to Vice Mayor Chestnut's memo and it stated environmental impacts should be considered as a non-economic factors which he thought was true sometimes,

but not 100% true. There were certain environmental impacts that would definitely impact the City economically.

Mayor Dever asked if Poull meant things like emissions.

Poull said if a business was going to be using the City's solid waste system, quite a bit, or stormwater and sewage was out of the ordinary, those were things that were a cost to the City. If the City had to run out storm water and services to a place far away, those were environmental impacts that could cost the City. He said there were a few holes on the application that could be cleared up.

He said if a business had an EPA identification number or wastewater treatment number that would help in asking those questions of a business that wanted to relocate in Lawrence. He said the application also did not ask where the business was relocating from.

Commissioner Hack said regarding wastewater and stormwater, the City knew whether a business would be a user of water or wastewater facility that would exceed the City's capacity to a level the City could not sustain.

She said she served on PIRC and there were times she was not sure they were doing anything specific other than affirming what staff had already done. Staff had spent an exhaustive amount of time with the KU cost benefit analysis and was able to provide the City Commission with information. She said there needed to be some review and analysis of a board, but the combination of the ED Board and PIRC could have some positive kinds of conversations. She said their policy had to be consistent in its application and had to allow for some creativity. It should not be so complicated and encumbered by punishment that the City forgot the carrot part of the possibility. As economic times were more difficult and would probably get worse before better, they were in such a competitive position and had to be mindful there were avenues in the community to put themselves in a better position to be in the game. She said she would love to see some sort of economic development policy where they could

have public meetings and the discussion would be respectful and positive. She wanted to spend more time with this and appreciated the work staff had done.

Commissioner Highberger said he supported the Sustainability Advisory Board's encouragement to take environmental factors into consideration. He liked the idea of giving incentives for good environmental performance. He said this model the way he understood it and the process was a dramatic improvement than what the City had now. He said the Economic Development Board had not been particularly functional and the suggestion of combining its functions and PIRC made sense to him.

He disagreed with Vice Mayor Chestnut in looking at wage and health requirements outside the current tax abatement policy. He thought the rationale for adopting the living wage ordinance in the first place was that they, as a community, felt it was not good public policy to subsidize poverty wage jobs. He said it made sense for tax abatements and other public subsidies to pay a living wage. He would favor having that discussion.

Commissioner Amyx said the amount of information provided was helpful. During this slower time, it would give opportunity to look at the policy, do a better job, and make sure they had the statement of what was expected. He said the suggestion of the benefit cost model being brought in house, the City had the expertise and ability to come up with a benefit cost model and needed to make sure they considered all variables as part of the cost model. He said he agreed with combining PIRC and Economic Development Board and defining their new role. He said now was the time to rewrite policies to have the tools necessary when businesses wanted to locate to Lawrence.

Vice Mayor Chestnut said there were two or three important points. He agreed with some of the comments from Professor McClure. He said the sensitivity analysis was important in providing decision makers an understanding about how things moved. He came from KU and the business professors always taught him to ask the right questions. He said on non compliance, one of the objectives of when he put the memo together was to create realistic and

predicable expectations about how the process worked. They have had some non compliance and some situations where the City was reporting wage rates for everyone who had a tax abatement, regardless of whether they were adopted under the ordinance that a living wage was adopted with or not. In some ways they have been very unfair in the process by evaluating people against criteria they never agreed to in the first place. He thought it was important to establish that process and have clear expectations for businesses to make it the bar clear. He agreed with having criteria and penalties, but the businesses needed to sign up for them and right now they had situations where they were making the evaluations where the businesses never signed up for it. He said it was important to get it right.

He said the tools were great and thought they needed to have two broad discussions. He would have a contrast in the opinion with the “but/for question”. He said it became incredibly difficult to decide whether or not someone was going to make an investment. Sometimes they were and the question was if they were going to make it here or someplace else. They needed to be careful about that and did not know if they could look into people’s minds. Relative to living wage, he thought there was a discussion about the impact on what that had on disemployment in the community and what little impact it had on people. There were a lot of economic reports out there about how it affected cash assistance to people. There were a lot of people evaluating what the ordinance had and impacts they had on the communities and they needed to have a broad discussion about that. He was not sure the effectiveness was there but those were important things to talk about in the study session. He said it was important they look at it holistically and develop a majority understanding in going forward. It was a lot to cover, but important for the City Commission to do because the outcome was saying what the City should be doing in general and what would the policy be. It was one of the big objectives he wanted to take away from this.

Commissioner Hack asked if Vice Mayor Chestnut could come up with some evidence supporting his discussion.

Mayor Dever said the City was facing some difficult times and unfortunately, there were no obvious applicants or need for this immediately. Fortunately they were putting the time and energy in now. Initially he questioned the need for the investment of the community to hire someone on staff to do this job, but Zalneraitis had done a tremendous job summarizing all the information and providing the City Commission with a tool to create a conversation and to allow them to create a system to evaluate people, businesses, and depersonalize the applicant and make it all about the process and value to the community. That was really important and thought it would settle everyone down when making those hard decisions and they should be proud of the work done. He thought the City received a lot of work in a short period of time from a new employee. He had a lot of questions about the specifics but would wait for the study session to join in on those.

The City Commission received the staff report on economic development issues and policies and directed staff to schedule these items for a January study session with the City's economic development partners, Douglas County and Lawrence Chamber of Commerce. Motion carried unanimously. (13)

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

- 12/23/08 City Commission meeting canceled.
- 12/30/08 City Commission Meeting is at 9:00 a.m. and is planned to be short.
- 01/06/09 Consider the following items related to the rezoning of the property located at the southwest corner of Clinton Parkway and Crossgate Drive:
 - a) Consider approval of CPA-2008-10, a Comprehensive Plan Amendment for Horizon 2020 Chapter 6, Commercial Land Use, to include the southwest corner of Clinton Parkway and Crossgate Drive as a potential location for a new Neighborhood Commercial Center and adopt on first reading, Ordinance No. 8299, for Comprehensive Plan Amendment (CPA-2008-10) for Horizon 2020 Chapter 6, Commercial Land Use, to include the southwest corner of Clinton Parkway and Crossgate Drive as a potential location for a new Neighborhood Commercial Center. (PC Item 2; approved 5-4 on 7/21/08)

ACTION: Approve CPA-2008-10, a Comprehensive Plan Amendment for Horizon 2020 Chapter 6, Commercial Land Use, to include the southwest corner of Clinton Parkway and Crossgate Drive as a potential location for a new Neighborhood Commercial Center, and adopt on first reading, Ordinance No. 8299, if appropriate

- b) Consider approving a request to rezone a tract of land, (Z-05-12A-08) approximately 3.324 acres from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located on the southwest corner of Clinton Parkway and Crossgate Drive. Submitted by Mission River LLC, for Inverness Park Limited Partnership, property owner of record and adopt on first reading, [Ordinance No. 8303](#), rezoning approximately 3.324 acres (Z-05-12A-08) from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located on the southwest corner of Clinton Parkway and Crossgate Drive. (PC Item 3A; approved 5-4 on 7/21/08)

ACTION: Approve the rezoning of approximately 3.324 acres (Z-05-12A-08) from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located on the southwest corner of Clinton Parkway and Crossgate Drive, and adopt on first reading, Ordinance No. 8303, if appropriate.

- Joint City [Ordinance No. 8358](#)/County Resolution No. _____, amending Horizon 2020, Chapter 14 Specific Plans by approving and incorporating by reference, CPA-2008-9.

02/03/08

- Discussion of panhandling issues.

TBD

- Approve Text Amendment TA-06-12-08, to Section 20-810 of the Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08) [Staff Report](#) [PC Minutes](#)

- Consider approving Text Amendment TA-12-27-07, revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. TA-12-27-07 with revisions to Sections 20-1101, 20-1109 & 20-1701 PC; item 18; approved 7-1-1 on 7/23/08 meeting. TA-12-27-07 with revisions to Sections 20-701 and 20-702 to maintain consistency throughout the Code; PC item 9; approved 7-0 on 9/24/08)

ACTION: Approve Text Amendment TA-12-27-07, revisions to Sections 20-701, 20-702, 20-1101, 20-1109 and

20-1701 of the City Development Code to revise Protection Standards for Environmentally Sensitive Areas and provide more precise definitions, if appropriate.

- Adopt on first reading, [Ordinance No. 8300](#), incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities. (Text Amendment approved by City Commission on 10/14/08).
- Consider approving revised CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, revised [Joint City Ordinance No. 8283/County Resolution No. _____](#), for Comprehensive Plan Amendment (CPA-2004-02) to Horizon 2020, Chapter 7. (Tabled from the 10/21/08 CC meeting, BoCC Approved 3-0 11/12/08, PC Approved 7-2 5/21/08)
- Rental Registration Program. [Staff Memo & Attachments](#)
- Conduct public hearing for the dilapidated structure at 1207 E. 13th Street. Consider adopting [Resolution No. 6815](#), declaring the structure unsafe and dangerous and ordering property owner to repair or remove the structure within a specified period of time. Should the property owner fail to comply, the City would contract for the removal of said structure.

ACTION: Conduct public hearing. Adopt Resolution No. 6815, declaring the structure at 1207 E. 13th Street unsafe and dangerous and ordering the property owner to repair or remove the structure within a specified period of time, if appropriate.

- Consider changes recommended by the Eco2 Commission to be adopted into the Eco2 Plan for Douglas County. [Plan with Changes](#)

ACTION: Direct staff as appropriate.

- Status update on Baldwin Woods Open Space Project. [Eco2 Request](#)

ACTION: Direct staff as appropriate.

- Consider approving revisions to Downtown Design Guidelines and adopt Ordinance No. 8363 on first reading regarding revisions to Downtown Design Guidelines. (PC Item 6; approved 8-0 on 10/20/08)

ACTION: Approve revisions to Downtown Design Guidelines and adopt on first reading, Ordinance No. 8363, regarding revisions to Downtown Design Guidelines, if appropriate.

COMMISSION ITEMS:

Commissioner Amyx said over the last couple of weeks they lost a gentlemen in North Lawrence. He said he wanted to know the possibility of working with North Lawrence Improvement Association and others to dedicate one of the gardens at the Depot in his name. He said it was a simple thing they could do.

Corliss said they would work with the appropriate people to see what they could do.

Moved by Chestnut, seconded by Hack, to adjourn at 8:40 p.m. Motion carried unanimously.

APPROVED:

Michael H. Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF DECEMBER 16, 2008

1. Bid – Janitorial services, Investigations & Training Center, to Smart Building Services for \$1,657.66/mo or \$19,892/yr.
2. Bid – Fire Hydrants to HD Supply, \$87,110 & valves to Water Products, \$94,445 for Utilities Dept; set new bid date Jan 13, 2009 for tee & anchor coupling fittings.
3. Ordinance No. 8214 – 1st Read, amend animal control ordinance, allow domesticated hedgehogs as pets within City limits.
4. 2007 Downtown Fire Sprinkler Incentive Program - Reimbursement, HDD for \$39,581.25
5. Excess workers' comp coverage to Midwest Employers' Casualty Co for \$40,608.
6. Ordinance No. 8324 – 2nd & Final Read, removal of snow or ice from public sidewalks.
7. Use of right-of-way permits at 642 & 824 Louisiana from 12/10/08 – 1/10/09.
8. City Manager's Report.
9. Comprehensive Plan Amendment – Create Chapter 15, (Place Making), ensure proper language placed in SmartCode; CPA-2007-7 – Chapter 14 Specific Plans, add reference to SmartCode Infill Plan; Ordinance No. 8286 – 1st Read - TA-11-24-07 – Zoning Regs & other regs. (deferred to Jan 6, 2009)
10. Staff report on structure at 617 W. 4th Street.
11. Contract – MV Transportation, public transportation, Jan 1, 2009 – Dec 13, 2013.
12. RFP – Route & schedule design coordination of services for City & KU. 12. Economic development issues and policies.
13. Economic Development – Policies & Issues.